

# CHAPTER 7

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## City-Initiated Updates and Errata to the Draft EIR

### 7.0 Introduction

This chapter describes changes made to the Draft EIR in response to City staff-initiated updates or comments received on the Draft EIR. The changes shown in this chapter update, refine, clarify, and amplify Project information and analyses presented in the Draft EIR.

### 7.1 Text Changes to the Draft EIR

This section summarizes text changes made to the Draft EIR either in response to a comment, initiated by City staff, or in response to a modification to the proposed Project. New text is indicated in underline and text to be deleted is reflected by a ~~strike through~~. Text changes (including changes to tables and figures in the Draft EIR) are presented in the page order in which they appear in the Draft EIR.

As indicated in Chapter 1, *Introduction*, the entirety of the Oakland Waterfront Ballpark District Project Final EIR consists of the Draft EIR, together with this Response to Comments document, including all appendices. Therefore, the Draft EIR changes presented in this chapter are incorporated in and supersede corresponding original text in the Draft EIR.

### 7.2 Implication of Changes to the Draft EIR

Under CEQA, recirculation of all or part of an EIR is required if significant new information is added after public review and prior to certification. According to State CEQA Guidelines Section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, as discussed in Chapter 1, *Introduction*, of this document, pursuant to CEQA Guidelines Section 15088.5(a), recirculation of a Draft EIR is required only if:

- “1) a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

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

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

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## 7.3 Changes to Chapter 1: Introduction

The following text on Draft EIR p. 1-3 is revised in response to modifications to the Peaker Power Plant Variant:

1. **Peaker Power Plant Variant:** Implementation of the planned conversion of the existing Peaker Power Plant (referred to as such in this Draft EIR because of its role in supplying power to the electric grid to meet peak demands) in the historic PG&E Station C facility. This variant would involve conversion from using jet fuel electric turbines to battery storage, modifications that would remove a portions of the west wings of the building, and removal of the fuel tank. This variant would also include development of a new mixed-use building at the site of the fuel tank.

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## 7.4 Changes to Chapter 2: Summary

The third bullet under *Cultural Resources* on Draft EIR p. 2-5 is revised in response to modifications to the Peaker Power Plant Variant:

- The proposed Project, with the Peaker Power Plant Variant, would directly affect a historical resource by removing a portions of the ~~east and~~ west wings of the Peaker Power Plant, and in doing so, would contribute to a citywide cumulative impact on cultural and historic resources identified in the DOSP EIR. (*Impact CUL-8 and Impact CUL-3.CU*)

The following text on Draft EIR p. 2-92 is revised in response to Comment I-33-2:

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

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

Table 2-1 starting on page 2-9 of the Draft EIR has been revised as follows:

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.1 Aesthetics, Shadow and Wind</b>		
<p><b>Impact AES-1:</b> The Project would not have a substantial adverse effect on a public scenic vista or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a State or locally designated scenic highway. (Criteria 1 and 2) (<i>Less than Significant, but not a CEQA Consideration</i>)</p>	None required	Less Than Significant, but not a CEQA Consideration
<p><b>Impact AES-2:</b> The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (Criterion 3) (<i>Less than Significant, but not a CEQA Consideration</i>)</p>	None required	Less Than Significant, but not a CEQA Consideration
<p><b>Impact AES-3:</b> The Project would create a new source of substantial light or glare which could substantially and adversely affect day or nighttime views in the area. (Criterion 4) (<i>Significant and Unavoidable, but not a CEQA Consideration</i>)</p>	<p><b>Improvement Measure AES-1: Construction Lighting Design Features.</b></p> <p>During construction, light sources associated with proposed Project construction shall be shielded and/or aimed so that no direct beam illumination is directed/aimed outside of the Project Site boundary to the extent feasible. However, construction lighting shall not be so limited as to compromise the safety of construction workers.</p> <p><b>Improvement Measure AES-2: Design Lighting Features to Minimize Light Pollution.</b></p> <p>Prior to obtaining the final building permit for the ballpark, to minimize the effects of light pollution on nighttime views, and to prevent unnecessary glare onto adjacent areas, the following measures would be implemented:</p> <ul style="list-style-type: none"> <li>• <b>Field Lighting:</b> To the extent permitted by and compatible with MLB requirements, standards or professional baseball standards, all field lighting shall be a correlated color temperature of 5700K, a minimum color rendering index of 80, and field lighting may include accessories such as visors or shields to minimize spill light;</li> <li>• <b>Architectural Lighting:</b> minimize areas of non-signage architectural façade lighting (not signage) on buildings above 50 feet; use warm color temperature LED sources to minimize blue light emissions; integrate lighting elements into architecture wherever possible to minimize direct view of light sources; and rely to the extent possible on low mounting-height luminaires to reduce the visibility of the luminaire from a distance;</li> <li>• <b>House Lighting:</b> lighting of the stands, or “house” lighting, shall be fully shielded so that house lighting limits or avoids uplighting and should be CIE-correlated color temperature of 5700K;</li> <li>• <b>Digital Signage:</b> two key digital signage locations are the double-sided digital scoreboard in centerfield and the digital ribbon boards within the ballpark. While all signage will comply with the California Vehicle Code requirements for brightness where they are within the field of view for freeway drivers, digital signage applications such as wayfinding or advertising that are not within the ballpark itself and associated with the function of the ballpark shall include the following measures:</li> </ul>	Significant and Unavoidable, but not a CEQA Consideration

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.1 Aesthetics, Shadow and Wind (cont.)</b>		
<b>Impact AES-3 (cont.)</b>	<ul style="list-style-type: none"> <li>○ all digital signage, including static and dynamic signage, should be provided with dimming capabilities and the associated control infrastructure to dim the sign brightness at night;</li> <li>○ all digital signage should include glare control measures to minimize off-axis brightness and upward directed and wasted light;</li> <li>○ the brightness of all digital signage should be verified after installation through photometric measurements to comply with the following limitations: the greater of the amount required by MLB standards or no greater than 1,000 cd/m<sup>2</sup> when set to all pixels at bright white, and no greater than 8.0 lux vertical at the property line created by any single digital sign.</li> </ul> <p>The Project sponsor shall demonstrate to the satisfaction of the City and the Port that its lighting design achieves the desired lighting results, or is necessary to meet market demand and expectations of an MLB ballpark with respect to field lighting, architectural lighting, house lighting, and digital signage as described in the Lighting Technical Report (HLB Lighting Design, 2020). In addition, if the ballpark orientation or design of light stands changes such that light and glare levels in the shipping channel or Inner Harbor Turning Basin would be substantially different than analyzed in the Lighting Technical Report, the Project sponsor shall be required to assess the changes in a supplemental Lighting Technical Report subject to review and approval by the City and the Port.</p>	
<b>Impact AES-4:</b> The Project would not cast shadow that substantially impairs a nearby use reliant on sunlight, including the following functions: a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; the beneficial use of any public or quasi-public open space; a historic resource; or result in an exception to the policies in the General Plan, Planning Code, or Uniform Building Code, and the exception causes there to be inadequate light related to appropriate uses. (Criteria 6, 7, 8, and 9) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact AES-5:</b> The Project would create winds that exceed 36 mph for more than one hour during daylight hours during the year. (Criterion 10) ( <i>Significant and Unavoidable with Mitigation</i> )	<p><b>Mitigation Measure AES-1: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height.</b></p> <p>With the goal of preventing to the extent feasible a net increase in the number of hazardous wind exceedance locations, compared to existing conditions, prior to obtaining a building permit for any building within the Project site proposed to be at least 100 feet in height, the Project sponsor (including any subsequent developer) shall undertake a wind analysis for such proposed building.</p> <p>The wind analysis shall be conducted by a qualified wind consultant. The consultant shall conduct an analysis of the proposed building using a model that represents the proposed building in the</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.1 Aesthetics, Shadow and Wind (cont.)</b>		
<b>Impact AES-5 (cont.)</b>	<p>context of then-existing conditions, as well as in the context of the proposed Project as a whole (the buildout scenario tested in the EIR, as may be modified from time to time by the Project sponsor to reflect actual building designs known at the time). The testing shall include test points deemed appropriate by the consultant and agreed upon by the Oakland Department of Planning &amp; Building to determine the wind performance of the building, such as building entrances and sidewalks, and the consultant's report shall be submitted to the Oakland Department of Planning &amp; Building. If the wind consultant demonstrates to the satisfaction of the Oakland Department of Planning &amp; Building that the modified design would not create a net increase in hazardous wind hours or locations under partial buildout or buildout conditions, compared to then-existing conditions, no further review would be required.</p> <p>If the wind analysis determines that the building's design would increase the hours of wind hazard or the number of test points subject to hazardous winds, compared to then-existing conditions, the wind consultant shall notify the City and the Project sponsor. The Project sponsor shall work with the wind consultant to identify feasible mitigation strategies, including design changes (e.g., setbacks, rounded/chamfered building corners, or stepped facades), to eliminate or reduce wind hazards to the maximum feasible extent without unduly restricting development potential. Wind reduction strategies could also include features such as landscaping and/or installation of canopies along building frontages, and the like.</p>	
<b>Impact AES-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, would result in significant cumulative aesthetics, wind, and shadow impacts. <i>(Significant and Unavoidable with Mitigation, but not CEQA impacts with regard to aesthetics)</i>	<b>Mitigation Measure AES-1: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height</b> (See Impact AES-5)	Significant and Unavoidable
<b>4.2 Air Quality</b>		
<b>Impact AIR-1:</b> Demolition and construction associated with the Project would result in average daily emissions that would exceed the City's construction significance thresholds of 54 pounds per day of ROG, NO <sub>x</sub> , or PM <sub>2.5</sub> or 82 pounds per day of PM <sub>10</sub> . (Criterion 1) <i>(Significant and Unavoidable with Mitigation)</i>	<p><b>Mitigation Measure AIR-1a: Dust Controls.</b></p> <p>The Project sponsor shall implement all of the following applicable dust control measures during construction of the Project:</p> <p><i>Basic Controls</i></p> <ol style="list-style-type: none"> <li>1. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever feasible.</li> <li>2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. Limit vehicle speeds on unpaved roads to 15 mph.</li> </ol>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-1 (cont.)</b>	<p>5. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</p> <p>6. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</p> <p><i>Enhanced Controls</i></p> <p>1. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>2. Designate a person or persons or include dust monitoring stations to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>3. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.</p> <p>4. Post a publicly visible large on-site sign that includes the contact name and phone number for the Project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the BAAQMD. When contacted, the Project complaint manager shall respond and take corrective action within 48 hours.</p> <p>5. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b></p> <p>The Project sponsor shall implement all of the following <del>applicable</del> criteria air pollutant control measures during construction of the Project <u>as applicable to equipment used for Project construction</u>:</p> <p>1. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>2. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off Road Diesel Regulations").</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-1 (cont.)</b>	<p>3. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation shall be kept at the construction site and be available for review by the City, Port and the Air District as needed.</p> <p>4. Portable equipment shall be powered by grid electricity if available. If grid electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.</p> <p>5. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>6. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if requested), the Project sponsor shall provide written documentation that fleet requirements have been met (please see Enhanced Controls below for equipment inventory requirements).</p> <p><i>Enhanced Controls</i></p> <p>1. <del>Construction Emissions Minimization Plan: The Project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted <u>documentation of incorporation of the above measures</u> in construction plans to the City for review and approval prior to the issuance of construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). If requested, a copy of the Emissions Plan shall be provided to the Port and Air District. The <u>documentation</u> Emissions Plan shall include the following:</del></p> <p>a. <del>An <u>an</u> equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, and including a protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with <u>this measure</u>. the Emissions Plan. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</del></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p>		
<p><b>Impact AIR-1 (cont.)</b></p>	<p>b. <del>A The documentation submitted to the City shall also contain a Certification Statement signed by each construction contractor agreeing to comply fully with the Emissions Plan measures and acknowledging that a significant violation of the Emissions Plan failure to comply with the measures shall constitute a material breach of contract.</del></p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b></p> <p><del>In addition to implementing the measures in Mitigation Measure AIR-1b, p</del>Prior to the issuance of a construction permit the Project sponsor shall <u>also submit documentation that implement the following:</u></p> <p>1. <del>The Project sponsor shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions, including the following:</del></p> <p>a. <del>A all off-road diesel equipment shall have engines that meet Tier 4 Final off-road emission standards, as certified by CARB, except as provided for below. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through submittal of an equipment inventory and Certification Statement to the City building official (see Mitigation Measure AIR-1b). The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. Exceptions to the requirement for engines that meet Tier 4 Final emission standards shall include only selected following pieces of specialty equipment specified below, for which such engines are not available at the start of a construction phase requiring that equipment. Specifically, exceptions may be granted for. In these instances, which are expected to be limited to cranes required for geotechnical work (deep dynamic compaction and deep power or vibro-compaction). If engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction, then To qualify for an exception, the Project sponsor shall provide the City with evidence supporting its conclusion that equipment meeting Tier 4 standards is not available and shall use the next cleanest piece of off-road equipment as provided by the step-down schedules in Table M-AIR-1c below. The Contractor shall provide to the City for review and approval documentation showing that engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction.</del></p> <p>For purposes of this mitigation measure, <u>evidence that equipment meeting Tier 4 standards is not available</u> “commercially available” shall include documentation that such <u>equipment is not being used</u> mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the City <u>Bay Area</u> occurring at the same time and/or <u>cannot be obtained without</u> taking into consideration factors such as (i) potential-significant delays to critical-path timing of construction; for the ballpark and (ii) geographic proximity to the Project site of Tier 4 Final equipment.</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation												
<b>4.2 Air Quality (cont.)</b>														
<p><b>Impact AIR-1 (cont.)</b></p>	<p>The Project sponsor shall maintain records concerning its efforts to comply with this requirement.</p> <p align="center"><b>TABLE M-AIR-1C OFF ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE</b></p> <table border="1" data-bbox="823 443 1625 612"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emissions Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 4 Interim</td> <td>N/A</td> </tr> <tr> <td>2</td> <td>Tier 3</td> <td>ARB Level 3 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>ARB Level 3 VDCES</td> </tr> </tbody> </table> <p>How to use the table: if engines that comply with Tier 4 Final off-road emission standards are not commercially available, then the Project sponsor shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not commercially available, then the Project sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not commercially available, then the Project sponsor shall meet Compliance Alternative 3.</p> <p><u>In all instances where off-road diesel engines do not meet Tier 4 standards or do not have advance exhaust controls per item #1 above, the Project sponsor shall use alternative fuels such as renewable diesel, biodiesel, natural gas, propane, or electricity unless such fuels are not available for the specific engine/equipment or are demonstrated not to reduce ROG, NO<sub>x</sub>, and PM emissions compared to traditional diesel fuel. In addition, if the Project sponsor uses any of the compliance alternatives in Table M-AIR-1c, the Project sponsor must demonstrate to the satisfaction of the City that the health risks from Project construction and operation do not exceed a total of 10 in a million excess cancer risk for any on-site or off-site receptor and also that the annual average PM<sub>2.5</sub> concentrations from Project construction and operation do not exceed a total of 0.3 µg/m<sup>3</sup> for any on-site or off-site receptor.</u></p> <p>2. <u>Documentation of Compliance Construction Emissions Minimization Plan</u></p> <p><u>To demonstrate compliance with this measure, if the Project sponsor seeks exceptions to the requirement for engines that meet Tier 4 Final emission standards, the documentation submitted in compliance with Mitigation Measure AIR-1b shall include the evidence that equipment meeting Tier 4 standards is not available as required by item (1) of this measure.</u></p> <p><u>The Project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Port and Air District if requested) for review and approval prior to</u></p>	Compliance Alternative	Engine Emissions Standard	Emissions Control	1	Tier 4 Interim	N/A	2	Tier 3	ARB Level 3 VDECS	3	Tier 2	ARB Level 3 VDCES	
Compliance Alternative	Engine Emissions Standard	Emissions Control												
1	Tier 4 Interim	N/A												
2	Tier 3	ARB Level 3 VDECS												
3	Tier 2	ARB Level 3 VDCES												

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-1 (cont.)</b>	<p>the issuance of construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or each phase with multiple project sites to be constructed concurrently by one entity). The Emissions Plan shall include the following:</p> <p>a.—An equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, including a protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with the Emissions Plan. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>b.—A Certification Statement signed by each construction contractor agreeing to comply fully with the Emissions Plan and acknowledging that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p> <p><b>Mitigation Measure AIR-1d: Super-Compliant VOC Architectural Coatings during Construction.</b></p> <p>The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter (<a href="http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings">http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings</a>).</p>	
<p><b>Impact AIR-2:</b> Operation of the Project (and combined overlapping construction and operation) would result in operational average daily emissions of more than 54 pounds per day of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 82 pounds per day of PM<sub>10</sub>; or result in maximum annual emissions of 10 tons per year of ROG, NO<sub>x</sub>, or PM<sub>2.5</sub> or 15 tons per year of PM<sub>10</sub>. (Criterion 2) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1d: Super-Compliant VOC Architectural Coatings during Construction.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2a: Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions.</b></p> <p>The Project Sponsor shall require all nonresidential developed parcels to include within their Covenants, Conditions, and Restrictions (CC&amp;Rs) and/or ground leases requirements for all future interior spaces to be repainted only with "Super-Compliant" Architectural Coatings (<a href="http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings">http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings</a>). "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast AQMD Rule 1113 which requires a limit of 10 grams VOC per liter.</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p>		
<p><b>Impact AIR-2 (cont.)</b></p>	<p><b>Mitigation Measure AIR-2b: Promote use of Green Consumer Products.</b></p> <p>To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy and every five years thereafter, the Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential and/or commercial tenants of each building on the Project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing.</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b></p> <p>To reduce NO<sub>x</sub> associated with operation of the proposed Project, the Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ol style="list-style-type: none"> <li>1. <u>If non-diesel-fueled emergency generator technology is approved for use by the City fire department for safety purposes, non-diesel-fueled generators shall be installed in new buildings, provided that alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, are demonstrated to reduce ROG, NO<sub>x</sub>, and PM emissions compared to diesel fuel. If feasible, non-diesel fueled generators shall be installed to replace diesel-fueled generators. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce NO<sub>x</sub> emissions compared to diesel fuel.</u></li> <li>2. All new diesel backup generators shall have engines that meet or exceed California Air Resources Board Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423) which have the lowest NO<sub>x</sub> emissions of commercially available generators. If the California Air Resources Board adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest NO<sub>x</sub> emissions shall apply.</li> <li>3. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process. <u>Testing shall be limited to non-ballgame hours.</u></li> <li>4. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors. This analysis must consider health risks from the Project as a whole at full buildout, including all 17 generators installed at the Project site, and including emissions from off-site sources of TACs under cumulative conditions, and the impact of all existing offsite or new onsite sensitive receptors.</li> </ol>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
4.2 Air Quality (cont.)		
Impact AIR-2 (cont.)	<p>5. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule <u>and all other non-testing operations</u> for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the <u>City Bureau of Planning</u><del>planning department</del> within three months of requesting such information.</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b></p> <p>The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. <del>Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible:</del></p> <ol style="list-style-type: none"> <li>1. <u>All loading docks for non-residential uses, including the ballpark, shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units</u> <del>Installing electrical hook-ups for diesel trucks at loading docks.</del></li> <li>2. <u>Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. Signs shall be posted at all loading docks requiring trucks without electrical hookups for TRUs to meet Tier 4 emission standards and prohibiting those TRUs from operating for more than thirty minutes.</u></li> <li>3. <del>Requiring truck-intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</del></li> <li>43. <u>Signs shall be posted at the site entry point, at all loading locations, and throughout the project site, to Pprohibiting trucks from idling for more than two minutes.</u></li> <li>54. <u>The Project sponsor shall eEstablishing truck routes to avoid sensitive receptors in the Project. The Project sponsor shall also prepare Aa truck route program, along with truck calming, parking, and delivery restrictions, which shall be implemented for all project-related truck operations.</u></li> </ol> <p><u>In addition, the Project sponsor shall require trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable, and shall provide a notice on the lease or title to all new tenants or owners of the Project or any portion thereof requiring any truck-intensive uses on the site, such as large grocery stores or distribution facilities with their own fleet of trucks, to use TRUs and auxiliary power units that are electric plug-in capable and trucks that use advanced exhaust technology (e.g. hybrid) or alternative fuels.</u></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<p><b>Impact AIR-2 (cont.)</b></p>	<p><b>Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures Mitigation Plan.</b></p> <p>The Project sponsor shall <u>implement the following emission reduction measures and provide documentation for the City's Bureau of Planning's review and approval</u> <del>inspection</del> <u>prepare a Criteria Pollutant Mitigation Plan (CPM Plan) prior to the issuance of building construction related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). The documentation shall include an updated calculation of purpose of the CPM Plan is to document expected construction and operational criteria pollutant emissions associated with the Project as a whole as well as the individual site or phase consistent with the methodology in the EIR (when multiple project sites would be constructed concurrently by one entity), including ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions.</u></p> <p><u>The documentation shall quantify criteria pollutant emission reductions associated with each reduction measure and shall document the Project's performance in relation to the City's adopted thresholds of significance. The documentation shall demonstrate, based on substantial evidence, that the project has reduced total criteria pollutant emissions below the City's thresholds of significance. This represents a quantitative, objective performance standard for this mitigation measure; and to identify all available feasible measures (as defined under CEQA; see below) to reduce total criteria pollutant emissions below the City's thresholds of significance. The criteria pollutant emissions estimate for the Project shall include consideration of all criteria pollutant emission reduction measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and reduction measure.</u></p> <p><del>The CPM Plan shall be submitted to the City of Oakland Planning Department for review and approval or conditional approval based on a determination of whether the CPM Plan meets the conditions described below. The CPM Plan shall include some or all of the recommended measures listed below, as needed to reduce the Project's criteria pollutant emissions below the City's thresholds of significance. Should the Project sponsor deem any of the recommended measures infeasible, the CPM Plan shall clearly explain why such measure is considered to be infeasible, and how the goal of reducing all criteria pollutant emissions below the City's thresholds will be accomplished without the measure, and the Project sponsor shall only be permitted to remove measures if the City of Oakland Planning Department, in its discretion, determines that the measure is infeasible. The criteria pollutant emissions estimate for the Project shall include consideration of all mitigation measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and mitigation measure.</del></p> <p><del>The CPM Plan shall include a detailed description of the criteria pollutant emissions for all construction activities and all operational components of each Project site as shown in final development plan or equivalent based on the best available construction and operational activity and energy use data at the time of Project approval and the latest and most up-to-date emissions modeling and estimation protocols and methods. The plan shall, at minimum, include the following elements:</del></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p>		
<p><b>Impact AIR-2 (cont.)</b></p>	<p>1. <del><b>Project Criteria Pollutant Emissions</b></del> – The Project’s criteria pollutant emission estimates presented in the CPM Plan shall include both construction and operational emissions <u>associated with the Project</u> and will be based on the emission factors for mobile sources, area sources, energy sources, and stationary sources commonly used at the time the CPM Plan is completed, and shall incorporate along with the incorporation of existing vehicle emission standards and building energy standards. If shuttle service to and from the Transportation Hub is provided as part of the TMP, then the estimates shall include emissions from this service. Emission factors are likely to decrease over time for some emission sources, such as mobile sources as the vehicle fleet shifts to more low- and zero-emissions fuel sources, and as new future technology that cannot currently be anticipated is adopted. The initial Project criteria pollutant emission estimates will be based upon final design, Project-specific traffic generation estimates, energy use estimates, equipment to be used on-site, and other emission factors appropriate for the Project prior to construction. Methods should generally follow the approach used in this DEIR and in Appendix AIR.</p> <p>2. <del><b>Criteria Pollutant Emission Reduction Measures</b></del> – the CPM Plan shall include all feasible criteria pollutant emission reduction measures that reduce or offset the Project’s incremental criteria pollutant emissions below the City’s thresholds of significance. All emission reduction measures shall be verifiable and feasible to implement over the Project life. The CPM Plan shall be consistent with all regulatory requirements at the time the CPM Plan is developed, and shall include the recommended reduction measures identified below unless the Project sponsor provides evidence reasonably satisfactory to the City of Oakland Planning Department that (a) one or more measures are infeasible, or (b) that one or more measures are not required to reduce the Project’s criteria pollutant emissions below City’s thresholds. Measures shall be implemented as needed to achieve the City’s significance thresholds. In addition, all measures shall be considered in the order of City preference as follows: (1) on-site measures, (2) off-site measures within the City of Oakland, and (3) off-site measures within the San Francisco Bay Area Air Basin. All feasible on-site and off-site measures must be implemented before emissions offsets are considered in the CPM Plan.</p> <p>For the purposes of this mitigation measure, “feasible” shall mean as defined under CEQA “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”</p> <p>a. <del><b>Recommended Required On-Site Emission Reduction Measures:</b></del></p> <p>i. <del><i>Minimize the Project’s energy demand through physical design features, with the ultimate goal of zero net energy buildings.</i></del> Minimize electricity and natural gas demand through implementation of design measures. New development, including residential, commercial, and retail buildings, shall be designed as zero net energy buildings as defined by the U.S. Department of Energy as follows: “An energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy” (DOE, 2015).</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2 (cont.)</b>	<p>ii.i. <u>Comply with the building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City's building code. Compliance with regulatory measures shall not qualify as a mitigation measure. <del>Electrify all residential development.</del> Residential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding the fact that this is a recommended measure, the Project shall comply with applicable building electrification requirements adopted by the City as part of its building code unless a waiver is granted by the City for a Project use and compliance with regulatory requirements shall not be considered mitigation.</u></p> <p>iii. <del><u>Electrify nonresidential development.</u> Nonresidential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding this measure, the Project shall comply with any applicable building electrification requirement adopted by the City as part of its building code unless a waiver is granted for food service uses in conformance with the City's building code by the City for a Project use and compliance with regulatory requirements shall not be considered mitigation.</del></p> <p>iv.ji. <u>Additional electric vehicle (EV) charging stations beyond regulatory requirements.</u> Install EV charging stations that provide charging opportunities at the Project site beyond regulatory requirements. The Project Sponsor shall promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking and installation of charging stations on at least 13 percent of all parking spaces, which is the maximum amount deemed feasible and effective in the year 2027 (based on analysis prepared in Electric Vehicle Assumptions for the Oakland Waterfront Ballpark District Project [Ramboll, 2021]) and is beyond the level required by regulatory requirements. <u>This increased percentage shall be met at each phase or subphase and shall not apply to temporary parking spaces. Provide electric panel capacity (as defined by City Municipal Code section 15.04.3.11.130) sufficient to supply 29 percent of total parking spaces with EV charging in the future; these spaces would be "EV-capable" parking spaces. Install inaccessible raceway (conduit) to all permanent parking spaces at the Project site.</u></p> <p>iii. <u>Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on the Project site include electric vehicles within its car share program to reduce the need to have a vehicle or second vehicle and to reduce vehicle emissions.</u></p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
4.2 Air Quality (cont.)		
Impact AIR-2 (cont.)	<p>v-iv. <i>Preferred parking for alternative-fueled vehicles and car sharing.</i> Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.</p> <p>vi-v. <i>Additional TDM or-TMP measures.</i> Implement TDM or-TMP measures that go beyond the 20 percent vehicle trip reduction in the TDM or-TMP Plan to achieve <u>the maximum feasible reduction of at least 22 percent for non-ballpark development</u> by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing:</p> <p>vi. <i>Additional TMP measures.</i> Implement TMP measures that go beyond the 20 percent <u>vehicle trip reduction in the TMP Plan to achieve the maximum feasible reduction of at least 23 percent for the ballpark by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing. This requirement shall be waived if the project as a whole can be shown to get below the threshold of significance via other required emission reduction measures and offsets.</u></p> <p>vii. <i>Zero Emission Service Equipment.</i> Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission.</p> <p>viii. <i>Electric Shuttle Bus Service.</i> The project sponsor will provide a shuttle bus service connecting the ballpark's Transportation Hub to one or more of the three nearby BART stations (West Oakland, 12th Street, and Lake Merritt) on game days and for large concerts. The shuttles will be of the size and type required by the TMP and shall utilize electric, hydrogen fuel cell, or other ZEV technology, unless the City determines that such vehicles are not available from local vendors at the start of the baseball season. This determination shall be based on evidence provided by the Project sponsor, which shall demonstrate that ZEV shuttles are not available and that the vehicles proposed for use represent the lowest emission shuttle engine technology available at the time from local vendors.</p> <p>vii. <i>Additional actions from Mitigation Measure GHG-1.</i> Implement any additional on-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions.</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2 (cont.)</b>	<p>viii. <i>Additional measures and technology.</i> Implement additional measures and technology to reduce criteria pollutant emissions from Project construction and operations that are not currently known or available. This may include new energy systems (such as battery storage) to replace natural gas use, new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles, or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available at the project level, provided that the documentation submitted by the project sponsor CPM Plan demonstrates to the City's satisfaction that such measure are as or more effective as the existing measures described above.</p> <p>b. <b>Recommended Off-Site Emission Reduction Measures for Consideration:</b></p> <p>i. <i>Community energy efficiency retrofits.</i> Fund, contribute to, or implement community energy efficiency retrofits in West Oakland, the greater Oakland community, or other communities selected for the CARB's Community Air Protection Program under AB 617, to reduce off-site building energy use.</p> <p>ii. <i>Off-site EV chargers.</i> Fund or implement a program that expands the installation of EV chargers in West Oakland, the greater Oakland community, or other communities selected for the CARB's Community Air Protection Program under AB 617, to reduce mobile source emissions from gasoline and diesel vehicles.</p> <p>iii. <i>Additional actions from Mitigation Measure GHG-1.</i> Implement any additional off-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions.</p> <p>c. <b>Offsite Emission Reduction Measures, New Technologies, and Emissions Offsets:</b> Prior to issuance of the first building permit for which the documentation provided for the City's review and approval demonstrates that the combination of construction and operational ROG and NO<sub>x</sub> emissions as a result of the Project as a whole will first exceed 54 pounds per day and/or 10 tons per year, or that the combination of construction and operational PM<sub>10</sub> emissions as a result of the Project as a whole will first exceed 82 pounds per day and/or 15 tons per year final certificate of occupancy for the final building associated with Phase 4, the Project sponsor, with the oversight of the City of Oakland Bureau of Planning Department, shall implement one or more of the following measures to achieve annual reductions or offsets of ROG, NO<sub>x</sub>, and PM<sub>10</sub> equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures, as calculated and approved through the documentation submitted to the City as required above either:</p> <p><u>The order of priority for the type of emission reduction measures contained herein shall be: (1) physical design features; (2) operational features; and (3) the use of offsite emission reduction projects.</u></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p>		
<p><b>Impact AIR-2 (cont.)</b></p>	<p><u>The order of priority for the location of physical design features and operational features shall be: (1) the project site; (2) off-site within the neighborhood surrounding the Project site, including Old Oakland, Jack London Square, Chinatown, and West Oakland; (3) the greater City of Oakland community; and (4) within the San Francisco Bay Area Air Basin.</u></p> <p><u>Offsite emission reduction projects shall occur in the following locations in order of priority to the extent available: (1) off-site within the neighborhood surrounding the Project site, including West Oakland; (2) the greater City of Oakland community; and (3) within the San Francisco Bay Area Air Basin. Any offsite emission reduction projects are subject to the approval of the City.</u></p> <p><u>To the extent that the Project sponsor proposes offsite emission reduction projects that do not conform to the priorities set forth above, the Project sponsor shall provide substantial evidence to support the exclusion of higher priority measure(s) considered and determined to be infeasible as defined under CEQA.</u></p> <p><u>i. <i>Install additional EV charging stations at EV-capable parking spaces.</i> As the demand for EV charging increases, install additional EV charging stations beyond the 13 percent requirement of on-site emission reduction measure (a)(ii) at EV-capable spaces. To take emission reduction credit for these additional EV charging stations, the project sponsor must quantitatively demonstrate that the demand for EV charging exceeds the required percentage stipulated in item (a)(ii) above. The evaluation must use the same methods used in this EIR for evaluating the demand for EV charging, including fleet projection data from CARB, and may include additional data, revised calculation protocols, or model updates as they become available.</u></p> <p><u>ii. <i>Implement additional measures and technology.</i> Implement additional measures and technology to reduce criteria pollutant emissions from Project construction and operations that are not currently known or available. This may include zero emission off-road construction equipment, new energy systems (such as battery storage) to replace natural gas use or diesel fuel use, new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles, or other technology (such as alternatively fueled emergency generators or renewable backup energy supply) to replace diesel and fossil fuel use that is not currently available at the project level, provided that the documentation submitted by the Project sponsor demonstrates to the City's satisfaction that such measure are as or more effective as the existing measures described above.</u></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<p><b>Impact AIR-2 (cont.)</b></p>	<p><i>iii. Directly fund or implement a specific offset project within the City of Oakland to achieve the equivalent of annual tons-per-year reduction equal to the total estimated operational ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions offsets required to reduce the Project's criteria pollutants below City's significance thresholds.</i></p> <p>The emissions offset measures will be based on the criteria pollutant reductions necessary after implementation of all other emission reduction measures implemented through the verified CPM Plan described above. To qualify under this mitigation measure, the specific emissions offset project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as zero-emission trucks, upgrading line-haul and switcher locomotives with cleaner engines, replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines, or expanding or installing energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution. <u>Projects could also include local programs not included in the WOCAP such as accelerating the WETA ferry fleet to meet Tier 4 engine standards or use zero-emission engine technology ahead of regulatory requirements. Such projects may also include BAAQMD programs such as the vehicle buyback program or the fireplace retrofit program; Port programs such as landside infrastructure and/or harbor craft engine retrofits; or other community programs such as participation in a community energy-efficiency retrofit program, installation of off-site EV chargers, or similar programs/activities including programs to implement strategies identified in the West Oakland Community Action Plan.</u> Prior to implementing the offset project, it must be approved by the City of Oakland Bureau of Planning, as consistent with the requirements of this mitigation measure. The Project Sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification; <u>and/or</u></p> <p><i>ii. Pay mitigation offset fees or purchase and retire Emission Reduction Credits (ERC)s to reduce emissions within the San Francisco Bay Area Air Basin. Mitigation offset fees shall be paid to an independent third party approved by the City, such as the Air District Bay Area Clean Air Foundation, or with another other governmental entity. The mitigation offset fee shall fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin. The fee will be determined by the City, the Project Sponsor, and the independent third party Air District or other governmental entity, and be based on the type of projects available at the time of the payment.</i></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<p><b>4.2 Air Quality (cont.)</b></p>		
<p><b>Impact AIR-2 (cont.)</b></p>	<p>This fee is intended to <u>The purchase and retiring of ERCs must follow all BAAQMD regulations and requirements (including Air District Regulation 3) and include all applicable costs and fees, based on the type of ERCs available at the time of the payment. ERCs may be used to offset the project's emissions in the future if ERCs are available and permitted by the BAAQMD at the time of purchase. The offset fee and/or the retiring of ERCs shall fund or derive from emissions reduction projects to achieve annual reductions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures as currently calculated and implemented through the documentation submitted to the City as required above CPM Plan.</u></p> <p>The offset fee for ROG and NO<sub>x</sub> shall be made prior to issuance of the first building permit for the Project when the combination of construction and operational emissions is predicted to first exceed 54 pounds per day. This offset payment <u>The additional measures, offset projects, and/or offset fees and ERC purchased as required by this section shall be used to supplement requirements of Mitigation Measures AIR-2a through AIR-2d and this measure AIR-2e so as to reduce project emissions as calculated in the documentation submitted to the City's Bureau of Planning to below the 54 pounds-per-day and 10 tons-per-year threshold for ROG and NO<sub>x</sub> and the 82 pounds-per-day and 15 tons-per-year threshold for PM<sub>10</sub> shall total the annual tons per year of ROG and NO<sub>x</sub> above the 54 pounds-per-day and 10 tons-per-year threshold after implementation of Mitigation Measures AIR-2a through AIR-2d and the verified CPM Plan. The offset fee for PM<sub>10</sub> shall be made prior to issuance of the final certificate of occupancy for the final building associated with Full Buildout of the Project when operational emissions of PM<sub>10</sub> is predicted to first exceed 82 pounds per day. This offset payment shall total the annual tons per year of PM<sub>10</sub> above the 82 pounds-per-day and 15 tons-per-year threshold and PM<sub>10</sub> after implementation of Mitigation Measures AIR-2a through AIR-2d and the verified CPM Plan.</u></p> <p>The total emission offset amount shall be calculated by summing the maximum daily construction and operational emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> (pounds/day) <u>remaining above the City's threshold after implementation of Mitigation Measures AIR-2a through AIR-2d and required measures in this AIR-2e</u>, multiplying by 260 work days per year for construction and 365 days per year for operation, and converting to tons. The amount represents the total estimated operational and construction-related ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions offsets required to reduce the Project's criteria pollutant emissions below the City's thresholds after implementation of all other mitigation measures implemented through the CPM Plan.</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2 (cont.)</b>	<p>Documentation of <u>offset projects or ERC acquisition and mitigation offset payments</u>, as applicable, shall be provided to the City for review and approval prior to issuance of the final certificate of occupancy for each building constructed after the documentation submitted to the Bureau of Planning demonstrates that the combination of construction and operational ROG and NO<sub>x</sub> emissions associated with the Project as whole will exceed 54 pounds per day or 10 tons per year, or to exceed 82 pounds per day or 15 tons per year of PM<sub>10</sub>.</p> <p>When paying a mitigation offset fee under <u>paragraph (e)-item (iiiv)</u>, the Project sponsor shall enter into a memorandum of understanding (MOU) <u>or a purchase agreement</u> with the independent third-party approved by the City, such as the Air District Clean Air Foundation, or <u>with another</u> governmental entity. <del>The MOU shall include details regarding the funds to be paid, the administrative</del>. The MOU shall include details regarding the funds to be paid, the administrative fee, and the amount of emissions reductions resulting from and timing of the emissions reductions project. Acceptance of this fee by the air district <u>or the other independent third party</u> shall serve as acknowledgment and a commitment to (1) implement an emissions reduction project(s) within a time frame to be determined, based on the type of project(s) selected, after receipt of the mitigation fee to achieve the emissions reduction objectives specified above and (2) provide documentation to the <u>Bureau of Planning Department</u> and the Project sponsor describing the project(s) funded by the mitigation fee, including the amount of emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> reduced (tons per year) within the San Francisco Bay Area Air Basin from the emissions reduction project(s). <u>When purchasing and retiring ERCs, the Project sponsor shall enter into a purchase agreement with the entity selling the ERC as required by BAAQMD's ERC banking and trading requirements, including Regulation 3. The Project sponsor shall provide documentation to the Bureau of Planning describing the ERC, including the amount of emissions of ROG, NO<sub>x</sub>, and PM10 reduced (tons per year) within the San Francisco Bay Area Air Basin. To qualify under this mitigation measure, the specific emissions reduction project or ERC must result in emission reductions within the air basin that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The requirement to pay such mitigation offset fee or retain such ERC shall terminate if the Project sponsor is able to demonstrate that the Project's emissions upon the: (a) full buildout or (b) termination of the Development Agreement if it is later than full buildout are less than the 10-ton-per-year thresholds for ROG and NO<sub>x</sub> and the 15-ton-per-year threshold for PM<sub>10</sub>.</u></p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2 (cont.)</b>	<p><u>In addition to submitting documentation prior to the issuance of a permit to construct each phase of the Project, the Project sponsor shall prepare an Annual GPM Verification Report in the first quarter of each year following completion of each project site as shown in final development plan or equivalent. The purpose of the Report is to quantify total Project construction and operational criteria pollutant emissions for the previous year based on appropriate emissions factors for that year and the effectiveness of emission reduction measures that were implemented, and determine the on-site and off-site emission reduction measures and additional ROG, NO<sub>x</sub>, and PM<sub>10</sub> offsets needed to bring the Project below the City's thresholds of significance for the coming year. The Report shall be prepared by the Project sponsor proponent and submitted to the City Bureau of Planning Department for review and verification. Criteria pollutant offsets for the previous year, if required, shall be in place by the end of each reporting year. If the City Bureau of Planning Department determines the report is reasonably accurate, it may approve the report; otherwise, the City shall identify deficiencies and direct the Project sponsor to correct and re-submit the report for approval.</u></p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2 (cont.)</b>	<p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	
<p><b>Impact AIR-3:</b> Traffic associated with the development of the proposed Project would not contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour. (Criterion 3) (<i>Less than Significant</i>)</p>	None required	Less Than Significant
<p><b>Impact AIR-4:</b> Construction and operation of the Project could generate substantial levels of toxic air contaminants (TACs) and impact off-site receptors. (Criterion 4) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional</u> Criteria Pollutant <u>Reduction Measures</u> <u>Mitigation Plan.</u></b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</b></p> <p>The Project sponsor shall incorporate the following health risk reduction measures into the Project design of the ballpark and non-residential uses in order to reduce the potential health risk due to truck-related sources of toxic air contaminants. These measures shall be specified on the Project plans for confirmation by the City’s building official at the time of plan check and would be subject to periodic inspection.</p> <ol style="list-style-type: none"> <li><i>Truck Loading Docks Requirement:</i> The Project sponsor shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.</li> <li><i>Truck Fleet Emission Standards:</i> The Project sponsor shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, higher-tier diesel engine trucks with added particulate matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB’s Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.</li> </ol>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>	<p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional Criteria Pollutant Reduction Measures Mitigation Plan.</u></b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</b> (See Impact AIR-4)</p> <p><b>Mitigation Measure AIR-4a: Install MERV16 Filtration Systems.</b></p> <p>The Project Sponsor shall install a mechanical ventilation system at all residential buildings at the Project site capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2). The system must meet the requirements of Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) <u>and shall be included on project plans submitted to the City of Oakland's Bureau of Building for review and approval prior to construction and be fully operational prior to issuance of a certificate of occupancy.</u> As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</p> <p>Alternatively, the Project sponsor shall retain a qualified air quality consultant to prepare an updated HRA for the Project in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of Project residents/occupants/users to TAC emissions. The updated HRA shall be conducted during final design for the proposed building or phase, when the exact level of TAC exposure is known, based on proximity to actual, then-current emission sources from both the entire Project and background cumulative sources consistent with the methods used in the EIR for cumulative analysis. The updated HRA shall be submitted to the City for review and approval. If the approved updated HRA concludes that health risks are at or below both the City's project-level and cumulative thresholds of significance for new on-site sensitive receptors with a filtration system alternative to MERV16, then the alternative MERV filtration system identified in the approved updated HRA shall be allowed rather than MERV16.</p> <p><u>The Project sponsor or its designee shall maintain, repair, and/or replace the HVAC system on an ongoing and as-needed basis. To ensure this is done, the Project sponsor shall provide an operation and maintenance manual for the HVAC system, including the maintenance and replacement schedule for the filter, to the City's Bureau of Planning prior to issuance of the final certificate of occupancy, shall file a copy with the County Recorder's office, along with a signed statement committing to ongoing maintenance by the building manager or homeowners association, along with contact information for that person or entity, and shall provide a copy of the manual to the building manager/operator prior to occupancy. The Project sponsor shall also provide a copy to the City's Department of Building Inspection prior to issuance of the final certificate of occupancy.</u></p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<p><b>Impact AIR-5 (cont.)</b></p>	<p><b>Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants.</b></p> <p>The Project sponsor shall incorporate the following <u>supplemental and non-quantifiable</u> health risk reduction measures into the Project design <u>where</u> in order to reduce the potential health risk due to exposure to toxic air contaminants as feasible <u>and shall include them</u> for the Project's sources of TACs. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ol style="list-style-type: none"> <li>1. <del>Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for future on-site residents and other sensitive populations in the Project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 or higher (with exceptions as provided in 4a above). As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.</del></li> <li>2. <del>Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</del></li> <li>3. <del>Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</del></li> <li>4.1. <del>The Project shall be designed to locate Sensitive receptors <u>shall be located</u> as far away as possible feasible from the Project's source(s) of air pollution <u>such as loading docks and emergency generators</u>. Operable windows, balconies, and building air intakes shall be located as far away from these sources as possible feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</del></li> <li>5.2. <del>Sensitive receptors shall be located on the upper floors of buildings, <u>where</u> if feasible.</del></li> <li>6.3. <del>Planting trees and/or vegetation between sensitive receptors and <u>off-site</u> pollution sources, <u>in landscaped buffer areas where</u> if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</del></li> <li>7. <del>Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</del></li> </ol> <p><b>Maintenance of Health Risk Reduction Measures.</b> The Project sponsor or its designee shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable Prior to occupancy, the Project sponsor shall prepare and then distribute to the building manager/operator operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<p><b>Impact AIR-6:</b> The Project would not create or expose sensitive receptors to substantial objectionable odors that would affect a substantial number of people. (Criterion 6) <i>(Less than Significant)</i></p>	None required	Less Than Significant
<p><b>Impact AIR-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, would contribute to cumulative regional air quality impacts associated with criteria pollutants. (Criteria 1, 2, and 3) <i>(Significant and Unavoidable with Mitigation)</i></p>	<p><b>Mitigation Measure AIR-1a: Dust Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1d: Super-Compliant VOC Architectural Coatings during Construction.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2a: Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2b: Promote use of Green Consumer Products.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional</u> Criteria Pollutant <u>Reduction Measures</u> Mitigation Plan.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</b> (See Impact AIR-4)</p> <p><b>Mitigation Measure AIR-4a: Install MERV16 Filtration Systems.</b> (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants.</b> (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-1.CU: Include Spare the Air Telecommuting Information in Transportation Welcome Packets.</b></p> <p>The Project sponsor shall include dissemination of information on Spare the Air Days within the San Francisco Bay Area Air Basin as part of transportation welcome packets and ongoing transportation marketing campaigns. This information shall encourage employers and employees, as allowed by their workplaces, to telecommute on Spare the Air Days.</p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-1.CU (cont.)</b>	<p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing. (See Section 4.15, <i>Transportation and Circulation</i>)</b></p>	
<p><b>Impact AIR-2.CU:</b> The Project, combined with cumulative development would contribute to cumulative health risk impacts on sensitive receptors. (Criteria 4 and 5) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (See Impact AIR-1)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional</u> Criteria Pollutant <u>Reduction Measures</u> Mitigation Plan.</b> (See Impact AIR-2)</p> <p><b>Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</b> (See Impact AIR-4)</p> <p><b>Mitigation Measure AIR-4a: Install MERV16 Filtration Systems.</b> (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants.</b> (See Impact AIR-5)</p> <p><b>Mitigation Measure AIR-2.CU: Implement Applicable Strategies from the West Oakland Community Action Plan.</b></p> <p>The Project sponsor shall incorporate the following health risk reduction measures to the extent necessary to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions. These measures, derived from the West Oakland Community Action Plan, shall be incorporated into the Project design. As an added benefit, these measures may also reduce health risks associated with existing background sources of TACs within the West Oakland community, to lessen the degree to which the Project exacerbates these existing TAC health risks (given than these measures will not reduce Project-generated TAC emissions to zero). These measures shall be specified on the Project plans for confirmation by the City's building official at the time of plan check and would be subject to periodic inspection.</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2.CU (cont.)</b>	<ol style="list-style-type: none"> <li>1. <i>Action 14a:</i> The Project sponsor shall work with the BAAQMD to help distribute information to future tenants about subsidized loans for local businesses to install energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution (e.g., back-up generators).</li> <li>2. <i>Action 14b:</i> The Project sponsor shall install energy storage systems (e.g., batteries, fuel cells) instead of diesel backup generators, if feasible.</li> <li>3. <i>Action 18:</i> The Project sponsor shall install truck charging stations for electric vendor and delivery trucks serving the Project site.</li> <li>4. <i>Action 29:</i> The Project sponsor shall provide incentives to future tenants to retrofit their truck fleets to zero-emission vehicles.</li> <li>5. <i>Action 36:</i> The Project sponsor shall work with the BAAQMD and CARB to help distribute information about financial incentives for fueling infrastructure, and for low and zero-emission equipment.</li> <li>6. <i>Action 49:</i> The Project sponsor shall work with the BAAQMD to help distribute information to future tenants about funding incentives to pay for the cost of purchasing cleaner equipment in West Oakland potentially including: electric lawn and garden equipment and battery electric Transportation Refrigeration Units.</li> <li>7. <i>Action 52:</i> The Project sponsor shall offer incentives for the purchase of electric bicycles for bike share programs.</li> <li>8. <i>Additional measures and technology.</i> The Project sponsor shall implement additional measures and technology to reduce TAC emissions from Project operations that are not currently known or available. This may include new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available or feasible at the project-level, provided that the Project sponsor demonstrates to the City's satisfaction that such measures are as or more effective as the measures above.</li> <li>9. <i>Directly fund or implement a specific emissions or exposure reduction project(s) within the City of Oakland</i> to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions. The emissions or exposure reduction measures will be evaluated after implementation of all other emission reduction measures implemented above. To qualify under this mitigation measure, any emissions reduction project must result in TAC emission reductions that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as <u>providing incentives to local businesses to limit truck operations (Action 9); installing solid or vegetative barriers between buildings and</u></li> </ol>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.2 Air Quality (cont.)</b>		
<b>Impact AIR-2.CU (cont.)</b>	<p><u>sources of air pollution (Action 16); replacing traditional trucks with zero-emission trucks (Action 29); implementing traffic calming measures to keep truck traffic off residential streets (Action 40); provide funding to implement transit local improvements and ridership (Action 45); upgrading line-haul and switcher locomotives with cleaner engines (Actions 51, 62, 64, and 65); increase the frequency of street sweeping to decrease road dust, particularly on streets adjacent to schools, on designated truck routes, and on streets near freeways (Action 59); replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines (Action 70); installing high-efficiency air filtration systems at schools, daycare facilities, and homes (Actions 75 and 78); expanding or installing energy storage systems such as batteries, fuel cells, etc. (Action 14); or providing increased electrical infrastructure and power storage to support electric trucks (Action 18). Projects could also include local programs not included in the WOCAP such as accelerating the WETA ferry fleet to meet Tier 4 engine standards or use zero-emission engine technology ahead of regulatory requirements.</u> The offset project shall be approved by the City of Oakland Bureau of Planning prior to its implementation. The Project sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification.</p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources</b>		
<p><b>Impact BIO-1:</b> The Project could have a substantial adverse effect, either directly or through habitat modifications on resident and/or migratory birds and/or on bird species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Criterion 1) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure BIO-1a Disturbance of Birds during Nesting Season.</b></p> <p>To the extent feasible, initial Project activities that include ground disturbance, tree or vegetation removal, building/structure demolition/modification, or pile driving shall not occur during the bird breeding season of February 1 to August 15. If such activities must occur during the bird breeding season, work areas plus an appropriate buffer area determined by a qualified biologist shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-construction surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged, such that nesting birds are not disturbed by the Project activity. The size of the nest buffer will be determined by the biologist in coordination with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest, as necessary to avoid disturbance of nesting birds.</p> <p><b>Mitigation Measure BIO-1b: Bird Collision Reduction Measures.</b></p> <p>The Project sponsor shall comply with the most recent City of Oakland <i>Bird Safety Measures</i> (currently 2013) during Project design, as administered by the City of Oakland Bureau of Building. This measure applies to all construction elements that include glass as part of the building's exterior AND at least one of the following: (a) The project is located immediately adjacent to a substantial water body (i.e., Oakland-Alameda Estuary); OR (b) The project is located immediately adjacent to recreation area or park larger than one acre and which contains substantial vegetation; OR (c) The project includes a substantial vegetated or green roof (roofs with growing medium and plants taking the place of conventional roofing such as asphalt, tile, gravel or shingles) but excluding container gardens; OR (d) The project includes an existing or proposed substantial vegetated area (generally contiguous one acre in size or larger) located directly adjacent to Project buildings.</p> <p>Prior to the approval of a construction-related permit, the Project sponsor shall <u>submit building plans prepare and submit a Bird Collision Reduction Plan to the City of Oakland Bureau of Building which reflect the City of Oakland Bird Safety Measures and the Howard Terminal Design Guidelines regarding highly reflective or mirrored glass, and include the specific design measures set forth below for review and approval to reduce potential bird collisions to the maximum feasible extent.</u> The Plan <u>Project sponsor shall also implement include all of the following mandatory measures, as well as applicable and the specific Project Best Management Practice (BMP) strategies, described below and encompassing the lighting restrictions during migration periods, which shall be subject to verification and enforcement by the City's Code Enforcement staff as needed, to reduce bird strike impacts to the maximum feasible extent.</u> The Project sponsor shall implement the approved Plan. <u>Mandatory measures include all of the following:</u></p>	<p align="center">Less Than Significant</p>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<b>Impact BIO-1 (cont.)</b>	<ul style="list-style-type: none"> <li>i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.</li> <li>ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.</li> <li>iii. Avoid the use of mirrors in landscape design.</li> <li>iv. Avoid placement of bird-friendly attractants (e.g., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule), as explained below.</li> <li>v. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or <del>to 60 feet above the height of existing or proposed adjacent landscape or the height of the proposed landscape.</del> Examples of bird-friendly glazing treatments include the following: <ul style="list-style-type: none"> <li>• Use opaque glass in window panes instead of reflective glass.</li> <li>• Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).</li> <li>• Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).</li> <li>• Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.</li> <li>• Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.</li> <li>• Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).</li> <li>• Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.</li> <li>• Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage.</li> </ul> </li> <li>vi. Reduce light pollution in non-ballpark structures, and <u>prohibit nighttime architectural illumination treatments pointing upward to avoid and reduce potential collision hazards for migratory and resident birds during migration (February 15 to May 15 and August 15 to November 15). Acceptable architectural illumination that may be used year-round includes full cut off, shielded or downward directional lighting that minimizes light spillage, glare or light trespass into the night sky.</u></li> </ul>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<p><b>Impact BIO-1 (cont.)</b></p>	<p>vii. <u>Prohibit upward beams of light during the spring (February 15 to May 15) or fall (August 15 to November 15) migration, including during nighttime programming at the ballpark, and apply additional best management practices to nighttime programming and for field lighting consistent with Major League Baseball (MLB) Field Lighting Standards and for concert and event light shows at the ballpark to avoid and reduce potential collision hazards for migratory and resident birds, to the extent feasible.</u> Examples may include the following:</p> <p>Direct field lighting at the ballpark in a downward direction to the extent feasible.</p> <ul style="list-style-type: none"> <li>• <del>Minimize night-time architectural illumination treatments during bird migration season, except with respect to nighttime programming at the ballpark for field lighting and event and concert light shows, which shall apply best management practices (e.g., install time switch control devices or occupancy sensors on non-emergency interior lights; reduce perimeter lighting whenever possible; install full cut-off, shielded or directional lighting to minimize light spillage, glare or light trespass) to avoid and reduce potential collision hazards for migratory and resident birds (February 15 to May 15 and August 15 to November 30).</del></li> <li>• Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.</li> <li>• Reduce perimeter lighting to the extent feasible taking into consideration safety, crowd control and Homeland Security <del>concerns</del><u>requirements</u>.</li> <li>• Install full cutoff, shielded, or directional lighting to minimize light spillage, glare, or light trespass with respect to best management practices for field lighting or event and concert light shows.</li> <li>• <del>Do not use upward beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration except with respect to nighttime programming at the Ballpark for field lighting and event and concert light shows, which shall apply best management practices to avoid and reduce potential collision hazards for migratory and resident birds.</del></li> </ul> <p>viii. <u>Prior to issuance of a certificate of occupancy for buildings at the Project site, the Project sponsor or building owner shall develop and implement a building operation and management manual that promotes bird safety and provide a copy to the building manager/operator and to the City's Bureau of Planning. Example measures in the manual shall include the following measures:</u></p> <ul style="list-style-type: none"> <li>• Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.</li> </ul>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<p><b>Impact BIO-1 (cont.)</b></p>	<ul style="list-style-type: none"> <li>• Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.</li> <li>• <del>Asking Requesting</del> employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.</li> <li>• Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&amp;Rs.</li> <li>• Schedule nightly maintenance during the day or to conclude before 11 p.m., <u>if where possible.</u></li> </ul> <p><b>Mitigation Measure BIO-1c: Peregrine Falcon Firework Display Surveys, Buffer, and Monitoring.</b></p> <ol style="list-style-type: none"> <li>1. During the first operational year, <u>the Project sponsor shall retain a qualified biologist who shall survey cranes on the Project site for nesting peregrine falcons prior to start of the regular baseball season (approximately late March/early April) to identify active peregrine falcon nest sites. Additional surveys shall be conducted prior to the first fireworks display to occur within the peregrine breeding season if the initial survey results are negative. <del>Additional surveys</del>The survey shall be conducted prior to the first fireworks display to occur within the peregrine breeding season if the initial survey results are negative.</u> If survey results are <u>still</u> negative, <u>pre-event surveys to identify active peregrine falcon nests on the Project site cranes will continue through May.</u> If survey results are negative <u>through May 31</u>, then no further action would be required under this measure <u>for that season.</u></li> <li>2. Should an active peregrine falcon nest be identified during surveys, a 500-foot buffer shall be maintained between the nest site and the fireworks aerial detonation location. This initial starting buffer distance may be adjusted based on site conditions, with concurrence from the California Department of Fish and Wildlife. For example, if the nest is shielded from potential impacts, then a smaller buffer distance may be warranted.</li> <li>3. The nest site shall be monitored by a qualified biologist immediately prior to and the morning after the first five ballpark fireworks events to examine bird responses to the fireworks event. Surveys shall examine the stability patterns of the nest and evaluate the effectiveness of the 500-foot buffer. The monitor will document peregrine falcon behavioral disturbance at the nest site associated with the fireworks display and confirm if flushed adults return to the nest site following the display. If possible, video monitoring shall assist in documenting bird behavior. The qualified biologist will review the nest site the morning after the display to document the presence or absence of adults at the nest site.</li> <li>4. Following nest monitoring events, the qualified biologist shall determine if the nesting stage (i.e., egg incubation, nestling, fledgling) and level of disturbance observed warrant temporary adjustments to future fireworks displays at the ballpark (e.g., adjustments to the 500-foot buffer), to avoid potential take of an egg, nest, or nestling resulting from fireworks disturbance. If such monitoring suggests that falcons have abandoned a nesting attempt the morning after an event, a nestling rescue effort and transfer to a qualified rehabilitation center shall be</li> </ol>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<b>Impact BIO-1 (cont.)</b>	<p>required to prevent a take event. Nest monitoring would also inform adaptive management to further protect nesting falcons during future shows by, for example, adjusting the timing and/or location of the fireworks shows to further reduce effects on bird behavior.</p> <p>5. Should nesting within the Project site on the container cranes not be identified during surveys for 3 more consecutive seasons, it will be assumed that local peregrine falcons have selected another nesting location and annual surveys and monitoring in advance of ballpark firework displays shall no longer be necessary to avoid or minimize disturbance to this species and their nests.</p>	
<p><b>Impact BIO-2:</b> The Project could have a substantial adverse effect, either directly or through habitat modifications on bats identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Criterion 1) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure BIO-2: Pre-Construction Assessments and Protection Measures for Bats.</b></p> <p>The <u>Project sponsor shall implement the</u> following measure shall be implemented to identify potential bat roosting habitat on the Project site.</p> <p>1. A qualified biologist<sup>1</sup> who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or modification of buildings on site that could provide bat roosting habitat (i.e., portions of the Peaker Power Plant building, the fire station [if demolition is pursued], and various loading/unloading shelters), to conduct a pre-construction habitat assessment of the Project site to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the Project site (e.g., guano, urine staining, dead bats, etc.). The period that the habitat assessment is valid will depend upon available habitat quality and survey findings, and will be stated in the assessment.</p> <p>The following additional measures shall be implemented should potential roosting habitat or active bat roosts be identified during the habitat assessment in buildings to be demolished or modified under the proposed Project:</p> <p>2. In areas identified as potential roosting habitat during the habitat assessment, initial building demolition or modification shall occur to the extent feasible when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.<sup>2</sup></p> <p>3. Depending on temporal guidance as defined below, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or modification.</p>	Less Than Significant

<sup>1</sup> Typical experience requirements for a qualified biologist include a minimum of four years of academic training and professional experience in biological sciences and related resource management activities, and a minimum of two years of experience conducting surveys for each species that may be present within the project area.

<sup>2</sup> Torpor refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<p><b>Impact BIO-2 (cont.)</b></p>	<ol style="list-style-type: none"> <li>4. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.</li> <li>5. If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with the California Department of Fish and Wildlife to ensure the roosts are not disturbed. Such measures may include postponing the removal of buildings or structures, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other avoidance measures.</li> <li>6. The qualified biologist shall be present during building demolition or modification if potential bat roosting habitat or active bat roosts are present. Buildings with active roosts shall be modified or demolished only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.</li> <li>7. The demolition or modification of buildings containing bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings may be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.</li> <li>8. Depending on timing, repeat or additional bat habitat assessments may be necessary to support construction phasing and should precede following the steps outlined above.</li> </ol>	
<p><b>Impact BIO-3:</b> The Project could have a substantial adverse effect, either directly or through habitat modification, on marine species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic and Atmospheric Administration. (Criterion 1) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure BIO-3: Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals.</b></p> <p>Prior to the start of any in-water construction that involves the construction of piles, the Project sponsor shall develop a NOAA Fisheries and CDFW-approved sound attenuation reduction and monitoring plan to avoid significant impacts to special status fish and marine mammals, including acute damage or mortality. <u>The approved plan shall be provided to the City prior to in-water construction activities.</u></p> <p>This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and all BMPs to be taken to reduce impact hammer and/or vibratory hammer pile-driving sound in the marine environment to an intensity level of less than 183 decibels (dB). The plan shall incorporate but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Steel piles shall be installed using vibratory hammers. Impact hammers shall only be used after piles have reached the point of refusal with vibratory methods.</li> </ul>	<p align="center">Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<b>Impact BIO-3 (cont.)</b>	<ul style="list-style-type: none"> <li>• Any impact hammer installed steel piles shall be conducted in strict accordance with the Long Term Management Strategy (LTMS) defined work windows of June 1 to November 30, during which periods the presence of special-status species in the Project Site is expected to be minimal. (USACE et al., 2001).</li> <li>• A contingency plan using bubble curtains or an air barrier will be implemented to attenuate sound levels to acceptable levels.</li> <li>• Other BMPs may be implemented in coordination with NOAA Fisheries or CDFW, such as working at low tides, reducing steel-to-steel contact through the use of a wooden block, or use of double-walled piles, as appropriate to reduce underwater noise levels to acceptable levels.</li> </ul> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Section 4.9, Hydrology and Water Quality)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (see Section 4.9, Hydrology and Water Quality)</p>	
<b>Impact BIO-4:</b> The Project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Marine Fisheries Service. (Criterion 2) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact BIO-5:</b> The Project could have a substantial adverse effect on federally protected wetlands or other waters (as defined by section 404 of the Clean Water Act) or state protected wetlands or waters, through direct removal, filling, hydrological interruption, or other means. (Criterion 3) ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure BIO-4: Compensation for Fill of Jurisdictional Waters.</b></p> <p>The Project sponsor shall minimize all in-water construction activities associated with maintenance or installation of new structures in the San Francisco Bay if required and as further determined by the regulatory agencies with authority over the Bay during the permitting process.</p> <p>If the Project includes the placement of permanent fill, the Project sponsor shall mitigate for new fill-related impacts in consultation with the applicable regulatory agencies at a ratio consistent with the "no net loss" policy for the functions and values of impacted wetlands and waters. With resource agency concurrence, suitable mitigations may include one or more of the following strategies: 1) the acquisition of mitigation credits at an agency-approved mitigation bank for affected listed species; 2) onsite or offsite shoreline improvements or intertidal/subtidal habitat enhancements along the Bay waterfront through removal of solid fill such as chemically treated wood material (e.g., pilings, decking, etc.) by pulling, cutting, or breaking off piles at least 1 foot below mudline, or; 3) removal of other un-engineered debris (e.g., concrete-filled drums or large pieces of concrete) at a ratio consistent with regulators' "no net loss" policy for the functions and values of impacted wetlands and waters.</p> <p><u>The Project sponsor shall submit evidence of regulatory agency approval to the Oakland Bureau of Building prior to commencement of in-water construction activities.</u></p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Section 4.9, Hydrology and Water Quality)</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.3 Biological Resources (cont.)</b>		
<b>Impact BIO-6:</b> The Project would not interfere with the movement of any 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. (Criterion 4) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact BIO-7:</b> The Project would not fundamentally conflict with the City of Oakland Protected Tree Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances. (Criterion 6) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact BIO-1.CU:</b> The Project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and around the Project area, could have a considerable contribution to any cumulative impacts related to biological resources. ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure BIO-1a: Disturbance of Birds during Nesting Season.</b> (see Impact BIO-1)</p> <p><b>Mitigation Measure BIO-1b: Peregrine Falcon Firework Display Surveys, Buffer, and Monitoring.</b> (see Impact BIO-1)</p> <p><b>Mitigation Measure BIO-1c: Bird Collision Reduction Measures.</b> (see Impact BIO-1)</p>	Less Than Significant
<b>Impact BIO-1.CU (cont.)</b>	<p><b>Mitigation Measure BIO-2: Pre-Construction Assessments and Protection Measures for Bats.</b> (see Impact BIO-2)</p> <p><b>Mitigation Measure BIO-3: Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals.</b> (see Impact BIO-3)</p> <p><b>Mitigation Measure BIO-4: Compensation for Fill of San Francisco Bay.</b> (see Impact BIO-5)</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Section 4.9, Hydrology and Water Quality)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (see Section 4.9, Hydrology and Water Quality)</p>	
<b>4.4 Cultural and Tribal Cultural Resources</b>		
<b>Impact CUL-1:</b> The Project could result in significant impacts to maritime resources (USS <i>Potomac</i> and the Lightship <i>Relief</i> ) within the Study Area. (Criterion 1) ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure CUL-1: Maritime Resources Treatment Plan.</b></p> <p>Prior to any construction-related work within 100 feet of the Lightship <i>Relief</i> or the USS <i>Potomac</i>, the Project sponsor shall submit a Treatment Plan for the protection of and continued access to the USS <i>Potomac</i> and the Lightship <i>Relief</i> to the City. The Treatment Plan shall be prepared by a cultural resources professional with experience with historic ships, shall be provided for review by the Port and representatives for the USS <i>Potomac</i> and the Lightship <i>Relief</i>, and shall be approved by the City prior to the start of construction. At a minimum, the Treatment Plan shall include measures to address access to the resources during construction, measures to ensure a reasonable buffer zone regarding in-water construction-related traffic in close proximity to the resources, monitoring and notification protocols (if needed), and measures to allow for safe launch and return of the resources during construction. Implementation of protective measures included in the Treatment Plan shall be the responsibility of the Project sponsor.</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.4 Cultural and Tribal Cultural Resources (cont.)</b>		
<p><b>Impact CUL-2:</b> The Project would not result in significant impacts to the historical setting of the Southern Pacific Railroad Industrial Landscape District (SPRR) API. (Criterion 1) <i>(Less than Significant)</i></p>	None required	Less Than Significant
<p><b>Impact CUL-3:</b> The Project could result in significant impacts to the Southern Pacific Railroad Industrial Landscape District API and the PG&amp;E Station C API resulting from construction-related vibrations. (Criterion 1) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b></p> <p>As presented in Chapter 4.11 Noise and Vibration, building damage is generally experienced when vibration levels exceed 94 VdB. Table 4.11-17 lists a number of construction activities with their estimated VdB at various distances. At distances up to 150 feet, there is potential for vibration levels to exceed 94 VdB, therefore, prior to any vibratory construction within 150 feet of a historic resource the Project sponsor shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The Project sponsor shall implement the recommendations during construction.</p>	Less Than Significant
<p><b>Impact CUL-4:</b> The proposed Project would result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (Criterion 1) <i>(Significant and Unavoidable)</i></p>	<p><b>Mitigation Measure CUL-3a: Crane Removal Documentation.</b></p> <p>Prior to issuance of a demolition permit, the City shall require HABS documentation of Crane X-422. This documentation shall be prepared by professionals meeting, or exceeding, the Secretary of the Interior's Historic Preservation Professional Qualifications Standards and shall include recommendations regarding selection criteria for an appropriate receiver site that approximates the crane's current relationship to the Estuary. HABS documentation of the crane shall include recordation in both written and photographic media of the current and historical physical context and conditions of Crane X-422.</p> <p><b>Mitigation Measure CUL-3b: Crane Relocation.</b></p> <p>Pursuant to Policy 3.7 of the Historic Preservation Element of the Oakland General Plan, following completion of Mitigation Measure CUL-3a and prior to issuance of a demolition permit, the project sponsor shall make a good faith effort to support prompt relocation of Crane X-422 to a site acceptable to the City and the Port, and meeting the parameters established under Mitigation Measure CUL-3a. The sponsor shall make available funds equal to the cost of demolition to interested parties that submit, in writing, a relocation plan meeting the requirements established in Mitigation Measure CUL-3a. If no such party is identified within 90 days after the sponsor's offer, or the City determines that a submitted plan is not acceptable to the City, Crane X-422 may be removed by the sponsor.</p> <p><b>Mitigation Measure CUL-3c: Interpretive Displays.</b></p> <p>The Project sponsor shall, in consultation with a qualified architectural historian and landscape architect, develop one or more interpretive displays that present information regarding the early history of the Port of Oakland and its rise to prominence. Information should focus on the</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.4 Cultural and Tribal Cultural Resources (cont.)</b>		
<p><b>Impact CUL-4 (cont.)</b></p>	<p>transformation of the port from 1962-1977, the role that early container cranes played in this transformation, the physical context, and the unique characteristics of the low-profile design of X-422 compared to its neighbors.</p> <p><b><u>Mitigation Measure CUL-3d: Façade Improvement Fund Contribution.</u></b></p> <p><u>Prior to approval of demolition of Crane X-422, the project applicant shall contribute to the City's Façade Improvement Program. In accordance with the City's Façade Improvement Program, the amount of the contribution required to be paid by the project applicant under this mitigation measure (based upon the calculation for obtaining façade improvement grants) shall be based on the following:</u></p> <ul style="list-style-type: none"> <li>• <u>\$10,000 for the first 25 feet of linear wharf frontage for Crane X-422 and \$2,500 per 10 additional linear feet of the same frontage beyond the first 25 feet.</u></li> <li>• <u>\$10,000 for the first 25 feet of height for Crane X-422 and \$2,500 per 10 additional feet of height beyond the first 25 feet.</u></li> <li>• <u>There shall be a 20 percent increase added for each structure designated as a Historical Resource under CEQA.</u></li> </ul> <p><u>For purposes of this mitigation, the length of the wharf frontage in front of Crane X-422 is 50 feet. The length of the height of Crane X-422 is 130 feet.</u></p> <p><u>The following calculation results in a total contribution of \$52,500.</u></p> <p style="margin-left: 40px;"><u>Wharf Frontage: \$10,000 + (\$2,500 x 25 feet)/10 feet      \$16,250</u></p> <p style="margin-left: 40px;"><u>Crane X-422 Height: \$10,000 + (\$2,500 x 105 feet)/10 feet    \$36,250</u></p> <p><u>The Façade Improvement Program contribution required hereunder shall be payable prior to removal of crane or prior to issuance of the demolition permit for the crane. Funds shall be eligible for citywide Façade Improvement Program expenditures. All rehabilitation efforts or façade improvements under this Program shall be undertaken using the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties</i>. Administration of this Program shall be overseen by Oakland Cultural Heritage Survey (OCHS) staff.</u></p>	
<p><b>Impact CUL-5:</b> Activities undertaken during construction of the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (Criterion 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure CUL-4a: Archaeological Resources and Tribal Cultural Resources – Discovery During Construction.</b></p> <p>During construction, pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor shall notify the City and consult with a qualified archaeologist, as applicable, to assess the significance of the find. <u>If the find is prehistoric or Native American-related, a Native American representative will be notified to assess the find.</u> If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the cultural resources are implemented.</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.4 Cultural and Tribal Cultural Resources (cont.)</b>		
<p><b>Impact CUL-5 (cont.)</b></p>	<p>In the event of data recovery of archaeological resources, the Project sponsor shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project sponsor shall implement the ARDTP at his/her expense.</p> <p>Archaeological monitoring and/or data recovery programs required by this measure could suspend Project operations in the vicinity of the discovery for up to 4 weeks. At the direction of the City, the suspension of construction can extend beyond 4 weeks only if such suspension is the only feasible means to reduce potential effects on a significant archaeological resource, as defined in CEQA Guidelines Section 15064(a) and 15064.5(c) to less than significant with mitigation.</p> <p><b>Mitigation Measure CUL-4b: Archaeologically Sensitive Areas – Pre-Construction Measures.</b></p> <p><b>Provision A: Intensive Pre-Construction Study.</b> The Project sponsor shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the Project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> <li>a. Subsurface presence/absence studies of the Project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.</li> <li>b. A report disseminating the results of this research.</li> <li>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</li> </ol> <p>If the results of the study indicate a high potential presence of historic-period <u>or prehistoric</u> archaeological resources on the Project site, or a potential resource is discovered, the Project sponsor shall hire a qualified archaeologist to monitor any ground disturbing activities on the Project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the Project site. . <u>If the find is prehistoric or Native American–related, a Native American representative will be notified to assess the find.</u></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.4 Cultural and Tribal Cultural Resources (cont.)</b>		
<p><b>Impact CUL-5 (cont.)</b></p>	<p>Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p><b>Provision B: Construction ALERT Sheet.</b> The Project sponsor shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project’s prime contractor, any Project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the Project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop within 50 feet of the discovery and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the Project site.</p>	
<p><b>Impact CUL-6:</b> Activities undertaken during construction of the Project could disturb human remains, including those interred outside of formal cemeteries. (Criterion 3) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure CUL-5: Human Remains – Discovery During Construction.</b></p> <p>During construction, pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the Project site during construction activities, all work shall immediately halt and the Project sponsor shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the Project sponsor.</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.4 Cultural and Tribal Cultural Resources (cont.)</b>		
<b>Impact CUL-7:</b> The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. (Criterion 4) <i>(Less than Significant with Mitigation)</i>	<b>Mitigation Measure CUL-4a: Archaeological Resources and Tribal Cultural Resources – Discovery During Construction.</b> (see Impact CUL-5) <b>Mitigation Measure CUL-4b: Archaeologically Sensitive Areas – Pre-Construction Measures.</b> (see Impact CUL-5)	Less Than Significant
<b>Impact CUL-1.CU:</b> The Project, combined with cumulative development in the Project vicinity as a result of the Downtown Oakland Specific Plan and citywide, would contribute to cumulative adverse impacts on historical resources. <i>(Significant and Unavoidable)</i>	<b>Mitigation Measure CUL-3a: Crane Removal Documentation.</b> (see Impact CUL-4) <b>Mitigation Measure CUL-3b: Crane Relocation.</b> (see Impact CUL-4) <b>Mitigation Measure CUL-3c: Interpretive Displays.</b> (see Impact CUL-4) <b>Mitigation Measure CUL-3d: Façade Improvement Fund Contribution</b> (see Impact CUL-4)	Significant and Unavoidable
<b>Impact CUL-2.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, could contribute to cumulative adverse impacts on archaeological resources, human remains, and tribal cultural resources. <i>(Less than Significant with Mitigation)</i>	<b>Mitigation Measure CUL-4a: Archaeological Resources and Tribal Cultural Resources – Discovery During Construction.</b> (see Impact CUL-5) <b>Mitigation Measure CUL-4b: Archaeologically Sensitive Areas – Pre-Construction Measures.</b> (see Impact CUL-5) <b>Mitigation Measure CUL-5: Human Remains – Discovery During Construction.</b> (see Impact CUL-6)	Less Than Significant
<b>4.5 Energy</b>		
<b>Impact ENE-1:</b> Construction and operation of the Project could result in potentially significant environmental impact due to the wasteful, inefficient, and/ or unnecessary use of energy. (Criterion 1) <i>(Less than Significant with Mitigation)</i>	<b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (see Section 4.2, Air Quality) <b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (see Section 4.2, Air Quality) <b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (see Section 4.2, Air Quality) <b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (see Section 4.2, Air Quality) <b>Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures Mitigation Plan.</b> (see Section 4.2, Air Quality) <b>Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.</b> (see Section 4.7, Greenhouse Gas Emissions) <b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (see Section 4.15, Transportation and Circulation) <b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (see Section 4.15, Transportation and Circulation) <b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2<sup>nd</sup> Street.</b> (see Section 4.15, Transportation and Circulation)	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.5 Energy (cont.)</b>		
<p><b>Impact ENE-1 (cont.)</b></p>	<p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (see Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7<sup>th</sup> Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (see Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8<sup>th</sup> Street.</b> (see Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure Trans-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	
<p><b>Impact ENE-2:</b> Construction and operation of the Project could conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards. (Criterion 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.</b> (See Section 4.7, Greenhouse Gas Emissions)</p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2<sup>nd</sup> Street.</b> (see Section 4.15, <i>Transportation and Circulation</i>).</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (see Section 4.15, <i>Transportation and Circulation</i>).</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	<p align="center">Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.5 Energy (cont.)</b>		
<p><b>Impact ENE-2 (cont.)</b></p>	<p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7<sup>th</sup> Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8<sup>th</sup> Street.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3c: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	
<p><b>Impact ENE-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative energy impacts. (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional Criteria Pollutant Reduction Measures Mitigation Plan.</u></b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.</b> (see Section 4.7, Greenhouse Gas Emissions)</p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2<sup>nd</sup> Street.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	<p align="center">Less Than Significant</p>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.5 Energy (cont.)</b>		
<p><b>Impact ENE-1.CU (cont.)</b></p>	<p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7<sup>th</sup> Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8<sup>th</sup> Street.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p>	
<b>4.6 Geology, Soils, and Paleontological Resources</b>		
<p><b>Impact GEO-1:</b> The Project could expose people or structures to seismic hazards such as ground shaking and seismic-related ground failure such as liquefaction, differential settlement, collapse, or lateral spreading. (Criteria 1.b and 1.c) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure GEO-1: Site-Specific Final Geotechnical Report.</b></p> <p>The Project sponsor shall submit a site-specific final geotechnical report, consistent with the requirements of the CBC and California Geological Survey Special Publication 117 (as amended). The geotechnical investigation and report shall be prepared by a registered geotechnical engineer for City review and approval containing, at a minimum, a description of the geological and geotechnical conditions at the site, evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to seismic shaking, liquefaction, corrosion, and all other ground stability hazards. The geotechnical investigation shall also include a report prepared by a corrosion consultant that evaluates whether specific corrosion recommendations are advised for the Project. The submittal and approval of the final geotechnical report shall be a condition of the grading and construction permits issued by the City's Bureau of Building. The Project sponsor shall implement the recommendations contained in the approved report during Project design and construction.</p>	<p>Less Than Significant</p>
<p><b>Impact GEO-2:</b> The Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways. (Criterion 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (See Section 4.9, Hydrology and Water Quality)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (See Section 4.9, Hydrology and Water Quality)</p>	<p>Less Than Significant</p>
<p><b>Impact GEO-3:</b> The Project could be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016, as it may be revised), or corrosive soil, creating substantial risks to life or property. (Criterion 3) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure GEO-1: Site-Specific Final Geotechnical Report.</b> (see Impact GEO-1)</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.6 Geology, Soils, and Paleontological Resources (cont.)</b>		
<b>Impact GEO-4:</b> The Project would not be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property. (Criterion 4) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact GEO-5:</b> The Project would not be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property. (Criterion 5) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact GEO-6:</b> The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Criterion 7) ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure GEO-2: Inadvertent Discovery of Paleontological Resources During Construction.</b></p> <p>Pursuant to State CEQA Guidelines Section 15064.5(f), in the event that any paleontological resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor shall notify the City and consult with a qualified paleontologist, as applicable, to assess the significance of the find. In the event of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the paleontological resources are implemented.</p> <p>In the event of excavation of paleontological resources, the Project sponsor shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the Project sponsor.</p>	Less Than Significant
<b>Impact GEO-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative impacts to geology, soils, seismicity, or paleontology. ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure GEO-1: Site-Specific Final Geotechnical Report.</b> (see Impact GEO-1)</p> <p><b>Mitigation Measure GEO-2: Inadvertent Discovery of Paleontological Resources During Construction.</b> (see Impact GEO-6)</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (See Section 4.9, Hydrology and Water Quality)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (See Section 4.9, Hydrology and Water Quality)</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions</b>		
<p><b>Impact GHG-1:</b> The Project could generate “net additional” GHG emissions, either directly or indirectly, from its construction and operation. (Criterion 1) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.</b></p> <p>Prior to the City’s approval of the first construction or grading-related permit for the Project, the Project sponsor shall retain a qualified air quality consultant to develop a Project-wide GHG Reduction Plan (Plan) for implementation over the life of the Project in accordance with the requirements of this mitigation measure.</p> <p>The Plan shall quantify, using the most current information available, projected emissions from the first phase of Project construction as well as Project construction for full buildout of all phases of the approved development, and operational GHG emissions for the life of the project (defined as 30 years of operation). The Plan shall specify anticipated GHG emission reduction measures sufficient to reduce or offset these emissions in accordance with the standards set forth below, such that the resulting GHG emissions are below the City’s “no net additional” threshold of significance pursuant to CEQA. The Plan shall also contain a separate schedule of projected GHG emissions, emission reductions and GHG offset purchases prepared in accordance with CARB’s AB 734 determination (CARB, 2020) in order to comply with AB 734’s requirement that those measures be monitored and enforced by the City for the life of the Project sponsor’s obligation.</p> <p>For each phase or sub-phase of development, the Plan shall be updated as set forth in greater detail in Section B.1 below. At all times throughout the life of the Project, the Plan shall demonstrate that emissions from all construction and development are below the City’s “no net additional” threshold of significance pursuant to CEQA for (1) phases already completed, permitted, and being proposed for permitting; and (2) anticipated future phases.</p> <p>The City shall retain the services of a third-party expert to assist with the City’s review and approval of the Plan. The third-party expert shall also assist the City with its review and approval of updates to the GHG Reduction Plan and Annual Reports, as described below. All costs relating to the third-party expert, including City review of its services, shall be paid by the project applicant.</p> <p><b>A. GHG Reduction Plan Contents and Standards</b></p> <p>Specific information on the components of each element of the Plan, as it pertains to CEQA compliance, is described below:</p> <p>1) <b>Land Use Program and Project GHG Emissions Estimates, by Phase</b> –The GHG Reduction Plan shall identify the amount of construction and square footage of development anticipated within each phase or sub-phase of the Project and shall estimate the projected annual and total net emissions of the Project by phase or sub-phase, inclusive of all sources of Project emissions and consistent with all categories of sources identified in the EIR.</p> <p>To estimate the construction and operational emissions, the Plan shall utilize full approved buildout (e.g., number of units, square footage of retail, etc.), inclusive of any required design features or other GHG Emission Reduction Measures as described below. The Project GHG emissions estimates in the Plan shall be based upon design and energy use estimates, Project-specific traffic generation, and equipment to be used on-</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<b>Impact GHG-1 (cont.)</b>	<p>site. The emission factors for electricity and transportation shall be based on those commonly used at the time the Plan is completed or at the time the Plan is subsequently amended, reflecting vehicle emissions standards and building energy standards in effect at the time. Consistent with the methodology used in the EIR, future year emissions factors shall be based on enacted regulations that are in effect and affect the emissions source (e.g., California's Renewables Portfolio Standard for electricity, and fuel efficiency standards for on-road vehicles).</p> <p>Construction-related emissions shall be presented for both horizontal and vertical construction emissions by year for each phase. Net (incremental) emissions shall be derived by subtracting from total Project emissions (construction plus operations) the emissions from the existing A's baseball operations at the Oakland Coliseum and at their offices in Jack London Square using the methodology in EIR. Future emission factors shall be applied both to the Project and to the existing operations so as to reflect vehicle emissions standards and building energy standards in effect at the time, as described in the previous paragraph. The net emissions calculated shall demonstrate compliance with the "no net additional" threshold as set forth in greater detail above.</p> <p>2) <b>GHG Emission Reduction Measures</b> – The Plan shall identify GHG Emission Reduction Measures that shall be implemented for each Project phase or sub-phase to achieve the "no net additional" CEQA significance threshold. Measures shall be verifiable and feasible to implement, and the Plan shall identify the person/entity responsible for each measure, each measure's reduction amount, and the person/entity responsible for monitoring that reduction, all subject to review and approval by the City. If reduction measures associated with any given phase are shown to exceed net (incremental) emissions of that phase, the estimated credit towards future phase(s) shall be identified as set forth in Section B.1 below.</p> <p>GHG reduction measures to be considered include, but are not be limited to, those listed below, as well as measures in the 2030 ECAP, Pathways to Deep GHG Reductions in Oakland: Final Report (City of Oakland, 2018b), BAAQMD's latest CEQA Air Quality Guidelines (May 2017, as may be revised), the California Air Resources Board Scoping Plan (November 2017, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on LEED published by the U.S. Green Building Council.</p> <p><b>a. Horizontal Construction Emission Reduction Measures</b></p> <p>The reduction measures for horizontal construction emissions from the Project shall be:</p> <ol style="list-style-type: none"> <li>(1) Mitigation Measure AIR-1b Criteria Air Pollutant Controls; and</li> <li>(2) Purchase of Carbon Offset Credits subject to Section 2c, <i>Standards for Carbon Offset Credits</i>, below.</li> </ol>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<p><b>Impact GHG-1 (cont.)</b></p>	<p><b>b. Vertical Construction and Operational Emission Reduction Measures</b></p> <p>(1) <u>Type and Location Requirements.</u></p> <p>GHG reduction measures shall be subject to the following requirements with respect to type and location.</p> <p>The order of priority for the type of reduction measures shall be: (1) physical design features; (2) operational features; and (3) the purchase of carbon offset credits subject to the standards described below under Section 2c, <i>Standards for Carbon Offset Credits</i>.</p> <p>The order of priority for the location of physical design features and operational features shall be: (1) the project site; (2) off-site within the neighborhood surrounding the Project site, including Old Oakland, Jack London Square, Chinatown, and West Oakland; (3) the greater City of Oakland community; and (4) within the San Francisco Bay Area Air Basin.</p> <p>To the extent that the Plan proposes GHG reduction measures that do not conform to the priorities set forth above, the Plan shall contain substantial evidence to support the exclusion of higher priority measure(s) considered and determined to be infeasible as defined under CEQA.</p> <p>(2) <u>Required Measures.</u></p> <p>The Plan shall incorporate the following measures to reduce Project emissions:</p> <p>i. Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</p> <p>The Plan shall incorporate the following mitigation measures related to operation:</p> <p>ii. Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</p> <p>iii. Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</p> <p>iv. Mitigation Measure AIR-2e: <u>Additional Criteria Pollutant Reduction Measures</u><del>Emission Reduction Plan</del>.</p> <p>v. The ballpark receives LEED Gold certification or above for new construction within one year after completion of the first baseball season. Each new nonresidential building receives LEED Gold certification or above for new construction within one year after completion of the applicable nonresidential building. Any residential building shall achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to quality transit.</p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<b>Impact GHG-1 (cont.)</b>	<ul style="list-style-type: none"> <li>vi. Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</li> <li>vii. Mitigation Measure TRANS-1b: Transportation Management Plan.</li> <li>viii. <del>Install EV chargers at 10% of onsite parking spaces.</del></li> <li>ix. <del>Electrify a minimum of 50% of the residential units as required by CARB certification.</del></li> </ul> <p><del>Unless a waiver is granted by the City for a Project use, the Project would also be required to comply with building electrification requirements in the City's <u>Ordinance 13632</u> building code that reduce or eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City's building code effect at the time of Project development. Compliance with regulatory measures shall not qualify as a mitigation measure.</del></p> <p>(3) <u>Menu of Additional Emission Reduction Measures: On-site</u></p> <p>The following types of measures shall be included in the Plan as necessary to meet the requirements of this mitigation measure and the "no net additional" GHG emissions requirement for the Project.</p> <ul style="list-style-type: none"> <li>i. <i>On-site measures to reduce operational energy emissions:</i> <ul style="list-style-type: none"> <li>(a) <i>Minimize the Project's energy demand through physical design features, with the ultimate goal of zero net GHG emissions from energy use:</i> Minimize electricity and natural gas demand through implementation of design measures. New development, including residential, commercial, and retail buildings, could be designed as zero net GHG emissions buildings.</li> <li>(b) <i>100 percent zero-carbon electricity for all land uses:</i> Procure 100 percent zero-carbon electricity through East Bay Community Energy or other renewable energy provider (e.g., green power purchase agreement with electric utility) for all electricity loads, including residential, commercial, and retail buildings.<sup>3</sup></li> <li>(c) <i>On-site rooftop solar PV panels or other on-site renewable energy generation:</i> Install on-site roof-top solar PV panels or other on-site renewable energy on all buildings at the Project site subject to space availability.</li> </ul> </li> </ul>	

<sup>3</sup> East Bay Community Energy (EBCE). Information available online: <https://ebce.org/power-mix/>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<b>Impact GHG-1 (cont.)</b>	<p>(d) <del>Electrify residential and nonresidential development.</del> Go beyond building code requirements for electrification of residential and nonresidential buildings. Any requirement for building electrification then in effect and applicable to the Project under the City's Building Code shall not qualify as a mitigation measure but shall be treated as a project design feature and its efficacy in reducing GHG emissions shall be taken into consideration in calculating the Project's emissions.</p> <p>(d)(e) <del>Reduce refrigerant emissions.</del> Specify low-GWP (global warming potential) refrigerants in heat pumps installed in residential and nonresidential buildings, such as for HVAC systems, water heaters, and refrigeration.</p> <p>(e)(f) <del>Convert the Peaker Plant:</del> Remove the jet-fueled turbines in the Peaker Plant and the associated jet fuel storage tank and replace with a battery energy storage system. The methodology used to calculate emission reductions and the amount of reduction resulting from Peaker Plant conversion attributable to the Project and applied towards the "no net additional" CEQA significance threshold shall be subject to City review and approval based on information provided as part of the Plan and other available information.</p> <p>ii. <i>On-site measures to reduce transportation emissions:</i></p> <p>(a) <del>ZEV infrastructure charging stations beyond regulatory requirements; that provides EV charging and hydrogen fueling opportunities beyond regulatory requirements and the requirements of Mitigation Measure AIR-2e, including but not limited to installing medium- and heavy-duty truck charging stations for delivery vehicles, installing curbside public EV charging stations, and installing hydrogen fueling stations for fuel cell vehicles, that provide charging opportunities beyond regulatory requirements.</del></p> <p>(b) <del>Preferred parking for alternative-fueled vehicles and car sharing: Reduce the need to have a vehicle (or second vehicle) by providing Promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking for zero-emission ride sharing vehicles on-site beyond regulatory requirements. Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.</del></p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<b>Impact GHG-1 (cont.)</b>	<p>(c) <del>Additional TDM and/or TMP measures.</del> Implement TDM and/or TMP measures that go beyond 20 percent vehicle trip reduction in the TDM and TMP Plans by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and car-sharing, with preference to active transportation and public transit.</p> <p>iii. <i>On-site measures to reduce solid waste emissions:</i></p> <p>(a) <i>Ballpark solid waste diversion:</i> Increase waste diversion rate at the new ballpark to 75 percent or greater.</p> <p>(b) <i>Organic waste diversion:</i> Ensure that unused edible food at restaurants and supermarkets is donated to recovery and collection organizations <u>such as FoodShift, a non-profit organization in Alameda, California,</u> that can distribute it to the neediest populations beyond regulatory requirements.</p> <p>(c) <i>Increase the use of reusable bags and compostable containers:</i> <u>Require vendors and restaurants providing food at the ballpark to use compostable containers, encourage P</u>romotions by on-site merchants to support the City's "Bring Your Own Bag" campaign, and increase the use by customers of durable reusable bags.</p> <p>iv. <i>On-site measures to reduce water and wastewater emissions:</i></p> <p>(a) <i>Water efficient fixtures:</i> Install water efficient fixtures in residential and commercial buildings, including water-saving sinks, showers, urinals and toilets beyond regulatory requirements.</p> <p>v. <i>On-site operational measures to reduce area source (landscaping) emissions:</i></p> <p>(a) <i>Water efficient landscaping:</i> Install water-efficient landscaping and irrigation systems, including the use of native drought-tolerant vegetation beyond regulatory requirements.</p> <p>(b) <i>Compost application:</i> <del>Include a minimum of 0.5 inches of</del> <u>Apply</u> compost applied to any landscaping <u>consistent with the Bay Friendly Landscaping Guidelines.</u></p> <p>(c) <i>Recycled water:</i> Install dual plumbing (purple pipe) for the use of recycled water for landscape irrigation, fire protection, toilet and urinal flushing in non-residential facilities, and outdoor landscape features such as fountains and water features beyond regulatory requirements.</p> <p>vi. <i>Additional on-site measures and technologies.</i></p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<b>Impact GHG-1 (cont.)</b>	<p>(a) The Plan may include additional or substitute measures and technology to reduce GHG emissions from Project construction or operations that are not currently known or available. This may include new energy systems (such as battery storage), new transportation systems (such as autonomous vehicle networks), or other technology (such as carbon capture and storage) that is not currently available at the project-level, provided that the GHG Reduction Plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, including those described above.</p> <p>(4) <u>Menu of Additional Emission Reduction Measures: Off-site</u></p> <p>i. <u>Off-site measures to reduce energy emissions:</u></p> <p>(a) <u>Community energy efficiency retrofits:</u> Fund, contribute to, or implement community energy efficiency retrofits to reduce offsite building energy use.</p> <p>(b) <u>Community energy decarbonization projects:</u> Fund or implement measures to increase use of non-carbon sources of energy, such as retrofits or other infrastructure projects (e.g., electrification), to reduce offsite building energy use.</p> <p>(c) <u>Community solar projects:</u> Fund or implement community solar PV installations.</p> <p>(d) <u>Community energy storage projects:</u> Fund or implement community energy storage installations, such as batteries or mechanical energy storage.</p> <p>ii. <u>Off-site measures to reduce transportation emissions:</u></p> <p>(a) <del>Fund or implement programs to increase use of public transit so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.</del></p> <p>(b) <del>Fund or implement programs to increase use of bicycles, including electric bicycles, so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.</del></p> <p>(c) <del>Fund or implement programs that promote walking in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community, so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.</del></p> <p>(da) <u>Off-site EV chargers:</u> Fund or implement a program that expands the installation of EV chargers, including but not limited to curbside public EV charging stations.</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<p><b>Impact GHG-1 (cont.)</b></p>	<p>(eb) Fund or implement programs that increase use of electric vehicles.</p> <p>(fc) <del>Contribute to</del>Fund or implement programs that increase electrification of public transit buses in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community.</p> <p>iii. <i>Off-site measures to increase carbon sequestration:</i></p> <p>(a) <i>Tree planting and vegetated buffers:</i> Fund or implement program that results in significant new tree planting and/or vegetated buffers.</p> <p>iv. <i>Purchase of Carbon Offset Credits:</i> The purchase of Carbon Offset Credits, subject to Section 2c, <i>Standards for Offset Credits</i>, below, shall only be used as a reduction measure for construction and operational emissions after all the following conditions are satisfied: (1) AB 734’s commitment to reduce 50% of net new emissions associated with the ballpark and other non-residential uses through the implementation of local direct measures has been met; and (2) for non-transportation sector and non-ballpark and non-hotel uses only, physical design features or operational features located on the project site or off-site within the City of Oakland have reduced project emissions levels to at or below 0.6 MTCO<sub>2e</sub>/service population in keeping with the City’s GHG emission reduction target.<sup>4</sup></p> <p><b>c. Standards for Carbon Offset Credits</b></p> <p>(1) Carbon offset credits can result from activities that reduce, avoid, destroy or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions occurring elsewhere. For the purpose of Project mitigation, carbon offset credits shall consist of direct emission reductions or sequestration that are used to offset the Project’s direct emissions. As described in the CARB Determination for AB 734, all carbon offset credits shall be purchased from a carbon offset registry approved by CARB, which at present include the following: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The carbon offset credits shall be verifiable by the City and enforceable in accordance with the registry’s applicable standards, practices, or protocols. The carbon offsets must substantively satisfy all six of the statutory “environmental integrity” requirements applicable to the CARB Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, permanent, quantifiable, verifiable, enforceable, and additional. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., ANAB Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier</p>	

<sup>4</sup> This performance metric is derived from the 2030 ECAP, which incorporates the City of Oakland’s adopted GHG emissions target of 56 percent below 2005 levels by the year 2030. For non-transportation emissions this equates to a Citywide efficiency threshold of 0.61 MTCO<sub>2e</sub> per service population. Refer to the Downtown Oakland Specific Plan Draft EIR, Table V.D-3 (p. 277), for its derivation, which divides the citywide 2030 non-transportation emissions target of 491,799 MTCO<sub>2e</sub> by a projected service population of 812,535 (City of Oakland, 2019b).

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<p><b>Impact GHG-1 (cont.)</b></p>	<p>accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification. Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.</p> <p>(2) Geographic location: Carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of priority to the extent <del>available</del> <i>feasible</i>: (1) off-site within the neighborhood surrounding the Project site, including West Oakland; (2) the greater City of Oakland community; (3) within the San Francisco Bay Area Air Basin; (4) the State of California; and (5) the United States of America. Any offset credits used for mitigation are subject to the approval of the City.</p> <p><b>B. Implementation, Monitoring and Enforcement</b></p> <p><b>1) Updated GHG Reduction Plan Required for Each Phase<sup>5</sup></b></p> <p>Prior to issuance of the first grading or construction-related permit for each phase or sub-phase of development (i.e. a Final Development Plan and/or permit for horizontal improvements) the Applicant shall update the GHG Reduction Plan to calculate the actual quantity of emissions from construction and operation of the phase or sub-phase for the life of the Project (defined as 30 years of operation), to calculate the reductions necessary (including local, direct, and offset credits) to achieve the “no net additional” threshold for the proposed phase or sub-phase, and to identify the specific local reduction measures and offset requirements that will be implemented to meet the threshold for the proposed phase or sub-phase. The Applicant shall provide the updated Plan to the City for review and approval, along with a separate “AB 734 Compliance Memorandum” for the phase or sub-phase, prepared in conformance with the methodology set forth in the CARB Determination, a courtesy copy of which shall also be provided to CARB.</p> <p>The GHG Reduction Plan, as amended, shall identify any proposed GHG Emissions Reduction Measures to be implemented or offset credits to be purchased as part of each phase that exceed those required to offset the phase’s emissions and achieve the “no net additional” threshold, in which case the balance of the reductions and/or credits shall be considered a “credit bank” applicable to subsequent phases.</p> <p><b>2) Implementation</b></p> <p>The Project sponsor shall implement the updated and approved GHG Reduction Plan during construction and operation of each permitted phase as follows:</p>	

<sup>5</sup> CARB’s AB 734 Determination refers to the GHG Reduction Plan Updates completed at each phase as the “AB 734 Compliance Memorandum.”

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<p><b>Impact GHG-1 (cont.)</b></p>	<p>For physical GHG reduction measures to be incorporated into the design of the Project, the measures shall be included on the drawings submitted for construction-related permits and implemented during construction. The City shall confirm inclusion of these measures in the plans prior to issuance of a building permit for the applicable phase and confirm the measures were built as part of the final inspection for a Temporary Certificate of Occupancy (TCO).</p> <p>For physical GHG reduction measures to be incorporated into off-site projects, the Project sponsor shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval prior to issuance of the first building permit for the applicable phase. These off-site improvements shall be installed prior to completion of the applicable phase as shown in final development plan or equivalent. The City shall confirm completion of these measures prior to issuance of a TCO for the applicable phase and as part of the final inspection.</p> <p>For GHG reduction measures involving the purchase of carbon offset credits for horizontal construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the first grading and/or permit for horizontal construction (P-Job permit) for each construction phase or subphase for horizontal construction and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired <u>prior to issuance of the construction permit for each construction phase or subphase</u>. <del>The City shall confirm receipt evidence that the contract has been entered into prior to issuance of the permit and evidence of the of the verification reports and serial numbers prior to completion of the phase.</del> <u>The City shall confirm receipt of verification reports and serial numbers prior to permit issuance.</u></p> <p>For GHG Reduction measures involving the purchase of carbon offset credits for vertical construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the building permit for each building's construction, and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired prior to issuance of the building permit for each building's construction. The City shall confirm receipt of verification reports and serial numbers prior to permit issuance.</p> <p>For GHG Reduction measures involving the purchase of carbon offset credits for operational emissions, contracts for purchase of credits shall be entered into prior to issuance of a TCO for each building and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired. The City shall confirm receipt of the verification reports and serial numbers prior to issuance of a TCO.</p> <p><b>3) Annual Report Required</b></p> <p>The Applicant shall submit an annual report to the City's Planning Director on November first of each calendar year starting one year after the City issues the first TCO for the project.</p> <p>The Annual Report shall summarize the Project's implementation of GHG reduction measures over the preceding year, provide information on past, current, and anticipated Project phasing, describe compliance with the conditions of the Plan, and include a brief summary of any revisions to the GHG Reduction Plan since the previous Annual Report was submitted, including the start</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<p><b>Impact GHG-1 (cont.)</b></p>	<p>of new phases or sub-phases affected by the Plan. The Annual Report shall keep an ongoing tally of all carbon offset credits that have been purchased and applied to the Project, including the serial numbers of the credits, and the registry into which they have been permanently retired.</p> <p>The City or its third-party GHG emissions expert shall review the Annual Report to verify that the GHG Reduction Plan is being implemented in full and monitored in accordance with the terms of this mitigation measure. The City retains the right to request a Corrective Action Plan if the Annual Report is not submitted or if the GHG Reduction Measures in the Plan are not being fully implemented and/or maintained as appropriate over the Project's 30-year lifetime, and to enforce provisions of that Corrective Action Plan if specified actions are not taken or are not successful at addressing the violation within the specified period of time.</p> <p>Notwithstanding the foregoing, the City retains its discretion to enforce all mechanisms under the Municipal Code and other laws to enforce non-compliance with the requirements of this mitigation measure.</p> <p>The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the Applicant, to coincide with other related monitoring and reporting required for the Project, provided that the Annual Report shall be submitted not less than once per calendar year.</p> <p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (See Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (See Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (See Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (See Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional Criteria Pollutant Reduction Measures Mitigation Plan.</u></b> (See Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (See Section 4.15, <i>Transportation</i>)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, <i>Transportation</i>)</p>	
<p><b>Impact GHG-2:</b> The Project could generate GHG emissions, either directly or indirectly, that result in a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. (Criterion 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.</b> (see Impact GHG-1)</p> <p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (see Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.</b> (see Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (see Section 4.2, <i>Air Quality</i>)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (see Section 4.2, <i>Air Quality</i>)</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.7 Greenhouse Gas Emissions (cont.)</b>		
<p><b>Impact GHG-1 (cont.)</b></p>	<p><b>Mitigation Measure AIR-2e: <u>Additional</u> Criteria Pollutant <u>Reduction Measures</u> Mitigation Plan.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Section 4.9, Hydrology and Water Quality)</p> <p><b>Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2<sup>nd</sup> Street.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7<sup>th</sup> Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8<sup>th</sup> Street.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3a: At-grade railroad corridor and crossing improvements.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (See Section 4.15, <i>Transportation and Circulation</i>)</p> <p><b>Mitigation Measure UTIL-3: Recycling Collection and Storage Space.</b> (see Section 4.16, Utilities and Service Systems)</p>	
<b>4.8 Hazards and Hazardous Materials</b>		
<p><b>Impact HAZ-1:</b> The Project would not create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials. (Criteria 1 and 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (See Section 4.9, Hydrology and Water Quality)</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.8 Hazards and Hazardous Materials (cont.)</b>		
<p><b>Impact HAZ-2:</b> The Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and could create a significant hazard to the public or the environment. (Criterion 5) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated <u>RAPRAW</u>, LUCs and Associated Plans.</b></p> <p>Prior to Project-related grading or construction onsite, the project sponsor shall prepare a consolidated <u>RAPRAW</u>, LUCs, and associated plans, all of which shall be submitted to the DTSC for review and approval. The project sponsor shall provide the chief building official with documentation of DTSC's approval prior to issuance of a grading, excavation, and/or construction permits on the project site. The consolidated <u>RAPRAW</u>, LUCs, and associated governing plans shall include the following:</p> <ol style="list-style-type: none"> <li>1. A <b><u>Remedial Action Plan (RAP)</u></b>/<b><u>Remedial Action Workplan (RAW)</u></b> shall be prepared in compliance with established US EPA and DTSC guidelines, specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and land uses, including allowing residential use under specified conditions. The <u>RAPRAW</u> shall identify and address potential impacts of the remediation activities themselves. The <u>RAPRAW</u> shall:                     <ol style="list-style-type: none"> <li>a. Identify known areas with soil, soil gas, and/or groundwater with COC concentrations above the Target Cleanup Levels developed in the previously described Risk Assessment.</li> <li>b. Describe specific remedial methods to be applied to each of the contaminated media and areas.</li> <li>c. Describe procedures for the excavation, treatment, stockpiling, containerization, transportation, and disposal of contaminated media, including soil and dewatering effluent. Offsite disposal of contaminated materials shall be conducted by licensed hazardous waste transporters and offsite disposal facilities shall be licensed facilities permitted to accept the waste materials.</li> <li>d. For those areas and media where removal or treatment is proposed, describe sampling and analytical methods to verify that contaminated materials have been removed or treated such that the numerical cleanup levels have been achieved.</li> <li>e. Describe vapor intrusion barriers and other required remedies for those areas that will require inhalation protection (e.g., ground floor residential areas).</li> <li>f. Describe cap restoration actions for those areas that will require a cap or engineered equivalent. The cap may consist of asphalt or concrete hardscape. Engineered equivalents may include the addition of sufficient fill and/or engineered drainage to isolate the public and the environment from underlying contaminants.</li> </ol> </li> <li>2. Separate but similar <b>LUCs</b> shall be prepared for the A's and Port portions of the project site. The LUCs shall describe prohibited land uses (e.g., hospital), prohibited activities (e.g., disturbance of the cap or engineered equivalent without the approval of the DTSC), and notification and reporting requirements for activities that disturb areas with a cap or engineered equivalent.</li> <li>3. An <b>Operations and Maintenance (O&amp;M) Plan</b> shall be prepared describing long-term groundwater monitoring and cap maintenance procedures. The O&amp;M Plan shall govern the ongoing operations and maintenance and shall include procedures describing how soil and</li> </ol>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.8 Hazards and Hazardous Materials (cont.)</b>		
<b>Impact HAZ-2 (cont.)</b>	<p>groundwater shall be managed during future maintenance activities, utility installations, and other activities. The O&amp;M Plans shall require annual groundwater monitoring programs, annual and five-year reporting obligations, health and safety plans, notification requirements, cap maintenance obligations. For certain construction projects raising unique issues, project specific soil and groundwater management plans shall be submitted to the DTSC for their approval before work can begin. The O&amp;M Plan shall describe operations for the seasonal drainage of rainwater and the as-needed drainage of groundwater for the area within the cutoff wall beneath the ballpark.</p> <p><b>Mitigation Measure HAZ-1b: Compliance with Approved <u>RAPRAW</u>, LUCs and Associated Plans.</b></p> <p>Prior to issuance of any grading, building, or construction permit for the Project, the Project sponsor shall provide evidence to the chief building official of DTSC concurrence that the proposed action is consistent with the RAW, LUCs, and Associated Plans adopted to ensure protections appropriate for the type of anticipated construction activity. Prior to issuance of a certificate of occupancy or similar operating permit for new buildings and uses by the chief building official, the Project sponsor shall provide evidence of successful implementation of protective measures to ensure protections appropriate for the type of anticipated uses, including allowing residential use under specified conditions, in the form of a certificate of completion, finding of suitability for the project's intended use, or similar documentation issued by the DTSC.</p> <p><b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b></p> <p>Prior to issuance of building, construction, or grading permits, the Project sponsor and its contractors shall prepare and implement Health and Safety Plans (HASPs) for the protection of workers, the public, and the environment. The HASPs shall be prepared by a California licensed professional of applicable expertise (e.g., certified industrial hygienist, professional engineer, professional geologist). The HASPs shall include measures consistent with customary protocols and applicable regulations (including, but not limited to Title 8 of the California Code of Regulations) for the protection of workers, site users, the public, and the environment. The HASPs shall include procedures for the management of impacted soil; use of personal protective equipment; management, use and or treatment of water associated with construction activities; and dust mitigation). In addition, the HASPs shall include procedures to address the discovery of any suspect soils (e.g., chemical odor and/or discoloration) during construction activities, including notification and the investigation, removal, and disposal of soils as appropriate under DTSC directives and local, State, and federal regulations). The HASPs shall be submitted to the chief building official prior to the commencement of construction activities.</p> <p><b>Mitigation Measure HAZ-1d: Hazardous Building Materials.</b></p> <p>Numerous existing regulations require that demolition and renovation activities that may disturb or require the removal of materials that consist of, contain, or are coated with hazardous building materials, such as ACM and/or LBP, must be inspected and/or tested for the presence of such hazardous materials. If present, the hazardous materials must be managed and disposed of in accordance with applicable laws and regulations. The identification, removal, and disposal for ACM</p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.8 Hazards and Hazardous Materials (cont.)</b>		
<b>Impact HAZ-2 (cont.)</b>	<p>is regulated under CCR Title 8, Division 1, Chapter 4, Article 4, Sections 1529 and 5208. The identification, removal, and disposal for LBP is regulated under CCR Title 8, Division 1, Chapter 4, Article 4, Section 1532.1. All work must be conducted by a State-certified professional, which would ensure compliance with all applicable regulations. If ACM and/or LBP are determined to exist on-site, a site-specific hazard control plan must be prepared detailing removal methods and specific instructions for providing protective clothing and equipment for abatement personnel. A State-certified ACM and/or a LBP removal contractor shall be retained to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities shall be transported and disposed of at a landfill permitted to accept such waste and in compliance with applicable local, State, and federal laws and regulations. Once all abatement measures have been implemented, the contractor shall conduct a clearance examination and provide written documentation to the local Bay Area Air Quality Management District that ACM and LBP testing and abatement have been completed in accordance with all federal, State, and local laws and regulations. Upon acceptance by the Bay Area Air Quality Management District that abatement activities have been completed, the acceptance documentation shall be provided to the chief building official prior to the issuance of a demolition permit or (in the case of a building renovation) a certificate of occupancy or similar operating permit.</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Section 4.9, <i>Hydrology and Water Quality</i>)</p>	
<b>Impact HAZ-3:</b> The Project would provide adequate emergency access but could fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Criteria 6 and 9) ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure TRANS-4: Construction Management Plan.</b> (see Section 4.15, <i>Transportation and Circulation.</i> )	Less Than Significant
<b>Impact HAZ-1.CU:</b> The Project, combined with cumulative development in the Project vicinity, could result in significant cumulative impacts relative to hazards and hazardous materials. ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Impact HAZ-1)</p> <p><b>Mitigation Measure HAZ-1b: Compliance with Approved <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see above)</p> <p><b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b> (see Impact HAZ-1)</p> <p><b>Mitigation Measure HAZ-1d: Hazardous Building Materials.</b> (see Impact HAZ-1)</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Section 4.9, <i>Hydrology and Water Quality.</i>)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (see Section 4.9, <i>Hydrology and Water Quality</i>)</p> <p><b>Mitigation Measure TRANS-4: Construction Management Plan.</b> (see Section 4.15, <i>Transportation and Circulation</i>)</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.9 Hydrology and Water Quality</b>		
<p><b>Impact HYD-1:</b> The Project could violate surface water and groundwater quality standards, result in erosion or siltation on- or offsite that could affect receiving water quality, and/or substantially degrade surface water and groundwater quality, conflict with implementation of a water quality control plan, or fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16). (Criteria 1, 3, 7, 12, and 13) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b></p> <p>The Project sponsor shall comply with the provisions of the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16), for which the Oakland-Alameda Estuary is a qualifying waterbody.</p> <p>a. Creek Protection Plan Required</p> <p>Prior to the approval of a construction-related permit, the Project sponsor shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices (“BMPs”) during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).</p> <p>b. Construction BMPs</p> <p>The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:</p> <p>i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.</p> <p>ii. The Project sponsor shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.</p> <p>iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.</p> <p>iv. Immediately upon completion of work in or near creek channels, soil must be repacked and native vegetation planted.</p> <p>v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.9 Hydrology and Water Quality (cont.)</b>		
<b>Impact HYD-1 (cont.)</b>	<ul style="list-style-type: none"> <li>vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.</li> <li>vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.</li> <li>viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill.</li> <li>ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.</li> <li>x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the Project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.</li> <li>xi. Broom sweep the street pavement adjoining the project site on a daily basis as needed. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the active work area must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.</li> <li>xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).</li> <li>xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.</li> <li>c. Post-Construction BMPs The Project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.</li> <li>d. Landscaping The Project sponsor shall include landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall</li> </ul>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.9 Hydrology and Water Quality (cont.)</b>		
<b>Impact HYD-1 (cont.)</b>	<p>include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season. Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.</p> <p>e. Creek Protection Plan Implementation</p> <p>The Project sponsor shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the Project sponsor. The City may require that a qualified consultant (paid for by the Project sponsor) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the Project sponsor shall develop and implement additional and more effective measures immediately.</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b></p> <p>a. Post-Construction Stormwater Management Plan Required</p> <p>The Project sponsor shall comply with the City's Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), including the requirements of Provision C.3. Prior to approval of construction-related permit, the Project sponsor shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ul style="list-style-type: none"> <li>i. Location and size of new and replaced impervious surface;</li> <li>ii. Directional surface flow of stormwater runoff;</li> <li>iii. Location of proposed on-site storm drain lines;</li> <li>iv. Site design measures to reduce the amount of impervious surface area;</li> <li>v. Source control measures to limit stormwater pollution;</li> <li>vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</li> <li>vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</li> </ul>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.9 Hydrology and Water Quality (cont.)</b>		
<p><b>Impact HYD-1 (cont.)</b></p>	<p>b. Maintenance Agreement Required</p> <p>Prior to building permit final, the Project sponsor shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> <li>i. The Project sponsor accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</li> </ul> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the sponsor's expense.</p> <p><b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Impact HAZ-1)</p> <p><b>Mitigation Measure HAZ-1b: Compliance with Approved <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Impact HAZ-1)</p> <p><b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b> (see Impact HAZ-1)</p>	
<p><b>Impact HYD-2:</b> The Project would not result in substantially depleting groundwater supplies or interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or lowering the local groundwater table. (Criterion 2) (<i>Less than Significant</i>)</p>	<p>None required</p>	<p>Less Than Significant</p>
<p><b>Impact HYD-3:</b> The Project would not result in substantial flooding on- or off-site or create or contribute substantial runoff which would be an additional source of polluted runoff. (Criteria 4 and 6) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HYD-1a: Creek Protection Plan</b> (See Impact HYD-1)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (See Impact HYD-1)</p>	<p>Less Than Significant</p>
<p><b>Impact HYD-4:</b> The Project would place structures, including potential housing, within a 100-year flood hazard area, which could impede or redirect flood flows, exposing people or structures to a significant risk of loss, injury or death involving flooding. (Criterion 8 and 9) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HYD-2: Structures in a Flood Zone.</b></p> <p>The Project shall be designed to ensure that new structures within a 100-year flood zone do not interfere with the flow of water or increase flooding. Prior to approval of construction-related permit, the Project sponsor shall submit plans and hydrological calculations for City review and approval with the construction-related drawings that show finished site grades and floor elevations of buildings located within the current 100-year coastal flood Special Flood Hazard Area (SFHA) and/or 100-year Base Flood Elevation (BFE) elevated above the current 100-year coastal flood SFHA and/or 100-year BFE.</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.9 Hydrology and Water Quality (cont.)</b>		
<p><b>Impact HYD-5:</b> The Project could expose people or structures to a significant risk of loss, injury or death involving flooding. (Criterion 10 and 11) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure HYD-3: Sea Level Rise Final Adaptive Management and Contingency Plan.</b></p> <p>Prior to the issuance of the first grading permit for the Project, the Project sponsor shall develop a final adaptive management and contingency plan for sea level rise using the strategies identified in the <i>Tidal Datums and Sea Level Rise Design Basis Memorandum</i> prepared for the Project (Moffat &amp; Nichol, 2019) or other equivalent strategies that will be implemented to address the medium-high risk aversion scenario through 2100, subject to approval of the City and the State Lands Commission pursuant to AB 1191. The final adaptive management and contingency plan shall, at a minimum, include enforceable strategies incorporating an adaptive management approach to sea level rise for the duration of ground lease term for the final trust lands. The plan shall establish a monitoring and compliance program providing for regular review and enforcement by the City, including actual measured sea level rise adjacent to the Project site, and strategies that have been implemented, or are required to be implemented in the future, to address then-current projections of sea level rise.</p> <p><u>The framework for such a plan will be based on <i>monitoring</i> of flooding events, sea level rise, and groundwater levels; establishing <i>triggers</i> for management actions that include planning and design of adaptations; and <i>implementing</i> adaptation measures. The objective of the plan will be to identify specific thresholds when responses to sea levels and groundwater levels higher than those built into the initial Project design need to be initiated, which adaptation measures best meet flood protection objectives and site use constraints, and how to fund and implement the measures.</u></p> <p><u>The Project's adaptation strategy will vary in different areas based on levels of acceptable risk, requirements to maintain existing uses and connectivity to adjacent streets, and the desire to provide a variety of user experiences. The decision on which adaptations to implement will be based on a variety of factors, including applicable sea level rise guidance at the time, consultation with agencies, regulatory requirements, and industry best practices at the time of adaptation. Adaptation measures would be tailored for each component of the site, as described in more detail in Moffat &amp; Nichol (2021). The type, location, and residual inundation extent for a potential adaptation pathway to provide sea level rise resilience for the Project site is shown in two stages, for 2050 (Moffat &amp; Nichol 2021 figure Potential Future Inundation Within Project Limits Year: ~2050 with 100-yr tide) and 2100 (Moffat &amp; Nichol 2021 figure Potential Future Inundation Within Project Limits Year: ~2100 with 100-yr tide).</u></p>	Less Than Significant
<p><b>Impact HYD-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative impacts on surface water or groundwater quality. <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure HYD-1a: Creek Protection Plan.</b> (see Impact HYD-1)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements.</b> (see Impact HYD-1)</p> <p><b>Mitigation Measure HYD-2: Structures in a Flood Zone.</b> (see Impact HYD-4)</p> <p><b>Mitigation Measure HYD-3: Sea Level Rise Final Adaptive Management and Contingency Plan.</b> (see Impact HYD-5)</p> <p><b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Section 4.8, <i>Hazards and Hazardous Materials</i>)</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.9 Hydrology and Water Quality (cont.)</b>		
	<p><b>Mitigation Measure HAZ-1b: Compliance with Approved <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Section 4.8, <i>Hazards and Hazardous Materials</i>)</p> <p><b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b> (see Section 4.8, <i>Hazards and Hazardous Materials</i>)</p>	
<b>4.10 Land Use, Plans, and Policies</b>		
<b>Impact LUP-1:</b> The Project would not result in the physical division of an existing community. (Criterion 1) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact LUP-2:</b> The Project could result in a fundamental conflict with adjacent or nearby land or water-based uses. (Criterion 2) ( <i>Less than Significant with Mitigation</i> )	<p><b>Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan and Requirements.</b></p> <p>The Project sponsor shall <del>develop</del><sup>have</sup> a protocol for boating and water recreation around the Project site <del>including the requirements set forth in this measure, as approved by</del> <u>with the approval</u> of the City of Oakland and the Port of Oakland, <u>in consultation with</u> the San Francisco Bay Area Water Emergency Transportation Authority, the Harbor Safety Committee of the San Francisco Bay Region, and the United States Coast Guard (<u>collectively, the "Consulting Agencies"</u>).</p> <p>The protocol shall specify measures <del>intended</del> to minimize conflicts with maritime navigation resulting in safety hazards and ship delay, and shall be implemented prior to and during baseball games, concerts, and other large events (as defined in the TMP) scheduled at the ballpark or the Waterfront Park. The protocol shall include, but shall not be limited to, the following requirements:</p> <ol style="list-style-type: none"> <li>1. Installation and maintenance of signs along the wharf informing recreational watercraft of the prohibition on docking, <u>loitering</u>, and anchoring adjacent to the Project site, including the wharf adjacent to the Project site;</li> <li>2. Water-based patrols by the Oakland Police Department during and reasonably prior and subsequent to, all baseball games, concerts, and other large events (as defined in the TMP) at the ballpark or the Waterfront Park, sufficient to remove any boating and water recreation activity that is not in compliance with all the applicable laws, regulations, and rules governing navigation in the shipping channel or in the turning basin, as well as ensuring that no such boating or water recreation activity loiters, anchors, or otherwise impedes maritime navigation;</li> <li>3. Procedures for response to water-related emergencies adjacent to the Project site during all baseball games, concerts, and other large events (as defined in the TMP) at the ballpark or the Waterfront Park <u>and evaluations of procedures for the imposition of safety zones, security zones (including navigational security needs under all Maritime Security [MARSEC] levels), and restricted navigational areas;</u> and</li> <li>4. Communications by the Project sponsor to its guests, customers, and the public regarding this protocol <u>and appropriate safety measures for any recreational boating or water-based activities</u> through communicating on (without limitation) its websites and on communications to those who have purchased entry to ballpark events.</li> </ol>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.10 Land Use, Plans, and Policies (cont.)</b>		
<p><b>Impact LUP-2 (cont.)</b></p>	<p>The Project sponsor shall solely fund the cost of all of the above requirements, including the incremental cost of the additional water-based OPD patrols.</p> <p>The <del>Project sponsor, the</del> City of Oakland, and the Port of Oakland (collectively, the "Approving Parties") <u>in consultation with the Project sponsor</u> shall reach agreement on a protocol achieving all of these requirements prior to the issuance of a certificate of occupancy <del>and Port Building Permit</del> for the ballpark. During the opening baseball season in which games are played in the ballpark, the Approving Parties shall meet at least monthly <u>with the Project sponsor</u> to review the effectiveness of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards <u>in consultation with interested Consulting Agencies</u>. After this opening baseball season, the Approving Parties shall continue to meet monthly <u>with the Project sponsor</u> to review the effectiveness of the protocol unless less frequent meetings are mutually agreed upon <u>in consultation with interested Consulting Agencies</u>. Additionally, the Approving Parties shall review annually the number of OPD warnings and citations, safety incidents, and water-related emergency responses to ensure that the safety measures are effective <u>in consultation with interested Consulting Agencies</u>.</p> <p>The Approving Parties <u>and the Project sponsor</u> shall make good faith efforts to regularly revise the initial protocol <u>as necessary based on information</u> on the effectiveness and feasibility of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards <u>in consultation with the Consulting Agencies</u>. If the Approving Parties <u>and Project sponsor</u> cannot mutually agree to revise the protocol to ensure that it effectively prevents non-compliant boating activity, shipping delays, and water safety hazards within 30 days of first making such efforts, then the Port may require additional operational safety measures that are similar to those listed in the initial protocol, including measures such as increased water-based patrols or enhanced signage, which shall be promptly implemented by Project sponsor at Project sponsor's sole cost.</p> <p><b>Mitigation Measure LUP-1b: Implement Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution.</b> (see Section 4.1, Aesthetics, Shadow and Wind)</p> <p><b>Mitigation Measure LUP-1c: Land Use Siting and Buffers.</b></p> <p>All proposed sensitive uses (including residences and childcare facilities) on the Project site shall be prohibited west of Myrtle Street. Prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from the UPRR railyard to the northwest of the Project site, per guidance from the California Air Resources Board's (CARB's) <i>Air Quality and Land Use Handbook</i> (2005). Prior to the issuance of a construction-related permit, the Project sponsor shall develop detailed plans and specifications for buffering strategies to be used during Project development, including timing and phasing of implementation to precede on-site sensitive receptors. Buffering strategies to be used on the Project site shall incorporate guidance contained in CARB's <i>Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways</i> (2017) and the U.S. Environmental Protection Agency's (U.S. EPA's) <i>Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality</i> (2016) and include (but not be limited to):</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.10 Land Use, Plans, and Policies (cont.)</b>		
<b>Impact LUP-2 (cont.)</b>	<ol style="list-style-type: none"> <li>1. The creation of building and streetscape design principles that shall incorporate buildings with varying shapes and heights, building articulations, and spaces that encourage air flow.</li> <li>2. Solid barriers (e.g., sound walls or building walls) along the western perimeter of the Project site that shall be used in combination with vegetation barriers (i.e., dense trees/vegetation planted next to the solid barrier). If implemented Solid building exterior walls built on the western property line of Block 17 shall be used in combination with upper level setbacks and landscaping elements.</li> <li>3. Vegetated buffers along the western perimeter of the site and portions of the northern perimeter west of Market Street that shall be planted densely, contain plants tolerant of air pollution, use trees, shrubs, and grasses for multi-level pollutant trapping, and use multiple species to minimize risks with low diversity.</li> </ol> <p>City planning staff shall review and accept the Project sponsor’s plans and specification, together with their proposed timing and phasing strategies prior to issuance of any construction-related permit. Accepted plans, specifications, and phasing shall be referenced on all subsequent construction-related plans submitted to the City’s building official, who shall determine compliance prior to permit issuance and upon final inspection.</p> <p>The project Sponsor shall be responsible for maintaining all solid barriers and vegetated buffers for the life of the Project.</p> <p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-1c: Diesel Particulate Matter Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional</u> Criteria Pollutant <u>Reduction Measures</u> <u>Mitigation Plan.</u></b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-4a: Install MERV16 Filtration Systems.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2.CU: Implement Applicable Strategies from the West Oakland Community Action Plan.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure BIO-1b: Bird Collision Reduction Measures.</b> (see Section 4.3, Biological Resources)</p> <p><b>Mitigation Measure NOI-3, Noise Reduction Plan for Exposure to Community Noise.</b> (see Section 4.11, Noise and Vibration)</p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.10 Land Use, Plans, and Policies (cont.)</b>		
<b>Impact LUP-2 (cont.)</b>	<p><b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Improvement Measure LUP-1: Statement of Disclosure.</b></p> <p><i>The Project sponsor and any future owners of the Project or portions of the Project shall provide a Statement of Disclosure on the lease or title to all new tenants or owners of the Project, or any portion thereof, acknowledging the commercial and industrial character of the Project's environs, and providing express acceptance of the potential for the Port's maritime and marine operations in the area to result in certain off-site impacts at higher levels than would be expected in other mixed-use or residential areas of the City. This requirement shall run with the land.</i></p>	
<b>Impact LUP-3:</b> The Project would not conflict with public trust restrictions. (Criterion 3) <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact LUP-4:</b> The Project would not conflict with the San Francisco Bay Plan and Seaport Plan land use policies adopted for the purpose of avoiding or mitigating an environmental effect. (Criterion 3) <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact LUP-5:</b> Development of the Project would not conflict with other regional land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. (Criterion 3) <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact LUP-6:</b> Development of the Project would not result in a fundamental conflict with City of Oakland General Plan land use policies (Criterion 3). <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact LUP-7:</b> Development of the Project would not fundamentally conflict with City of Oakland Estuary Policy Plan. (Criterion 3) <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact LUP-8:</b> Development of the Project would not conflict with City of Oakland Planning Code and Zoning Map. (Criterion 3) <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact LUP-1.CU:</b> Development of the Project, in combination with past, present, existing, approved, pending and reasonably foreseeable future projects within and in the vicinity of the Project site, would not result in significant cumulative impacts to land use and planning. <i>(Less than Significant with Mitigation)</i>	<p><b>Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan and Requirements.</b> (see Impact LUP-2)</p> <p><b>Mitigation Measure LUP-1b: Implement Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution.</b> (see Section 4.1, Aesthetics, Shadow and Wind)</p> <p><b>Mitigation Measure LUP-1c: Land Use Siting and Buffers.</b> (see Impact LUP-2)</p> <p><b>Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.</b> (see Section 4.2, Air Quality)</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.10 Land Use, Plans, and Policies (cont.)</b>		
<p><b>Impact LUP-1.CU (cont.)</b></p>	<p><b>Mitigation Measures AIR-1c: Diesel Particulate Matter Controls.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2e: <u>Additional</u> Criteria Pollutant <u>Reduction Measures</u> <u>Mitigation Plan.</u></b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-4a: Install MERV16 Filtration Systems.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measures AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure AIR-2.CU: Implement Applicable Strategies from the West Oakland Community Action Plan.</b> (see Section 4.2, Air Quality)</p> <p><b>Mitigation Measure BIO-1b: Bird Collision Reduction Measures.</b> (see Section 4.3, Biological Resources)</p> <p><b>Mitigation Measure NOI-3, Noise Reduction Plan for Exposure to Community Noise.</b> (see Section 4.11, Noise and Vibration)</p> <p><b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (see Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (see Section 4.15, Transportation and Circulation)</p>	
<b>4.11 Noise and Vibration</b>		
<p><b>Impact NOI-1:</b> Construction of the proposed Project would result in substantial temporary or periodic increases in ambient noise levels in the Area in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Criteria 1 and 2) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure NOI-1a: Construction Days/Hours.</b></p> <p>The Project sponsor shall comply with the following restrictions concerning construction days and hours:</p> <p><b>a. <i>Monday-Friday.</i></b> With the exception of the proposed nighttime installation of the stadia precast and ballpark concrete pours, construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday extreme noise generating activities (those generating noise levels greater than 90 dBA) shall be limited to between 8:00 a.m. and 4:00 p.m.</p> <p><b>b. <i>Saturday.</i></b> Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities No pier drilling or other extreme noise generating activities (activities generating greater than 90dBA) are allowed on Saturday.</p>	<p>Significant and Unavoidable</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<p><b>Impact NOI-1 (cont.)</b></p>	<p><b>c. <i>Sunday and Holidays.</i></b> With the exception of construction of the proposed ballpark and site prep prior to or during the course of ballpark construction, no construction is allowed on Sunday or holidays for any of the remaining activities of Phase 1 construction or construction of Phase 2 buildings and infrastructure. Ballpark construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Sunday and holidays. No pier drilling or other extreme noise generating activities (activities generating greater than 90dBA) are allowed on Sunday or holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The Project sponsor shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the Project sponsor shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p><b>Mitigation Measure NOI-1b: Construction Noise Reduction.</b></p> <p>The Project sponsor shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>a. Equipment and trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</li> <li>b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</li> <li>c. The Project sponsor shall use temporary power poles instead of generators where feasible.</li> <li>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</li> </ul>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<b>Impact NOI-1 (cont.)</b>	<p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p> <p><b>Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.</b></p> <p>a. <b><i>Construction Noise Reduction Plan Required.</i></b> Prior to any noise generating construction activities, the Project sponsor shall retain a qualified acoustical consultant to update the Draft submit a Construction Noise Reduction Plan prepared by a qualified acoustical consultant for City review and approval. <u>The Project sponsor shall implement the approved Plan during construction with the goal of achieving interior noise levels that do not exceed 45 dBA for residential activities, 50 dBA for offices and group assembly activities, and 55 dBA for other commercial activities, or current baseline levels. The updated plan shall that contains a set of site-specific noise attenuation measures to further reduce construction impacts, specifically impacts associated with extreme noise generating activities (activities generating greater than 90 dBA) and/or affecting sensitive receptors on or near the Project site as follows. The Project sponsor shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</u></p> <ul style="list-style-type: none"> <li>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.</li> <li>ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where <u>such technologies are acceptable given feasible, in consideration of geotechnical and structural requirements and conditions;</u></li> <li>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>iv. Specify additional <u>feasible</u> attenuation measures <u>and best practices</u> to further reduce extreme noise generating construction activities (activities generating greater than 90dBA);</li> <li>v. Specify additional <u>feasible</u> attenuation measures <u>and best practices</u> to further reduce construction noise impacts on the existing Phoenix Lofts, the Ellington Condominiums, and future occupants of Phase 1 residences;</li> <li>vi. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</li> <li>vii. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ul>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<p><b>Impact NOI-1 (cont.)</b></p>	<p><b>b. Public Notification Required.</b> The Project sponsor shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project sponsor shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p> <p><b>Mitigation Measure NOI-1d: Construction Noise complaints.</b></p> <p>The Project sponsor shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> <li>a. Designation of an on-site construction complaint and enforcement manager for the Project;</li> <li>b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the Project complaint manager and City Code Enforcement unit;</li> <li>c. Protocols for receiving, responding to, and tracking received complaints; and</li> <li>d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.</li> </ol> <p><b>Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors.</b></p> <p>The Project sponsor shall provide physical improvements or temporary accommodations for residents of the Phoenix Lofts and new Phase 1 receptors during impact or vibratory pile driving activities when it occurs within 300 feet with direct line of sight for the duration of the pile driving activity within the distances specified.</p> <ul style="list-style-type: none"> <li>• Physical improvements may consist of installation of storm windows in specific out-facing residences and/or temporary installation of acoustical blankets on the outside of the structure facing the pile driving activities.</li> <li>• The accommodation option may be provided for the duration of pile driving activities. A temporary relocation Plan shall be developed by the Project sponsor and submitted to the City Department of Planning &amp; Building for review that specifies the duration of the accommodation and the type of accommodation (e.g., hotel or other). Once finalized, the affected residents shall be contacted six months prior to construction and provided with a description and the predicted severity and duration of construction-related noise exposure and provided the opportunity for temporary relocations as developed within the Temporary Relocation Plan.</li> </ul>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<p><b>Impact NOI-2:</b> Construction of the proposed Project would expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA). (Criterion 8) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors in Phase 1.</b> (see Impact NOI-1)</p> <p><b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b> (see Section 4.4, Cultural and Tribal Cultural Resources above)</p>	<p>Significant and Unavoidable for human exposure impacts</p> <p>Less than Significant</p>
<p><b>Impact NOI-3:</b> Operation of the proposed Project would result in generation of noise resulting in a 5-dBA permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project, or generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise. (Criteria 3 and 4) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure NOI-2a: Permit and Sound Control Plan Agreement Requirement for Concert Events.</b></p> <p>The Project sponsor shall <u>require each individual concert event obtain a concert event operation permit from the City Administrators office. Each operators permit will require the preparation and implementation of a prepare and implement a Sound Control Agreement Plan for Concert Events to be implemented at all for each concert events at the proposed ballpark to reduce the severity of potential noise impacts from amplified music. The This Sound Control Agreement Plan shall be submitted to the City’s Administrators office when applying for the special event permit required pursuant to Chapter 12.56 of the City’s Municipal Code. The Plan Sound Control Agreement shall be vetted by the City Administrator’s Office and shall contain the following elements:</u></p> <ul style="list-style-type: none"> <li>• <del><b>Sound Control Agreement:</b> Each concert event will require a permit from the City Administrators Office pursuant to Section 12.56 of the City’s Municipal Code. Any operator applying for a concert event at the ballpark shall enter into a Sound Control Agreement with the City as a part of this permit application. This Agreement shall establish operational restrictions on the operator both in terms of operational hours and quantitative sound level limits.</del></li> <li>• <b>Operational Hours:</b> The Sound Control Agreement would restrict the event operator to prescribed hours and days for all amplified sound.</li> <li>• <b>Operational Setup:</b> Noise impacts are predicted to occur at receptor locations south of the proposed ballpark. Consequently, speakers and stages shall be oriented so as to avoid directing amplified sound toward the more impacted southerly locations. The directional limitation shall be enforced for all auxiliary stage set-ups as well as the main stage, with the preferred direction being speakers facing inward.</li> <li>• <b>Sound Level Limits:</b> For concert events the maximum allowable sound amplification shall be established at approximately 100 feet from the stage or at an alternative location otherwise approved by the City.</li> <li>• <b>Real-time Monitoring:</b> Sound monitoring during events would represent the most effective method of not only ascertaining whether the operator is in compliance with the Sound Control Agreement, but also establishing a mechanism by which an operator may reduce sound levels in excess of the standard while the event is occurring.</li> </ul>	<p>Significant and Unavoidable</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<b>Impact NOI-3 (cont.)</b>	<p>Sound monitoring shall be performed either by City staff, the event operator, or by a contracted technician. This monitoring shall be conducted using a 10-minute <math>L_{eq}</math> average to assess compliance with the Sound Control Agreement. Sound levels shall be monitored at pre-established off-site receptor locations to be included in the Plan or at the sound board, if correlation to remote receptors can be established. If monitored sound levels are in excess of the standard in the Sound Control Agreement, the sound monitoring technician would contact the Sound Control Liaison (see below) by the manner agreed upon in the Sound Control Agreement. The Sound Control Liaison would then have the operator reduce noise levels. After this period, the technician would collect subsequent measurements to assess compliance throughout the balance of the concert event. Repeated occurrences of not meeting the response time would lead to future permit denials for the given operator.</p> <ul style="list-style-type: none"> <li>• <b>Sound Control Liaison:</b> As part of the Sound Control Agreement, the operator would designate a Sound Control Liaison to respond to notification of sound levels in excess of those established by the Sound Control Agreement. The Sound Control Liaison would be notified by the sound monitoring technician by cell phone or text. Once notified, the Sound Control Liaison would respond to the notification and reduce sound levels to acceptable levels</li> </ul> <p><b>Mitigation Measure NOI-2b: Egress Notifications.</b></p> <p>The Project sponsor shall disseminate information to event-goers identifying alternative egress routes without sensitive receptors and asking patrons for quiet post-event egress.</p> <p><b>Mitigation Measure NOI-2c: Operational Noise from Stationary Equipment.</b></p> <p>Noise levels from stationary equipment (e.g., HVAC systems) on the Project site after completion of the Project (i.e., during Project operation) shall comply with the noise standards in chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels caused by stationary equipment exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. Methods of achieving this standard include low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment with a rooftop mechanical penthouse, and use of shields and parapets to reduce noise levels to adjacent land uses. For Generators, industrial grade silencers can reduce exhaust noise by 12 to 18 dB and residential grade silencers by 18 to 25 dBA. (ASHRAE TC, 2006).</p> <p><b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (See Section 4.15, Transportation and Circulation)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, Transportation and Circulation)</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<p><b>Impact NOI-4:</b> The proposed Project could propose land uses in conflict with the land use compatibility guidelines of the Oakland General Plans. (Criterion 5 and 6) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure NOI-3. Noise Reduction Plan for Exposure to Community Noise.</b> Prior to approval of construction-related permit, once specific land use designations and building design plans are available, the Project sponsor shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. Exterior to interior noise reductions of 36 dBA have been demonstrated in modern urban residential uses (ESA, 2019), while attenuation of up to 45 dBA have been achieved at airport hotels. The Project sponsor shall implement the approved Plan during construction. Interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> <li>a. 45 dBA, DNL: Residential activities, civic activities, hotels</li> <li>b. 50 dBA, DNL: Administrative offices; group assembly activities</li> <li>c. 55 dBA, DNL: Commercial activities</li> <li>d. 65 dBA, DNL: Industrial activities</li> </ol>	<p>Less Than Significant</p>
<p><b>Impact NOI-5:</b> Operation of the proposed Project would not expose persons to groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA) or propose land uses in conflict with the land use compatibility guidelines of the Oakland General Plans. (Criterion 5 and 6) (<i>Less than Significant, but not a CEQA Consideration</i>)</p>	<p><b>Improvement Measure NOI-4. Vibration Reduction Plan.</b> All residential development with a vibration exposure exceeding 75 VdB from operations on the UPRR tracks shall be designed to reduce vibration from UPRR operations to 75 VdB or less for residential uses. Prior to issuance of any building permit for structures intended for human occupancy within 100 feet of the mainline track, a detailed vibration design study shall be completed by a qualified engineer to confirm the ground vibration levels and frequency along the UPRR tracks and to determine appropriate design to limit interior vibration levels to 75 VdB for residences, if necessary. Implementation of the recommended measures of the acoustical study into Project design elements shall be verified by the Oakland <u>Bureau of Building Department</u> as part of the plan-check process.</p> <p>Specific measures to achieve the performance standards set forth above may include one or a combination of the following methods:</p> <ul style="list-style-type: none"> <li>• Use of vibration isolation techniques such as supporting the new building foundations on elastomer pads similar to bridge bearing pads;</li> <li>• Installation of vibration wave barriers. Wave barriers would consist of control trenches or sheet piles, which are analogous to controlling noise with sound barrier. The applicability of this technique depends on the characteristics of the vibration waves.</li> </ul>	<p>Less Than Significant, but not a CEQA Consideration</p>
<p><b>Impact NOI-1.CU:</b> Construction activities of the proposed Project combined with cumulative construction noise in the Project area would cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity during construction. (<i>Significant and Unavoidable</i>)</p>	<p><b>Mitigation Measure NOI-1a: Construction Days/Hours.</b> (See Impact NOI-1) <b>Mitigation Measure NOI-1b: Construction Noise Reduction.</b> (See Impact NOI-1) <b>Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.</b> (See Impact NOI-1) <b>Mitigation Measure NOI-1d: Construction Noise Complaints.</b> (See Impact NOI-1) <b>Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors.</b> (See Impact NOI-1)</p>	<p>Significant and Unavoidable</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.11 Noise and Vibration (cont.)</b>		
<b>Impact NOI-2.CU:</b> Operation of the proposed Project when considered with other cumulative development would cause a substantial permanent increase in ambient noise levels in the Project vicinity. (Significant and Unavoidable)	<b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (See Section 4.15, Transportation and Circulation)  <b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Section 4.15, Transportation and Circulation)	Significant and Unavoidable
<b>4.12 Population and Housing</b>		
<b>Impact POP-1:</b> Construction of the proposed Project would not induce substantial population growth in a manner not contemplated in the General Plan. (Criterion 1) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact POP-2:</b> Implementation of the proposed Project would directly induce population growth by proposing new homes, and by extending roads and infrastructure to serve the Project site; however, this growth is within regional projections and consistent with the General Plan. (Criterion 1) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact POP-3:</b> Implementation of the proposed Project would directly induce population growth by proposing new businesses and by extending roads and infrastructure to serve the Project site; however, this growth would be consistent with the General Plan. (Criterion 1) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact POP-4:</b> Implementation of the proposed Project would not directly or indirectly displace substantial numbers of existing people or housing units necessitating the construction of replacement housing elsewhere. (Criteria 2 and 3) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact POP-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, would not contribute to cumulative substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure). ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact POP-2.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, would not displace substantial numbers of existing people or housing units necessitating the construction of replacement housing elsewhere. ( <i>Less than Significant</i> )	None required	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.13 Public Services</b>		
<p><b>Impact PUB-1:</b> The Project could result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (Criterion 1) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure PUB-1:</b> For construction of the new public services facilities, implement <b>Mitigation Measures AIR-1a, Dust Controls; AIR-1b, Criteria Air Pollutant Controls; AIR-1c, Diesel Particulate Matter Controls; AIR-1d, Super-Compliant VOC Architectural Coatings during Construction; BIO-1a, Disturbance of Birds during Nesting Season; BIO-2, Pre-Construction Assessments and Protection Measures for Bats; BIO-3, Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals; BIO-4, Compensation for Fill of Jurisdictional Waters; CUL-1, Maritime Resources Treatment Plan; CUL-2, Vibration Analysis for Historic Structures; CUL-4a, Archaeological Resources and Tribal Cultural Resources – Discovery During Construction; CUL-4b, Archaeologically Sensitive Areas – Pre-Construction Measures; CUL-5, Human Remains – Discovery During Construction; GEO-1, Site-Specific Final Geotechnical Report; GEO-2, Inadvertent Discovery of Paleontological Resources During Construction; HAZ-1a, Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans; HAZ-1b, Compliance with Approved RAPRAW, LUCs and Associated Plans; HAZ-1c, Health and Safety Plan; HAZ-1d, Hazardous Building Materials; HYD-1, Creek Protection Plan; NOI-1a, Construction Days/Hours; NOI-1b, Construction Noise Reduction; NOI-1c, Extreme Construction Noise Measures; NOI-1d, Project-Specific Construction Noise Reduction Measures; NOI-1e, Construction Noise Complaints; NOI-1f, Physical Improvements or Off-site Accommodations for Substantially Affected Receptors; and TRANS-4, Construction Management Plan.</b></p> <p><b>Necessary Improvement Measure PUB-1: Fire Station 2 Retrofit or Replacement.</b></p> <p>Prior to the issuance of the first building permit for the ballpark or a demolition permit for Fire Station 2, the Project sponsor shall develop detailed plans and a program to retrofit and make improvements to Fire Station 2 or construct a replacement fire station. The replacement station shall be located within the Project’s development envelope or in close proximity to the site, subject to the approval of the Oakland Fire Department (OFD). The Project sponsor shall coordinate with OFD on the timing of retrofit or demolition of Fire Station 2 to ensure that adequate fire protection and emergency medical response services are available to maintain existing service levels and serve the Project during the retrofit or construction of the replacement fire station, which may include development of a temporary station, while the Fire Station 2 retrofit or the replacement fire station is under construction. If a temporary station is required, Fire Station 2 shall not be closed or demolished until the temporary station has been established. In that event, the temporary station shall remain in operation until it is no longer needed by OFD because the fire station remodels and construction projects have been completed, or the permanent replacement fire station has been completed. The Project sponsor shall be responsible for all design and construction costs associated with the retrofit of Fire Station 2 or the replacement fire station and for the design and construction of any facilities required to provide adequate fire protection and emergency medical response services during construction of the replacement fire station.</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.13 Public Services (cont.)</b>		
<p><b>Impact PUB-2:</b> The Project could result in an increase in demand for police services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (Criterion 1) <i>(Less than Significant with Mitigation Incorporated)</i></p>	<p><b>Mitigation Measure PUB-1.</b> (see Impact PUB-1)</p> <p><b>Necessary Improvement Measure PUB-2: Ballpark Law Enforcement Facilities.</b></p> <p>Prior to the issuance of the building permit for the ballpark, the Project sponsor shall provide building plans to the Bureau of Planning &amp; Building showing the locations of police and other law enforcement office space and a command post within the ballpark. The office space shall include an area within the development to be utilized for event day briefings, report writing space, and holding cells to accommodate arrests. The command post is to be utilized by all agencies involved in event and security operations at the ballpark. The law enforcement office space and command post shall be developed in consultation with law enforcement agencies, including the OPD, U.S. Coast Guard, and Alameda County Sheriff based on their needs. The Project sponsor shall be responsible for all design, construction, and maintenance costs associated with the law enforcement office space and command center.</p>	Less Than Significant
<p><b>Impact PUB-3:</b> The Project would not result in an increase in new students for public schools at a level that would require new or physically altered school facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which would have significant physical environmental impacts. (Criterion 1) <i>(Less than Significant)</i></p>	None required	Less Than Significant
<p><b>Impact PUB-4:</b> The Project would not result in an increase in demand for libraries at a level that would require new or physically altered library facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which would have significant physical environmental impacts. (Criterion 1) <i>(Less than Significant)</i></p>	None required	Less Than Significant
<p><b>Impact PUB-5:</b> The Project could indirectly result in an increase in demand for maritime emergency services and law enforcement at a level that would require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. (Criterion 1) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure PUB-1.</b> (see Impact PUB-1)</p> <p><b>Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan.</b> (see Section 4.10, <i>Land Use, Plans, and Policies</i>)</p>	Less Than Significant
<p><b>Impact PUB-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, could result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts. <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure PUB-1.</b> (see Impact PUB-1)</p> <p><b>Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan.</b> (see Section 4.10, <i>Land Use, Plans, and Policies</i>)</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.14 Recreation</b>		
<b>Impact REC-1:</b> The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Criterion 1) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact REC-2:</b> The Project would include recreational facilities, but would not require the construction or expansion of recreational facilities which could have a substantial adverse physical effect on the environment. (Criterion 2) ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure REC-1:</b> Implement <b>Mitigation Measures AIR-1a, Dust Controls; AIR-1b, Criteria Air Pollutant Controls; AIR-1c, Diesel Particulate Matter Controls; AIR-1d, Super-Compliant VOC Architectural Coatings during Construction; BIO-1a, Disturbance of Birds during Nesting Season; BIO-2, Pre-Construction Assessments and Protection Measures for Bats; BIO-3, Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals; BIO-4, Compensation for Fill of Jurisdictional Waters; CUL-1, Maritime Resources Treatment Plan; CUL-2, Vibration Analysis for Historic Structures; CUL-4a, Archaeological Resources and Tribal Cultural Resources – Discovery During Construction; CUL-4b, Archaeologically Sensitive Areas – Pre-Construction Measures; CUL-5, Human Remains – Discovery During Construction; GEO-1, Site-Specific Final Geotechnical Report; GEO-2, Inadvertent Discovery of Paleontological Resources During Construction; HAZ-1a, Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans; HAZ-1b, Compliance with Approved RAPRAW, LUCs and Associated Plans; HAZ-1c, Health and Safety Plan; HAZ-1d, Hazardous Building Materials; HYD-1, Creek Protection Plan; NOI-1a, Construction Days/Hours; NOI-1b, Construction Noise Reduction; NOI-1c, Extreme Construction Noise Measures; NOI-1d, Project-Specific Construction Noise Reduction Measures; NOI-1e, Construction Noise Complaints; NOI-1f, Physical Improvements or Off-site Accommodations for Substantially Affected Receptors; and TRANS-4, Construction Management Plan.</b>	Less Than Significant
<b>Impact REC-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, would not result in significant cumulative impacts to recreation. ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure REC-1</b> (See Impact REC-2)	Less Than Significant
<b>4.15 Transportation and Circulation</b>		
<b>Impact TRANS-1A Non-Ballpark Development:</b> VMT per capita generated by the residential and commercial components of the Project would be more than 15 percent below the regional averages, and citywide VMT per service population would remain the same without and with the retail component of the Project, resulting in a less-than-significant impact for the residential and commercial components of the Project. VMT generated by the performance venue would be more than 15 percent below similar uses with a TDM Plan, resulting in a less-than-significant impact for the ballpark component of the Project. (Criterion 1) ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b>  This mitigation measure is intended to will ensure that the Project achieves a 20 percent project VTR for the non-ballpark development over conditions without a TDM Plan, as prescribed in AB 734.  A separate TDM Plan shall be prepared for each building within the non-ballpark development unless otherwise approved by the City. The building owner or their designee shall submit a Transportation and Parking Demand Management (TDM) Plan for the non-ballpark development for review and approval by the City prior to building occupancy. A draft TDM Plan is included in Draft EIR Appendix TRA. To ensure implementation of the TDM Plan, the building owners or their designees shall actively participate in a Transportation Management Association (TMA) to be established by the Project sponsor prior to occupancy of the first non-ballpark building. The TMA at a minimum covers the non-ballpark development for the site but could also cover the ballpark or additional development in Jack London District and potentially downtown.	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation						
<b>4.15 Transportation and Circulation (cont.)</b>								
<p><b>Impact TRANS-1A (cont.)</b></p>	<p>The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> <li>• Reduce vehicle traffic and parking demand generated by the Project to <u>achieve at least a 20% reduction in vehicle trips</u> the maximum extent practicable.</li> <li>• Prioritize pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.</li> <li>• Enhance the City's transportation system, consistent with City policies and programs.</li> </ul> <p>The TDM Plan shall include the baseline calculations of non-ballpark development vehicle trips. These will be the baseline measurements that the TDM Plan will be measured against.</p> <p>The TDM Plan shall comply with the requirements of AB 734 (Section 21168.6.7(a)(3)(A)(iii)), which states that the Project must have a TDM Plan that achieves a 20 percent reduction in vehicle trips as compared to operations absent the plan. A separate TDM Plan shall be prepared for each building in the non-ballpark development, unless otherwise approved by the City. The TDM plan for each building shall achieve the 20 percent reduction within one year after the completion of that building. The TDM Plan for each building shall include <u>the mandatory measures identified in this measure and additional a range of services and programs designed as necessary</u> to meet the 20 percent reduction, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information.</p> <p>As stated in Table 4 of the City's <i>Transportation Impact Review Guidelines</i>, the following TDM strategies (<b>Table 4.15-36</b>) are required to be incorporated into the TDM Plan based on the project location or other characteristics. These strategies should be identified as a credit toward a project's VTR.</p> <p>The performance venue shall establish a TDM Plan that incorporates traffic management strategies to minimize its traffic impact on neighboring communities, including the Seaport, that may include traffic and/or parking control offices or other personnel acceptable to the City to manage traffic at key intersections and railroad crossings.</p> <p align="center"><b>TABLE 4.15-36 NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN (CITY REQUIREMENTS)</b></p> <table border="1" data-bbox="730 1101 1667 1390"> <thead> <tr> <th data-bbox="730 1101 963 1157">Improvement</th> <th data-bbox="963 1101 1325 1157">Required by code or when...</th> <th data-bbox="1325 1101 1667 1157">Required for Proposed Project?</th> </tr> </thead> <tbody> <tr> <td data-bbox="730 1157 963 1390">1. Bus boarding bulbs or islands</td> <td data-bbox="963 1157 1325 1390"> <ul style="list-style-type: none"> <li>• Bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or</li> <li>• Bus stop along project frontage serves a route with 15 minutes or better peak-hour service and has a shared bus-bike lane curb</li> </ul> </td> <td data-bbox="1325 1157 1667 1390"><b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would, depending on design, provide bus boarding bulbs or islands.</td> </tr> </tbody> </table>	Improvement	Required by code or when...	Required for Proposed Project?	1. Bus boarding bulbs or islands	<ul style="list-style-type: none"> <li>• Bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or</li> <li>• Bus stop along project frontage serves a route with 15 minutes or better peak-hour service and has a shared bus-bike lane curb</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would, depending on design, provide bus boarding bulbs or islands.	
Improvement	Required by code or when...	Required for Proposed Project?						
1. Bus boarding bulbs or islands	<ul style="list-style-type: none"> <li>• Bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or</li> <li>• Bus stop along project frontage serves a route with 15 minutes or better peak-hour service and has a shared bus-bike lane curb</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would, depending on design, provide bus boarding bulbs or islands.						

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation	
<b>4.15 Transportation and Circulation (cont.)</b>			
<b>Impact TRANS-1A (cont.)</b>	<b>TABLE 4.15-36 (CONTINUED) NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN (CITY REQUIREMENTS)</b>		
	<b>Improvement</b>	<b>Required by code or when...</b>	<b>Required for Proposed Project?</b>
	2. Bus shelter	<ul style="list-style-type: none"> <li>A stop with no shelter is located within the project frontage, or</li> <li>Project is located within 0.10 miles of a flag stop with 25 or more daily boardings</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would include bus shelters or other, comparable amenities.
	3. Concrete bus pad	<ul style="list-style-type: none"> <li>A bus stop is located along the project frontage and a concrete bus pad does not already exist</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would incorporate concrete bus pads.
	4. Curb extensions or bulb-outs	<ul style="list-style-type: none"> <li>Identified as an improvement within site analysis</li> </ul>	<b>Yes.</b> Project would construct bulb-outs where additional pedestrian waiting space is needed at intersections and where truck and emergency access can still be accommodated (Mitigation Measure TRANS-1e).
	5. Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> <li>A buffered Class 2 or Class 4 bikeway facility is in a local or county adopted plan within 0.10 miles of the project location: and</li> <li>The project would generate 500 or more daily bicycle trips</li> </ul>	<b>Yes.</b> Bike lanes on Martin Luther King Jr. Way between the site and 8th Street (Mitigation Measure TRANS-2b); on 7th Street between Mandela Parkway and Martin Luther King Jr. Way (Mitigation Measure TRANS-2a); on Embarcadero West, south side of the railroad tracks, between Martin Luther King Jr. Way and Washington Street and potentially to Broadway (Mitigation Measure TRANS-3a); and completed bike lanes on Washington Street between Embarcadero West and 10th Street (Mitigation Measure TRANS-2c) would constitute multiple corridor-level bikeway improvements.

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures		Significance After Mitigation	
<b>4.15 Transportation and Circulation (cont.)</b>				
<b>Impact TRANS-1A (cont.)</b>	<b>TABLE 4.15-36 (CONTINUED) NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN (CITY REQUIREMENTS)</b>			
	<b>Improvement</b>	<b>Required by code or when...</b>	<b>Required for Proposed Project?</b>	
	6. Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> <li>A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and</li> <li>The project would generate 400 or more peak period transit trips</li> </ul>	<b>Yes.</b> The Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c) together with bus-only lanes on Broadway to connect the Transportation Hub and the 12 <sup>th</sup> Street BART Station (Mitigation Measure TRANS-1d) would constitute a corridor-level transit capital improvement.	
	7. Installation of amenities: lighting; pedestrian-oriented green infrastructure, trees, and greening landscape; trash receptacles per Pedestrian Master Plan and applicable streetscape plans.	<ul style="list-style-type: none"> <li>Always required</li> </ul>	<b>Yes.</b> Pedestrian amenities to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).	
8. Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> <li>When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection</li> </ul>	<b>Yes.</b> Construct railroad safety improvements between Schnitzer Steel and Broadway which requires CPUC approval (Mitigation Measure TRANS-3a). Pedestrian safety improvements to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).		

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation																					
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Intersection improvements<sup>1</sup></td> <td data-bbox="966 617 1318 695"> <ul style="list-style-type: none"> <li>Identified as an improvement within site analysis</li> </ul> </td> <td data-bbox="1323 617 1669 695"> <p><b>Yes.</b> On- and off-site intersections would be designed to address these concerns.</p> </td> </tr> <tr> <td data-bbox="724 698 961 831">11. New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards</td> <td data-bbox="966 698 1318 831"> <ul style="list-style-type: none"> <li>Always required</li> </ul> </td> <td data-bbox="1323 698 1669 831"> <p><b>Yes.</b> All on-site sidewalks, curb ramps, curbs, and gutters would meet current City and ADA standards.</p> </td> </tr> <tr> <td data-bbox="724 834 961 1036">12. No monthly permits and establish minimum price floor for public parking<sup>2</sup></td> <td data-bbox="966 834 1318 1036"> <ul style="list-style-type: none"> <li>If proposed parking ratio exceeds 1:1000 sf. (commercial)</li> </ul> </td> <td data-bbox="1323 834 1669 1036"> <p><b>Yes.</b> In commercial developments where the parking ratio exceeds 1:1,000 sq. ft., no monthly. Monthly permits would be prohibited offered for all publicly available spaces, and a price floor would be established for all publicly available parking.</p> </td> </tr> <tr> <td data-bbox="724 1039 961 1198">13. Parking garage is designed with retrofit capability</td> <td data-bbox="966 1039 1318 1198"> <ul style="list-style-type: none"> <li>Optional, if proposed parking ratio exceeds 1.25 spaces per unit (residential) or 1:1000 sf. (commercial)</li> </ul> </td> <td data-bbox="1323 1039 1669 1198"> <p><b>Yes.</b> Residential parking would be limited to 1 space per unit. Commercial developments with parking more than 1:1000 s.f. could be designed with retrofittable garages.</p> </td> </tr> <tr> <td data-bbox="724 1201 961 1398">14. 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**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures		Significance After Mitigation	
<b>4.15 Transportation and Circulation (cont.)</b>				
<b>Impact TRANS-1A (cont.)</b>	<b>TABLE 4.15-36 (CONTINUED) NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN (CITY REQUIREMENTS)</b>			
	<b>Improvement</b>	<b>Required by code or when...</b>	<b>Required for Proposed Project?</b>	
	15. Paving, lane striping or restriping, and signs to midpoint of street section	<ul style="list-style-type: none"> <li>Typically required</li> </ul>	<b>Yes.</b> All on-site streets would be newly constructed.	
	16. Pedestrian crossing improvements	<ul style="list-style-type: none"> <li>Identified as an improvement within site analysis</li> </ul>	<b>Yes.</b> New on-site streets and intersections as well as off-site transportation improvements would include pedestrian crossing features.	
	17. Pedestrian-supportive signal changes <sup>3</sup>	<ul style="list-style-type: none"> <li>Identified as an improvement within operations analysis</li> </ul>	<b>Yes.</b> All new and modified on- and off-site signals would have pedestrian supportive signal features.	
	18. Real-time transit information system	<ul style="list-style-type: none"> <li>Project frontage includes bus stop or BART station and is on a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c), each building, and the ballpark would make real time transit information available for transit serving the Hub, BART, Amtrak, and ferries.	
	19. Relocating bus stops to far side	<ul style="list-style-type: none"> <li>A project is located within 0.10 miles of any active bus stop that is currently on the near side</li> </ul>	<b>Yes.</b> Construct Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c). Bus stops would either have parallel pull-in or saw-tooth designs depending on Class 2 Bike Lanes and parking priorities.	
	20. Signal upgrades <sup>4</sup>	<ul style="list-style-type: none"> <li>Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and</li> <li>Project frontage abuts intersection with signal infrastructure older than 15 years</li> </ul>	<b>Yes.</b> All new and upgraded traffic signals, whether on- or off-site, would meet city standards in effect at the time of installation or upgrade.	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation		
<b>4.15 Transportation and Circulation (cont.)</b>				
Impact TRANS-1A (cont.)	<b>TABLE 4.15-36 (CONTINUED) NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN (CITY REQUIREMENTS)</b>			
	<b>Improvement</b>	<b>Required by code or when...</b>		<b>Required for Proposed Project?</b>
	21. Transit queue jumps	<ul style="list-style-type: none"> <li>Identified as a needed improvement within project operations analysis with frontage on a Tier 1 transit route with 2 or more routes or peak period frequency of at least 15 minutes</li> </ul>		<b>Yes.</b> The bus-only lanes on Broadway between Embarcadero West and 11th Street (Mitigation Measure TRANS-1d) function as transit queue jumps.
	22. Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> <li>Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and</li> <li>Project frontage is identified for signal interconnect as part of a planned ITS project; and</li> <li>A major transit improvement is identified requiring traffic signal interconnect</li> </ul>		<b>Yes.</b> New and modified traffic signal installations, whether on- or off-site, would be interconnected to City standards at the time of installation or upgrade.
	23. Unbundled parking	<ul style="list-style-type: none"> <li>If proposed parking ratio exceeds 1.25 spaces per unit (residential)</li> </ul>		<b>Yes.</b> Residential parking would be <u>unbundled from residential leases and residential purchases, limited to 1 space per unit. Therefore, unbundled parking not required.</u>
<p>NOTES:</p> <p><sup>1</sup> Such as limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.</p> <p><sup>2</sup> May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.</p> <p><sup>3</sup> Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.</p> <p><sup>4</sup> Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.</p> <p>SOURCES: City of Oakland <i>Transportation Impact Review Guidelines</i>, 2017. Fehr &amp; Peers</p>				

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-1A (cont.)</b>	<p>Other TDM strategies, some of which are described in City's <i>Transportation Impact Review Guidelines</i>, that could be <del>considered</del> <u>included</u> for each building in the non-ballpark development <u>as needed to meet the 20% trip reduction requirement</u> include, but are not limited to, the following, <u>as well as applicable strategies that may be stipulated in Transportation Management Plan for the ballpark (Mitigation Measure TRANS-1b)</u>. The required strategies noted below shall apply to all TDM Plans for the non-ballpark development:</p> <ol style="list-style-type: none"> <li>1. Provide long-term and short-term bicycle parking and (for commercial uses) shower and locker facilities more than the minimums set forth in chapter 17.117 of the Oakland Planning Code. <u>(Optional)</u></li> <li>2. Provide additional access to bikeways per the Let's Bike Oakland Plan: construction of priority bikeway projects, on-site signage, and bike lane striping. <u>(Optional)</u></li> <li>3. Provide additional safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. <u>(Optional)</u></li> <li>4. Provide additional amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan Update, the Master Street Tree List and Tree Planning Guidelines, which can be viewed at <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf</a> and <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf</a>, respectively) and any applicable streetscape plan. <u>(Optional)</u></li> <li>5. Provide additional transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. <u>(Optional)</u></li> <li>6. Provide direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). <u>(Optional)</u></li> <li>7. Provide transit subsidy to employees <del>or</del> <u>and</u> residents <u>(per bedroom)</u> in the form of an AC Transit EasyPass <u>(currently up to \$154.10 per year per person)</u> or Clipper Card loaded with the equivalent of half of an AC Transit unlimited monthly pass <u>(currently \$42.30 per month per person)</u>. <u>(Required)</u></li> <li>8. Provide ongoing contribution to transit service to the area between the Project and nearest mass transit station prioritized as follows: (1) Contribution to AC Transit bus service <u>such as extending Line 6 to the Project</u>; (2) Contribution to an existing area shuttle or streetcar service; and (3) Establishment of new shuttle service <u>with 10 minute headways during peak demand periods</u>. <del>The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario3).</del> <u>(Required)</u></li> <li>9. Provide guaranteed ride home program for employees, either through 511.org or through separate program. <u>(Optional)</u></li> </ol>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-1A (cont.)</b>	<ol style="list-style-type: none"> <li>10. Provide pre-tax commuter benefits (commuter checks) for employees. <u>(Optional)</u></li> <li>11. Provide free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. Designate at least the minimum number of on-site residential parking spaces for car-sharing (as required by Oakland Municipal Code, Section 17.116.105). <u>(Optional)</u></li> <li>12. Provide on-site carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools. <u>(Optional)</u></li> <li>13. Provide information concerning alternative transportation options. <u>(Optional)</u></li> <li>14. Sponsor a bike share station in the project vicinity. <u>(Optional)</u></li> <li>15. Designate a staff person from each tenant as their TDM representative to coordinate, monitor, and publicize TDM activities that are being implemented by the building management. <u>(Optional)</u></li> <li>16. Designate a TDM representative for the building management that coordinates TDM strategies with residents and tenants, participates in the Transportation Management Association, and oversees the annual building TDM Plan monitoring. <u>(Required)</u></li> <li>17. Provide parking spaces sold/leased separately for residential units <u>(Required)</u> <del>(as required by Oakland Municipal Code, Section 17.116.310)</del> <u>and for office and commercial uses (Required)</u>.</li> <li>18. Charge employees for parking or provide a cash incentive or transit pass alternative to a free parking space <del>in commercial for all non-residential</del> properties. <u>(Optional)</u></li> <li>19. Prohibit monthly parking permits and establish a minimum price floor for publicly accessible parking. <u>(Required)</u></li> <li>20. Provide less parking than parking demand <del>for residential and commercial uses</del> <u>with the following maximums at buildout: 0.85 spaces per residential unit; 2.0 spaces per ksf for office; 2.6 spaces per ksf for commercial i.e., restaurant, retail, entertainment; and 0.5 spaces per hotel unit (Required)</u>.</li> <li>21. Provide shared parking opportunities and/or parking districts to optimize parking use without increasing vehicle trip reduction goals. <u>(Optional)</u></li> <li>22. Allow employees to work off-site. <u>(Optional)</u></li> <li>23. Allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). <u>(Optional)</u></li> <li>24. Allow employees to stagger work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. <u>(Optional)</u></li> </ol>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-1A (cont.)</b>	<p>The TDM Plan shall include an ongoing monitoring and enforcement program to ensure that the TDM Plan is implemented on an ongoing basis during project operation. The program shall comply both with the AB 734 legislation as well as the requirements of the Oakland Municipal Code Chapter 10.68 (Employer-Based Trip Reduction Program). The TDM Plan shall also specify the topics to be addressed in an annual report as explained below. A separate TDM Plan shall be prepared for each building (unless otherwise approved by the City) prior to building occupancy.</p> <ul style="list-style-type: none"> <li>• TDM Implementation – For VTR strategies involving physical improvements, the Project sponsor shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the Project Phase 1 <u>unless the physical improvement is required as part of a specific building in which case the improvement must be completed prior to occupancy of the building in question. All other TDM strategies shall be implemented per each building's TDM Plan.</u></li> <li>• TDM Monitoring – The owner or their designee for each building of the non-ballpark development, through the TMA, shall submit an annual compliance report each year through and including the fifth year following buildout of the non-ballpark development for review and approval by the City. The annual report shall document the status and effectiveness of the TDM strategies, including the actual VTR achieved during building operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the building's owner or their designee, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the building has failed to achieve the VTR goal, additional measures shall be implemented until the goal is met. If in two successive years, the VTR goals are not satisfied, the building's owner or their designee shall prepare and submit for City Staff approval a Corrective Action Plan to bring the TDM Plan into conformance with VTR goals. The Corrective Action Plan shall detail the additional measures for the building to be implemented and their expected vehicle trip reduction. If the required automobile trip reduction target is still not being met one year after the Corrective Action Plan is implemented, or if the building's owner or manager fails to submit the reports described above, or if the reports do not meet City requirements, the building will be considered in violation of the Mitigation Measure and the City may initiate enforcement action as provided for in the Project's Conditions of Approval and Oakland Planning Code Chapter 17.152, including but not limited to imposition of a penalty, in an amount to be determined by the City, at least sufficient to fund and manage transportation improvements that would bring vehicle trips to the targeted level.</li> </ul>	
<p><b>Impact TRANS-1B Ballpark VMT:</b> VMT per attendee generated by the ballpark component of the Project would be more than 15 percent below similar uses, resulting in a less-than-significant impact for the ballpark component of the Project. (Criterion 1) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b></p> <p>The Project sponsor shall submit a draft Transportation Management Plan (TMP) for the ballpark for review and approval by the City together with its application for building permits for the ballpark. The TMP shall incorporate by reference Mitigation Measure TRANS-1a, which shall apply to the ballpark and Project sponsor employees. The TMP shall outline operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event. The TMP must be approved by the City prior to the issuance of the Temporary Certificate of Occupancy <u>for the ballpark</u>. The TMP will be a living document requiring periodic updates over time as travel patterns change because of development and changes to transportation infrastructure and operations. All revisions to the TMP shall be subject to the review and approval of the City.</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-1B (cont.)</b></p>	<p>The following are the City’s overarching goals for the TMP:</p> <ul style="list-style-type: none"> <li>• To ensure improvements benefit the community at large and contribute to equitable opportunities for all people and communities.</li> <li>• To provide residents, workers, and visitors with safe, efficient, affordable, convenient, and reliable mobility options including public transit, walking, carpooling, and biking.</li> <li>• To manage how the project interacts with the surrounding area, including residential neighborhoods, the Port of Oakland, and local industries and businesses.</li> </ul> <p>The City of Oakland has prioritized walking and public transit as critical to achieving these goals. Transit will have minimal impacts on community, neighborhood and Port operations, the environment, and safely move the maximum number of people. The TMP shall have the following high-level objectives:</p> <ul style="list-style-type: none"> <li>• Minimize auto mode share and to achieve at least a 20% reduction in vehicle trips reduce vehicle trips and parking demand generated by the project to the maximum extent practicable.</li> <li>• Facilitate and promote safe use of non-automobile transportation by people attending and supporting ball games and other events as well as other uses on-site.</li> <li>• Highlight and optimize the use of transit by attendees and employees to ball games and other events.</li> <li>• Facilitate and maximize bicycle use by attendees and employees to ball games and other events.</li> <li>• Facilitate a high-quality walking experience to the ballpark from adjacent neighborhoods by identifying key walking routes and major street crossing locations, so that wayfinding, infrastructure improvements, and/or personnel (e.g. traffic control officers, parking control officers, or other personnel acceptable to the City) can be located at critical points to manage the interaction of pedestrians and vehicles during medium and large events.</li> <li>• Maximize safety for all transportation users at key locations in and around the ballpark and broader neighborhood during event ingress and egress.</li> <li>• Minimize conflicts between ridesourcing, i.e., Lyft, Uber, and taxi operations and key transit, walking, biking, and Port truck access streets near the ballpark.</li> <li>• Facilitate the safe and efficient flow of vehicle traffic into and out of the site and the adjacent neighborhoods during event and no-event conditions.</li> <li>• Minimize event-related vehicular, bicycle, and pedestrian impacts to surrounding residential and commercial areas, including warehouse and industrial operations and the Port.</li> <li>• Minimize conflicts with Seaport operations, including freight movement by roadway and rail.</li> </ul>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-1B (cont.)</b>	<p>The TMP shall include the baseline calculations of ballpark development vehicle trips as set forth in the EIR, which would reflect the ballpark at the Project site absent a TMP. These will be the baseline measurements that the TMP will be measured against.</p> <p>A Parking Management Plan for the ballpark shall be one component of the TMP. But the TMP shall have many other elements <u>as described below</u> including modal strategies addressing transit, pedestrians, bicycles, automobiles, parking, and ridesourcing, i.e., Lyft, Uber, and taxis. The TMP shall address the railroad crossings, event-day operations and communication, curb management, freight, and emergency vehicle access. The TMP shall provide the framework for monitoring, refinement, and performance standards. Refer to the Draft TMP in Appendix TRA for more details.</p> <p>The TMP shall comply with requirements of AB 734 (Section 21168.6.7(a)(3)(A)(iii)), which states that the Project must have a TMP that achieves a 20 percent reduction in vehicle trips as compared to operations absent the plan. The TMP for the ballpark development shall achieve the 20 percent reduction within one year after the completion of the first baseball season. The TMP shall include <u>mandatory measures set forth herein and a menu of additional measures to meet the 20% reduction, a menu of options</u> including permanent infrastructure changes and operational changes designed to reduce the number of vehicle trips, including temporarily expanding the capacity of bus transit, as appropriate, to serve the baseball park events, use of traffic and/or parking control officers or other personnel acceptable to the City to manage the flow of people to and from the ballpark, and a range of services and programs <u>to reduce vehicle trips designed to meet the 20 percent reduction</u>, including providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information.</p> <p>The City identified the following priorities for the TMP that are consistent with the City of Oakland's Transit First Policy as well as AB 734. <del>These strategies are preferred by the City and</del> <u>The strategies in bold</u> represent strategies that are <u>mandatory</u> expected to be implemented by opening day of the ballpark and will be adopted as <u>specific mitigation measures (as identified below)</u> or conditions of approval, as applicable.</p> <ol style="list-style-type: none"> <li><b>1. Extending transit service <u>such as Line 6, 72, 72M, and 72R</u> to and constructing the Transportation Hub on 2nd Street in coordination with AC Transit and the City of Oakland. (Required as Mitigation Measure TRANS-1c)</b></li> <li>2. Additional regular AC Transit bus service connecting the Project site to Downtown, as well as the West Oakland, 12th Street, and Lake Merritt, BART stations.</li> <li><b>3. Bus priority lanes serving the 12th Street BART station and Downtown Oakland to increase the speed, reliability, and attractiveness of transit services. (Required as Mitigation Measure TRANS-1d)</b></li> <li>4. Bus priority lanes serving the West Oakland and Lake Merritt BART stations to increase the speed, reliability, and attractiveness of transit services.</li> <li><b>5. Supplemental shuttle service (provided by AC Transit or a private operator) to the 12th Street BART station <u>using high capacity multidoor buses</u> to increase frequency and capacity of transit connections to BART stations on event days.</b></li> </ol>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-1B (cont.)</b>	<ol style="list-style-type: none"> <li>6. Supplemental shuttle service (provided by AC Transit or a private operator) to the West Oakland and/or Lake Merritt BART stations <u>using high capacity multidoor buses</u> to increase frequency and capacity of transit connections to BART stations on event days.</li> <li>7. <b>Pedestrian improvements along 7th Street, Market Street, Martin Luther King Jr. Way, Washington Street, and Broadway and 8th Street</b> connecting the BART stations and the ballpark as well as improvements on streets serving the Transportation Hub and the Pedestrian Bridge over the railroad tracks. (Required as Mitigation Measure TRANS-1e and TRANS-3b)</li> <li>8. <b>Bicycle network improvements on 7th Street, Market Street, Martin Luther King Jr. Way, Washington Street, and 2nd Street.</b> (Required as Mitigation Measure TRANS-2a, TRANS-2b, and TRANS-2c)</li> <li>9. <b>Wayfinding between the West Oakland BART station and the ballpark via 7th Street, between the 12th Street BART station and the ballpark via Broadway and Washington Street, and between the Lake Merritt BART station and the ballpark via 8th Street.</b></li> <li>10. <b>At-grade railroad crossing improvements along the project's frontage and extending to Broadway Oak Street.</b> (Required as Mitigation Measure TRANS-3a and TRANS-3b)</li> <li>11. Transit subsidies to provide <del>free or</del> reduced cost transit (for example <u>equivalent to an average roundtrip BART fare at 12<sup>th</sup> Street BART station which is currently \$6.70</u>) for ballpark attendees and/or employees particularly at the Transportation Hub on 2nd Street.</li> <li>12. <b>No parking subsidies for ballpark employees and contractors.</b></li> <li>13. <b>A combination of standard, secure, and valet bicycle parking at multiple locations, identified in collaboration with OakDOT.</b></li> <li>14. <b>Identification of geofenced micromobility parking (such as scooters and bike share), as well as priority and coordination for on-site and/or site-adjacent shared micromobility services identified in collaboration with OakDOT.</b></li> <li>15. <b>Coordination with transit providers to provide timed transit service before and/or after the game or event, including but not limited to AC Transit, BART, Amtrak, and WETA.</b></li> <li>16. <b>Agreements <u>Coordination</u> between the City, A's and TNC operators (such as Lyft and Uber) to use geofencing or similar methods to restrict pick-up and drop-off zones to designated locations significantly farther from the ballpark than bus transit and shared micromobility options.</b></li> <li>17. <b>Enforcement of local access restrictions to limit circulation of vehicles other than local traffic within the neighborhoods adjacent to the Project site before, during, and after ballgames.</b></li> <li>18. <b>Implementation of TNC fee (through private agreements between A's and TNC operators) for access to designated locations to limit demand to support VTR goals.</b></li> </ol>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
Impact TRANS-1B (cont.)	<p>19. <u>Implementation of the Parking Management Plan titled <i>Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan</i> to manage Coordination with OakDOT on management of the off-site parking garages within <u>at least</u> one mile of the Project site.</u></p> <p>20. <u>Implementation of the Parking Management Plan titled <i>Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan</i> to manage Coordination with OakDOT on the management of on-street parking on-site and in adjacent neighborhoods within <u>at least</u> one mile of the Project site, including the implementation of RPPs, through the OakPark parking plan.</u></p> <p>21. Further reduction of on-site parking as needed to achieve VTR goals.</p> <p>22. Additional measures and technology. With approval from the City of Oakland, the TMP may include additional or substitute measures and technology to reduce Project-generated trips that are not currently known or available, provided that the VTR plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, are consistent with the City's various published plan documents, as amended, and meet the City's policy goals and values.</p> <p>23. <u>The A's shall actively market and disseminate information to employees, ballpark attendees, and contractors regarding travel to and from the ballpark events such as carpooling, reserving parking, using AC Transit, BART, bicycling, and bikeshare, as well as other non-auto modes and services. Active marketing campaigns shall be coordinated with transit providers and other local groups as appropriate and may include "event" days that celebrate and promote specific non-auto travel modes.</u></p> <p>24. <u>Provide BART personnel or other personnel acceptable to BART to manage pre- and post-event attendees accessing the West Oakland, 12<sup>th</sup> Street, and Lake Merritt BART stations to ensure safe and efficient access for all people traveling to and from ballpark events through the BART stations.</u></p> <p>25. <u>Provide Traffic Control Officers or other personnel acceptable to the City of Oakland to manage pre- and post-event attendees to ensure safe and efficient access for all people traveling to and from ballpark events.</u></p> <p>The TMP shall include an ongoing monitoring and enforcement program to ensure that the TMP is implemented on an ongoing basis during project operation. The program shall comply with the AB 734 legislation.</p> <ul style="list-style-type: none"> <li>• TMP Implementation of <u>Physical Improvements</u> –For VTR strategies involving physical improvements, the Project sponsor shall obtain the necessary permits/approvals from the City and install the improvements prior to opening day of the ballpark. <u>Functionally equivalent interim measures may be considered by the City in circumstances where such measures are needed to address unforeseen construction delays to off-site improvements.</u></li> </ul>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-1B (cont.)</b></p>	<ul style="list-style-type: none"> <li>• <b>TMP Implementation Inaugural Events</b> – The Project sponsor shall work with a designated team of ballpark and city and Port staff to establish, implement, monitor, debrief, and adjust the TMP during each ballpark event until the transportation patterns are established. Once transportation patterns are established the designated team shall meet quarterly the first two years, and at least annually thereafter, to coordinate transportation efforts and adjust, remove, or add measures to refine the TMP.</li> <li>• <b>TMP Monitoring</b> – The Project sponsor shall follow the monitoring and performance requirements described in the TMP. Annual compliance reporting will be required each year that the ballpark is in operation and be submitted for review and approval by the City. The annual report shall document the status and effectiveness of the TMP, including but not limited to the actual VTR achieved by the Project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the Project sponsor, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the Project sponsor has failed to implement the TMP, or if the reports do not meet City requirements, the Project sponsor will be considered in violation of the Mitigation Measure and the City may initiate enforcement action as provided for in the Project’s Conditions of Approval and Oakland Planning Code Chapter 17.152, including but not limited to imposition of a penalty, in an amount to be determined by the City, at least sufficient to fund and manage transportation improvements that would bring vehicle trips to the targeted level.</li> </ul> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2<sup>nd</sup> Street.</b></p> <p>The Project sponsor shall construct a Transportation Hub on the south side of 2nd Street between Martin Luther King Jr. Way and Clay Street with the ability to expand the Hub operations before and after events at the ballpark to Brush Street to the west and Washington Street to the east. The first phase of the Hub shall include features that can be implemented within the public right-of-way generally from the face of curb to the property line. The first phase shall be the responsibility of the Project sponsor and shall be completed and in operation prior to opening day of the ballpark. As the corridor land uses change, other features such as waiting and meeting spaces, restrooms, bicycle repair, cafes, car share, and information centers could be provided within buildings lining 2nd Street between Martin Luther King Jr. Way and Clay Street. The mitigation measure shall include the following measures to support the Hub.</p> <ul style="list-style-type: none"> <li>• Reconstruct the sidewalk and landscape on the south side of 2nd Street between Jefferson and Clay Streets to maximize the sidewalk width for pedestrians at the Hub particularly before and after events at the ballpark.</li> <li>• Expand by 8 feet the sidewalk on Clay Street between Embarcadero West and 2nd Street by removing on-street parking on the west side of Clay Street.</li> <li>• Provide a uniform sidewalk and streetscape experience along the Transportation Hub between Martin Luther King Jr. Way and Clay Street with bus shelters, benches, pedestrian-scale lighting and landscaping, wayfinding, real-time transit arrival information, and concrete bus pads to support daily AC Transit operations.</li> </ul>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-1B (cont.)</b></p>	<ul style="list-style-type: none"> <li>• Provide a uniform sidewalk and streetscape experience with concrete bus pads between Castro Street and Martin Luther King Jr. Way and between Clay and Washington Streets to support event-day shuttle service.</li> <li>• Install a traffic signal on 2nd Street at Broadway as part of the Transportation Hub to facilitate transit, bicycle, and pedestrian movements to and through Broadway.</li> <li>• Provide bike riders an alternative route to 2nd Street through the Transportation Hub between Martin Luther King Jr. Way and Washington Street via the planned multiuse path on Embarcadero West which would connect Martin Luther King Jr. Way, Clay Street, and Washington Street.</li> <li>• Provide designated space for shared micromobility.</li> </ul> <p>The Transportation Hub on 2nd Street requires review and approval by the City of Oakland and coordination with AC Transit regarding bus stop location and design.</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b></p> <p>Unless transit lanes have already been installed, the Project sponsor shall implement bus-only lanes on Broadway generally between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane while maintaining the existing vehicle throughput at the 5th and 6th Street intersections particularly to the Webster Tube. The mitigation measure shall include the following measures to support the bus-only lanes and shall be completed and in operation prior to opening day of the ballpark.</p> <ul style="list-style-type: none"> <li>• Consider providing pull-out bus stops concentrated between 3rd and 4th Streets and between 8th and 10th Streets where on-street parking and commercial loading would be prohibited.</li> <li>• Install new traffic signals at 2<sup>nd</sup> and 4<sup>th</sup> Streets; left-turn lanes and protected signal phasing on Broadway at each intersection to separate left turning traffic from pedestrian crossings and facilitate turning movements to Jack London District or an alternative approved by the City.</li> <li>• Coordinate traffic signal timings and transit signal priority on Broadway generally between Embarcadero West and 11th Street.</li> <li>• Install a signal protected southbound left-turn lane at the 7th to facilitate turning movements to Chinatown District and prohibit northbound left turns at 8<sup>th</sup> Street to separate left turning traffic on Broadway from pedestrian crossings at both intersections or an alternative approved by the City.</li> </ul> <p>The bus-only lanes on Broadway require review and approval by the City of Oakland as well as Caltrans approval through the 5th and 6th Street intersections. In addition, the bus-only lanes require coordination with AC Transit regarding bus stop location and design. Absent Caltrans approvals the bus-only lanes would continue to be effective providing reliable transit service to the Broadway corridor.</p>	

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-1B (cont.)</b></p>	<p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b></p> <p>The Project sponsor shall construct pedestrian improvements along the primary corridors connecting the BART stations and the project site to support the high numbers of transit riders generated by the ballpark that would walk between transit and the ballpark. The mitigation measure shall include the following measures and shall be completed and in operation prior to opening day of the ballpark.</p> <ul style="list-style-type: none"> <li>• Upgrade the sidewalk on the south side of 7th Street between Mandela Parkway and Market Street connecting the West Oakland BART station and the ballpark to provide a 6-foot clear space at sidewalk obstacles, and pedestrian lighting; Correct sidewalk tripping hazards on both sides of the street. Daylight intersections and driveways on both sides of the street with red curb per City guidance.</li> <li>• Upgrade the sidewalk on both sides of Market Street between 7th Street and the Project site to provide 8-foot clear space at sidewalk obstacles, maximize sidewalk waiting areas within 30 feet of intersections, provide pedestrian lighting, correct sidewalk tripping hazards, provide 15-foot north/south crosswalks, daylight intersections and driveways with red curb per City guidance and provide pedestrian wayfinding signage to direct patrons to the ballpark. In addition, widen the sidewalks on both sides of Market Street between 3<sup>rd</sup> Street and the Project site from face of existing curb to the public right-of-way to maximize the clear space sidewalk width accessing the site.</li> <li>• <u>Unless another street that directly connects the Lake Merritt BART station and Broadway is identified and agreed upon by the City, upgrade the sidewalk on both sides of 8th Street between Oak Street and Washington Street to provide minimum 8-foot clear space at fixed sidewalk obstacles; maximize sidewalk waiting areas within 20 to 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; daylight intersections and driveways with red curb per City guidance; and provide pedestrian wayfinding signage to direct patrons to the ballpark.</u></li> <li>• Upgrade the sidewalk on both sides of Martin Luther King Jr. Way between 12th Street and the Project site to provide 8-foot clear space at sidewalk obstacles on the east side of the street (6-foot on the west side); maximize sidewalk waiting areas within 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; provide 15-foot north/south crosswalks; daylight intersections and driveways with red curb per City guidance; and remove the sidewalk on the west side of the street between the Project site and 2<sup>nd</sup> Street to minimize pedestrian crossing locations at the railroad tracks.</li> <li>• Along Washington Street provide traffic and/or parking control officers (or other personnel acceptable to the City) before and after ballpark events that exceed 21,000 attendees to facilitate the safe and efficient flow of people to the ballpark. Monitor pedestrian flows on Washington Street pursuant to the TMP and adjust personnel to ensure pedestrian safety. Alternatively, upgrade Washington Street sidewalks as follows:</li> </ul>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-1B (cont.)</b></p>	<ul style="list-style-type: none"> <li>○ Provide 8-foot clear space at sidewalk obstacles, maximize sidewalk waiting areas within 30 feet of intersections, provide pedestrian lighting as necessary, correct sidewalk tripping hazards, provide 15-foot north/south crosswalks, daylight intersections and driveways with red curb per City guidance and provide pedestrian wayfinding signage to direct patrons to the ballpark.</li> <li>○ Curb extensions may be necessary at several locations where 30-foot sidewalk waiting areas at intersections along Washington Street cannot be provided. Locations include the northwest and northeast corners at Embarcadero West; northwest corner at 2nd Street; northeast corner of 7th Street; northwest, southwest and southeast corners of 8th Street; and southwest corner of 9th Street.</li> <li>○ Widen Washington Street sidewalks to provide 8-foot clear space at sidewalk obstacles between 5th and 6<sup>th</sup> Streets by removing on-street parking and provide pedestrian lighting, as necessary; upgrade the existing traffic signals to current design and operating standards for pedestrian features; add 3-inch yellow reflective sheeting to signal backplates; and replace any existing 8-inch signal heads with 12-inch signal heads.</li> <li>● Upgrade Broadway sidewalks between 12th Street BART station and Water Street to provide minimum 8-foot clear space at sidewalk obstacles; maximize sidewalk waiting areas within 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; provide 15-foot north/south crosswalks; daylight intersections and driveways with red curb per City guidance; and provide pedestrian wayfinding signage to direct patrons to the ballpark.</li> <li>● Remove the separate westbound right-turn lane from 6th Street at Broadway bringing the movement to the signalized intersection unless already constructed by the Oakland Alameda Access Project.</li> </ul> <p>The pedestrian improvements require review and approval by the City of Oakland as well as Caltrans approval for sidewalk segments passing under the freeway structure. Absent Caltrans approvals the pedestrian improvements would continue to be effective providing benefit to pedestrians walking between transit and the ballpark.</p>	
<p><b>Impact TRANS-2:</b> Project or required transportation improvements could potentially conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay). (Criterion 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes on 7th Street from Mandela Parkway to Martin Luther King Jr. Way.</b></p> <p>Unless Class 2B or Class 4 bike lanes have already been installed, the Project sponsor shall implement Class 2B Buffered Bike Lanes on 7th Street between Mandela Parkway and Martin Luther King Jr. Way by converting one motor vehicle lane in each direction to provide bike lanes while maintaining on-street parking and providing transit boarding islands at bus stops. The mitigation measure shall be completed and in operation prior to opening day of the ballpark.</p> <p>The bike lanes on 7th Street require review and approval by the City of Oakland.</p>	<p align="center">Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-2 (cont.)</b></p>	<p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b></p> <p>The Project sponsor shall implement bike lanes consistent with the Bike Plan on Martin Luther King Jr. Way between Embarcadero West and 8th Street by converting one motor vehicle lane in each direction to provide bike lanes with raised features (i.e., landscape opportunities to distinguish between the bike lanes and motor vehicle lanes). The mitigation measure shall be completed and in operation prior to opening day of the ballpark.</p> <p>The bike lanes require review and approval by the City of Oakland and review and approval by the CPUC at the railroad track crossing on Martin Luther King Jr. Way. Absent the CPUC approval the bike lanes would continue to provide benefit connecting to the existing bike lane system on 2nd Street.</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10<sup>th</sup> Street.</b></p> <p>The Project sponsor shall implement bike lanes consistent with the Bike Plan on Washington Street between Embarcadero West and 10<sup>th</sup> Street. The mitigation measure shall be completed and in operation prior to opening day of the ballpark.</p> <p>The bike lanes require review and approval by the City of Oakland and review and approval by the CPUC at the railroad track crossing on Washington Street. Absent the CPUC approval the bike lanes would continue to provide benefit connecting to the existing bike lane system on 2nd Street.</p>	
<p><b>Impact TRANS-3:</b> The Project would generate additional multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. (Criterion 2) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b></p> <p>Subject to obtaining necessary approvals from CPUC and other responsible agencies, the Project sponsor shall install at-grade railroad crossing improvements including fencing and railroad crossing features to enhance multimodal safety along and across the railroad tracks including elements that would facilitate a Quiet Zone (if pursued by others) designation through Jack London District. The mitigation measure would substantially improve safety along the railroad corridor and shall include the measures listed below.</p> <ul style="list-style-type: none"> <li>• Install fencing along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to <u>Broadway Oak Street</u>. This change would alter Embarcadero West circulation as follows: <ul style="list-style-type: none"> <li>○ Between Market Street and Schnitzer Steel Embarcadero West would remain two-way with a signalized intersection at Market Street.</li> <li>○ Between Market Street and Martin Luther King Jr. Way the street would be abandoned such that there would no longer be a motor vehicle intersection at Martin Luther King Jr. Way.</li> <li>○ <u>Between Jefferson and Webster Streets Embarcadero West on the north side of the active UPRR tracks would remain as a public street if the fence line separating the railroad tracks and Embarcadero would be offset from the active track by approximately 10 feet.</u></li> </ul> </li> </ul>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-3 (cont.)</b></p>	<ul style="list-style-type: none"> <li>○ The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to Washington Street (and potentially to <u>Broadway or Oak Street</u>) would be physically separated from the railroad tracks by a fence to accommodate a multi-use path. The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and <u>Broadway and potentially Oak Street</u> could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. On the north side of the railroad Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway. Vehicle access to the Vistra Plant could be via an extension of Water Street at Clay Street or driveway easement and used infrequently solely for site access.</li> </ul> <p><u>The portion of Embarcadero that is south of the active UPRR tracks and between Broadway and Webster Street would be physically separated from the railroad tracks by a fence. The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or CPUC. If offset from the active track, the remaining width between the fence and the sidewalk would be used as a service access and emergency vehicle route. If offset from the third track, there would be no width for a service access or emergency vehicle route serving the Jack London Square businesses along the south side of Embarcadero West between Broadway and Webster Street.</u></p> <ul style="list-style-type: none"> <li>• Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, and Broadway, <u>Franklin Street, Webster Street, and Oak Street</u> with quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes by.</li> <li>• Install a traffic signal at the Market Street at-grade crossing and its intersection with Embarcadero West as well as a traffic signal on Market Street at 3rd Street. These signals would be part of the railroad preemption system<sup>6</sup> and include queue cutter loops<sup>7</sup> on Market Street that would be tied to both traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3<sup>rd</sup> Street that are activated during railroad preemption.</li> </ul>	

<sup>6</sup> A railroad preemption system provides an opportunity for vehicles to clear the track area before the train arrives at the crossing.

<sup>7</sup> A queue cutter loop signal is a traffic signal installed at a highway-rail grade crossing in a manner similar to a pre-signal; its function is to provide a means to prevent vehicles from stopping on the tracks or within the railroad right-of-way as a result of traffic queuing from a downstream signalized intersection.

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-3 (cont.)</b></p>	<ul style="list-style-type: none"> <li>While there is no motor vehicle intersection at the Martin Luther King Jr. Way at-grade crossing, install a traffic signal at the at-grade crossing as well as traffic signals at 2nd Street where left turns would be prohibited and at 3rd Street where a left-turn lane would be provided to separate left turning and through movement traffic. These signals would be part of the railroad preemption system and include a queue cutter loop on Martin Luther King Jr. Way that would be tied to all three traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3<sup>rd</sup> Street that are activated during railroad preemption.</li> </ul> <p>The Project sponsor shall be responsible for undertaking the necessary Diagnostic Study based, <u>in part</u>, on the suite of improvements described above and coordinating with the City, CPUC and affected railroads and obtaining all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings), and constructing the at-grade improvements prior to opening day of the ballpark. The final suite of at-grade crossing improvements shall be established through the <u>GO 88-B Request</u>.</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b></p> <p>Prior to opening day of the ballpark, Project sponsor shall design and construct a grade-separated overcrossing for pedestrians and bicyclists seeking to access the Project site. The overcrossing, which would require review and approval by CPUC as well as the City and the Port, consultation with the Capital Corridor Joint Powers Authority, and potentially affected property owners such as the UPRR, shall be located at Jefferson Street (<del>Error! Reference source not found:Figure 4.15-48</del>) or Clay Street (<del>Error! Reference source not found:Figure 4.15-49</del>), or a comparable nearby location and shall create a safe and accessible route for pedestrians and bicyclists traveling to the Project site on both event and non-event days, connecting 2nd Street, which is north of the railroad tracks, to Athletics' Way to the south. Pedestrian facilities serving the bridge shall be upgraded on Jefferson and Clay Streets to correct tripping hazards and daylight intersections and driveways with red curb per City guidance. Along 3<sup>rd</sup> Street between Market Street and Broadway gaps in the pedestrian network would be closed by converting diagonal and perpendicular parking to parallel parking to provide a pedestrian path of travel between buildings and parking where no sidewalk exists today.</p> <p>The overcrossing could include some combination of stair and elevator system potentially with ADA-compliant ramping that could also be used by bicycle riders. The tallest point at the overcrossing would be about 40 feet above grade taking into consideration architecture features of the bridge such as railing and fencing. The overcrossing could include a viewing space, providing views of the rail corridor, the ballpark, the Inner Harbor of the Estuary, the Oakland Hills, and downtown Oakland, as well as interpretive information celebrating the history of the railroad in Oakland.</p> <p>If constructed along Jefferson Street, the overcrossing would border the PG&amp;E Station C API, a historical resource, and be immediately adjacent to the National Register-eligible PG&amp;E Station C contributor located at 601 Embarcadero West. Therefore, to avoid any adverse impacts on 601 Embarcadero West and the API, the design of the pedestrian and bicycle overcrossing along Jefferson Street shall incorporate transparent materials, small-dimension structural elements, and/or design features that maintain views from the street directly adjacent to the resource. Also, the structural design, including foundations, shall be subject to review by the Planning Director or the Director's designee, prior to the City Council's review and approval of a major encroachment permit.</p>	

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<p><b>Impact TRANS-4:</b> The Project would be constructed over several years and include on- and off-site construction activities as well as construction along the railroad corridor that could expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a substantial transportation hazard. (Criterion 2) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure TRANS-4: Construction Management Plan.</b></p> <p>The Project sponsor and general contractor shall prepare a Construction Management Plan (CMP) and the plan shall be submitted to the City of Oakland for review and approval prior to the City issuing the first construction-related permit. The Plan shall be reviewed by the City's <u>Bureau of Planning and Bureau of Building Department</u>, Fire Department, Department of Transportation, Public Works Department, and others as needed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Mitigation Measures (and additional conditions of approval if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. <u>In order to minimize site grading, infrastructure and ballpark construction impacts on access for nearby residences, institutions, and businesses, the Project sponsor shall provide nearby residences and businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours, excavation), and travel lane closures via a website and/or quarterly construction update meetings with neighbors.</u></p> <p>The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, litter/debris clean-up plan, and others as needed) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.</p> <p>The CMP shall also consider construction activities in the public-right-of-way including obtaining an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. If obstructions impact vehicle or bicycle travel lanes, bus stops, or sidewalks, the Project sponsor shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The Project sponsor shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, truck, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicycles, and Bus Facilities in Construction Zones. The Project sponsor shall implement the approved Plan during construction and coordinate with the City and the Port to adjust, if necessary, to respond to transportation-related issues that arise out of the implementation. In addition, the Project sponsor shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at their expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p>	<p>Less Than Significant</p>

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-5:</b> The Project would not induce additional automobile travel by increasing physical street capacity in congested areas. (Criterion 3) ( <i>Less than Significant</i> )	None required	Less Than Significant
<p><b>Impact TRANS-6:</b> The Project traffic volumes would cause the significant degradation of two CMP or MTS segments in the near term. (Criterion 4) (<i>Significant and Unavoidable</i>):</p> <ul style="list-style-type: none"> <li>• Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland.</li> <li>• Webster Tube in the westbound direction between the City of Oakland and the City of Alameda.</li> </ul>	<p><b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (see Impact TRANS-1A)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (see Impact TRANS-1B)</p>	Significant and Unavoidable
<p><b>Impact TRANS-1.CU:</b> VMT per capita generated by the residential and commercial components of the Project would be more than 15 percent below the regional averages, and citywide VMT per service population would remain the same without and with the retail component of the Project, resulting in a less-than-significant impact for the residential, commercial, and retail components of the Project. VMT per attendee generated by the ballpark would be more than 15 percent below similar uses, resulting in a less-than-significant impact for the ballpark component of the Project. (Criterion 1) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.</b> (See Impact TRANS-1A)</p> <p><b>Mitigation Measure TRANS-1b: Transportation Management Plan.</b> (See Impact TRANS-1B)</p> <p><b>Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street.</b> (See Impact TRANS-1B)</p> <p><b>Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.</b> (See Impact TRANS-1B)</p> <p><b>Mitigation Measure TRANS-1e: Implement Pedestrian Improvements.</b> (See Impact TRANS-1B)</p>	Less Than Significant
<p><b>Impact TRANS-2.CU:</b> Project or required transportation improvements could potentially conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay). (Criterion 2) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure TRANS-2a: Implement Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way.</b> (See Impact TRANS-2)</p> <p><b>Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street.</b> (See Impact TRANS-2)</p> <p><b>Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street.</b> (See Impact TRANS-2)</p>	Less Than Significant
<p><b>Impact TRANS-3.CU:</b> The Project would contribute to cumulative volumes of multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. (Criterion 2) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.</b> (see Impact TRANS-3)</p> <p><b>Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing.</b> (see Impact TRANS-3)</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.15 Transportation and Circulation (cont.)</b>		
<b>Impact TRANS-4.CU:</b> The Project would be constructed in an area that is seeing additional construction, including housing and commercial development in Downtown and near the West Oakland BART, and street improvements throughout Downtown, and could contribute to a significant transportation hazard due to construction activity. (Criterion 2) <i>(Less than Significant with mitigation)</i>	<b>Mitigation Measure TRANS-4: Construction Management Plan.</b> (See Impact TRANS-4)	Less Than Significant
<b>Impact TRANS-5.CU:</b> The Project would not induce additional automobile travel by increasing physical street capacity in congested areas. (Criterion 3) <i>(Less than Significant)</i>	None required	Less Than Significant
<b>Impact TRANS-6.CU:</b> The Project would contribute to congestion on CMP Roadway Segments, including degradation from LOS E or better to LOS F or an increase the v/c ratio by 0.03 or more for segments already projected to operate at LOS F on the following CMP or MTS segments in 2040 (Criterion 4) <i>(Significant and Unavoidable)</i> :	None identified	Significant and Unavoidable
<b>Impact Trans-6.CU (cont.)</b> <ul style="list-style-type: none"> <li>• I-880 in the northbound direction between 23rd Avenue and Embarcadero.</li> <li>• SR 24 in the eastbound direction between Broadway and State Route 13.</li> <li>• Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland.</li> <li>• Webster Tube in the westbound direction between the City of Oakland and the City of Alameda.</li> <li>• Market Street in the northbound direction between 12th Street and 14th Street.</li> <li>• Market Street in the southbound direction between Grand Avenue and 18th Street.</li> </ul>		

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.16 Utilities and Service Systems</b>		
<p><b>Impact UTIL-1:</b> The Project could exceed the capacity of the existing wastewater conveyance or treatment system and would not result in exceedance of EBMUD's wastewater discharge limitations. (Criteria 1 and 4) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure UTIL-1: Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis.</b></p> <p>Prior to approval of any construction related permits, the Project sponsor shall prepare and submit a Sanitary Sewer Impact Analysis to City <u>and EBMUD</u> for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines <u>and EBMUD's Wastewater Control Ordinance, respectively</u>. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City- <u>or EBMUD</u>-projected increases in wastewater flow in the sanitary sewer system, the Project sponsor shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Less Than Significant
<p><b>Impact UTIL-2:</b> The Project could exceed the capacity of the City's stormwater drainage system. (Criterion 2) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure UTIL-2: Preparation and Approval of Final Design Storm Drainage System Plans.</b></p> <p>Prior to approval of any construction related permits, the Project sponsor shall design and submit Project Storm Drainage System plans to the City for review and approval in accordance with the City of Oakland's Drainage Design Standards and Guidelines. To the maximum extent practicable, peak stormwater runoff from the Project site shall be reduced by at least 25 percent compared to the pre-Project condition.</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan</b> (See Section 4.9, <i>Hydrology and Water Quality</i>)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements</b> (See Section 4.9, <i>Hydrology and Water Quality</i>)</p>	Less Than Significant
<p><b>Impact UTIL-3:</b> The Project would not increase the demand for treated water and conveyance systems that could exceed existing entitlements or capacities. (Criterion 3) <i>(Less than Significant)</i></p>	None required	Less Than Significant
<p><b>Impact UTIL-4:</b> Development of the Project could violate applicable federal, State, and local statutes or regulations related to solid waste, but it would not generate solid waste that would exceed the permitted capacity of the landfills serving the area. (Criteria 5 and 6) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure UTIL-3: Recycling Collection and Storage Space.</b></p> <p>Prior to the approval of a construction-related permit, the Project sponsor shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.</p>	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>4.16 Utilities and Service Systems (cont.)</b>		
<p><b>Impact UTIL-1.CU:</b> The Project, combined with cumulative development in the Project vicinity and citywide, could result in a significant cumulative impact on water supplies; the capacity of EBMUD's wastewater systems or the City's stormwater conveyance capacity; or generation of solid waste. <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure UTIL-1: Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis.</b> (see Impact UTIL-1)</p> <p><b>Mitigation Measure UTIL-2: Preparation and Approval of Final Design Storm Drainage System Plans.</b> (see Impact UTIL-2)</p> <p><b>Mitigation Measure UTIL-3: Recycling Collection and Storage Space.</b> (see Impact UTIL-4)</p> <p><b>Mitigation Measure HYD-1a: Creek Protection Plan</b> (See Section 4.9, <i>Hydrology and Water Quality</i>)</p> <p><b>Mitigation Measure HYD-1b: NPDES Stormwater Requirements</b> (See Section 4.9, <i>Hydrology and Water Quality</i>)</p>	Less Than Significant
<b>5.0 Variants</b>		
<p><b>Impact CUL-8:</b> The proposed Project, with the Peaker Power Plant Variant, would directly impact a historical resource through removal of a portions of the east and west wings of the building at 601 Embarcadero West. (Criterion 1) <i>(Significant and Unavoidable with Mitigation)</i></p>	<p><b>Mitigation Measure CUL-6a: Peaker Power Plant – HABS Documentation (Level II).</b></p> <p>Prior to demolition of a portions of the building sections located at 601 Embarcadero West, the entire building shall be recorded to the standards required by the Historic American Buildings Survey – Level II. Copies of the documentation shall be deposited locally in the Oakland History Room at the Oakland Public Library and other locations as determined by the City of Oakland.</p> <p><b>Mitigation Measure CUL-6b: Peaker Power Plant – Secretary of the Interior's Standards Compliance Analysis.</b></p> <p>Prior to demolition, architectural plans for the new end walls on the shortened east and west wings and other modifications to the building shall be reviewed by a professional meeting the Secretary of the Interior's Professional Qualification for Architectural History and/or Historic Architecture to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation. The professional's findings and recommendations shall be subject to review and approval by the City. The findings of this review shall be documented in a Standards Compliance Report.</p>	Significant and Unavoidable
<p><b>Impact CUL-9:</b> The proposed Project, with the Peaker Power Plant Variant, would not impact a historical resource through introduction of new development that could obstruct views into the resource, a character-defining feature of the PG&amp;E Station C API. (Criterion 1) <i>(Less than Significant)</i></p>	None required	Less Than Significant
<p><b>Impact CUL-10:</b> The proposed Project, with the Aerial Gondola Variant, would result in impacts to the Old Oakland API. (Criterion 1) <i>(Significant and Unavoidable with Mitigation)</i></p>	<p><b>Mitigation Measure CUL-7: Convention Center Station Contextual Design Review.</b></p> <p>The design of the Convention Center Station should minimize the horizontal and vertical extent of the new architectural structure to the greatest extent feasible within the final determined design constraints. It should occupy the minimal footprint possible and locate that footprint outside of the Old Oakland API to the greatest extent possible. In addition, the design of the platform should follow the minimal dimensions possible to limit visual intrusions and obstruction within the Old Oakland API. In addition, the stations should be composed of transparent materials, small-dimension structural elements, and/or design features that minimize the structure's bulk and mass within the intersection of 10th and Washington Streets.</p>	Significant and Unavoidable

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>5.0 Variants (cont.)</b>		
<b>Impact CUL-10 (cont.)</b>	<b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b> (see Section 4.4, Cultural and Tribal Cultural Resources)	
<b>Impact CUL-11:</b> The proposed Project, with the Aerial Gondola Variant, would not result in indirect impacts to the former Alameda County Coroner's Office and Morgue at 480 4th Street, a potentially historic resource. (Criterion 1) ( <i>Less than Significant</i> )	None required	Less Than Significant
<b>Impact CUL-12:</b> The proposed Project, with the Aerial Gondola Variant, could result in indirect impacts to the West Waterfront ASI. (Criterion 1) ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b> (see Section 4.4, Cultural and Tribal Cultural Resources)	Less Than Significant
<b>Impact CUL-13:</b> The proposed Project, with the Aerial Gondola Variant, could introduce new structures that could impact the setting immediately adjacent to the Western Pacific Railroad Depot, a historic resource. (Criterion 1) ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b> (see Section 4.4, Cultural and Tribal Cultural Resources)	Less Than Significant
<b>Impact CUL-3.CU:</b> The Project, in combination with the Peaker Power Plant Variant, would contribute to a citywide cumulative impact on cultural and historic resources identified in the Downtown Oakland Specific Plan EIR through the loss of <u>the a portion of the</u> historic west wings of the Peaker Power Plant. ( <i>Significant and Unavoidable with Mitigation</i> )	<b>Mitigation Measure CUL-6a (Peaker Power Plant – HABS Documentation [Level II]).</b> (see Impact CUL-8)  <b>Mitigation Measure CUL-6b (Peaker Power Plant – Secretary of the Interior's Standards Compliance Analysis).</b> (see Impact CUL-8)	Significant and Unavoidable
<b>Impact CUL-4.CU:</b> The proposed Project, in combination with the Aerial Gondola Variant, would contribute to a citywide significant cumulative impact on cultural and historic resources identified in the DOSP EIR through changes to the setting of the Old Oakland API. (Criterion 1) ( <i>Significant and Unavoidable with Mitigation</i> )	<b>Mitigation Measure CUL-7: Convention Center Station Contextual Design Review.</b> (see Impact CUL-10)  <b>Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.</b> (see Section 4.4, Cultural and Tribal Cultural Resources)	Significant and Unavoidable
<b>Impact HAZ-4:</b> The proposed Project, with the Peaker Power Plant Variant, would have the potential to encounter hazardous materials, which could create a significant hazard to the public or the environment. (Criterion 5) ( <i>Less than Significant with Mitigation</i> )	<b>Mitigation Measure HAZ-2: Peaker Power Plant Fuel Tank Decommissioning and Training/Oversight.</b>  Prior to demolition or removal of the fuel tank, the Project sponsor shall have the fuel tank parcel decommissioned, subject to the oversight and inspection of the Oakland Fire Department. The decommissioning activity shall be performed by qualified personnel trained and certified in environmental health and safety procedures pursuant to Occupational Safety and Health Administration training requirements in Code of Federal Regulations Title 29, Section 1910.120, Hazardous Waste Operations and Emergency Response, including appropriate training for enclosed space activities. The Project sponsor shall ensure that full-time observation under a site management plan occurs during actual removal of the tank to determine whether evidence of subsurface impact is present	Less Than Significant

**TABLE 2-1 (CONTINUED)**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>5.0 Variants (cont.)</b>		
<b>Impact HAZ-4 (cont.)</b>	<p><b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Section 4.8, Hazards and Hazardous Materials)</p> <p><b>Mitigation Measure HAZ-1b: Compliance with Approved <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Section 4.8, Hazards and Hazardous Materials)</p> <p><b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b> (see Section 4.8, Hazards and Hazardous Materials)</p> <p><b>Mitigation Measure HAZ-1d: Hazardous Building Materials.</b> (see Section 4.8, Hazards and Hazardous Materials)</p>	
<p><b>Impact HAZ-5:</b> The proposed Project, with the Aerial Gondola Variant, would have the potential to encounter hazardous materials which could create a significant hazard to the public or the environment. (Criterion 5) (<i>Less than Significant with Mitigation</i>)</p>	<p><b>Mitigation Measure HAZ-3: Aerial Gondola Soil and Groundwater Management Plan.</b></p> <p><b>Soil and Groundwater Management Plan</b></p> <p>Prior to issuance of a building permit for the Aerial Gondola Variant, the contractor shall develop a Soil and Groundwater Management Plan (SGMP) specifying how the construction contractor(s) will remove, handle, transport, and dispose of all excavated materials in a safe, appropriate, and lawful manner. The plan shall be implemented before the start of construction activities. The SGMP must identify protocols for soil testing and disposal. Contract specifications shall mandate full compliance with all applicable federal, State, and local regulations related to the identification, transportation, and disposal of hazardous materials, including those encountered in excavated soil.</p> <p><b>Hazardous Waste Management Procedures</b></p> <p>If soil classified as hazardous waste is encountered, the material shall be managed as hazardous waste pursuant to California Code of Regulations Title 22, Division 45, in accordance with the following procedures:</p> <ul style="list-style-type: none"> <li>• Excavation and transportation shall be performed by Occupational Safety and Health Administration–certified personnel, as needed and required by all federal, State, or local laws.</li> <li>• Soil shall either be characterized in-situ or staged on-site for characterization. If all or any portion of the soil is determined to be hazardous waste, such portion shall be managed and disposed of in accordance with applicable hazardous waste regulatory requirements.</li> <li>• Breathing zones shall be monitored for dust control.</li> <li>• All haul trucks (including those transporting soil, sand, or other loose material including demolition debris off-site) shall be covered, as required by applicable laws.</li> <li>• Soil that is visibly impacted or has an odor shall be stockpiled on-site, if needed, and shall be placed on 10-mil plastic sheeting, or equivalent, pending characterization. As necessary, based on meteorological and site conditions, the soil stockpiles shall be protected and secured to prevent dust or runoff during storm events.</li> </ul>	Less Than Significant

**TABLE 2-1 (CONTINUED)  
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE PROJECT**

Impacts, Criterion, and Significance	Mitigation Measures and Improvement Measures	Significance After Mitigation
<b>5.0 Variants (cont.)</b>		
<p><b>Impact HAZ-5 (cont.)</b></p>	<p><b>Groundwater Dewatering Controls</b></p> <p>As part of the SGMP, the contractor shall develop a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate, and lawful manner. Consistent with Best Management Practices (BMPs), the SGMP must identify the locations at which groundwater dewatering is likely to be required; the test methods to analyze groundwater for hazardous materials; the appropriate treatment and/or disposal methods; and approved disposal site(s), including written documentation that the disposal site can accept the waste. The contractor(s) may also discharge the effluent under an approved permit to a publicly owned treatment works, in accordance with any requirements the treatment works may have.</p> <p><b>Site-Specific Health and Safety Plans (HASPs)</b></p> <p>The contractor shall develop a site-specific HASP as part of the SGMP to ensure that construction activities are performed in a manner protective of the health and safety of site construction workers and of interim site uses in the construction zone(s). The HASP is a mechanism through which the workers involved in the construction are informed of the presence of chemicals in the area prior to initiating work.</p> <p><b>Review and Approval</b></p> <p>The SGMP shall be submitted to the California Department of Toxic Substances Control and the City for review and approval prior to commencement of construction.</p>	
<p><b>Impact HYD-6:</b> The proposed Project, with the Aerial Gondola Variant, could violate surface water and groundwater quality standards, result in erosion or siltation on- or off-site that could affect receiving water quality, and/or substantially degrade surface water and groundwater quality and conflict with implementation of a water quality control plan. (Criteria 1, 3, and 7) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure HAZ-2: Aerial Gondola Soil and Groundwater Management Plan</b> (see Impact HAZ-5)</p>	<p>Less Than Significant</p>

## 7.5 Changes to Chapter 3: Project Description

In response to comments and suggestions regarding existing uses at Howard Terminal, the description on p. 3-3 of the Draft EIR is expanded and updated as:

The Howard Terminal portion of the Project site, approximately 50 acres of the site, is currently leased by the Port to short-term tenants for maritime support uses including a variety of activities such as heavy truck parking and layover, and equipment and container storage and staging. Uses fluctuate somewhat over time. As of October 15, 2021-September 18, 2020, existing uses at Howard Terminal and their approximate acreages include the following:

- Truck parking/container depot – ~~1623~~ acres
- Longshoreperson training facilities – ~~75~~ acres
- Drayage truck yards (including loaded and empty container storage and staging) – ~~174~~ acres
- Vessel berthing for maintenance and storage (wharf area requirements) – ~~27~~ acres
- Roadways, unused areas, truck repair, and offices – ~~844~~ acres

The existing tenants at Howard Terminal currently employ approximately 40 on-site employees and 58 contractors and drivers who may work on or off the site.<sup>8</sup> In addition, an unknown number of independent owner/operator truck drivers rent parking spaces from an on-site parking operator, ABM Parking Services, which occupies the ~~1623~~ acres of truck parking/container depot use.

The following edit is made on Draft EIR p. 3-8 to identify the City of Oakland Datum acronym:

Groundwater is estimated at a depth of 5 to 12 feet below the ground surface and likely fluctuates several feet daily with the tidal action, due to the presence of the adjacent San Francisco Bay. The site is relatively level with a ground surface elevation generally ranging from 4.5 to 8 feet (City of Oakland Datum<sup>4</sup> (COD)).

The top of Draft EIR p. 3-11 is revised as follows in response to Comment A-5-6:

The Project site is served by the Port of Oakland's wastewater collection system that discharges into the City's collection system prior to discharging into East Bay Municipal Utility District's (EBMUD's) interceptor. The nearest existing East Bay Municipal Utility District (EBMUD) sewer interceptor is located north of the Project site, running east-west

<sup>8</sup> Port of Oakland, 2020. Memorandum – Estimate of Current Employees Located at Howard Terminal; from Andrea Gardner/Port of Oakland, to Molly Maybrun/City of Oakland, September 21, 2020. Updated estimate via email from Andrea Gardner dated July 15, 2021.

within 2nd and 3rd Streets, connecting between the two diagonally between Filbert and Myrtle Streets (see Figure 3-4).

The following edit is made to project objective 10 on Draft EIR p. 3-16:

1. Construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited green building design and construction practices, walkability features, and sea level rise resilience~~adaptability~~ standards.

In response to Comment O-36-10, text on Draft EIR p. 3-26 is modified as follows:

The proposed Project would include a network of approximately 18.3 acres of accessible open spaces, the large components of which are described below and illustrated in Figure 3-13, Parks, Plaza, and Open Space Program and Design. The parks and open spaces are envisioned to be flexible, and accommodate a range of outdoor programming, including, but not limited to, concerts, markets, festivals and activities noted in Figure 3-13. To enhance the experience, the parks and open spaces may also incorporate interpretive materials or artworks intended to communicate information about the history of the site and its surroundings, as appropriate.

Footnote 10 on Draft EIR p. 3-26 is modified as follows:

The Project will have an affordable housing program; which, based upon the July 2021 Development Agreement Term Sheet approved by the City Council, would may include 450 on-site or off-site affordable housing units and/or the payment of impact fees a financial commitment of 50 million dollars to support a combination of new (off-site) units, preservation and/or renovation of existing units, and/or down payment assistance. The Project would also provide anti-displacement tenant services. Should the Project satisfy its affordable housing component via The location of any off-site development resulting from this commitment is currently unknown and at as yet unidentified sites, that development would require separate environmental review and entitlement; these Also, any off-site units that are constructed would fall within the overall cumulative growth forecast used in the analyses contained in this EIR.

The following text on Draft EIR p. 3-28 is revised in response to Comment A-7-5:

### ***Athletics' Way***

Athletics' Way would extend Water Street, the largely pedestrianized spine of Jack London Square, west and encircle the ballpark, functioning as the main point of arrival for pedestrians accessing the ballpark and the Waterfront Ballpark District or Project site (see Figure 3-13). A total of 5.0 acres in size, Athletics' Way would consist of a pedestrian promenade with adjacent retail uses and landscaping around the ballpark.

Athletics' Way is envisioned as a social promenade and concourse that would be intended for everyday use while also managing a significant volume of users during games. Athletics' Way would be open to the public on non-event days (subject to periodic closures for security, safety, maintenance and/or repairs) and portions of Athletics' Way would require security screening for access ~~be reserved for ticketed attendees~~ during event days at the ballpark. Public access to the shoreline would remain on event days. The promenade would be designed to accommodate up to 35,000 fans and spectators on game day and provide a continuous pathway with a diverse mix of settings – including places to dine, stroll, and play. **Figure 3-14, View Approach to Ballpark from Jack London Square/Water Street**, provides an Illustrated image of Athletics' Way.

Section 3.8.1, *Transportation Management Plan*, is revised as follows on Draft EIR p. 3-42.

The TMP for the ballpark would include elements recommended for implementation in coordination with the City of Oakland Department of Transportation (OakDOT). The TMP also includes elements that could be implemented as needed in the future. A partial list is included here, and more detail can be found in Section 4.15, *Transportation and Circulation*, and Appendix TRA and Mitigation Measure TRANS-1b would implement the TMP:

- Transportation Hub with extended AC Transit bus lines (such as Line 6, 72, 72M, and 72R) within the public right-of-way on 2nd Street between Martin Luther King Jr. Way and Clay Street with bus shelters, benches, pedestrian-scale lighting and landscaping, wayfinding, real-time transit arrival information, concrete bus pads, and shared micromobility to enhance the transit experience on 2nd Street.
- Supplemental shuttle service (provided by AC Transit or a private operator) to 12th Street BART station.
- Bus priority lanes on Broadway serving the 12th Street BART station, Downtown Oakland, Chinatown, and Jack London.
- Wayfinding and sidewalk improvements between the West Oakland BART station and the ballpark via 7th Street, between the 12th Street BART station and the ballpark via Broadway and Washington Street, and between the Lake Merritt BART station and the ballpark via 8th Street.
- A combination of standard, secure and valet bicycle parking at multiple locations identified in collaboration with OakDOT and bike lanes on 7th Street, Martin Luther King Jr. Way, and Washington Street.
- Identification of geofenced micromobility parking (such as scooter and bike share), as well as priority and coordination for on-site and/or site-adjacent shared micromobility services identified in collaboration with OakDOT.

- ~~Coordination~~ Implementation of the Parking Management Plan titled *Toward a High-Performance Parking Management System for a Thriving Oakland: A Plan to manage the* with OakDOT on management of off-site parking garages within 1 mile of the Project site and ~~coordination with OakDOT on the management to manage of the~~ on-street parking on-site and in adjacent neighborhoods within 1 mile of the site.
- Agreements between the A's and TNC operators (such as Lyft and Uber) to use geofencing or similar methods to restrict pick-up and drop-off zones to designated locations farther from the ballpark than bus transit and shared micro-mobility options.
- A combination of traffic control officers or other personnel acceptable to the City to manage pre- and post-event attendees traveling to and from the ballpark events and to enforce local access restrictions limiting circulation within adjacent neighborhoods before, during, and after ballpark events.

The second to last sentence in Section 3.8.2, *Transportation and Parking Demand Management* is revised on Draft EIR p. 3-43:

Detail can be found in Section 4.15, *Transportation and Circulation*, and Appendix TRA and Mitigation Measure TRANS-1a would implement the TDM Plan. A Draft TDM Plan is included in Appendix TRA.

The first three bullet points under Section 3.8.4, *Railroad Corridor Safety Improvements* are revised as follows on Draft EIR pp. 3-43 through 3-44:

- Fencing along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to Broadway Oak Street, such that there would no longer be a motor vehicle intersection with Embarcadero West at Martin Luther King Jr. Way, and the street on the south side of the railroad tracks between Martin Luther King Jr. Way and Washington Street (and potentially to Broadway) could be converted to a multi-use use path and to the extent feasible an emergency vehicle access. The street on the north side of the railroad tracks, Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway.
- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, ~~and Broadway, Franklin Street, Webster Street, and Oak Street~~ with quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing as well as Americans with Disabilities Act features and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes or is stopped on the tracks.

- Install a traffic signal at the Market Street at-grade crossing and its intersection with Embarcadero West as well as a traffic signal on Market Street at 3rd Street and Market Street at Martin Luther King Jr. Way. These signals would be part of the railroad preemption system and include queue cutter loops on Market Street that would be tied to ~~both the~~ traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. A railroad preemption system provides an opportunity for vehicles to clear the track area before the train arrives at the crossing. A queue cutter loop signal is a traffic signal installed at a highway-rail grade crossing in a manner similar to a pre-signal; its function is to provide a means to prevent vehicles from stopping on the tracks or within the railroad right-of-way as a result of traffic queuing from a downstream signalized intersection.

Section 3.8.5, *Off-Site Access Improvements to Prioritize Transit, Biking, and Walking* is revised as follows on Draft EIR pp. 3-44 through 3.-45:

Through the analysis of the Project, several off-site transportation projects have been identified either as mitigation measures or non-CEQA recommendations. All are designed to support the City's desire to prioritize transit, walking, and biking to the Project to achieve the vehicle trip reduction goals for the Project, and many have been incorporated into the Draft TMP for the ballpark, which is provided in Appendix TRA. The off-site improvements would add or modify facilities on the following corridors and are ~~listed~~ described in Section 4.15, *Transportation and Circulation* (~~see Table 4.15-44~~ Section 4.15.4 page 4.15-86 through 4.15-136):

- |  |   |
|--|---|
| • 7th Street Corridor                                | • Martin Luther King Jr. Way Corridor   |
| • 2nd Street Corridor                                | • Washington Street Corridor  |
| • 3rd Street Corridor                                | • Broadway Corridor   |
| • I-880, 5th Street, and the Adeline Street Corridor | • Jefferson Street and Clay Street Corridors  |
| • Market Street Corridor                             | • Embarcadero West Corridor   |
|  | • <u>BART Wayfinding with sidewalk improvements and with I-880 Underpass Enhancements</u> |

The off-site improvements that are proposed for implementation as stand-alone mitigation measures (MM) include the following:

- A Transportation Hub on 2nd Street between Martin Luther King Jr. Way and Clay Street (MM TRANS-1c);
- Bus-only lanes on Broadway between Embarcadero West and 11th Street (MM TRANS-1d);

- A Class 2B Buffer Bike Lanes on 7th Street between Mandela Parkway and Martin Luther King Jr. Way (MM TRANS-2a);
- A Class 4 Separated Bike Lanes on Martin Luther King Jr. Way between Embarcadero West and 8th Street (MM TRANS-2b);
- A Class 2 Bike Lanes on Washington Street between Embarcadero West and 10th Street (MM TRANS-2c);
- At-grade railroad corridor and crossing improvements (MM TRANS-3a); and
- A grade-separated bicycle and pedestrian over crossing over the railroad tracks (MM TRANS-3b).

There would also be sidewalk improvements along several streets including 7th Street, 3rd Street, Market Street, Martin Luther King Jr. Way, Washington Street, 8th Street, and Broadway, as well as Jefferson and Clay Streets in the vicinity of the bicycle and pedestrian overcrossing (MM TRANS-1e).

Descriptions of each of these improvements are provided in Section 4.15, *Transportation and Circulation*.

The following paragraph is added at the end of Section 3.8.6 about Emergency Vehicle Access on Draft EIR p. 3-46:

Since heavy trucks were prohibited from using the Adeline Bridge over the railroad tracks in early 2021, approximately 30-60 heavy trucks per day have been travelling on the 7<sup>th</sup>/Adeline overweight truck route on a temporary basis. The Port is working with the City and Union Pacific to create an alternate overweight route that would roughly follow the route of the proposed emergency vehicle access to and from Middle Harbor Road, through the Roundhouse and the Howard Terminal site, to the Market Street at-grade crossing of the railroad tracks. This short-term solution, which would necessitate truck movements on Howard Terminal such that trucks can cross the railroad tracks at a ninety-degree angle, would continue until an alternative, longer-term solution can be identified, and could continue during and after construction of the proposed Project if necessary.

In response to Comment O-55-33, the following text on Draft EIR p. 3-47 is revised:

- **Secondary Street Tree Clusters**, which would be more-informal clustering of Street trees along the secondary network of east-west streets and within stormwater gardens, defined as pervious surface areas planted with vegetation for stormwater filtration and bioretention;

In response to Comment O-36-9, the following text on Draft EIR p. 3-47 is deleted:

~~More detail on possible plant species is presented in Section 4.3, *Biological Resources*, in Chapter 4.~~

In response to Comments A-7-6 and O-55-27, the following revisions are made to Section 3.11.1, *Sea Level Rise*, on Draft EIR p. 3-49:

In accordance with state guidance and AB 1191, the Project’s design basis for sea level rise resilience extends to 2100 (Moffatt & Nichol 2021a). For the proposed residential buildings and ballpark structure, the Project at its Buildout phase will accommodate more than 6.0 feet of sea level rise with minimal adaptations. For the streets and open space areas, the Buildout phase will accommodate at least the upper range of 2050 sea level rise projections of 1.9 feet. For portions of the site that are not initially resilient to potential 2100 sea level rise, a Sea Level Rise Final Adaptive Management and Contingency Plan will be developed based on Moffat & Nichol (2021a) which identifies specific adaptation measures that would be used to address sea level rise. Moffat & Nichol (2021a) augments Moffat & Nichol (2019) augmented and has been included as part of the Final EIR (Final EIR Appendix SLR). The Final Plan will address the sea level rise conditions that may occur in the future based on information available at that time and will describe the specific monitoring, triggers, and implementation of adaptation measures that will provide resilience to the portions of the Project site which become exposed to flood hazard due to future information on actual and projected sea level rise. See Mitigation Measure HYD-3 as revised in this document.

Elevating the Project site to reduce flood exposure due to future sea level rise is the Project’s primary adaptation measure. The Project’s proposed grading plan involves adding soil throughout much of the Project site to raise the ground surface elevations at least several feet to above the base flood elevation of 3.9 feet COD. ~~to reduce flood exposure due to future sea level rise.~~ Overall, the Project creates a large area of raised ground along the shoreline. The Project sponsor proposes finished floor elevations of all residential buildings on the site to be at or above 10 feet COD to accommodate future increases in the base flood elevation due to future sea level rise. The one exception would be on development block at the corner of Embarcadero West and Clay Street, which would have a finished floor elevation of 6.0 feet COD, higher than the base flood elevation, based on the preliminary grading plan. Proposed roadway elevations on the Project site would be approximately 9–14 feet COD ~~above the City of Oakland Datum~~ for most internal roads and 4.9 feet COD ~~City of Oakland Datum~~ on the north edge of the Project site to match with the existing grade of adjacent properties. The majority of the proposed ballpark structure would be at elevations of 5–10 feet COD ~~City of Oakland Datum~~ and higher, with the potential for lower elevations at field level suites and adjacent areas.

The current elevation of the wharf is lower than the proposed ground surface in the site’s interior and would not be elevated during buildout of the proposed Project. This would be consistent with the wharf’s intended use as shoreline public open space and access, and could change in the future as sea levels rise, and flooding occurs more often. (Section 4.9,

*Hydrology and Water Quality*, in Chapter 4 of this Draft EIR discusses site elevations and sea level rise in more detail, including requirements of AB 1191.)

The following text is added on Draft EIR p. 3-50 in response to Comment O-29-115:

### **3.12 Utility Infrastructure and Service**

The Project would generate increased utility demands and provide infrastructure to serve the proposed development. Proposed on-site characteristics for each major utility are summarized below. More detail and estimated demands for each service utility are provided in Section 4.5, *Energy*, Section 4.9, *Hydrology and Water Quality*, and Section 4.16, *Utilities and Service Systems*, in Chapter 4 of this Draft EIR. Exhibits of the proposed Project utility infrastructure for water, wastewater and stormwater, highlighting major changes in alignment, are also presented in Section 4.16.

Overall, the Project proposes the following utility infrastructure work, all of which are described in more detail below and in the impact analysis of the aforementioned sections of the Draft EIR:

- For water service, the Project proposes to replace and upgrade the size of certain existing pipelines to connect to the existing EBMUD system;
- For wastewater service, the Project proposes to install new wastewater pipelines;
- For stormwater drainage, the Project proposes to install a new stormwater drainage system, including the relocation and construction of new outfall facilities;
- For gas and electricity, the Project proposes to abandon or remove certain existing gas transmission lines, excepting existing high pressure gas lines, and install new and/or extend existing gas distribution lines; and
- For communications, the Project proposes to extend phone and cable/fiber optics facilities to the site.

The following revision is made to the fourth paragraph on Draft EIR p. 3-50 in response to Comment A-5-11:

Pipe size upgrades would occur at the mains in Market Street and Martin Luther King Jr. Way, and an additional new water pipeline would extend from the Project site east to connect with an existing EBMUD water pipeline in Water Street, as well as other various improvements within the City right-of-way. Recycled-water pipelines would be installed for use in landscape irrigation and flushable fixtures with mains connected to EBMUD recycled water mains. If EBMUD Recycled Water Master Plan Phase 1B is not installed prior to the construction of water supply infrastructure on the Project site, recycled-water mains would be installed and temporarily connected to the proposed Project's domestic water system until EBMUD Phase 1B improvements are complete, after which the

proposed Project's water system would be connected to the Phase 1B water main and disconnected from the domestic water system.

The following revision is made to the text at the top of Draft EIR p. 3-51 in response to Comment A-5-6:

The proposed Project would replace the existing wastewater conveyance system. Specifically, the Project would install sealed and impervious wastewater pipelines to convey wastewater and would comply with required regulations to prevent inflow and infiltration from entering the system.

The following text is added to Draft EIR p. 3-53 in response to Comment O-63-36:

### **New Piles for Crane Stabilization**

In addition to possible in-water work for the temporary stormwater and drainage improvements described above, the retention of the wharf and cranes in overwater areas (wharf) may require reinforcement of waterfront areas with the limited addition of in-water piles to support the wharf, improvements, and the cranes. If needed, such support work is anticipated to require approximately 0.01 acre (500 square feet) of new in-water piles. Although the Project is anticipated to be designed to avoid the need for new in-water piles, the potential need for these new in-water piles, and the associated impacts of construction, are analyzed in this document should this work be necessary. If needed, piles would be vibrated during the allowable fish windows, and impact hammers shall only be used after piles have reached the point of refusal with vibratory methods. With regard to habitat suitability for marine species, in-water piles function much like natural rocky intertidal and subtidal habitat. Without the need for any textural treatments, both concrete and steel piles provide an appropriate substrate for immediate colonization by marine invertebrates such as small barnacles, mussels, hydroids, crabs, and sea starts, among others.

To reflect the change from a RAW to a RAP, the first two paragraphs on Draft EIR p. 3-57 are modified as follows:

grading could occur in a phased manner as the Project is built out over time (*Phased Approach*), or they could be completed for the entire Project site at once (*Sitewide Approach*). In either case, the remediation and/or mitigation would proceed according to a Remedial Action Plan ~~Remedial Action Workplan~~ approved by DTSC. DTSC's approved Remedial Action Plan ~~Remedial Action Workplan~~ would require implementation of the remediation plan and worker safety measures. See Section 4.8, *Hazards and Hazardous Materials*, for a full discussion of hazardous materials conditions affecting the Project site and requirements the Project would implement to allow development of the Project site as proposed.

If the Project takes the *Phased Approach* to address development-related environmental issues and grading, targeted remediation and/or mitigation would occur in the area of the site that would develop in Phase 1, generally east of Market Street as shown in Figure 3-6, and those portions of the site would be raised to future grade. Phase 2 site remediation and/or cleanup would occur over the entire Phase 2 area or with a similar targeted approach that would remove the existing pavement cap over impacted zones identified in the Remedial Action Plan ~~Remedial Action Workplan~~. If the Project takes the *Sitewide Approach*, targeted remediation and/or mitigation and site grading would occur across the entirety of the Project site at once. In addition to the overall remediation approach, building-specific remediation and/or mitigation may also be required per the Remedial Action Plan ~~Remedial Action Workplan~~ as approved by DTSC at the time of development.

The following revision is made in the second paragraph on Draft EIR p. 3-61 to correct a typographical error:

(iii) measures to ensure that the future users, owners, lessees, and residents of and in the Project shall be notified of potential impacts of Port maritime and marine operations on their use and waive rights to claims ~~arising~~ariving therefrom;

The first paragraph on Draft EIR p. 3-65 is revised in response to modifications to the Peaker Power Plant Variant:

The plan for the Peaker Power Plant site is considered a variant to the proposed Project in this Draft EIR because the Oakland A’s have not entered into an agreement with Vistra Energy to give the A’s an interest in and control over the property to implement the proposed activities under this variant. Demolition of a portion of the existing power plant building’s west wings would also result in a slightly modified site plan. See the description of the variant in Chapter 5, *Project Variants*, for more information.

The City of Oakland row in Table 3-4 on Draft EIR p. 3-66 is amended as follows:

<b>City of Oakland</b>	<ul style="list-style-type: none"> <li>• Certification of the EIR</li> <li>• <u>Ordinance establishing regulatory framework and residential uses, as required under Charter</u></li> <li>• Approval of amendments to the General Plan and Planning Code <del>after recommendation by the Planning Commission</del></li> <li>• Re-zoning to Waterfront Planned Development Zoning District</li> <li>• <del>Consent to residential use as provided under Charter Section 727</del></li> <li>• Preliminary Development Plan (PUD)[PDP]</li> <li>• Final Development Plans (PUD-F) [FDP]</li> <li>• Grading Permits</li> <li>• Creek Protection Permit</li> <li>• Tree Preservation and Removal Permit</li> <li>• Development Agreement</li> <li>• Community Benefits Agreement</li> <li>• Tentative and Final Subdivision Maps</li> </ul>
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	<ul style="list-style-type: none"> <li>• <u>Approval of Enhanced Infrastructure Financing District, Community Facility District and related actions</u></li> <li>• Encroachment permits for facilities projecting into the public right-of-way</li> <li>• Actions required to adopt Parking Management Plan</li> <li>• All other necessary development permits and entitlements from the City</li> </ul>
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The State Lands Commission row in Table 3-4 on Draft EIR p. 3-66 is amended in response to Comment A-7-9 to clarify the approvals required:

<b>State Lands Commission</b>	<ul style="list-style-type: none"> <li>• Approval of a Trust Settlement and Exchange Agreement addressing public trust issues affecting the Project site</li> <li>• <u>Approval of a Ballpark and Public Lands Development pursuant to Section 7 of AB 1191</u></li> </ul>
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A new row in Table 3-4 on Draft EIR p. 3-66 is added to list Alameda County as a Responsible Agency:

<b><u>Alameda County</u></b>	<ul style="list-style-type: none"> <li>• <u>Necessary approvals to contribute County's portion of taxes to any Enhanced Infrastructure Financing District</u></li> </ul>
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A new row in Table 3-4 on Draft EIR p. 3-67 is added to list CDFW as a Responsible Agency in response to Comment A-2-2:

<b><u>California Department of Fish and Wildlife (CDFW)</u></b>	<ul style="list-style-type: none"> <li>• <u>Approval responsibility for the sound attenuation reduction and monitoring plan [mitigation measure BIO-3]</u></li> <li>• <u>Required concurrence with modifications to nest buffer distances [mitigation measures BIO-1a and BIO-1c]</u></li> </ul>
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## 7.6 Changes to Chapter 4.0: Introduction to Analysis

To further clarify the relationship of the possible turning basin expansion to the proposed Project and the EIR's analysis, the following explanation has been added to Section 4.0 of the Draft EIR on p. 4.0-12:

### **Turning Basins Widening Feasibility Study at Oakland Seaport**

The U.S. Army Corps of Engineers (USACE) and Port have partnered to evaluate the feasibility of widening both the Inner and Outer Harbor turning basins of the Oakland Harbor (also known as the "Feasibility Study"). The Port would be the lead agency under CEQA and would be required to review the potential impacts on the environment from a tentatively selected plan for expanded turning basins identified as a result of the Feasibility Study. As of the release date of this Draft EIR, the Feasibility Study has not been completed, and a Notice of Preparation of an EIR for a project involving the construction of an expanded turning basin adjacent to the Project site has not been released. Because an expanded turning basin is still being assessed in terms of feasibility, it is not considered a cumulative project in this Draft EIR. As described in Section 3.7, any impacts of expanding the turning basin or on vessels using an expanded turning basin would be subject to a separate CEQA analysis if and when the Port elects to exercise its

option and proceed with design, permitting, and construction. The analysis in the Draft EIR does not analyze the construction or operational impacts of the turning basin expansion itself; that is a separate project that would be initiated by the Port and the U.S. Army Corps of Engineers, if determined to be feasible, that would be addressed in a separate CEQA document.

## **7.7 Changes to Section 4.1: Aesthetics, Shadow, and Wind**

The text on Draft EIR p. 4.1-13 is revised as follows in response to Comment A-7-21:

### **Existing Wind Conditions at the Project Site and in the Vicinity**

Wind statistics measured at the Oakland International Airport were used to model wind speeds at the Project site. The Wind Technical Report prepared by RWDI (see Appendix AES) determined that existing hazard wind speeds (the wind speed exceeded one hour per year) at the Project site average 27 mph.

The following text is added on Draft EIR p. 4.1-13 in response to Comment A-12-53:

### **San Francisco Bay Plan and San Francisco Bay Area Seaport Plan**

The 1965 McAteer-Petris Act (Government Code Sections 66600–66694) assigns to the San Francisco Bay Conservation and Development Commission (BCDC) the responsibility for planning for the long-term use of the Bay and regulating development in and around the Bay. BCDC’s San Francisco Bay Plan (Bay Plan) provides policy direction for BCDC’s permit authority regarding the placement of fill, extraction of materials, determining substantial changes in use of land, water, or structures within its jurisdiction, protection of the Bay habitat and shoreline, and maximizing public access to the Bay. (The Bay Plan and the Public Trust Doctrine are discussed in greater detail in Section 4.10, *Land Use, Plans, and Policies*.)

With respect to visual quality, the Bay Plan states that Bayfront development should be designed to “enhance the pleasure of the user or viewer of the Bay” and that [m]aximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore” (Appearance, Design, and Scenic Views Policy 2). Additionally, shoreline development should be clustered, with surrounding open areas “to permit more frequent views of the Bay” (Appearance, Design, and Scenic Views Policy 8). In addition, BCDC’s Design Review Board should review and advise BCDC as to project design that affects the appearance of the Bay (Appearance Design and Scenic Views Policy 12) and as to the adequacy of a proposed project’s public access, based on BCDC’s adopted advisory Public Access Design Guidelines, and the ability of the proposed public access to “meet the needs of a growing and diversifying population” (Public Access Policy 13).

Assembly Bill (AB) 1191 (Stats. 2019, Chap. 752), also known as the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, authorizes BCDC to take certain actions related to the development of the Howard Terminal property and the proposed Project, finding, among other things, that:

- (1) The ballpark, public trust, and public open-space uses that lie within the BCDC jurisdictional bay fill lands are water-oriented uses for which BCDC may consider and grant permits, provided that the ballpark and other buildings that are built on BCDC jurisdictional fill are designed using the Bay as a design asset to attract large numbers of people to enjoy the bay, including substantial high-quality open space and public access with water views.
- (2) The ballpark itself will provide views of the bay from a rooftop park that is publicly accessible on non-game and non-event days.
- (3) Public trust uses on BCDC jurisdictional fill promote activation of the adjacent public open spaces to encourage substantial public use and enjoyment of the waterfront.

The second paragraph of Mitigation Measure AES-1 on Draft EIR p. 4.1-69 is modified as follows:

The wind analysis shall be conducted by a qualified wind consultant. The consultant shall conduct an analysis of the proposed building using a model that represents the proposed building in the context of then-existing conditions, as well as in the context of the proposed Project as a whole (the buildout scenario tested in the EIR, as may be modified from time to time by the Project sponsor to reflect actual building designs known at the time). The testing shall include test points deemed appropriate by the consultant and agreed upon by the Oakland ~~Department Bureau~~ of Planning & ~~Building~~ to determine the wind performance of the building, such as building entrances and sidewalks, and the consultant's report shall be submitted to the Oakland ~~Department Bureau~~ of Planning & ~~Building~~. If the wind consultant demonstrates to the satisfaction of the Oakland ~~Department Bureau~~ of Planning & ~~Building~~ that the modified design would not create a net increase in hazardous wind hours or locations under partial buildout or buildout conditions, compared to then-existing conditions, no further review would be required.

The “Significance after Mitigation” paragraph on Draft EIR p. 4.1-70 regarding the effectiveness of Mitigation Measure AES-1 is modified as follows:

**Significance after Mitigation:** Significant and Unavoidable. Since changes in wind conditions attributable to new buildings are dependent on the final design of those buildings, it cannot be stated with certainty that the above mitigation would avoid ~~no such~~ localized wind hazard exceedances and would result, the impact could be significant with development of Phase 1, with buildout, and/or during the interim period, even with mitigation. Therefore, this impact would be considered significant and unavoidable with mitigation.

## 7.8 Changes to Section 4.2: Air Quality

The second paragraph on Draft EIR p. 4.2-2, under the subheading “Existing Air Quality” is revised as follows:

Pollutants of concern in the Bay Area include O<sub>3</sub> and PM; the SFBAAB is in non-attainment with respect to the federal and State standards for these pollutants. **Table 4.2-1** shows a five -year summary of monitoring data (2015 through ~~2019~~2020) for these pollutants from the Oakland West station, as well as NO<sub>2</sub>, an ozone precursor, and CO, for which the Bay Area is in attainment status.

Table 4.2-1 is revised on Draft EIR p. 4.2-3 as follows:

**TABLE 4.2-1  
AIR QUALITY DATA SUMMARY (2015–~~2019~~2020) FOR OAKLAND WEST MONITORING STATION**

Pollutant	Standard <sup>a</sup>	Monitoring Data by Year <sup>b</sup>					
		2015	2016	2017	2018 <sup>c</sup>	2019 <sup>c</sup>	2020
<b>Ozone</b>							
Highest 1-Hour Average (ppm)	0.090 ppm	0.091 <sup>d</sup>	0.065	0.087	0.063	0.101	0.084
State Standards Exceedance Days		0	0	0	0	1	0
Highest 8-Hour Average (ppm)	0.070 ppm	0.064	0.052	0.068	0.050	0.072	0.056
State Standard Exceedance Days		0	0	0	0	1	0
National Standard Exceedance Days	0.070 ppm	0	0	0	0	1	0
<b>Fine Particulate Matter (PM<sub>2.5</sub>)</b>							
Highest 24-Hour Average (µg/m <sup>3</sup> )	35 µg/m <sup>3</sup>	38.7	23.9	56.0	169.2	29.3	159.7
Measured Days over National Standard Exceedances/Samples		3	0	7	15	0	9
State Annual Average (µg/m <sup>3</sup> )	12 µg/m <sup>3</sup>	10.2	8.7	12.9	14.4	7.8	10.3
National Annual Average (µg/m <sup>3</sup> )	12.0 µg/m <sup>3</sup>	10.1	8.6	12.8	14.3	7.7	10.2
<b>Nitrogen Dioxide (NO<sub>2</sub>)</b>							
Highest Hourly Average (ppm)	0.18 ppm	0.057	0.049	0.052	0.076	0.050	0.048
Measured Days over State Standard, Exceedances/Samples		0	0	0	0	0	0
<b>Carbon Monoxide (CO)</b>							
Highest 8-Hour Average (ppm)	9.0 ppm	2.6	2.2	2.1	3.1	1.7	-
Measured Days over State Standard		0	0	0	0	0	-

**NOTES:**

ppm = parts per million; µg/m<sup>3</sup> = micrograms per cubic meter

a Generally, State Standards and National Standards are not to be exceeded more than once per year.

b “—” indicates that data are not available. Measurements are from the Oakland West Monitoring Station in Oakland.

c According to the California Air Resources Board (CARB), data after 2017 may be preliminary.

d A violation occurs only if the standard is exceeded. Because 0.091 rounds to 0.09, it is not considered a violation. A recorded concentration of 0.095 or greater would constitute a violation of the state standard.

SOURCES: CARB, 2020A; CARB, 2021; BAAQMD, 2015; BAAQMD, 2016A; BAAQMD, 2017A; BAAQMD, 2017B; BAAQMD, 2018; BAAQMD, 2019A.

The first paragraph on Draft EIR p. 4.2-13 is revised as follows:

As shown in **Table 4.2-2**, the SFBAAB had a total of 12 Orange-level (unhealthy for sensitive groups) days in 2015, 13 days in 2016, 9 days in 2017, 5 days in 2018, ~~and 8 days in 2019, 8 days in 2020, and 7 days in 2021 so far.~~ Recent elevated Air Quality Index values, with specific exacerbation to PM<sub>2.5</sub> and CO levels, are likely attributed to wildfires and their impact on regional air quality in California (BAAQMD, 2017e; CARB, 2019f).

Table 4.2-2 is revised on Draft EIR p. 4.2-13 as follows:

**TABLE 4.2-2  
AIR QUALITY INDEX STATISTICS FOR ALAMEDA COUNTY**

Statistics for Alameda County	Number of Days by Year						
	2015	2016	2017	2018	2019	<u>2020</u>	<u>2021</u>
Unhealthy for Sensitive Groups (Orange)	12	13	9	5	8	<u>8</u>	<u>7</u>
Unhealthy (Red)	0	2	4	10	0	<u>11</u>	<u>1</u>
Very Unhealthy (Purple)	0	0	1	2	0	<u>1</u>	<u>0</u>

SOURCES: U.S. EPA, 2019a; U.S. EPA, 2021.

In response to Comment A-11-12, the second full paragraph on Draft EIR p. 4.2-20 is amended and expanded as follows:

...Several project components may be subject to BAAQMD rules and regulations governing criteria pollutants, toxic air contaminants, and odorous compounds, even though permits may not be required. Stationary sources, such as generators, are required to have permits from the BAAQMD before constructing, changing, or operating the source. If the project is subject to BAAQMD permit requirements, the sources would need to comply with BAAQMD Regulation and proceed through the two-stage Authority to Construct and Permit to Operate process. These include, but are not limited to:

**Regulation 1–Section 301, Public Nuisance:** Prohibits discharge of air contaminants or other materials (such as odors) from any source that could cause nuisance or annoyance to the public, endanger the safety of the public, or cause injury or damage to business or property.

**Regulation 2–Rule 1, Permits:** Requires any sources of air pollutants subject to BAAQMD permit requirements to first secure written authorization from the Air Pollution Control Officer in the form of an authority to construct and a Permit to Operate before operation of the source. In general, any equipment or operation that emits pollutants into the atmosphere requires a Permit to Operate from BAAQMD unless it is excluded from District Regulations per Regulation 1 or exempted from District permit requirements by a specific section of Regulation 2 Rule 1. Sources

associated with the project that would be subject to this regulation include emergency generators, boilers, coating operations, coffee roasting operations, dry cleaners, etc.

**Regulation 6, Particulate Matter–Rule 1:** Limits the quantity of particulate matter in the atmosphere through limits on emission rates, emission concentrations, visible emissions, and opacity.

**Regulation 6–Rule 6: Prohibition of Trackout:** Limits the quantity of particulate matter in the atmosphere through control of trackout of solid materials onto paved public roads outside the boundaries of construction sites where the total land area covered by construction activities and/or disturbed surfaces at the site are 1 acre or larger.

**Regulation 8–Rule 3, Architectural Coatings:** Limits the quantity of volatile organic compounds in architectural coatings.

**Regulation 8–Rule 40, Aeration of Contaminated Soil and Removal of Underground Storage Tanks:** Limits the emission of organic compounds from soil that has been contaminated by organic chemical or petroleum chemical leaks or spills and identifies acceptable procedure for controlling emissions from underground storage tanks during removal or replacement.

**Regulation 8–Rule 47, Air Stripping and Soil Vapor Extraction Operations:** Limits emissions of organic compounds from air stripping and soil vapor extraction equipment used for the treatment of groundwater or soil contaminated with organic compounds.

**Regulation 9–Rule 7, Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, And Process Heaters:** Limits the emissions of nitrogen oxides (NOx) and carbon monoxide (CO) from industrial, institutional and commercial boilers, steam generators, and process heaters.

**Regulation 9–Rule 8, Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines:** Limits the emission of nitrogen oxides and carbon monoxide from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower.

**Regulation 11–Rule 2, Asbestos Demolition, Renovation and Manufacturing:** Before demolition of structures, requires a thorough asbestos survey by a certified asbestos consultant, removal of all regulated asbestos if present, and a renovation and/or demolition notification.

**Regulation 12–Rule 4, Visible Emissions from Sandblasting Operations:** Establishes standards that apply to sandblasting operations other than permanent abrasive blasting operations or equipment.

In response to Comments O-45-7, O-45-10, O-62-65, O-63-50, and I-93-14, the second full paragraph on Draft EIR p. 4.2-26 is amended as follows:

CARB’s determination under AB 734 was issued August 25, 2020, and requires that projects construct at least 50 percent of residential buildings to be all-electric (see the *Project Features Analyzed* section below). As of December 1, 2020, the Oakland City Council voted to amend the City’s Municipal Code to prohibit the use of fossil fuel gas in all newly constructed buildings by adopting Ordinance 13632. This includes the use of natural gas in both residential and commercial buildings. The ordinance allows for developers who can demonstrate that it is not feasible for a new building to go 100% electric to apply for a waiver.

In response to Comment A-17-12, the third full paragraph on Draft EIR p. 4.2-32 is removed as follows:

~~*Action 12:* The City and Port of Oakland award long-term leases to vendors that will deliver trucker services (including mini market and convenience stores, fast food, and fast casual restaurants), and parking to keep trucks off West Oakland streets.~~

In response to Comments O-45-7, O-45-10, O-62-65, O-63-50, and I-93-14, the second full paragraph on Draft EIR p. 4.2-38 is amended as follows:

The Project sponsor has committed to construct at least 50 percent of residential buildings to be all-electric (i.e., no use of natural gas) consistent with CARB’s determination under AB 734. The Project would also comply with the building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City’s building code. ~~The Project would also be required to comply with applicable requirements in the City’s building code that reduce or eliminate the use of natural gas, unless the City grants a waiver for restaurants and/or other land uses.~~

In response to Comments O-45-7, O-45-10, O-62-65, O-63-50, and I-93-14, the third full paragraph under the subheading “Operational Emissions” on Draft EIR p. 4.2-44 is amended as follows:

Area source and energy emissions were calculated using methods consistent with CalEEMod based on the type and size of land uses associated with the Project, including the estimated average annual number of attendees at the ballpark and the number of the residents anticipated on site. Natural gas combustion for the ballpark was estimated based on historical natural gas use from the Coliseum, which is conservative because the new ballpark would likely be more efficient for natural gas use than the existing Coliseum. Natural gas use was adjusted to reflect the 2019 Title 24 Energy Efficiency Standards, which apply to all new construction after January 1, 2019. The Project would also comply with the building electrification requirements in City Ordinance 13632 that eliminates the

use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City's building code. Other area sources are consumer products, architectural coatings, and landscaping equipment. Total area source emissions depend on square footage and the number of dwelling units.

The third paragraph under "TAC Concentrations" is revised on Draft EIR p. 4.2-48 as follows:

Annual average PM<sub>2.5</sub> concentrations for construction were estimated based on exhaust emissions from off-road diesel construction equipment and on-road diesel haul trucks as well as fugitive emissions from tire wear, brake wear, and road dust from on-road diesel haul trucks. Annual average PM<sub>2.5</sub> concentrations for operations were estimated based on exhaust emissions from all fuel combustion sources; including operational traffic, emergency generators and delivery vehicles, and TRU operations; as well as fugitive emissions from tire wear, brake wear, and road dust from mobile sources.

The first paragraph under "Tenant Relocation" is revised on Draft EIR p. 4.2-39 as follows:

As of October 15, 2021~~September 18, 2020~~, existing uses on Howard Terminal and their approximate acreages include truck parking/container depot (~~1623~~ acres), loaded and empty container storage and staging (~~174~~ acres), longshoreperson training facilities (~~75~~ acres), berthing vessels for maintenance and storage (~~27~~ acres), and miscellaneous uses including roadways, unused areas, truck repair, and office uses (~~811~~ acres). Truck parking/container depot uses are implemented under license through a truck parking management operating agreement that expires in April 2021 and that is anticipated to be extended; the agreement covers all parking areas at the Seaport, including Howard Terminal and the Roundhouse. All other leases at Howard Terminal (approximately six, including drayage truck yards) are month-to-month, may be terminated on 30 days' written notice, and do not include tenant relocation rights or benefits.

Mitigation Measures AIR-1b and AIR-1c on Draft EIR pp. 4.2-65 through 4.2-67 are revised as follows:

**Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.**

The Project sponsor shall implement all of the following ~~applicable~~ criteria air pollutant control measures during construction of the Project as applicable to equipment used for Project construction:

1. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage to this effect shall be provided for construction workers at all access points.

2. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off Road Diesel Regulations”).
3. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation shall be kept at the construction site and be available for review by the City, Port and the Air District as needed.
4. Portable equipment shall be powered by grid electricity if available. If grid electricity is not available, propane or natural gas generators shall be used ~~if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.~~
5. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
6. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if requested), the Project sponsor shall provide written documentation that fleet requirements have been met (please see Enhanced Controls below for equipment inventory requirements).

#### *Enhanced Controls*

1. ~~Construction Emissions Minimization Plan:~~ The Project sponsor shall ~~prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted~~ documentation of incorporation of the above measures in construction plans to the City for review and approval prior to the issuance of construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). If requested, a copy of ~~the Emissions Plan~~ shall be provided to the Port and Air District. ~~The documentation Emissions Plan shall include the following:~~
  - a. ~~An~~ equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, and including a protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with this measure. the Emissions Plan. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year,

engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

- b. ~~A~~ The documentation submitted to the City shall also contain a Certification Statement signed by each construction contractor agreeing to comply fully with the Emissions Plan measures and acknowledging that a ~~significant violation of the Emissions Plan~~ failure to comply with the measures shall constitute a material breach of contract.

### **Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.**

In addition to implementing the measures in Mitigation Measure AIR-1b, ~~p~~Prior to the issuance of a construction permit the Project sponsor shall also submit documentation that implement the following:

1. ~~The Project sponsor shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions, including the following:~~
- a. ~~A~~ All off-road diesel equipment shall have engines that meet Tier 4 Final off-road emission standards, as certified by CARB, except as provided for below. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through submittal of an equipment inventory and Certification Statement to the City building official (see Mitigation Measure AIR-1b). The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. Exceptions to the requirement for engines that meet Tier 4 Final emission standards shall include only selected following pieces of specialty equipment specified below, for which such engines are not available at the start of a construction phase requiring that equipment. Specifically, exceptions may be granted for: In these instances, which are expected to be limited to cranes required for geotechnical work (deep dynamic compaction and deep power or vibro-compaction). If engines that comply with Tier 4 Final off-road emission standards are not commercially available for specific off-road equipment necessary during construction, then To qualify for an exception, the Project sponsor shall provide the City with evidence supporting its conclusion that equipment meeting Tier 4 standards is not available and shall use the next cleanest piece of off-road equipment as provided by the step-down schedules in Table M-AIR-1e below. The Contractor shall provide to the City for review and approval documentation showing that engines that comply with Tier 4 Final off-

~~road emission standards are not commercially available for specific off-road equipment necessary during construction.~~

**TABLE M-AIR-1C  
OFF ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE**

Compliance Alternative	Engine Emissions Standard	Emissions Control
1	Tier 4 Interim	N/A
2	Tier 3	ARB Level 3 VDECS
3	Tier 2	ARB Level 3 VDECS

For purposes of this mitigation measure, ~~evidence that equipment meeting Tier 4 standards is not available~~ “commercially available” shall include documentation that such equipment is not being used mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the City Bay Area occurring at the same time and/or cannot be obtained without taking into consideration factors such as (i) potential significant delays to critical-path timing of construction; for the ballpark and (ii) geographic proximity to the Project site of Tier 4 Final equipment.

~~The Project sponsor shall maintain records concerning its efforts to comply with this requirement.~~

How to use the table: if engines that comply with Tier 4 Final off-road emission standards are not ~~commercially~~ available, then the Project sponsor shall meet Compliance Alternative 1. If off-road equipment meeting Compliance Alternative 1 are not ~~commercially~~ available, then the Project sponsor shall meet Compliance Alternative 2. If off-road equipment meeting Compliance Alternative 2 are not ~~commercially~~ available, then the Project sponsor shall meet Compliance Alternative 3.

In all instances where off-road diesel engines do not meet Tier 4 standards or do not have advance exhaust controls per item #1 above, the Project sponsor shall use alternative fuels such as renewable diesel, biodiesel, natural gas, propane, or electricity unless such fuels are not available for the specific engine/equipment or are demonstrated not to reduce ROG, NO<sub>x</sub>, and PM emissions compared to traditional diesel fuel. In addition, if the Project sponsor uses any of the compliance alternatives in Table M-AIR-1c, the Project sponsor must demonstrate to the satisfaction of the City that the health risks from Project construction and operation do not exceed a total of 10 in a million excess cancer risk for any on-site or off-site receptor and also that the annual average PM<sub>2.5</sub> concentrations from Project construction and operation do not exceed a total of 0.3 µg/m<sup>3</sup> for any on-site or off-site receptor.

2. Documentation of Compliance Construction Emissions Minimization Plan

To demonstrate compliance with this measure, if the Project sponsor seeks exceptions to the requirement for engines that meet Tier 4 Final emission standards, the documentation submitted in compliance with Mitigation Measure AIR-1b shall include the evidence that equipment meeting Tier 4 standards is not available as required by item (1) of this measure. The Project sponsor shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Port and Air District if requested) for review and approval prior to the issuance of construction related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or each phase with multiple project sites to be constructed concurrently by one entity). The Emissions Plan shall include the following:

- a. ~~— An equipment inventory including the list of off road equipment anticipated to be required for each phase of construction, including a protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with the Emissions Plan. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.~~
- b. ~~— A Certification Statement signed by each construction contractor agreeing to comply fully with the Emissions Plan and acknowledging that a significant violation of the Emissions Plan shall constitute a material breach of contract.~~

The following paragraphs are added under “Mitigation Measure Effectiveness” on Draft EIR p. 4.2-67:

### **Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, it is possible that all cranes used in the Geotechnical Work phases of the Project would have Tier 2 engines via compliance alternative #2 in Mitigation Measure AIR-1c, which would increase NO<sub>x</sub> emissions beyond what is reported below in Table 4.2-5. The increase in NO<sub>x</sub> is 6.5 pounds per day in Year 1 and 4.4 pounds per day in Year 2, resulting in total maximum NO<sub>x</sub> emissions of 85.4 pounds per day in Year 2 if other assumptions remain unchanged. This is a five percent increase in maximum NO<sub>x</sub> emissions (which already exceed the threshold of significance of 54 pounds per day) which is not a substantial increase in the severity of the impact. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

Implementation of Mitigation Measure AIR-1a (Dust Controls) would require several dust control measures during construction to reduce fugitive emissions of PM<sub>10</sub> and PM<sub>2.5</sub> associated site disturbance, grading, soil and other material movement, vehicle and equipment operation on unpaved roads, demolition, and other activities that produce dust. As discussed on page 4.2-42 above, these dust control measures would reduce fugitive dust by 30 to 90 percent (Western Regional Air Partnership 2006; BAAQMD 2009). Fugitive dust emissions pre- and post- mitigation were not calculated in conformance with BAAQMD CEQA Guidelines.

The following text is added in the “NOTES” section of Table 4.2-5 on Draft EIR p. 4.2-70:

Mitigation Measures modeled in this table include Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), modeled as Tier 4 engines on all off-road equipment, (as available), and Mitigation Measure AIR-1d (Super-compliant VOC Architectural Coatings during Construction), modeled as super-compliant VOC coatings with 10 grams VOC per liter for all interior coatings. This table also includes construction activities associated with construction of the pedestrian and bicycle overcrossing and other off-site construction associated with transportation improvements, required as mitigation in the Transportation section. Mitigated emissions in this table do not reflect the possibility that cranes used in the Geotechnical Work phases of the Project would have Tier 2 engines via compliance alternative #2 in Mitigation Measure AIR-1c. This update would increase NO<sub>x</sub> emissions by 6.5 pounds per day in Year 1 and 4.4 pounds per day in Year 2, resulting in total maximum NO<sub>x</sub> emissions of 85.4 pounds per day in Year 2 if other assumptions remain unchanged.

The following text is added in the “NOTES” section of Table 4.2-6 on Draft EIR p. 4.2-72:

The technical analysis assumes Phase 1 construction begins in 2020 rather than 2022 as now anticipated, and also assumes that all construction is completed by 2027 rather than 2029 as now anticipated. Therefore, the emissions estimates presented in this table are conservative because emissions are expected to decrease over time due to improvements in technology and regulatory requirements. Emissions in this table do not reflect Tier 4 engines for emergency diesel generators with power ratings greater than 1,000 horsepower, as required by the BAAQMD’s March 2021 BACT guidance. This would reduce unmitigated emissions of all pollutants from what is presented in this table.

The following text is added in the “NOTES” section of Table 4.2-7 on Draft EIR p. 4.2-73:

Emissions in this table do not reflect Tier 4 engines for emergency diesel generators with power ratings greater than 1,000 horsepower, as required by the BAAQMD’s March 2021 BACT guidance. This would reduce unmitigated emissions of all pollutants from what is presented in this table.

The fifth paragraph on Draft EIR p. 4.2-74 is revised as follows:

In addition, the Project must comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code), including City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings. In addition, Project sources would be subject to the requirements of the City of Oakland Green Building Ordinance – Bay Friendly Landscapes (see Section 4.7, *Greenhouse Gas Emissions*). This would reduce energy use associated with Project operations, including any natural gas consumption from food service uses and associated criteria pollutant emissions.

Mitigation Measures AIR-2c through AIR-2e on Draft EIR pp. 4.2-76 through 4.2-82 is revised as follows:

**Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.**

To reduce NO<sub>x</sub> associated with operation of the proposed Project, the Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:

1. If non-diesel-fueled emergency generator technology is approved for use by the City fire department for safety purposes, non-diesel-fueled generators shall be installed in new buildings, provided that alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, are demonstrated to reduce ROG, NOX, and PM emissions compared to diesel fuel. If feasible, non-diesel fueled generators shall be installed to replace diesel fueled generators. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce NO<sub>x</sub> emissions compared to diesel fuel.
2. All new diesel backup generators shall have engines that meet or exceed California Air Resources Board Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423) which have the lowest NO<sub>x</sub> emissions of commercially available generators. If the California Air Resources Board adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest NO<sub>x</sub> emissions shall apply.
3. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process. Testing shall be limited to non-ballgame hours.
4. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from

the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors. This analysis must consider health risks from the Project as a whole at full buildout, including all 17 generators installed at the Project site, and including emissions from off-site sources of TACs under cumulative conditions, and the impact of all existing offsite or new onsite sensitive receptors.

5. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule and all other non-testing operations for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the City Bureau of Planning~~planning department~~ within three months of requesting such information.

#### **Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.**

The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. ~~Emissions from Project related diesel trucks shall be reduced through implementing the following measures, if feasible:~~

1. All loading docks for non-residential uses, including the ballpark, shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units ~~Installing electrical hook-ups for diesel trucks at loading docks.~~
2. Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. Signs shall be posted at all loading docks requiring trucks without electrical hookups for TRUs to meet Tier 4 emission standards and prohibiting those TRUs from operating for more than thirty minutes.
3. ~~Requiring truck intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels.~~
4. Signs shall be posted at the site entry point, at all loading locations, and throughout the project site, to prohibiting trucks from idling for more than two minutes.

~~54. The Project sponsor shall eEstablishing~~ truck routes to avoid sensitive receptors in the Project. ~~The Project sponsor shall also prepare Aa~~ truck route program, along with truck calming, parking, and delivery restrictions, which shall be implemented for all project-related truck operations.

In addition, the Project sponsor shall require trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable, and shall provide a notice on the lease or title to all new tenants or owners of the Project or any portion thereof requiring any truck-intensive uses on the site, such as large grocery stores or distribution facilities with their own fleet of trucks, to use TRUs and auxiliary power units that are electric plug-in capable and trucks that use advanced exhaust technology (e.g. hybrid) or alternative fuels.

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures Mitigation Plan.**

The Project sponsor shall implement the following emission reduction measures and provide documentation as required by this measure for the City's Bureau of Planning's review and approval ~~inspection~~ prepare a Criteria Pollutant Mitigation Plan (CPM Plan) prior to the issuance of building construction related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). The documentation shall include an updated calculation of purpose of the CPM Plan is to document expected construction and operational criteria pollutant emissions associated with the Project as a whole as well as the individual site or phase consistent with the methodology in the EIR (when multiple project sites would be constructed concurrently by one entity), including ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions.

The documentation shall quantify criteria pollutant emission reductions associated with each reduction measure and shall document the Project's performance in relation to the City's adopted thresholds of significance. The documentation shall demonstrate, based on substantial evidence, that the project has reduced total criteria pollutant emissions below the City's thresholds of significance. This represents a quantitative, objective performance standard for this mitigation measure; and to identify all available feasible measures (as defined under CEQA; see below) to reduce total criteria pollutant emissions below the City's thresholds of significance. The criteria pollutant emissions estimate for the Project shall include consideration of all criteria pollutant emission reduction measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and reduction measure.

The CPM Plan shall be submitted to the City of Oakland Planning Department for review and approval or conditional approval based on a determination of whether the CPM Plan meets the conditions described below. The CPM Plan shall include some or all of the recommended measures listed below, as needed to reduce the Project's criteria pollutant

emissions below the City's thresholds of significance. Should the Project sponsor deem any of the recommended measures infeasible, the CPM Plan shall clearly explain why such measure is considered to be infeasible, and how the goal of reducing all criteria pollutant emissions below the City's thresholds will be accomplished without the measure, and the Project sponsor shall only be permitted to remove measures if the City of Oakland Planning Department, in its discretion, determines that the measure is infeasible. The criteria pollutant emissions estimate for the Project shall include consideration of all mitigation measures and emission reduction actions that will be implemented by the Project and shall describe the approximate criteria pollutant emissions reductions that will be associated with each action and mitigation measure.

The CPM Plan shall include a detailed description of the criteria pollutant emissions for all construction activities and all operational components of each Project site as shown in final development plan or equivalent based on the best available construction and operational activity and energy use data at the time of Project approval and the latest and most up to date emissions modeling and estimation protocols and methods. The plan shall, at minimum, include the following elements:

1. ~~**Project Criteria Pollutant Emissions**~~ — The Project's criteria pollutant emission estimates presented in the CPM Plan shall include both construction and operational emissions associated with the Project and will be based on the emission factors for mobile sources, area sources, energy sources, and stationary sources commonly used at the time the CPM Plan is completed, and shall incorporate along with the incorporation of existing vehicle emission standards and building energy standards. If shuttle service to and from the Transportation Hub is provided as part of the TMP, then the estimates shall include emissions from this service. Emission factors are likely to decrease over time for some emission sources, such as mobile sources as the vehicle fleet shifts to more low- and zero-emissions fuel sources, and as new future technology that cannot currently be anticipated is adopted. The initial Project criteria pollutant emission estimates will be based upon final design, Project-specific traffic generation estimates, energy use estimates, equipment to be used on-site, and other emission factors appropriate for the Project prior to construction. Methods should generally follow the approach used in this DEIR and in Appendix AIR.
2. ~~**Criteria Pollutant Emission Reduction Measures**~~ — the CPM Plan shall include all feasible criteria pollutant emission reduction measures that reduce or offset the Project's incremental criteria pollutant emissions below the City's thresholds of significance. All emission reduction measures shall be verifiable and feasible to implement over the Project life. The CPM Plan shall be consistent with all regulatory requirements at the time the CPM Plan is developed, and shall include the recommended reduction measures identified below unless the Project sponsor provides evidence reasonably satisfactory to the City of Oakland Planning Department that (a) one or more measures are infeasible, or (b) that one or more measures are not required to reduce the Project's criteria pollutant emissions below City's thresholds. Measures shall be implemented as needed to

achieve the City’s significance thresholds. In addition, all measures shall be considered in the order of City preference as follows: (1) on-site measures, (2) off-site measures within the City of Oakland, and (3) off-site measures within the San Francisco Bay Area Air Basin. All feasible on-site and off-site measures must be implemented before emissions offsets are considered in the CPM Plan.

For the purposes of this mitigation measure, “feasible” shall mean as defined under CEQA “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

a. ***Recommended-Required On-Site Emission Reduction Measures:***

- i. *Minimize the Project’s energy demand through physical design features, with the ultimate goal of zero net energy buildings.* Minimize electricity and natural gas demand through implementation of design measures. New development, including residential, commercial, and retail buildings, shall be designed as zero net energy buildings as defined by the U.S. Department of Energy as follows: “An energy efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy” (DOE, 2015).
- ii.i. Comply with the building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City’s building code. Compliance with regulatory measures shall not qualify as a mitigation measure. *Electrify all residential development.* Residential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding the fact that this is a recommended measure, the Project shall comply with applicable building electrification requirements adopted by the City as part of its building code unless a waiver is granted by the City for a Project use and compliance with regulatory requirements shall not be considered mitigation.
- iii. ~~*Electrify nonresidential development.* Nonresidential buildings shall be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers, HVAC systems, and stoves. Notwithstanding this measure, the Project shall comply with any applicable building electrification requirement adopted by the City as part of its building code unless a waiver is granted by the City for a Project use and~~

~~compliance with regulatory requirements shall not be considered mitigation.~~

- ~~iv.~~ii. *Additional electric vehicle (EV) charging stations beyond regulatory requirements.* Install EV charging stations that provide charging opportunities at the Project site beyond regulatory requirements. The Project Sponsor shall promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking and installation of charging stations on at least 13 percent of all parking spaces, which is the maximum amount deemed feasible and effective in the year 2027 (based on analysis prepared in *Electric Vehicle Assumptions for the Oakland Waterfront Ballpark District Project* [Ramboll, 2021]) and is beyond the level required by regulatory requirements. This increased percentage shall be met at each phase or subphase and shall not apply to temporary parking spaces. Provide electric panel capacity (as defined by City Municipal Code section 15.04.3.11.130) sufficient to supply 29 percent of total parking spaces with EV charging in the future; these spaces would be “EV-capable” parking spaces. Install inaccessible raceway (conduit) to all permanent parking spaces at the Project site.
- iii. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on the Project site include electric vehicles within its car share program to reduce the need to have a vehicle or second vehicle and to reduce vehicle emissions.
- ~~v.~~iv. *Preferred parking for alternative-fueled vehicles and car sharing.* Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.
- ~~vi.~~v. *Additional TDM or TMP measures.* Implement TDM ~~or~~ TMP measures that go beyond the 20 percent vehicle trip reduction in the TDM ~~or~~ TMP Plan to achieve the maximum feasible reduction of at least 22 percent for non-ballpark development by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing:

- vi. Additional TMP measures. Implement TMP measures that go beyond the 20 percent vehicle trip reduction in the TMP Plan to achieve the maximum feasible reduction of at least 23 percent for the ballpark by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing. This requirement shall be waived if the project as a whole can be shown to get below the threshold of significance via other required emission reduction measures and offsets.
- vii. Zero-Emission Service Equipment. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission.
- viii. Electric Shuttle Bus Service. The project sponsor will provide a shuttle bus service connecting the ballpark's Transportation Hub to one or more of the three nearby BART stations (West Oakland, 12th Street, and Lake Merritt) on game days and for large concerts. The shuttles will be of the size and type required by the TMP and shall utilize electric, hydrogen fuel cell, or other ZEV technology, unless the City determines that such vehicles are not available from local vendors at the start of the baseball season. This determination shall be based on evidence provided by the Project sponsor, which shall demonstrate that ZEV shuttles are not available and that the vehicles proposed for use represent the lowest emission shuttle engine technology available at the time from local vendors.
- vii. ~~Additional actions from Mitigation Measure GHG-1.~~ Implement any additional on-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions.
- viii. ~~Additional measures and technology.~~ Implement additional measures and technology to reduce criteria pollutant emissions from Project construction and operations that are not currently known or available. This may include new energy systems (such as battery storage) to replace natural gas use, new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles, or other technology (such as alternatively fueled emergency generators or renewable backup energy supply) that is not currently available at the project level, provided that the CPM Plan demonstrates to the City's satisfaction that such measure are as or more effective as the existing measures described above.

- b. ~~**Recommended Off-Site Emission Reduction Measures for Consideration:**~~
- i. ~~Community energy efficiency retrofits.~~ Fund, contribute to, or implement community energy efficiency retrofits in West Oakland, the greater Oakland community, or other communities selected for the CARB's Community Air Protection Program under AB 617, to reduce off-site building energy use.
  - ii. ~~Off-site EV chargers.~~ Fund or implement a program that expands the installation of EV chargers in West Oakland, the greater Oakland community, or other communities selected for the CARB's Community Air Protection Program under AB 617, to reduce mobile source emissions from gasoline and diesel vehicles.
  - iii. ~~Additional actions from Mitigation Measure GHG-1.~~ Implement any additional off-site actions from Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) that would reduce criteria pollutant emissions in addition to GHG emissions.
- e. **Offsite Emission Reduction Measures, New Technologies, and Emissions Offsets:** Prior to issuance of the first building permit for which the documentation provided for the City's review and approval demonstrates that the combination of construction and operational ROG and NO<sub>x</sub> emissions as a result of the Project as a whole will first exceed 54 pounds per day and/or 10 tons per year, or that the combination of construction and operational PM<sub>10</sub> emissions as a result of the Project as a whole will first exceed 82 pounds per day and/or 15 tons per year final certificate of occupancy for the final building associated with Phase 1, the Project sponsor, with the oversight of the City of Oakland Bureau of Planning Department, shall implement one or more of the following measures to achieve annual reductions or offsets of ROG, NO<sub>x</sub>, and PM<sub>10</sub> equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures, as calculated and approved through the documentation submitted to the City as required above either:

The order of priority for the type of emission reduction measures contained herein shall be: (1) physical design features; (2) operational features; and (3) the use of offsite emission reduction projects.

The order of priority for the location of physical design features and operational features shall be: (1) the project site; (2) off-site within the neighborhood surrounding the Project site, including Old Oakland, Jack London Square, Chinatown, and West Oakland; (3) the greater City of

Oakland community; and (4) within the San Francisco Bay Area Air Basin.

Offsite emission reduction projects shall occur in the following locations in order of priority to the extent available: (1) off-site within the neighborhood surrounding the Project site, including West Oakland; (2) the greater City of Oakland community; and (3) within the San Francisco Bay Area Air Basin. Any offsite emission reduction projects are subject to the approval of the City.

To the extent that the Project sponsor proposes offsite emission reduction projects that do not conform to the priorities set forth above, the Project sponsor shall provide substantial evidence to support the exclusion of higher priority measure(s) considered and determined to be infeasible as defined under CEQA.

- i. Install additional EV charging stations at EV-capable parking spaces.* As the demand for EV charging increases, install additional EV charging stations beyond the 13 percent requirement of on-site emission reduction measure (a)(ii) at EV-capable spaces. To take emission reduction credit for these additional EV charging stations, the project sponsor must quantitatively demonstrate that the demand for EV charging exceeds the required percentage stipulated in item (a)(ii) above. The evaluation must use the same methods used in this EIR for evaluating the demand for EV charging, including fleet projection data from CARB, and may include additional data, revised calculation protocols, or model updates as they become available.
- ii. Implement additional measures and technology.* Implement additional measures and technology to reduce criteria pollutant emissions from Project construction and operations that are not currently known or available. This may include zero-emission off-road construction equipment, new energy systems (such as battery storage) to replace natural gas use or diesel fuel use, new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles, or other technology (such as alternatively fueled emergency generators or renewable backup energy supply) to replace diesel and fossil fuel use that is not currently available at the project level, provided that the documentation submitted by the Project sponsor demonstrates to the City's satisfaction that such measure are as or more effective as the existing measures described above.

- iii. Directly fund or implement a specific offset project within the City of Oakland to achieve the equivalent of annual tons-per-year reduction equal to the total estimated operational ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions offsets required to reduce the Project's criteria pollutants below City's significance thresholds.*

The emissions offset measures will be based on the criteria pollutant reductions necessary after implementation of all other emission reduction measures ~~implemented through the verified CPM Plan described above~~. To qualify under this mitigation measure, the specific emissions offset project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as zero-emission trucks, upgrading line-haul and switcher locomotives with cleaner engines, replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines, or expanding or installing energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution. Projects could also include local programs not included in the WOCAP such as accelerating the WETA ferry fleet to meet Tier 4 engine standards or use zero-emission engine technology ahead of regulatory requirements. Such projects may also include BAAQMD programs such as the vehicle buyback program or the fireplace retrofit program; Port programs such as landside infrastructure and/or harbor craft engine retrofits; or other community programs such as participation in a community energy-efficiency retrofit program, installation of off-site EV chargers, or similar programs/activities including programs to implement strategies identified in the West Oakland Community Action Plan. Prior to implementing the offset project, it must be approved by the City of Oakland Bureau of Planning, as consistent with the requirements of this mitigation measure. The Project Sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification; and/or

- iv. Pay mitigation offset fees or purchase and retire Emission Reduction Credits (ERC)s to reduce emissions within the San Francisco Bay Area Air Basin. Mitigation offset fees shall be*

paid to an independent third party approved by the City, such as the Air District Bay Area Clean Air Foundation, or with another other governmental entity. The mitigation offset fee shall fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin. The fee will be determined by the City, the Project Sponsor, and the independent third party Air District or other governmental entity, and be based on the type of projects available at the time of the payment. This fee is intended to

The purchase and retiring of ERCs must follow all BAAQMD regulations and requirements (including Air District Regulation 3) and include all applicable costs and fees, based on the type of ERCs available at the time of the payment. ERCs may be used to offset the project's emissions in the future if ERCs are available and permitted by the BAAQMD at the time of purchase. The offset fee and/or the retiring of ERCs shall fund or derive from emissions reduction projects to achieve annual reductions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures as currently calculated and implemented through the documentation submitted to the City as required above CPM Plan.

The offset fee for ROG and NO<sub>x</sub> shall be made prior to issuance of the first building permit for the Project when the combination of construction and operational emissions is predicted to first exceed 54 pounds per day. This offset payment The additional measures, offset projects, and/or offset fees and ERC purchased as required by this section shall be used to supplement requirements of Mitigation Measures AIR-2a through AIR-2d and this measure AIR-2e so as to reduce project emissions as calculated in the documentation submitted to the City's Bureau of Planning to below the 54 pounds-per-day and 10 tons-per-year threshold for ROG and NO<sub>x</sub> and the 82 pounds-per-day and 15 tons-per-year threshold for PM<sub>10</sub>. Shall total the annual tons per year of ROG and NO<sub>x</sub> above the 54 pounds per day and 10 tons per year threshold after implementation of Mitigation Measures AIR-2a through AIR-2d and the verified CPM Plan. The offset fee for PM<sub>10</sub> shall be made prior to issuance of the final certificate of occupancy for the final building associated with Full Buildout of the Project when operational emissions of PM<sub>10</sub> is predicted to first exceed 82 pounds per day. This offset payment shall total the annual tons per year of PM<sub>10</sub> above the 82 pounds per day and 15 tons per year threshold and PM<sub>10</sub> after implementation of Mitigation Measures AIR-2a through AIR-2d and the verified CPM Plan.

The total emission offset amount shall be calculated by summing the maximum daily construction and operational emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> (pounds/day) remaining above the City's threshold after implementation of Mitigation Measures AIR-2a through AIR-2d and required measures in this AIR-2e, multiplying by 260 work days per year for construction and 365 days per year for operation, and converting to tons. The amount represents the total estimated operational and construction-related ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions offsets required to reduce the Project's criteria pollutant emissions below the City's thresholds after implementation of all other mitigation measures ~~implemented through the CPM Plan.~~

Documentation of offset projects or ERC acquisition and mitigation offset payments, as applicable, shall be provided to the City for review and approval prior to issuance of the final certificate of occupancy for each building constructed after the documentation submitted to the Bureau of Planning demonstrates that the combination of construction and operational ROG and NO<sub>x</sub> emissions associated with the Project as whole will exceed 54 pounds per day or 10 tons per year, or to exceed 82 pounds per day or 15 tons per year of PM<sub>10</sub>.

When paying a mitigation offset fee under ~~paragraph (e)-item (iv)~~, the Project sponsor shall enter into a memorandum of understanding (MOU) or a purchase agreement with the independent third-party approved by the City, such as the Air District Clean Air Foundation, or with another other governmental entity. The MOU shall include details regarding the funds to be paid, the administrative. The MOU shall include details regarding the funds to be paid, the administrative fee, and the amount of emissions reductions resulting from and timing of the emissions reductions project. Acceptance of this fee by the air district or the other independent third party shall serve as acknowledgment and a commitment to (1) implement an emissions reduction project(s) within a time frame to be determined, based on the type of project(s) selected, after receipt of the mitigation fee to achieve the emissions reduction objectives specified above and (2) provide documentation to the Bureau of Planning Department and the Project sponsor describing the project(s) funded by the mitigation fee, including the amount of emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> reduced (tons per year) within the San Francisco Bay Area Air Basin from the emissions reduction project(s). When purchasing and retiring ERCs, the Project sponsor shall enter into a purchase agreement with the entity selling the ERC as required by BAAQMD's ERC banking and trading requirements, including Regulation 3. The Project sponsor shall provide documentation to the Bureau of Planning describing the ERC, including the amount of emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> reduced (tons per year) within the

San Francisco Bay Area Air Basin. To qualify under this mitigation measure, the specific emissions reduction project or ERC must result in emission reductions within the air basin that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The requirement to pay such mitigation offset fee or retain such ERC shall terminate if the Project sponsor is able to demonstrate that the Project's emissions upon the: (a) full buildout or (b) termination of the Development Agreement if it is later than full buildout are less than the 10-ton-per-year thresholds for ROG and NO<sub>x</sub> and the 15-ton-per-year threshold for PM<sub>10</sub>.

In addition to submitting documentation prior to the issuance of a permit to construct each phase of the Project, ~~t~~The Project sponsor shall prepare an Annual ~~CPM~~ Verification Report in the first quarter of each year following completion of each project site as shown in final development plan or equivalent. The purpose of the Report is to quantify total Project construction and operational criteria pollutant emissions for the previous year based on appropriate emissions factors for that year and the effectiveness of emission reduction measures that were implemented, and determine the on-site and off-site emission reduction measures and additional ROG, NO<sub>x</sub>, and PM<sub>10</sub> offsets needed to bring the Project below the City's thresholds of significance for the coming year. The Report shall be prepared by the Project ~~sponsor~~ proponent and submitted to the City Bureau of Planning ~~Department~~ for review and verification. Criteria pollutant offsets for the previous year, if required, shall be in place by the end of each reporting year. If the City Bureau of Planning ~~Department~~ determines the report is reasonably accurate, it may approve the report; otherwise, the City shall identify deficiencies and direct the Project sponsor to correct and re-submit the report for approval.

The following paragraph is added under "Mitigation Measure Effectiveness" on Draft EIR p. 4.2-83:

### **Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, the following changes would occur: 1) all buildings at the project site would be fully electric except for food service uses (required through Mitigation Measure AIR-2e); 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e); 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units (required through Mitigation Measure AIR-2d); 4) all trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable; and 5) any truck-intensive uses on the site must use

TRUs and auxiliary power units that are electric plug-in capable and trucks that use advanced exhaust technology or alternative fuels. All of these updates would decrease operational mitigated emissions of all pollutants from what is presented in the tables and text below. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

The second paragraph on Draft EIR p. 4.2-84, under the subheading “Mitigation Effectiveness” is revised to reflect revisions to Mitigation Measure AIR-2d as follows:

Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from on-road heavy-duty truck travel and idling by requiring advanced exhaust technology, Tier 4 emission standards for all TRUs, the use of electrical hookups to replace diesel TRU operations for all loading docks, the use of electric plug-in TRUs for all trucks serving the ballpark, a requirement for all truck-intensive uses to use TRUs and auxiliary power units that are electric plug-in capable and trucks that use advanced exhaust technology or alternative fuels, and idling limitations. At Full Buildout, DPM emissions from TRUs account for less than 1 percent of all DPM emissions from Project construction and Project operations. Additionally, TRU emissions represent 0.001 to 0.05 percent of total criteria pollutant emissions associated with Project operations and 3 to 5 percent of total criteria pollutant emissions associated with on-site truck activity (including idling and travel). Therefore, the contribution of Mitigation Measure AIR-2d toward reducing operational emissions would be minor. The use of electric plug-in TRUs for all trucks serving the ballpark was modeled for emission reductions. However, due to uncertainty associated with tenant truck and TRU usage for non-ballpark uses in the future. Therefore, although this ~~measure~~ would result in emission reductions, it was not modeled.

The third paragraph on Draft EIR p. 4.2-84, under the subheading “Mitigation Effectiveness” is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures ~~Mitigation Plan~~) would reduce ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions ~~from implementation of the CPM Plan, and to~~ be implemented prior to the start of Project construction activities for any uses not included in Phase 1 (currently anticipated to occur in Year 5) and approved by the City of Oakland Bureau of Planning. ~~However, the exact amount of daily and annual emission reductions from implementation of the required CPM Plan is not currently known.~~ Mitigation Measure AIR-2e ~~The CPM Plan~~ also includes the provision for installation of additional EV charging, implementation of new technologies to reduce emissions, offsite emission reduction projects, emissions offsets, or the purchase and retiring of ERCs to reduce ozone precursor emissions equal to the total estimated operational and construction-related ROG and NO<sub>x</sub> emissions offsets required to reduce related ROG and NO<sub>x</sub> emissions below the City’s adopted thresholds of significance (54 pounds per day and 10 tons per year) after implementation of all other emission reduction measures required by and implemented through Mitigation Measure

AIR-2e and documented in the Annual Verification Report~~the verified CPM Plan.~~  
However, the exact amount of emission reductions achieved through these programs and provisions is not currently known given the uncertainty regarding specific future technologies and offsite emission reduction projects and programs. In addition, implementation of the emissions reduction project(s) would be conducted by BAAQMD or another government entity and is outside the jurisdiction and control of the City and not fully within the control of the Project sponsor. Further, should the Project sponsor choose to purchase and retire ERCs and if this is permitted by the BAAQMD, although ERCs are real and verifiable, the availability of ERCs to mitigate the Project's emissions over the life of the Project could change. Mitigation Measure AIR-2e also allows the Project sponsor to directly fund or implement an offset project, which may include community-level strategies and control measures identified in the BAAQMD's AB 617 West Oakland Community Action Plan.

The third paragraph on Draft EIR p. 4.2-85 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-8** below presents a summary of potential emission reductions from potential mitigation measures to be included in ~~the CPM plan under~~ Mitigation Measure AIR-2e. Note that the emission reductions presented for the AIR-2e measures are preliminary and subject to revision per the details of Mitigation Measure AIR-2e~~the CPM Plan~~, and were therefore not included in the mitigated total emissions for the Project.

The following revisions are made to footnote "a" in the "NOTES" section of Table 4.2-8 on Draft EIR p. 4.2-85:

These reductions represent potential emission reductions for measures included in AIR-2e, but the details of these measures have not yet been determined ~~per the CPM Plan~~. Because it has not yet been determined which (if any) of the measures shown above will be implemented, these potential additional mitigation measures are not added together or to the Proposed Project results but are presented for informational purposes only.

The first paragraph on Draft EIR p. 4.2-86 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-9** below presents average daily and total annual combined mitigated construction and mitigated operational emissions during the years when construction and operations overlap. This table presents overlapping construction emissions with Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), modeled as Tier 4 Final engines on all off-road equipment (as available), and with Mitigation Measure AIR-1d (Super-Compliant VOC Architectural Coatings during Construction), modeled as 10 grams VOC per liter for interior architectural coatings. This table also shows operational emissions with implementation of Mitigation Measures AIR-2a (Low VOC Architectural

Coatings) and AIR-2c (Diesel Backup Generator Specifications). Because Mitigation Measure AIR-2b (Green Consumer Products) cannot be quantified at this time, it was not included in the table. The amount of criteria pollutant emission reductions achieved through specific measures required to be implemented under Mitigation Measure AIR-2e (Additional Criteria Pollutant Mitigation Plan Measures) cannot be quantified with certainty at this time. Therefore, these reductions are not presented in Table 4.2-9.

The second paragraph on Draft EIR p. 4.2-86 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

In addition, although the ~~CPM Plan~~ Mitigation Measure AIR-2e would include emissions offsets required to reduce any ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions that would exceed the respective thresholds of significance for these pollutants after implementation of all other feasible on-site and off-site emission reduction measures, implementation of the emissions reduction project(s) could be conducted by BAAQMD or another government entity and is outside the jurisdiction and control of the City and not fully within the control of the Project sponsor. Mitigation Measure AIR-2e also allows the Project sponsor to directly fund or implement an offset project; however, no such project has been identified.

The following text is added to footnote “d” in the “NOTES” section of Table 4.2-9 on Draft EIR p. 4.2-87:

Average daily construction emissions represent total annual emissions divided by 260 work days per year (with the exception of the ballpark emissions, which were divided by 312 days per year to account for weekend work). See Tables 4.2-4 and 4.2-5 for more detail. Emissions include implementation of Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), and Mitigation Measure AIR-1d (Super-Compliant VOC Architectural Coatings during Construction). This table also includes construction activities associated with construction of a pedestrian and bicycle overpass as well as other off-site construction associated with transportation improvements as called for in the Transportation section. This table does not include event shuttles operating at the Transit Mobility Hub, as discussed in the TMP; emissions from these shuttles would be relatively small and would not affect the significance conclusions. Construction emissions in this table do not reflect the possibility that cranes used in the Geotechnical Work phases of the Project would have Tier 2 engines via compliance alternative #2 in Mitigation Measure AIR-1c. This update would increase NO<sub>x</sub> emissions by 6.5 pounds per day in Year 1 and 4.4 pounds per day in Year 2, resulting in total maximum NO<sub>x</sub> emissions of 85.4 pounds per day in Year 2 if other assumptions remain unchanged. Operational emissions in this table do not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks would be equipped with electrical hookups for

trucks with TRUs or auxiliary power units. All of these updates would decrease operational mitigated emissions of all pollutants from what is presented in this table. See Appendix AIR for more detail.

The third paragraph on Draft EIR p. 4.2-97 is revised as follows:

Construction sources considered in the HRA include emissions from off-road construction equipment and on-road heavy-duty diesel trucks. Operational sources considered in the HRA include operational traffic generated by the proposed development and travel associated with the ballpark, TRU emissions from ballpark deliveries, and emergency generators.<sup>9</sup> Under California regulatory guidelines, DPM is used as a surrogate measure of carcinogen exposure for the mixture of chemicals that make up diesel exhaust as a whole (BAAQMD, 2016c). Therefore, DPM was the only TAC included in the cancer risk analysis for construction and operational emissions exposure. Annual average PM<sub>2.5</sub> concentrations include exhaust from all fuel combustion sources from both construction and operational activities along with road dust, tire wear, and brake wear from both construction on-road vehicles and operational mobile sources.

The second paragraph on Draft EIR p. 4.2-95, under the subheading “Summary: Criteria Pollutant Emissions” is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

Mitigation Measure AIR-2e requires the development and implementation of ~~the CPM Plan which would incorporate~~ a wide variety of mitigation measures into the Project design prior to the start of construction. While expected to be effective at reducing emissions below the City’s thresholds, the specific measures to be implemented through ~~the CPM Plan~~ Mitigation Measure AIR-2e are currently not known and therefore the amount of criteria pollutant emission reductions achieved through these measures is not quantifiable. Implementation of some of the emissions reduction project(s) could be conducted by BAAQMD or other governmental entity and is outside the jurisdiction and control of the City and not fully within the control of the Project sponsor.

The second paragraph on Draft EIR p. 4.2-99, under the subheading “Impacts on Existing Sensitive Receptors” is revised as follows:

As previously discussed under *Sensitive Receptors* in the *Environmental Setting*, off-site sensitive receptors close to the Project site primarily include residential uses to the north across Embarcadero Street (the Phoenix Lofts). Existing residences are located as close as 100 feet from the Project site boundary. The Downtown Oakland Specific Plan (DOSP) Preliminary Draft Plan indicates that there could be new downtown residential sensitive receptors across Embarcadero West approximately 100 feet north of the Project

<sup>9</sup> Emissions associated with possible relocation of truck parking to the Roundhouse site is also included as a conservative assumption. The analysis does not quantify risks associated with possible relocation of truck parking to other locations because those locations have not been identified and it would be speculative to do so.

site, which is the same distance from the Project site as the current existing off-site sensitive receptors located at Phoenix Lofts (City of Oakland, 2019). In addition, the M-30 (General Industrial) zoning of the area immediately north of Howard Terminal currently prohibits construction of residential buildings. Since circulation of the draft DOSP, the City has determined that the final plan will not propose residential receptors immediately north of Howard Terminal, so future DOSP receptors are not reasonably foreseeable. In any case, the DOSP would not place sensitive receptors any closer to the project site than those located at Phoenix Lofts, which was considered in the analysis. Therefore, the health risks at any future potential DOSP receptor location would likely not exceed those included in this EIR. However, because the exact location of new future residential sensitive receptors is currently not known (and when those future receptors would be present and exposed to the Project's TAC emissions), this Draft EIR does not include these potential future locations as existing off-site sensitive receptors for analyzing the direct impacts of the Project. Other residential areas throughout West Oakland were also considered.

The following text is added to the “NOTES” section of Table 4.2-10 on Draft EIR p. 4.2-100:

Health risks presented in this table do not reflect the following updates: 1) the requirement that emergency diesel generators with power ratings greater than 1,000 horsepower must achieve Tier 4 Final engine standards, as required by the BAAQMD's March 2021 BACT guidance; 2) an adjustment made to the release height of the Parcel 18 emergency diesel generator; and 3) the addition of idling emissions associated with Port truck traffic delays at intersections. Item #1 would reduce unmitigated health risks from what is presented in this table. Item #2 would decrease cancer risk at the on-site MEIR and had a negligible impact at the off-site MEIR. Item #3 would result in a minimal change to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table.

Footnote “c” in the “NOTES” section of Table 4.2-10 on Draft EIR p. 4.2-100 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following revision is made on Draft EIR p. 4.2-104 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures~~Mitigation Plan~~.** (See Impact AIR-2)

The third paragraph on Draft EIR p. 4.2-95 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-11** shows the mitigated HRA results for existing off-site receptors for Scenario 1 exposure from Project construction and operational activities along with Scenario 3 exposure for full buildout operations taking into account the implementation of Mitigation Measure AIR-1c assuming all Tier 4 Final equipment for construction emissions (where feasible) and Mitigation Measure AIR-2c assuming all Tier 4 Final emergency generators, 20 hours of annual generator testing and maintenance, and all generator exhaust is vented at the building rooftops. Because the effectiveness of Mitigation Measure AIR-2d and AIR-3 on health risks is not known, Table 4.2-11 does not quantify AIR-2d and AIR-3. In addition, because the specific amount or location of emissions reductions under ~~the CPM Plan under~~ Mitigation Measure AIR-2e cannot be determined at this time, Table 4.2-11 does not quantify AIR-2e.

The following text is added to the “NOTES” section of Table 4.2-11 on Draft EIR p. 4.2-107:

Health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks; the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in the tables below. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-11 on Draft EIR p. 4.2-107 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire

wear, brake wear, and road dust.  $PM_{2.5}$  concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3,  $PM_{2.5}$  concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text under “Impacts on New Sensitive Receptors” on Draft EIR p. 4.2-109 is revised as follows:

New on-site receptors were modeled at heights consistent with the number of floors of the building (starting at a height of 1.8 meters, with additional receptors at 3-meter intervals to represent each floor of the building (4.8 m, 7.8 m, etc.) through ~~103.8~~ 181.8 meters.

The following text under “Operational TAC Emissions” on Draft EIR p. 4.2-110 is revised as follows:

As discussed in Impact AIR-4 above, the sources of TAC emissions that would occur during the operational phase of the Project include emissions from mobile sources (passenger vehicles, delivery vehicles, and potential relocated truck movement at the Roundhouse) and stationary sources (17 emergency backup diesel generators, delivery vehicle idling at the ballpark loading docks, delivery vehicle TRU operations at the ballpark loading docks, and potential relocated truck idling at the Roundhouse). Operational sources considered in the HRA include operational traffic generated by the proposed development, delivery vehicle idling and travel associated with the ballpark, (including TRU operations), and emergency generators. As discussed in “Approach to Analysis” in Section 4.2.3, TRU emissions associated with non-ballpark land uses were not included in the HRA for operational sources because it is not yet known what tenants will be included in the non-ballpark land uses and whether TRUs would be part of their operations. Delays to port trucks and port truck idling emissions from traffic delays were ~~also not included in the HRA~~ included in the HRA but not reported in the tables below. This is because these DPM emissions account for only 1.3 percent of total DPM emissions from Project operations and the emissions would be spread out around the many intersections analyzed and would not be concentrated in the vicinity of the on-site MEIR; therefore, port truck delay emissions are expected to have a minimal effect on health risks at on-site or off-site receptors. Specifically, these DPM emissions would result in a minimal change to health risks: the change in cancer, chronic HI, and annual average  $PM_{2.5}$  concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in the tables below.

The following text is added to the “NOTES” section of Table 4.2-12 on Draft EIR p. 4.2-111:

Health risks presented in this table do not reflect the following updates: 1) the requirement that emergency diesel generators with power ratings greater than 1,000

horsepower must achieve Tier 4 Final engine standards, as required by the BAAQMD’s March 2021 BACT guidance; 2) an adjustment made to the release height of the Parcel 18 emergency diesel generator; and 3) the addition of idling emissions associated with Port truck traffic delays at intersections. Item #1 would reduce unmitigated health risks from what is presented in this table. Item #2 would decrease cancer risk at the on-site MEIR. Item #3 would result in a minimal change to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table.

Footnote “c” in the “NOTES” section of Table 4.2-12 on Draft EIR p. 4.2-111 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

Mitigation Measures AIR-4a and AIR 4b on Draft EIR pp. 4.2-113 through 4.2-115 are revised as follows:

**Mitigation Measure AIR-1c: Diesel Particulate Matter Controls.** (See Impact AIR-1)

**Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.** (See Impact AIR-2)

**Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.** (See Impact AIR-2)

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**~~Mitigation Plan.~~ (See Impact AIR-2)

**Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants.** (See Impact AIR-2)

**Mitigation Measure AIR-4a: Install MERV16 Filtration Systems.**

The Project Sponsor shall install a mechanical ventilation system at all residential buildings at the Project site capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a Minimum Efficiency Reporting Value

(MERV) 16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2). The system must meet the requirements of Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) and shall be included on plans submitted to the City of Oakland's Bureau of Building for review and approval prior to construction and be fully operational prior to issuance of a certificate of occupancy. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.

Alternatively, the Project sponsor shall retain a qualified air quality consultant to prepare an updated HRA for the Project in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of Project residents/occupants/users to TAC emissions. The updated HRA shall be conducted during final design for the proposed building or phase, when the exact level of TAC exposure is known, based on proximity to actual, then-current emission sources from both the entire Project and background cumulative sources consistent with the methods used in the EIR for cumulative analysis. The updated HRA shall be submitted to the City for review and approval. If the approved updated HRA concludes that health risks are at or below both the City's project-level and cumulative thresholds of significance for new on-site sensitive receptors with a filtration system alternative to MERV16, then the alternative MERV filtration system identified in the approved updated HRA shall be allowed rather than MERV16.

The Project sponsor or its designee shall maintain, repair, and/or replace the HVAC system on an ongoing and as-needed basis. To ensure this is done, the Project sponsor shall provide an operation and maintenance manual for the HVAC system, including the maintenance and replacement schedule for the filter, to the City's Bureau of Planning prior to issuance of the final certificate of occupancy, shall file a copy with the County Recorder's office, along with a signed statement committing to ongoing maintenance by the building manager or homeowners association, along with contact information for that person or entity.

#### **Mitigation Measure AIR-4b: Exposure to Air Pollution—Toxic Air Contaminants.**

The Project sponsor shall incorporate the following supplemental and non-quantifiable health risk reduction measures into the Project design where in order to reduce the potential health risk due to exposure to toxic air contaminants as feasible and shall include them for the Project's sources of TACs. ~~These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:~~

1. ~~Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for future on-site residents and other sensitive populations in the Project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 or higher (with exceptions as provided in 4a above). As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.~~

2. ~~Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).~~
3. ~~Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.~~
- 4.1. ~~The Project shall be designed to locate Sensitive receptors shall be located as far away as possible feasible from the Project's source(s) of air pollution such as loading docks and emergency generators. Operable windows, balconies, and building air intakes shall be located as far away from these sources as possible feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.~~
- 5.2. Sensitive receptors shall be located on the upper floors of buildings, where if feasible.
- 6.3. Planting trees and/or vegetation between sensitive receptors and off-site pollution sources; in landscaped buffer areas where 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 poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
7. ~~Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.~~

~~*Maintenance of Health Risk Reduction Measures.* The Project sponsor or its designee shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable Prior to occupancy, the Project sponsor shall prepare and then distribute to the building manager/operator operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.~~

The following paragraph is added under “Mitigation Measure Effectiveness” on Draft EIR p. 4.2-105:

### **Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, the following changes would occur: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e); and 4) all trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable. Update #1 has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks; the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in the tables below. Update #3 would reduce health risks at all MEIR

locations due to decreases in TAC emissions associated with reduced vehicle travel. Update #4 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced diesel TRU operations. All of these updates would decrease operational mitigated health risks and PM<sub>2.5</sub> concentrations from what is presented in the tables and text below. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

The third paragraph on Draft EIR p. 4.2-105, under the subheading “Mitigation Effectiveness” is revised to reflect revisions to Mitigation Measure AIR-2d as follows:

Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce DPM and PM<sub>2.5</sub> emissions associated with on-road heavy-duty truck travel and idling, and diesel TRU operation, thereby reducing excess lifetime cancer risk, non-cancer chronic risk, and annual average PM<sub>2.5</sub> concentrations.

The third paragraph on Draft EIR p. 4.2-116 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures Plan) may also reduce DPM, PM<sub>2.5</sub>, and TOG emissions associated with a variety of Project-related operational sources through the implementation of all feasible mitigation measures to reduce criteria pollutant emissions (DPM is a subset of PM<sub>10</sub> exhaust, PM<sub>2.5</sub> is a criteria pollutant, and TOG emissions are directly related to ROG emissions). However, the exact reduction in TAC emissions and associated health risks from AIR-2e is not currently known, because as the CPM Plan has not yet been developed and specific feasible mitigation measures to be implemented through Mitigation Measure AIR-2e have not yet been identified.

The fourth paragraph on Draft EIR p. 4.2-116 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-13** shows the mitigated HRA results for new on-site receptors for Scenario 2 exposure from Project construction and operational activities along with Scenario 3 exposure for full buildout operations taking into account the implementation of Mitigation Measures AIR-1c, AIR-2c, and AIR-4a. Mitigation Measure AIR-4a was assumed to reduce particulate pollution, including DPM and PM<sub>2.5</sub>, by approximately 76 percent as discussed above; this substantially reduces cancer risk, chronic HI, and PM<sub>2.5</sub> concentrations at on-site MEIR locations. Because the effectiveness of Mitigation Measure AIR-2d and AIR-3 on health risks is not known, Table 4.2-13 does not quantify AIR-2d and AIR-3. In addition, because the CPM Plan under specific feasible mitigation measures to be implemented through Mitigation Measure AIR-2e has not yet been developed/identified, Table 4.2-13 does not quantify AIR-2e.

The following text is added to the “NOTES” section of Table 4.2-13 on Draft EIR p. 4.2-117:

Health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 decreases cancer risk at the on-site MEIR. Update #2 results in minimal changes to health risks; the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in the tables below. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-13 on Draft EIR p. 4.2-117 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following paragraph is added under “Mitigation Measure Effectiveness” on Draft EIR p. 4.2-115:

### **Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, the following changes would occur: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e); and 4) all trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable. Update #1 decreases cancer risk at the on-site MEIR. Update #2 results in minimal changes to health risks; the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in the tables below. Update #3 would reduce health risks at all MEIR locations

due to decreases in TAC emissions associated with reduced vehicle travel. Update #4 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced diesel TRU operations. All of these updates would decrease operational mitigated health risks and PM<sub>2.5</sub> concentrations from what is presented in the tables and text below. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

The third paragraph on Draft EIR p. 4.2-115, under the subheading “Mitigation Effectiveness” is revised to reflect revisions to Mitigation Measure AIR-2d as follows:

Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce DPM and PM<sub>2.5</sub> emissions associated with on-road heavy-duty truck travel and idling, and diesel TRU operation, thereby reducing excess lifetime cancer risk, non-cancer chronic risk, and annual average PM<sub>2.5</sub> concentrations.

The following text is added in the “NOTES” section of Table 4.2-15 on Draft EIR p. 4.2-123:

Mitigation Measures modeled in this table include Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), modeled as Tier 4 Final engines on all off-road equipment (as available), and Mitigation Measure AIR-1d (Super-Compliant VOC Architectural Coatings during Construction), modeled as super-compliant VOC coatings with 10 grams VOC per liter for all interior coatings. This table also includes construction activities associated with construction of the pedestrian and bicycle overpass and other off-site transportation improvements required as mitigation in the Transportation section. Mitigated emissions in this table do not reflect the possibility that cranes used in the Geotechnical Work phases of the Project may have Tier 2 engines via compliance alternative #2 in Mitigation Measure AIR-1c. This update would increase NO<sub>x</sub> emissions by an estimated 6.5 pounds per day in Year 1 and 4.4 pounds per day in Year 2, resulting in total maximum NO<sub>x</sub> emissions of 85.4 pounds per day in Year 2 if other assumptions remain unchanged.

The second paragraph on Draft EIR p. 4.2-123 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-16** summarizes total annual and average daily emissions by year from Year 4 through Year 9 under the Maritime Reservation Scenario, including emission reductions from existing A’s-related emissions, and compares net new Project emissions with the City of Oakland significance thresholds. Similar to the Project, Phase 1 operational emissions in Year 4 would not exceed any significance thresholds. However, Phase 1 operational emissions of ROG and NO<sub>x</sub> would not exceed the significance thresholds in Year 5-Year 7, unlike the Project. Also similar to the Project, net new full buildout operational emissions of ROG and NO<sub>x</sub> would exceed the significance thresholds in Year 8 and net new full buildout operational emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> would exceed the significance

thresholds in Year 9. As such, the same mitigation measures as for the Project would be required for the Maritime Reservation Scenario. These include Mitigation Measures AIR-2a (Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions), AIR-2b (Promote use of Green Consumer Products), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), and AIR-2e (Additional Criteria Pollutant Mitigation Plan Reduction Measures).

Footnote “a” in the “NOTES” section of Table 4.2-16 on Draft EIR p. 4.2-124 is revised as follows:

The technical analysis assumes Phase 1 construction begins in 2020 rather than 2022 as now anticipated, and also assumes that all construction is completed by 2027 rather than 2029 as now anticipated. Therefore, the ~~health risk emissions~~ estimates presented in this table are conservative because emissions ~~and the associated risks~~ are expected to decrease over time due to improvements in technology and regulatory requirements.

The following text is added to footnote “d” in the “NOTES” section of Table 4.2-17 on Draft EIR p. 4.2-126:

Average daily construction emissions represent total annual emissions divided by 260 work days per year (with the exception of the ballpark construction, which is divided by 312 work days per year to account for weekend work). See Tables 4.2-4 and 4.2-5 for more detail. Emissions include implementation of Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), and Mitigation Measure AIR-1d (Super-Compliant VOC Architectural Coatings during Construction). This table also includes construction of the pedestrian and bicycle overpass and other off-site transportation improvements required as mitigation in the Transportation section. Emissions in this table do not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks are equipped with electrical hookups for trucks with TRUs or auxiliary power units. All of these updates would decrease operational mitigated health risks and PM<sub>2.5</sub> concentrations from what is presented in this table.

The first paragraph on Draft EIR p. 4.2-127 under the subheading “Impacts on Existing Sensitive Receptors” is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-18** shows the HRA results for existing off-site receptors for Scenario 1 exposure from construction and operational activities along with Scenario 3 exposure for full buildout operations under the Maritime Reservation Scenario. Similar to the Project, cancer risk and annual average PM<sub>2.5</sub> concentrations would exceed the significance thresholds

(non-cancer chronic risk would not exceed the thresholds). As such, the same mitigation measures as for the Project would be required for the Maritime Reservation Scenario. These include Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Mitigation Plan Reduction Measures), and AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants).

The second paragraph on Draft EIR p. 4.2-127 under the subheading “Impacts on Existing Sensitive Receptors” is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-19** shows the mitigated HRA results for existing off-site receptors for Scenario 1 exposure from construction and operational activities along with Scenario 3 exposure for full buildout operations under the Maritime Reservation Scenario taking into account the implementation of Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) and AIR-2c (Diesel Backup Generator Specifications). Because the effectiveness of Mitigation Measure AIR-2d and AIR-3 on health risks is not known, Table 4.2-19 does not quantify AIR-2d and AIR-3. In addition, because ~~the CPM Plan under~~ specific feasible mitigation measures to be implemented through Mitigation Measure AIR-2e ~~has~~ have not yet been ~~developed~~ identified, Table 4.2-19 does not quantify AIR-2e. Similar to the Project, when accounting for mitigation measures, both cancer risk and annual average PM<sub>2.5</sub> concentrations would be reduced below the significance thresholds. These exceedances are slightly greater than the Project. As such, this impact would be greater than the Project and less than significant with mitigation.

The first paragraph on Draft EIR p. 4.2-127 under the subheading “Impacts on New Sensitive Receptors” is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-20** shows the HRA results for new on-site receptors for Scenario 2 exposure from construction and operational activities along with Scenario 3 exposure for full buildout operations under the Maritime Reservation Scenario. Similar to the Project, cancer risk and annual average PM<sub>2.5</sub> concentrations would exceed the significance thresholds (non-cancer chronic risk would not exceed the thresholds). As such, the same mitigation measures as for the Project would be required for the Maritime Reservation Scenario. These include Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Mitigation Plan Reduction Measures), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), and AIR-4a (Install MERV16 Filtration Systems).

The following text is added to the “NOTES” section of Table 4.2-18 on Draft EIR p. 4.2-128:

Health risks presented in this table do not reflect the following updates: 1) the requirement that emergency diesel generators with power ratings greater than 1,000 horsepower must achieve Tier 4 Final engine standards, as required by the BAAQMD’s March 2021 BACT guidance; 2) an adjustment made to the release height of the Parcel 18 emergency diesel generator; and 3) the addition of idling emissions associated with Port truck traffic delays at intersections. Item #1 would reduce unmitigated health risks from what is presented in this table. Item #2 would decrease cancer risk at the on-site MEIR and have a negligible impact at the off-site MEIR. Item #3 would result in a minimal change to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations would fall between -1.1% and +0.82% relative to values presented in this table.

Footnote “c” in the “NOTES” section of Table 4.2-18 on Draft EIR p. 4.2-128 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-19 on Draft EIR p. 4.2-129:

Health risks presented in this table do not reflect an adjustment made to the release height of the Parcel 18 emergency diesel generator; this adjustment decreased cancer risk at the on-site MEIR. Health risks presented in this table also do not reflect the addition of idling emissions associated with Port truck traffic delays; the net risk contribution of truck idling at intersections is minimal: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations would fall between -1.1% and +0.82% relative to values presented in this table. Health risks presented in this table also do not reflect the requirement that the Project achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e), which would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-19 on Draft EIR p. 4.2-129 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-20 on Draft EIR p. 4.2-130:

Health risks presented in this table do not reflect the following updates: 1) the requirement that emergency diesel generators with power ratings greater than 1,000 horsepower must achieve Tier 4 Final engine standards, as required by the BAAQMD’s March 2021 BACT guidance; 2) an adjustment made to the release height of the Parcel 18 emergency diesel generator; and 3) the addition of idling emissions associated with Port truck traffic delays at intersections. Item #1 would reduce unmitigated health risks from what is presented in this table. Item #2 would decrease cancer risk at the on-site MEIR and had a negligible impact at the off-site MEIR. Item #3 would result in a minimal change to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations would fall between -1.1% and +0.82% relative to values presented in this table.

Footnote “c” in the “NOTES” section of Table 4.2-20 on Draft EIR p. 4.2-130 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The first paragraph on Draft EIR p. 4.2-131 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

**Table 4.2-21** shows the mitigated HRA results for new on-site receptors for Scenario 2 exposure from construction and operational activities along with Scenario 3 exposure for full buildout operations under the Maritime Reservation Scenario taking into account the implementation of Mitigation Measures AIR-1c, AIR-2c, and AIR-4a (Install MERV16 Filtration Systems). Because the effectiveness of Mitigation Measure AIR-2d and AIR-3 on health risks is not known, Table 4.2-21 does not quantify reductions potentially associated with Mitigation Measures AIR-2d and AIR-3. In addition, because ~~the CPM Plan~~ underspecific feasible mitigation measures to be implemented through Mitigation Measure AIR-2e ~~has~~ have not yet been ~~developed~~ identified, Table 4.2-21 does not quantify AIR-2e. Similar to the Project, when accounting for mitigation measures, both cancer risk and annual average PM<sub>2.5</sub> concentrations would be reduced below the significance thresholds. These exceedances are slightly greater than the Project. As such, this impact would be greater than the Project and less than significant with mitigation.

The following text is added to the “NOTES” section of Table 4.2-21 on Draft EIR p. 4.2-132:

Health risks presented in this table do not reflect an adjustment made to the release height of the Parcel 18 emergency diesel generator; this adjustment has a negligible impact at the off-site MEIR. Health risks presented in this table also do not reflect the addition of idling emissions associated with Port truck traffic delays; the net risk contribution of truck idling at intersections is minimal: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Health risks presented in this table also do not reflect the requirement that the Project achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e), which would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-21 on Draft EIR p. 4.2-132 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The first paragraph on Draft EIR p. 4.2-134 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

Because the Project's emissions exceed the project-level thresholds as explained in Impact AIR-2, the Project would result in a considerable contribution to cumulative regional air quality impacts, a significant impact. Mitigation Measures AIR-2a (Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions), AIR-2b (Promote use of Green Consumer Products), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), and AIR-2e (Additional Criteria Pollutant ~~Mitigation Plan~~ Reduction Measures) have been identified to reduce this impact, though not to less-than-significant levels.

The first and second paragraphs on Draft EIR p. 4.2-137 are revised as follows:

City of Oakland Green Building Requirements require new large commercial projects, new high-rise residential projects and commercial interior projects to provide designated parking for low-emitting, fuel efficient, and carpool/van pool vehicles and mark 8 percent of parking stalls for such vehicles. City of Oakland Municipal Code Section 15.04 requires the installation of PEV charging infrastructure, including PEV-ready, PEV-capable, and ADA-accessible parking spaces.

All buildings at the Project site, including the new ballpark, would be designed to meet LEED Gold certification or the equivalent, which would include the installation of cool roofing and cool paving technologies. The Project would comply with the building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings. The proposed Project would comply with the City of Oakland's Building Requirements by providing for recycling, compost, and solid waste collection and loading that is convenient for all users

The following revision is made on Draft EIR p. 4.2-138 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures~~Mitigation Plan~~.** (See Impact AIR-2)

The first paragraph on Draft EIR p. 4.2-140 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

Mitigation Measure AIR-2e would ~~require the development and implementation of the CPM Plan which would~~ incorporate a wide variety of emission reduction measures into the Project design prior to the start of construction, but the specific measures to be implemented ~~through the CPM Plan~~ are currently not known and therefore the criteria

pollutant emission reductions that will be achieved through these measures is not known. AIR-2e also includes the potential to use offsets as air quality mitigation, and although offsets would be implemented through a known verifiable program well established by the BAAQMD, implementation of the mitigation measure is beyond the control of the Project sponsor. Therefore, the Project's emissions of criteria air pollutants would be cumulatively considerable, and would be significant and unavoidable with mitigation.

The fourth paragraph on Draft EIR p. 4.2-145, under the subheading "Impacts on Existing Sensitive Receptors" is revised as follows:

The DOSP Preliminary Draft Plan indicates that there could be new downtown residential sensitive receptors in new mixed-use designated areas across Embarcadero West approximately 100 feet north of the Project site from Brush Street to Clay Street. However, as discussed on p. 4.2-99, the M-30 (General Industrial) zoning of the area immediately north of Howard Terminal currently prohibits construction of residential buildings. Since circulation of the draft DOSP, the City has determined that the final plan will not propose residential receptors immediately north of Howard Terminal, so future DOSP receptors are not reasonably foreseeable. Because the exact location of new future residential sensitive receptors (and when those future receptors would be present and exposed to the Project's TAC emissions) is currently not known, it would be speculative to assume that there would be sensitive receptors at these locations. Therefore, potential future residential locations associated with the DOSP were not considered to be existing off-site sensitive receptors for analyzing cumulative impacts. In addition, City of Oakland building code and standard conditions of approval would require that any new residential buildings constructed as part of the DOSP would install MERV 13 or better air filtration systems. This would reduce the total exposure and health risks for these future sensitive receptors.

The following text is added to the "NOTES" section of Table 4.2-22 on Draft EIR p. 4.2-146:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-22 on Draft EIR p. 4.2-126 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-23 on Draft EIR p. 4.2-148:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-23 on Draft EIR p. 4.2-148 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-24 on Draft EIR p. 4.2-152:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project is required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 decreases cancer risk at the on-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-24 on Draft EIR p. 4.2-152 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-25 on Draft EIR p. 4.2-153:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 decreases cancer risk at the on-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-25 on Draft EIR p. 4.2-153 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following revision is made on Draft EIR p. 4.2-156 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**~~Mitigation Plan~~. (See Impact AIR-2)

The following measure #9 under Mitigation Measure AIR-2.CU on Draft EIR p. 4.2-157 is modified as follows:

9. *Directly fund or implement a specific emissions or exposure reduction project(s) within the City of Oakland to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions. The emissions or exposure reduction measures will be evaluated after implementation of all other emission reduction measures implemented above. To qualify under this mitigation measure, any emissions reduction project must result in TAC emission reductions that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD’s AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as providing incentives to local businesses to limit truck operations (Action 9); installing solid or vegetative barriers between buildings and sources of air pollution (Action 16); replacing traditional trucks with zero-emission trucks (Action 29); implementing traffic calming measures to keep truck traffic off residential streets (Action 40); provide funding to implement transit local improvements and ridership (Action 45); upgrading line-haul and switcher locomotives with cleaner engines (Actions 51, 62, 64, and 65); increase the frequency of street sweeping to decrease road dust, particularly on streets adjacent to schools,*

on designated truck routes, and on streets near freeways (Action 59); replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines (Action 70); installing high-efficiency air filtration systems at schools, daycare facilities, and homes (Actions 75 and 78); expanding or installing energy storage systems such as batteries, fuel cells, etc. (Action 14); or providing increased electrical infrastructure and power storage to support electric trucks (Action 18). Projects could also include local programs not included in the WOCAP such as accelerating the WETA ferry fleet to meet Tier 4 engine standards or use zero-emission engine technology ahead of regulatory requirements. The offset project shall be approved by the City of Oakland Bureau of Planning prior to its implementation. The Project sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification.

The following paragraph is added under “Mitigation Measure Effectiveness” on Draft EIR p. 4.2-158:

#### **Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, the following changes would occur: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) all trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable. Update #1 decreases cancer risk at the on-site MEIR and has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks; the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in the tables below. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced diesel TRU operations. All of these updates would decrease operational mitigated health risks and PM<sub>2.5</sub> concentrations from what is presented in the tables and text below. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

The second paragraph on Draft EIR p. 4.2-158, under the subheading “Mitigation Effectiveness” is revised to reflect revisions to Mitigation Measure AIR-2d and AIR-2e as follows:

As discussed under Impact AIR-4 and AIR-5, Mitigation Measures AIR-1b (Criteria Air Pollutant Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Mitigation Plan Measures), and AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), would reduce DPM and PM<sub>2.5</sub> emissions associated with off-road diesel construction equipment, operational emergency generators, ~~and~~ on-road heavy-duty truck travel and idling, and diesel TRU operation, thereby reducing Project-related excess

lifetime cancer risk, non-cancer chronic risk, and annual average PM<sub>2.5</sub> concentrations at both the off-site MEIR and new on-site MEIR.

The first paragraph on Draft EIR p. 4.2-160, under the subheading “Impacts on Existing Sensitive Receptors” is revised to reflect revisions to Mitigation Measure AIR-2d and AIR-2e as follows:

**Table 4.2-26** summarizes the MRS HRA results for the existing off-site MEIR under mitigated conditions along with the cumulative background health risks using the standard BAAQMD approach. **Table 4.2-27** summarizes the MRS HRA results for the existing off-site MEIR under mitigated conditions along with the cumulative background health risks using the detailed WOCAP modeling approach. Similar to the Project, total cumulative cancer risk and annual average PM<sub>2.5</sub> concentrations, with the contribution from the MRS, would exceed the significance thresholds (non-cancer chronic risk would not exceed the thresholds). As such, the same mitigation measures for the Project would be required for the Maritime Reservation Scenario. These include Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Mitigation Plan Reduction Measures), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), AIR-4a (Install MERV16 Filtration Systems), AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), and AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan).

The first paragraph on Draft EIR p. 4.2-160, under the subheading “Impacts on New Sensitive Receptors” is revised to reflect revisions to Mitigation Measure AIR-2d and AIR-2e as follows:

**Table 4.2-28** summarizes the MRS HRA results for the new on-site MEIR under mitigated conditions along with the cumulative background health risks using the standard BAAQMD approach. **Table 4.2-29** summarizes the MRS HRA results for the new on-site MEIR under mitigated conditions along with the cumulative background health risks using the detailed WOCAP modeling approach. Similar to the Project, total cumulative cancer risk and annual average PM<sub>2.5</sub> concentrations with the contribution from the MRS would exceed the significance thresholds (non-cancer chronic risk would not exceed the thresholds). As such, the same mitigation measures for the Project would be required for the Maritime Reservation Scenario. These include Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Mitigation Plan Reduction Measures), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), AIR-4a (Install MERV16 Filtration Systems), AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), and AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan).

The following text is added to the “NOTES” section of Table 4.2-26 on Draft EIR p. 4.2-161:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-26 on Draft EIR p. 4.2-161 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-27 on Draft EIR p. 4.2-162:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 has a negligible impact at the off-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-27 on Draft EIR p. 4.2-162 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-28 on Draft EIR p. 4.2-163:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22-23 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 decreases cancer risk at the on-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-28 on Draft EIR p. 4.2-163 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following text is added to the “NOTES” section of Table 4.2-29 on Draft EIR p. 4.2-164:

Project operational health risks presented in this table do not reflect the following updates: 1) the release height of the Parcel 18 emergency diesel generator has been revised; 2) the addition of idling emissions associated with Port truck traffic delays at intersections; and 3) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e). Update #1 decreases cancer risk at the on-site MEIR. Update #2 results in minimal changes to health risks: the change in cancer, chronic HI, and annual average PM<sub>2.5</sub> concentrations at MEIR locations fall between -1.1% and +0.82% relative to values presented in this table. Update #3 would reduce health risks at all MEIR locations due to decreases in TAC emissions associated with reduced vehicle travel.

Footnote “c” in the “NOTES” section of Table 4.2-29 on Draft EIR p. 4.2-164 is revised as follows:

For construction, PM<sub>2.5</sub> concentrations include exhaust only from off-road construction equipment because fugitive dust emissions are addressed through best management practices as required by Mitigation Measure AIR-1a (Dust Controls). However, PM<sub>2.5</sub> concentrations from construction also include exhaust, tire wear, brake wear, and road dust from on-road vehicles. For operations, PM<sub>2.5</sub> concentrations include exhaust, tire wear, brake wear, and road dust. PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 1 include contributions from multiple phases of Project construction and subsequent Project operations since Year 8 includes construction and operation. In Scenario 3, PM<sub>2.5</sub> concentrations at off-site receptors in Scenario 3 include only contributions from Project operations.

The following revisions are made on Draft EIR p. 4.2-167:

CARB, 2021. iADAM: Air Quality Data Statistics, 2020, years 2017-2020.  
<https://www.arb.ca.gov/adam/>, accessed December 2021.

The following revisions are made on Draft EIR p. 4.2-172:

U.S. EPA, 2021. *Outdoor Air Quality Data: Air Quality Index Report, 2021.*  
<https://www.epa.gov/outdoor-air-quality-data/air-quality-index-report>, accessed  
December 2019.

## 7.9 Changes to Section 4.3: Biological Resources

The last sentence on Draft EIR p. 4.3-40 is amended as follows to correct the duration of fireworks events:

Fireworks. Noise impacts on sensitive human receptors resulting from ballpark event firework displays were determined to be less than significant given their brief duration (approximately 15 minutes 30-45 minutes for a notable display) and limited number of firework displays that would occur at the ballpark (approximately seven annually described as occasional)

The second paragraph of Draft EIR p. 4.3-41, is amended as follows:

Sound levels associated with a commercial firework display over Monterey Bay in 2001 were documented to peak at 82 dB and average 70-78 dB at a 0.5-mile 5-mile distance from the detonation site (NOAA, 2011); similar sound levels would be expected as a result of Project firework displays over the Oakland-Alameda Estuary.

The last sentence of the first full paragraph on Draft EIR p. 4.3-34 is amended as follows:

The Cooper's hawk and common species, such as the house sparrow, house finch, Anna's hummingbird, Allen's hummingbird, mourning dove, black phoebe, black-crowned night heron and American crow each nest locally and also have the potential to nest in street trees or existing landscaped shrub vegetation, on the ground, or within or on top of existing buildings/structures of the Project site.

The last paragraph on Draft EIR p. 4.3-35 is deleted as follows and the substance of this paragraph has been incorporated into a paragraph about mitigation measure effectiveness on p. 4.3-36:

~~Mitigation Measure BIO-1a would avoid direct and indirect impacts to nesting birds associated with tree removal, and additionally protects birds that may be nesting on the ground or non-tree structures in the Project area. With this measure, construction would not have a substantial adverse effect, either directly or through habitat modifications on resident or migratory birds or on bird species identified as a candidate, sensitive, or special status species. This measure would reduce potential impacts on special status and migratory birds to a less than significant level.~~

“Mitigation Measure Effectiveness” is added following Mitigation Measure BIO-1a on Draft EIR p. 4.3-36:

### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure BIO-1a would avoid direct and indirect impacts to nesting birds associated with tree removal, and would additionally protect birds that may be nesting on the ground or non-tree structures in the Project area by limiting tree and vegetation removal during the breeding season (February 1–August 15), requiring preconstruction surveys of trees and/or vegetation to be removed from the Project site, and providing for protection of active nests until the young have successfully fledged, as determined by a qualified biologist. With this measure, construction would not have a substantial adverse effect, either directly or through habitat modifications, on resident or migratory birds or on bird species identified as a candidate, sensitive, or special-status species. This measure would reduce potential impacts on special-status and migratory birds to a less-than-significant level.

The two paragraphs before Mitigation Measure BIO-1b, Mitigation Measure BIO-1b on Draft EIR pp. 4.3-37 to 4.3-40 are amended as follows and the substance of these paragraphs has been incorporated into paragraphs about mitigation measure effectiveness following the mitigation measure:

~~Mitigation Measure BIO-1b specifies mandatory measures the Project sponsor must implement and requires the development of a Bird Collision Reduction Plan which would tailor bird strike reduction strategies to various Project parameters. Specifically, the Project sponsor would be required to include measures appropriate to limit Project site light and glare spillover from prominent light sources (e.g., the ballpark) to the night sky during periods of avian migration and to adjacent habitat areas (e.g., landscaped Waterfront Promenade and Park and Oakland-Alameda Estuary). The reduction in bird collisions during operations would be achieved through Project design considerations that are managed during review and approval by the City of Oakland Bureau of Building, to maintain consistency with the City's *Bird Safety Measures*, as required by AB 734.~~

~~The Oakland Athletics Howard Terminal Ballpark: Draft Environmental Impact Report Technical Lighting Analysis (HLB Lighting Design, 2020) findings shall inform the final Bird Collision Reduction Plan measures that, once implemented, would reduce the Project's adverse impacts associated with avian bird collisions and the proposed Project would not have a substantial adverse effect on resident or migratory birds or on bird species identified as a candidate, sensitive, or special status species; therefore, Project compliance with Mitigation Measure BIO-1b, would avoid or minimize adverse of effects of avian collisions resulting from the proposed Project to a less than significant level.~~

### **Mitigation Measure BIO-1b: Bird Collision Reduction Measures.**

The Project sponsor shall comply with the most recent City of Oakland Bird Safety Measures (currently 2013) during Project design, as administered by the City of Oakland Bureau of Building. This measure applies to all construction elements that include glass as part of the building's exterior AND at least one of the following: (a) The project is

located immediately adjacent to a substantial water body (i.e., Oakland-Alameda Estuary); OR (b) The project is located immediately adjacent to recreation area or park larger than one acre and which contains substantial vegetation; OR (c) The project includes a substantial vegetated or green roof (roofs with growing medium and plants taking the place of conventional roofing such as asphalt, tile, gravel or shingles) but excluding container gardens; OR (d) The project includes an existing or proposed substantial vegetated area (generally contiguous one acre in size or larger) located directly adjacent to Project buildings.

Prior to the approval of a construction-related permit, the Project sponsor shall submit building plans ~~prepare and submit a Bird Collision Reduction Plan~~ to the City of Oakland Bureau of Building which reflect the City of Oakland Bird Safety Measures and the Howard Terminal Design Guidelines regarding highly reflective or mirrored glass, and include the specific design measures set forth below for review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan Project sponsor shall also implement ~~include all of the following mandatory measures, as well as applicable and the specific Project Best Management Practice (BMP) strategies, described below and encompassing the lighting restrictions during migration periods, which shall be subject to verification and enforcement by the City’s Code Enforcement staff as needed, to reduce bird strike impacts to the maximum feasible extent. The Project sponsor shall implement the approved Plan.~~ Mandatory measures include all of the following:

- i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.
- ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- iii. Avoid the use of mirrors in landscape design.
- iv. Avoid placement of bird-friendly attractants (e.g., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule), as explained below.
- v. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or ~~to 60 feet above the height of existing or proposed adjacent landscape or the height of the proposed landscape.~~ Examples of bird-friendly glazing treatments include the following:
  - Use opaque glass in window panes instead of reflective glass.
  - Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).

- Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
  - Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
  - Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.
  - Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the “two-by-four” rule).
  - Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.
  - Install opaque window film or window film with a pattern/design which also adheres to the “two-by-four” rule for coverage.
- vi. Reduce light pollution in non-ballpark structures, and prohibit nighttime architectural illumination treatments pointing upward to avoid and reduce potential collision hazards for migratory and resident birds during migration (February 15 to May 15 and August 15 to November 15). Acceptable architectural illumination that may be used year-round includes full cut off, shielded or downward directional lighting that minimizes light spillage, glare or light trespass into the night sky.
- vii. Prohibit upward beams of light during the spring (February 15 to May 15) or fall (August 15 to November 15) migration, including during nighttime programming at the ballpark. and a~~Apply additional~~ best management practices to nighttime programming and for field lighting consistent with Major League Baseball (MLB) Field Lighting Standards and for concert and event light shows at the ballpark to avoid and reduce potential collision hazards for migratory and resident birds, to the extent feasible. Examples may include the following:
- ~~Direct field lighting at the ballpark in a downward direction to the extent feasible.~~
  - ~~Minimize night time architectural illumination treatments during bird migration season, except with respect to nighttime programming at the ballpark for field lighting and event and concert light shows, which shall apply best management practices (e.g., install time switch control devices or occupancy sensors on non-emergency interior lights; reduce perimeter lighting whenever possible; install full cut off, shielded or directional lighting to minimize light spillage, glare or light trespass) to avoid and reduce potential collision hazards for migratory and resident birds (February 15 to May 15 and August 15 to November 30).~~

- Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.
  - Reduce perimeter lighting to the extent feasible taking into consideration safety, crowd control and Homeland Security ~~concerns~~requirements.
  - Install full cutoff, shielded, or directional lighting to minimize light spillage, glare, or light trespass with respect to best management practices for field lighting or event and concert light shows.
  - ~~Do not use upward beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration except with respect to nighttime programming at the Ballpark for field lighting and event and concert light shows, which shall apply best management practices to avoid and reduce potential collision hazards for migratory and resident birds.~~
- viii. Prior to issuance of a certificate of occupancy for buildings at the Project site, the Project sponsor or building owner shall develop and implement a building operation and management manual that promotes bird safety and provide a copy to the building manager/operator and to the City's Bureau of Planning. Example measures in the manual shall include the following measures:
- Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
  - Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.
  - ~~Asking~~Requesting employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.
  - Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs.
  - Schedule nightly maintenance during the day or to conclude before 11 p.m., ~~if~~where possible.

### **Mitigation Measure Effectiveness**

Mitigation Measure BIO-1b specifies mandatory measures the Project sponsor must implement and requires the physical measures to be noted on project plans submitted to the City for approval. The Project sponsor would also be required to implement measures designed to limit Project site light and glare spillover from prominent light sources (e.g., the ballpark) to the night sky during periods of avian migration and to adjacent habitat areas (e.g., landscaped Waterfront Promenade and Park and Oakland-Alameda Estuary). The

reduction in bird collisions during operations would be achieved through Project design considerations that are confirmed during review and approval by the City and operational practices that are subject to verification by the City's Code Enforcement staff. These requirements would maintain consistency with the City's *Bird Safety Measures*, as required by AB 734 and would reduce the Project's adverse impacts associated with avian bird collisions such that the proposed Project would not have a substantial adverse effect on resident or migratory birds or on bird species identified as a candidate, sensitive, or special-status species.

In response to Comment A-7-25, Mitigation Measure BIO-1c on Draft EIR pp. 4.3-42 and 4.3-43 are revised as follows:

**Mitigation Measure BIO-1c: Peregrine Falcon Firework Display Surveys, Buffer, and Monitoring.**

2. During the first operational year, a qualified biologist shall survey cranes on the Project site for nesting peregrine falcons prior to start of the regular baseball season (approximately late March/early April) to identify active peregrine falcon nest sites. Additional surveys shall be conducted prior to the first fireworks display to occur within the peregrine breeding season if the initial survey results are negative. Additional surveys~~The survey~~ shall be conducted prior to the first fireworks display to occur within the peregrine breeding season if the initial survey results are negative. If survey results are still negative, pre-event surveys to identify active peregrine falcon nests on the Project site cranes will continue through May. If survey results are negative through May 31, then no further action would be required under this measure for that season.
3. Should an active peregrine falcon nest be identified on the Project site cranes during surveys, a 500-foot buffer shall be maintained between the nest site and the fireworks aerial detonation location. This initial starting buffer distance may be adjusted based on site conditions, with concurrence from the California Department of Fish and Wildlife. For example, if the nest is shielded from potential impacts, then a smaller buffer distance may be warranted.
4. The nest site shall be monitored by a qualified biologist immediately prior to and the morning after the first five ballpark fireworks events to examine bird responses to the fireworks event. Surveys shall examine the stability patterns of the nest and evaluate the effectiveness of the 500-foot buffer. The monitor will document peregrine falcon behavioral disturbance at the nest site associated with the fireworks display and confirm if flushed adults return to the nest site following the display. If possible, video monitoring shall assist in documenting bird behavior at the cranes during the firework displays. The qualified biologist will review the nest site the morning after the display to document the presence or absence of adults at the nest site.
5. Following nest monitoring events, the qualified biologist shall determine if the nesting stage (i.e., egg incubation, nestling, fledgling) and level of disturbance

observed warrant temporary adjustments to future fireworks displays at the ballpark (e.g., adjustments to the 500-foot buffer), to avoid potential take of an egg, nest, or nestling resulting from fireworks disturbance. If such monitoring suggests that falcons have abandoned a nesting attempt the morning after an event, a nestling rescue effort and transfer to a qualified rehabilitation center shall be required to prevent a take event. Nest monitoring would also inform adaptive management to further protect nesting falcons during future shows by, for example, adjusting the timing and/or location of the fireworks shows to further reduce effects on bird behavior.

6. Should nesting within the Project site on the container cranes not be identified during surveys for 3 more consecutive seasons, it will be assumed that local peregrine falcons, have selected another nesting location and annual surveys and monitoring in advance of ballpark firework displays shall no longer be necessary to avoid or minimize disturbance to this species and their nests.

“Mitigation Measure Effectiveness” is added following Mitigation Measure BIO-1c on Draft EIR p. 4.3-43:

#### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure BIO-1c would ensure that potential adverse effects of Project firework displays on nesting peregrine falcon on the container crane are avoided or minimized through pre-event surveys to identify active nests (if any), by establishing a protective buffer between the active nest site and firework launch site, and by monitoring peregrine falcon behavior at the nest site prior to and immediately following firework displays to determine whether the protective buffer distance is effective or if it should be modified in the future, based on observed behavioral response. Pre-construction surveys to identify active nests on the container cranes and establishing protective buffers around active nest sites until no longer in use would ensure potential impacts to peregrine falcon and their nests ahead of any container crane removal are avoided, if cranes cannot be removed outside of the breeding season.

“Mitigation Measure Effectiveness” is added following Mitigation Measure BIO-2 on Draft EIR p. 4.3-46:

#### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure BIO-2 would avoid direct and indirect impacts to special-status bats and common bat maternity roosts associated with building demolition by preferentially removing structures when bats are active (during non-sensitive periods), establishing no-disturbance buffers around roost sites, removing structures containing active bat roosts under the oversight of a qualified biologist and in a manner that encourages the bats to safely leave the roost. With this measure, construction would not have a substantial adverse effect, either directly or through habitat modifications on special-status bats, their roosts or common bat maternity roosts.

In response to Comment A-17-18, the second paragraph of Draft EIR p. 4.3-51 is revised as follows:

Measurements of existing conditions were 1.2 lux at the center of the turning basin at ~~approximately 159~~ 190 feet above the surface of the water, and 5.7 lux at the center of the turning basin at ground level (line of sight).

In response to comments on the Draft EIR, and as discussed in Response to Comment A-2-5, the text of Mitigation Measure BIO-3 on p. 4.3-49 of the Draft EIR has been amended as follows:

**Mitigation Measure BIO-3: Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals**

Prior to the start of any in-water construction that involves the construction of piles, the Project sponsor shall develop a NOAA Fisheries and CDFW-approved sound attenuation reduction and monitoring plan program to avoid significant impacts to special status fish and marine mammals, including acute damage or mortality. This plan program shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and all BMPs to be taken to reduce impact hammer and/or vibratory hammer pile-driving sound in the marine environment to an intensity level of less than 183 decibels (dB). The plan program shall incorporate but not be limited to the following:

- Steel piles shall be installed using vibratory hammers. Impact hammers shall only be used after piles have reached the point of refusal with vibratory methods.
- Any impact hammer installed steel piles shall be conducted in strict accordance with the Long Term Management Strategy (LTMS) defined work windows of June 1 to November 30, during which periods the presence of special-status species in the Project Site is expected to be minimal. (USACE et al., 2001).
- A contingency plan using bubble curtains or an air barrier will be implemented to attenuate sound levels to acceptable levels.
- Other BMPs may be implemented in coordination with NOAA Fisheries or CDFW, such as working at low tides, reducing steel-to-steel contact through the use of a wooden block, or use of double-walled piles, as appropriate to reduce underwater noise levels to acceptable levels.

“Mitigation Measure Effectiveness” is added at the end of Impact BIO-3 on Draft EIR p. 4.3-52:

**Mitigation Measure Effectiveness**

The implementation of Mitigation Measure BIO-3 would ensure potential impacts to special-status fish are avoided or minimized to a less-than-significant level by limiting work outside of periods when these species are present and employing noise attenuation, such as the use of vibratory pile installation, working at low tides, and use of blocks to

reduce underwater noise levels to acceptable levels. Regulatory oversight by NOAA Fisheries and USFWS through permits issued to the Project would ensure the effectiveness of these, and any additional required protective measures in avoiding or minimizing Project impacts to marine species.

Implementation of Mitigation Measure HYD-1a would ensure the Oakland Estuary water quality is not impacted by the Project's stormwater or other discharges through required compliance with the City's Creek Protection Ordinance and relevant provisions to in the Oakland Municipal Code, and with creation of the Project's Creek Protection Plan. The Creek Protection Plan and effectiveness of measures to ensure water quality of the Estuary would be subject to review and approval by the City

Implementation of Mitigation Measure HYD-1b would ensure that the Project would comply with the requirements of the City's Municipal Regional Stormwater NPDES Permit (MRP) ~~Permit~~ and NPDES Permit conditions and ordinances for post-construction stormwater management on the Project site into the City's stormwater mains through review and approval of standards of design, BMPs, and post-construction monitoring and inspection by the City for effectiveness of Project stormwater management methods on avoiding impacts to water quality that could adversely affect marine biological resources.

**Significance after Mitigation:** Less than Significant

In response to the Comment O-63-36, the following text is revised on p. 4.3-32 of the Draft EIR:

### **In-water Work**

The proposed Project includes temporary in-water work related to relocation and construction of stormwater and drainage facilities (including the necessary installation of a sandbag berm or steel cofferdam around the proposed outfall opening), as needed, in the southeast area of the Project site. In addition, although the Project is anticipated to be designed to avoid the need for new in-water piles, the retention of the wharf and cranes in overwater areas (wharf) may require reinforcement of waterfront areas, and in particular, the limited addition of in-water piles to support the wharf, improvements, and the cranes. If needed, such support work is anticipated to require approximately 0.01 acre (500 square feet) of new in-water piles. The potential need for these new in-water piles, and the associated impacts of construction, are analyzed in this analysis should this work be necessary. Piles would be vibrated during the allowable fish windows. Impact hammers shall only be used after piles have reached the point of refusal with vibratory methods. With regard to habitat suitability for marine species, in-water piles function much like natural rocky intertidal and subtidal habitat. Without the need for any textural treatments, both concrete and steel piles provide an appropriate substrate for immediate colonization by marine invertebrates such as small barnacles, mussels, hydroids, crabs, and sea starts, among others.

New text and "Mitigation Measure Effectiveness" is added following Mitigation Measure BIO-4 on Draft EIR p. 4.3-55:

#### **Mitigation Measure BIO-4: Compensation for Fill of Jurisdictional Waters.**

The Project sponsor shall minimize all in-water construction activities associated with maintenance or installation of new structures in the San Francisco Bay if required and as further determined by the regulatory agencies with authority over the Bay during the permitting process.

If the Project includes the placement of permanent fill, the Project sponsor shall mitigate for new fill-related impacts in consultation with the applicable regulatory agencies at a ratio consistent with the “no net loss” policy for the functions and values of impacted wetlands and waters. With resource agency concurrence, suitable mitigations may include one or more of the following strategies: 1) the acquisition of mitigation credits at an agency-approved mitigation bank for affected listed species; 2) onsite or offsite shoreline improvements or intertidal/subtidal habitat enhancements along the Bay waterfront through removal of solid fill such as chemically treated wood material (e.g., pilings, decking, etc.) by pulling, cutting, or breaking off piles at least 1 foot below mudline, or; 3) removal of other un-engineered debris (e.g., concrete-filled drums or large pieces of concrete) at a ratio consistent with regulators’ “no net loss” policy for the functions and values of impacted wetlands and waters.

The Project sponsor shall submit evidence of regulatory agency approval to the Oakland Bureau of Building prior to commencement of in-water construction activities.

#### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure BIO-4 would ensure potential Project-related impacts on the Bay resulting from the placement of fill would be compensated for through compensatory mitigation as required by the resource agencies with authority over impacted waters and as specified in the permits issued to the Project. At a minimum, the compensatory mitigation would achieve no-net-loss of jurisdictional waters, and their functions and values, as a result of the Project.

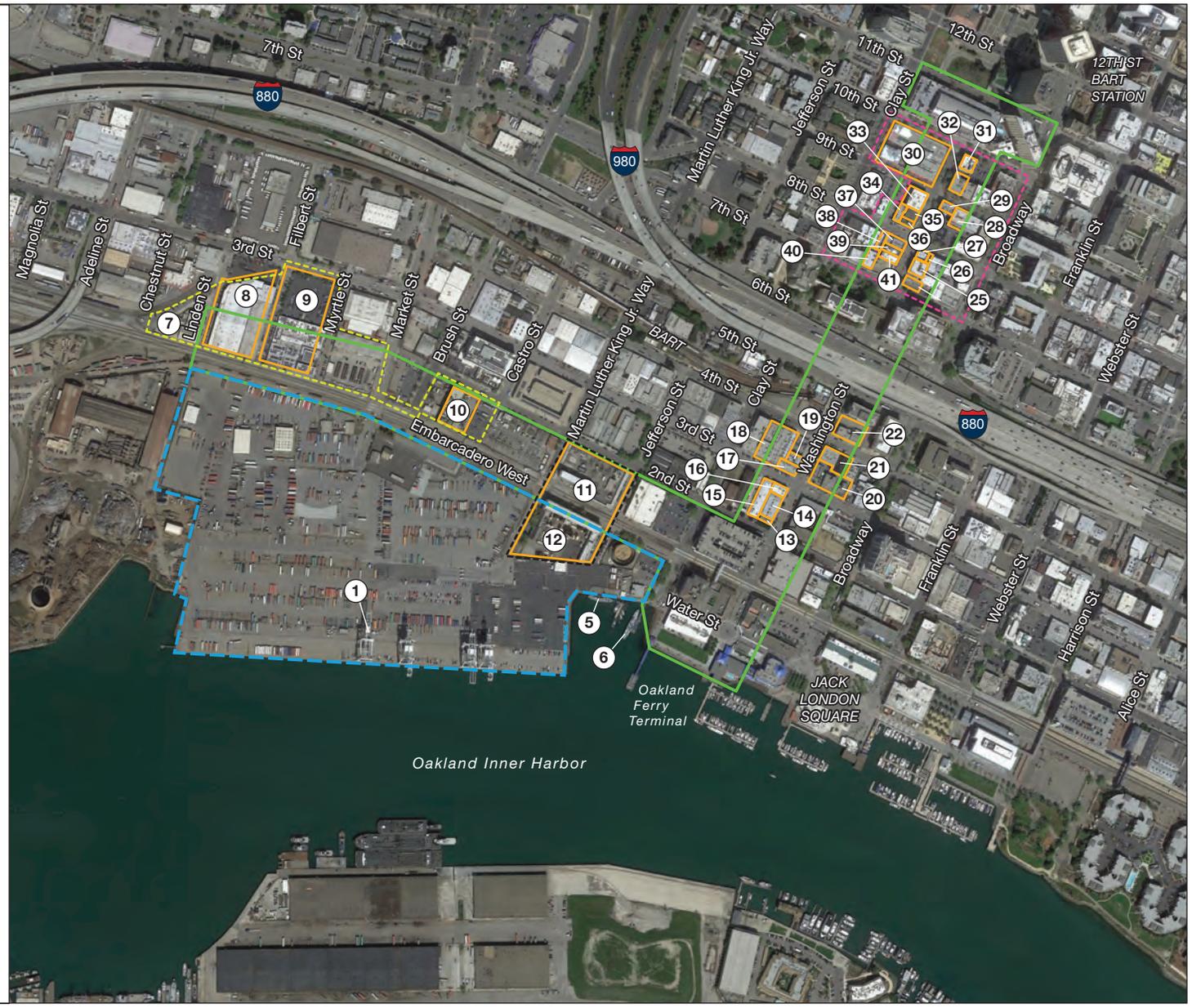
**Significance after Mitigation:** Less than Significant.

## **7.10 Changes to Section 4.4: Cultural and Tribal Cultural Resources**

In response to Comment I-10-1, Figure 4.4-1 of the Draft EIR has been revised.

- 1 – Crane X422
- 5 – Lightship Relief (Water St)
- 6 – USS Potomac (530 Water St)
- 7 – 93 Linden St
- 8 – 110 Linden St
- 9 – 101 Myrtle St
- 10 – 737 2nd St
- 11 – 101 Jefferson St
- 12 – 601-645 Embarcadero
- 13 – 205 Washington St
- 14 – 215 Washington St
- 15 – 522 2nd St
- 16 – 221 Washington St
- 17 – 301 Washington St
- 18 – 520 3rd St
- 19 – 315 Washington St
- 20 – 480 3rd St
- 21 – 380 Washington / 475 4th St
- 22 – 499 5th St
- 25 – 718-726 Washington St
- 26 – 489 8th St
- 27 – 736 Washington St
- 28 – 483 9th St
- 29 – 826 Washington/499 9th St
- 30 – 924 Washington St / 538 9th St
- 31 – 493 10th St
- 32 – 902 Washington St
- 33 – 827 Washington St
- 34 – 512 8th St
- 35 – 809-815 Washington
- 36 – 801 Washington St
- 37 – 727-735 Washington St
- 38 – 509-513 8th St
- 39 – 725 Washington St
- 40 – 518-524 7th St
- 41 – 717-719 Washington St

- Project Site Boundary
- Study Area
- - - Old Oakland API
- - - Southern Pacific Railroad API
- - - - PG&E Substation C API



SFO\17\0XXXXD\171044\_00 - A's Ballpark District EIR\05 Graphics-GIS-Modeling\Illustrator

SOURCE: ESA, 2019; Google Earth, 2019

Oakland Waterfront Ballpark District Project

**Figure 4.4-1**  
CEQA Historic Resources



In response to Comment A-7-41, the text under “Prehistoric Background and Archaeological Sensitivity” Draft EIR p. 4.4-5 is revised as follows:

### ***Prehistoric Background and Archaeological Sensitivity***

The natural marshland communities along the edges of bays and channels were the principal source for subsistence and other activities during the prehistory of the San Francisco Bay Area region. Surveys of archaeological sites yielded the initial documentation of nearly 425 “earth mounds and shell heaps” along the littoral zone of the bay (Nelson, 1909). Notable sites in the region include the Emeryville shellmound (CA-ALA-309), the Ellis Landing Site (CA-CCO-295) in Richmond, the Fernandez site (CA-CCO-259) in Rodeo Valley, and the West Berkeley site (CA-ALA-307) (Moratto, 1984).

Categorizing the prehistoric period into cultural stages allows researchers to describe a range of archaeological resources with similar cultural patterns and components during a given time frame, creating a regional chronology. Milliken et al. (2007) provide a framework for the interpretation of the San Francisco Bay Area and have divided human history in California into three major periods: the *Early Period* (10000–6000 B.C.), the *Middle Period* (6000–1750 B.C.), and the *Late Period* (1750 B.C.–A.D. 1776). In many parts of California four periods are defined; the fourth being the *Paleoindian Period* (11500–8000 B.C.), characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the Paleoindian Period has not yet been discovered in the San Francisco Bay Area. Economic patterns, stylistic aspects, and regional phases further subdivide cultural periods into shorter phases. Such periods and phases are differentiated by technological types, socio-politics, trade networks, population density, and variations of artifact types.

Before Euroamerican contact, the area of present-day ~~Contra Costa County~~ ~~Oakland~~ and Alameda ~~County~~ ~~Counties~~ was occupied by the *Ohlone* (also known by their linguistic group, *Costanoan*). Politically, the Ohlone were organized into groups or tribelets. A tribelet constituted a sovereign entity that held a defined territory and exercised control over its resources. It was also a unit of linguistic and ethnic differentiation. Oakland, as well as a large part of the East Bay, were within the territory of the Huchiun people, who spoke the Chochenyo dialect.

The Ohlone economy was based on fishing, gathering, and hunting, with the land and waters providing a diversity of resources, including acorns, various seeds, salmon, deer, rabbits, insects, and quail. The acorn was the most important dietary staple of the Ohlone. The acorns were ground to produce a meal that was leached to remove the bitter tannin. Technologically, the Ohlone crafted tule balsa, basketry, lithics (stone tools) such as mortars and metates (a mortarlike flat bowl used for grinding grain), and household utensils. The Ohlone, like many other Native American groups in the Bay Area, likely lived in conical tule thatch houses.

In 1770, the Costanoan-speaking people lived in approximately 50 separate and politically autonomous nations or tribelets, and the number of Chochenyo speakers reached 2,000, substantially more than the typical size of a tribelet, which ranged from 40 to 200 members.

During the Mission Period (1770–1835), native populations, especially along the California coast, were brought—usually by force—to the missions by the Spanish missionaries to provide labor. The missionization caused the Ohlone people to experience cataclysmic changes in almost all areas of their life, particularly a massive decline in population caused by introduced diseases and declining birth rate. Following the secularization of the missions by the Mexican government in the 1830s, most Native Americans gradually left the missions and established Rancherias in the surrounding areas (Levy, 1978; Moratto, 1984).

Today, the Ohlone still have a strong presence in the San Francisco Bay Area and are highly interested in their historic and prehistoric past. There are eight Ohlone representatives of tribal groups or individuals listed on the Native American Heritage Commission list for the Oakland area. On January 7, 2019, the City of Oakland sent letters to each representative requesting information about the project area and an opportunity to consult. No responses were received.

The NWIC records search results indicate that no previously recorded prehistoric archaeological resources are listed in the databases at the NWIC within the Project site or within the 0.25-mile records search radius. The nearest prehistoric archaeological resources to the Project site are over 1 mile to the northeast near Lake Merritt or several miles to the north near Emeryville and Berkeley.

“Mitigation Measure Effectiveness” is added following Mitigation Measure CUL-1 on Draft EIR p. 4.4-23:

#### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure CUL-1 (Maritime Resources Treatment Plan) would ensure that protection measures specific to the construction of the Project are developed to ensure continued access and operation of the Lightship *Relief* and the USS *Potomac*. The Maritime Treatment Plan will be developed to respond to the particular traffic and access changes that may be necessary during the construction phase. As such this mitigation ensures that the resources are both physically protected from construction and that access is maintained to prevent economic impacts that may result from access changes during construction.

“Mitigation Measure Effectiveness” is added following Mitigation Measure CUL-2 on Draft EIR p. 4.4-25:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure CUL-2 (Vibration Analysis for Historic Structures) would establish a baseline to determine the current vibrations levels that 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street experience. This baseline will be used to select appropriate construction techniques to reduce additional vibrations exposure to these historic resources. This mitigation will also establish a baseline threshold for vibration monitoring during construction and will enable the Project sponsor to proactively adjust construction methods to limit the potential for damage resulting from construction-related sources of additional vibrations. This protects these historic resources by enabling multiple avenues to address potential sources of ground borne vibrations that could damage these historic masonry and concrete buildings.

The following mitigation measure and text is added on Draft EIR p. 4.4-27 in response to comment H-1-40 and similar comments:

**Mitigation Measure CUL-3d: Façade Improvement Fund Contribution.**

Prior to approval of demolition of Crane Removal Variant X-422, the project applicant shall contribute to the City’s Façade Improvement Program. In accordance with the City’s Façade Improvement Program, the amount of the contribution required to be paid by the project applicant under this mitigation measure (based upon the calculation for obtaining façade improvement grants) shall be based on the following:

- \$10,000 for the first 25 feet of linear wharf frontage for Crane X-422 and \$2,500 per 10 additional linear feet of the same frontage beyond the first 25 feet.
- \$10,000 for the first 25 feet of height for Crane X-422 and \$2,500 per 10 additional feet of height beyond the first 25 feet.
- There shall be a 20 percent increase added for each structure designated as a Historical Resource under CEQA.

For purposes of this mitigation, the length of the wharf frontage in front of Crane X-422 is 50 feet. The length of the height of Crane X-422 is 130 feet.

The following calculation results in a total contribution of \$52,500.

Wharf Frontage:  $\$10,000 + (\$2,500 \times 25 \text{ feet})/10 \text{ feet}$                       \$16, 250

Crane X-422 Height:  $\$10,000 + (\$2,500 \times 105 \text{ feet})/10 \text{ feet}$                       \$36,250

The Façade Improvement Program contribution required hereunder shall be payable prior to removal of crane or prior to issuance of the demolition permit for the crane. Funds shall be eligible for citywide Façade Improvement Program expenditures. All rehabilitation efforts or façade improvements under this Program shall be undertaken using the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Administration of this Program shall be overseen by Oakland Cultural Heritage Survey (OCHS) staff.

### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measures CUL-3a (Crane Removal Documentation) and CUL-3c (Interpretive Displays) would provide an archival record of early container shipping cranes at the Port of Oakland. Implementation of Mitigation Measure CUL-3b (Crane Relocation) would allow Crane X-422 to continue to be a representative of an important type of structure that is disappearing from shipping ports. The documentation and interpretive displays would allow the public to better understand the context and history related to the site and to the Port of Oakland more generally. However, successful relocation is uncertain and documentation does not compensate for the potential loss of the resource should relocation prove structurally or financially unfeasible. Implementation of Mitigation Measure 4d (Façade Improvement Fund Contribution) would not reduce the impact resulting from demolition of the historic resource, but would provide a financial public benefit for the improvement of other historic resources in the in the City of Oakland. As noted in the Draft EIR, the City has received conflicting recommendations regarding the eligibility of Crane X-422 as a historic resource. Should the Lead Agency determine that it does qualify as a historic resource, implementation of these mitigations will not reduce the impact resulting from demolition of the crane.

**Significance after Mitigation:** Mitigation Measures CUL-3a and ~~CUL-3e~~ CUL-3d, alone or in combination with each other, cannot lessen the impacts resulting from demolition of Crane X-422. Mitigation Measure CUL-3b would mitigate impacts relating to demolition of the historic resource if the crane were successfully relocated to another, compatible receiver site. Given the complexities involved with relocating a shipping container crane to another appropriate site outside the Port of Oakland, there is a low probability of successful implementation of this mitigation measure. Therefore, loss of the crane is the most likely outcome and the impact remains significant and unavoidable. As noted above, one report concludes that Crane X-422 is not an historic resource. If, based on this report or other evidence in the record, the Lead Agency finds that Crane X-422 is not an historic resource, then the impact of its removal will not be significant for CEQA purposes and, regardless of whether Mitigation Measures CUL-3a, CUL-3b, ~~and~~ CUL-3c, and CUL-3d are adopted, this impact will be less than significant.

Mitigation Measure CUL-4a on Draft EIR p. 4.4-28 is revised as follows in response to Comment A-7-44:

**Mitigation Measure CUL-4a: Archaeological Resources and Tribal Cultural Resources – Discovery During Construction.**

During construction, pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor shall notify the City and consult with a qualified archaeologist, as applicable, to assess the significance of the find. If the find is prehistoric or Native American-related, a Native American representative will be notified to assess the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the Project sponsor shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project sponsor shall implement the ARDTP at his/her expense.

Archaeological monitoring and/or data recovery programs required by this measure could suspend Project operations in the vicinity of the discovery for up to 4 weeks. At the direction of the City, the suspension of construction can extend beyond 4 weeks only if such suspension is the only feasible means to reduce potential effects on a significant archaeological resource, as defined in CEQA Guidelines Section 15064(a) and 15064.5(c) to less than significant with mitigation.

Mitigation Measure CUL-4b on Draft EIR p. 4.4-29 of the Draft EIR is revised as follows in response to Comment A-7-44:

**Mitigation Measure CUL-4b: Archaeologically Sensitive Areas – Pre-Construction Measures.**

Provision A: Intensive Pre-Construction Study. The Project sponsor shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the Project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the Project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.
- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period or prehistoric archaeological resources on the Project site, or a potential resource is discovered, the Project sponsor shall hire a qualified archaeologist to monitor any ground disturbing activities on the Project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the Project site. If the resource is prehistoric, a Native American representative will be notified of the find.

Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

Provision B: Construction ALERT Sheet. The Project sponsor shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project’s prime contractor, any Project subcontractor firms (including

demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the Project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop within 50 feet of the discovery and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the Project site.

“Mitigation Measure Effectiveness” is added following Mitigation Measure CUL-4a and CUL-4b on Draft EIR p. 4.4-30:

#### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction) would ensure that work halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist. Implementation of Mitigation Measure CUL 4b (Archaeologically Sensitive Areas – Pre-Construction Measures) would require archaeological monitoring in areas of historic-era archaeological sensitivity. These measures would reduce impacts to a less-than-significant level by ensuring that identified resources are documented and evaluated according to the criteria of the California Register of Historical Resources.

**Significance after Mitigation:** Less than Significant

Impact CUL-6 on Draft EIR p. 4.4-30 is amended as follows:

**Impact CUL-6: Activities undertaken during construction of the Project could disturb human remains, including those interred outside of formal cemeteries. (Criterion 3) (*Less than Significant with Mitigation*)**

Based on a review of site distribution and environmental context, there are no previously recorded human remains in the Project site and the Project site has a low potential to uncover previously undiscovered human remains because purposeful fill, such as that in the

Project site, is not conducive to contain prehistoric human remains. While unlikely, the inadvertent discovery of human remains would be a potentially significant impact. However, implementation of **Mitigation Measure CUL-5, Human Remains – Discovery During Construction**, would reduce impacts to human remains by requiring that work halt in the vicinity of a find the County Coroner makes recommendations. With implementation of this mitigation measure, the impact would be **less than significant**.

“Mitigation Measure Effectiveness” is added following Mitigation Measure CUL-5 on Draft EIR p. 4.4-30:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure CUL-5 (Human Remains – Discovery During Construction) would require work halt in the vicinity of a find the County Coroner makes recommendations. This measure would reduce impacts to a less-than-significant level by ensuring that the requirements of the Public Resources Code and the California Health and Safety Code are met.

**Significance after Mitigation:** Less than Significant

“Mitigation Measure Effectiveness” for Mitigation Measure CUL-4bis added on Draft EIR p. 4.4-31:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction) would ensure that work halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist. Implementation of Mitigation Measure CUL 4b (Archaeologically Sensitive Areas – Pre-Construction Measures) would require archaeological monitoring in areas of historic-era archaeological sensitivity. These measures would reduce impacts to a less-than-significant level by ensuring that identified resources are documented and evaluated according to the criteria of the California Register of Historical Resources.

**Significance after Mitigation:** Less than Significant

The first paragraph on Draft EIR p. 4.4-32 is revised in response to the addition of Mitigation Measure CUL-3d:

The proposed Project with the Maritime Reservation Scenario would result in the same significant and unavoidable impact to historic resources - Impact CUL-4, Crane X-422. Implementation of Mitigation Measures CUL-3a (Crane Removal Documentation), CUL-3b (Crane Relocation), ~~and~~ CUL-3c (Interpretive Displays), ~~and~~ CUL-3d (Façade Improvement Fund Contribution) would not reduce this impact to less than significant. The proposed

Project plus the Maritime Reservation Scenario would still result in a significant and unavoidable impact to a historic resource.

The text at the end of Impact CUL-1-CU is revised as follows to reflect the addition of Mitigation Measure CUL-3d and new “Mitigation Measure Effectiveness” subheading on Draft EIR p. 4.4-33:

**Mitigation Measure CUL-3a: Crane Removal Documentation.** (see Impact CUL-4)

**Mitigation Measure CUL-3b: Crane Relocation.** (see Impact CUL-4)

**Mitigation Measure CUL-3c: Interpretive Displays.** (see Impact CUL-4)

**Mitigation Measure CUL-3d: Façade Improvement Fund Contribution** (see Impact CUL-4)

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measures CUL-3a (Crane Removal Documentation) and CUL-3c (Interpretive Displays) would provide an archival record of early container shipping cranes at the Port of Oakland. Implementation of Mitigation Measure CUL-3b (Crane Relocation) would allow Crane X-422 to continue to be a representative of an important type of structure that is disappearing from shipping ports. The documentation and interpretive displays would allow the public to better understand the context and history related to the site and to the Port of Oakland more generally. However, successful relocation is uncertain and documentation does not compensate for the potential loss of the resource should relocation prove structurally or financially unfeasible. Implementation of Mitigation Measure 4d (Façade Improvement Fund Contribution) would not reduce the impact resulting from demolition of the historic resource, but would provide a financial public benefit for the improvement of other historic resources in the in the City of Oakland. As noted in the Draft EIR, the City has received conflicting recommendations regarding the eligibility of Crane X-422 as a historic resource. Should the Lead Agency determine that it does qualify as a historic resource, implementation of these mitigations will not reduce the considerable contribution of the project to the cumulative loss of historic resources identified in the DOSP EIR.

**Significance after Mitigation:** Significant and Unavoidable.

## **7.11 Changes to Section 4.5: Energy**

In response to Comments O-45-7, O-45-10, O-62-65, O-63-50, and I-93-14, the first paragraph under the subheading “Building Electrification” on Draft EIR p. 4.2-22 is amended as follows:

Through the AB 734 process, the Project sponsor has committed to construct at least 50 percent of residential buildings to be all-electric (i.e., no use of natural gas) and the Project would also comply with the building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings.

~~unless a waiver is granted for food service uses in conformance with the City's building code would be required to comply with any changes to the City's building code applicable to the Project that eliminate the use of natural gas, unless a waiver is granted for the Project's restaurants and/or other land uses.~~

The following text is added to the "NOTES" section of Table 4.5-4 on Draft EIR p. 4.5-31:

Energy use in this table does not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units. Compared to what is presented this table, Update #1 would increase electricity consumption but decrease natural gas consumption; update #2 would decrease gasoline and diesel fuel consumption; update #3 would increase electricity consumption but decrease diesel fuel consumption. See Appendix AIR for more detail.

The following revision is made on Draft EIR p. 4.5-38 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**  
~~**Mitigation Plan.**~~ (See Section 4.2, *Air Quality*)

The second paragraph on Draft EIR p. 4.2-35 is revised to reflect revisions to Mitigation Measure AIR-2e as follows:

The overall energy use requirements would not be substantial relative to the total sales of transportation fuels in Alameda County. In addition, implementation of **Mitigation Measure AIR-1b** (Criteria Air Pollutant Controls) would help avoid wasteful or inefficient use of energy during construction by requiring that equipment be well maintained, and require that idling of commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower be limited to a maximum of 2 minutes in accordance with the Title 13, Section 2485, of the California Code of Regulations and Title 13, Section 2449, of the California Code of Regulations. Also, vehicle use associated with operations of the Project would meet the 20 percent VTR requirement of AB 734, via implementation of a TMP and TDM Plan.<sup>10</sup> Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce diesel fuel consumption associated with diesel generators by restricting generator testing to 20 hours per year. **Mitigation Measure AIR-2d** (Diesel Truck Emission Reduction) would reduce diesel fuel use in trucks by reducing truck idling and requiring electric hook-ups for loading docks. **Mitigation**

<sup>10</sup> Mitigation Measure TRANS-1A (Transportation Demand Management) and TRANS-1B (Transportation Management Plan) outline the process for achieving and monitoring the required 20 percent trip reduction (see Section 4.15, *Transportation and Circulation*). For an analysis of operational energy use without the required 20 percent trip reduction, please refer to Appendix AIR.

**Measure AIR-2e** (Additional Criteria Pollutant Reduction Measures~~Mitigation Plan~~) would incorporate a wide variety of emission reduction measures into the Project design prior to the start of construction, which would further reduce energy use associated with operations (although the specific measures to be implemented are currently not known). Finally, Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) would require a range of on-site and off-site GHG reduction measures to reduce the Project's net new GHG emissions to zero, and many of these measures may also reduce energy use (although the specific measures to be implemented are currently not known).

The following revision is made to the second paragraph on Draft EIR p. 4.5-35 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2d** (Diesel Truck Emission Reduction) would reduce diesel fuel use in trucks by reducing truck idling and requiring electric hook-ups for loading docks. **Mitigation Measure AIR-2e** (Additional Criteria Pollutant Reduction Measures~~Mitigation Plan~~) would incorporate a wide variety of emission reduction measures into the Project design prior to the start of construction, which would further reduce energy use associated with operations (although the specific measures to be implemented are currently not known).

The following revision is made to the second paragraph on Draft EIR p. 4.5-37 to reflect changes to the mitigation measure title:

In addition, as discussed above, Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce diesel fuel consumption associated with diesel generators, Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel use, and both Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures~~Mitigation Plan~~) and Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) would further reduce energy use associated with operations through a wide variety of emission reduction measures (although the specific measures to be implemented are currently not known).

The following revision is made on Draft EIR p. 4.5-38 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**  
~~**Mitigation Plan.**~~ (See Section 4.2, *Air Quality*)

“Mitigation Measure Effectiveness” is added at the end of Impact ENE-1 on Draft EIR p. 4.5-38:

**Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, the following changes would occur: 1) all buildings at the project site would be fully electric except for food service uses (required through Mitigation Measure AIR-2e); 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e); and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units (required through Mitigation Measure AIR-2d). Compared to what is presented in the tables above, update #1 would increase electricity consumption but decrease natural gas consumption; update #2 would decrease gasoline and diesel fuel consumption; update #3 would increase electricity consumption but decrease diesel fuel consumption. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

As discussed above, implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e; Mitigation Measure GHG-1; in addition to Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b, would reduce Impact ENE-1 to less than significant. Together, implementation of these mitigation measures would effectively reduce construction energy consumption associated with the use of gasoline and diesel fuel and electricity, would reduce energy consumption during operation of the project, including energy associated with the use of electricity, natural gas as well as gasoline and diesel fuel, and/or otherwise avoid wasteful or inefficient use of energy.

Specifically, implementation of the AIR mitigation measures would help avoid wasteful or inefficient use of energy during construction by requiring well-maintained equipment, limiting idling time of certain commercial vehicles and off-road equipment, restricting generator testing, and requiring electric hook-ups for loading docks to reduce the use of diesel fuel in trucks. Mitigation Measure GHG-1 requires the project to incorporate a wide variety of emission reduction measures into the Project design that would further reduce energy use associated with operation of the Project and achieve its required zero net new GHG emissions. The requirements in many of these mitigation measures adhere to existing laws, regulations, standards, ordinances, and practices established by various State, regional and local agencies. In addition, although the TRANS mitigation measures would result in short-term energy usage associated with construction of a pedestrian and bicycle overcrossing and other off-site construction associated with transportation improvements, the mitigation measures would result in long-term reductions in motor vehicle trips associated with operations of the Project, pursuant to the requirement of AB 734.

The following bullet point has been added on Draft EIR p. 4.5-41 to reflect changes to mitigation measures that influence Project energy use:

- The Project would achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e).

The last mitigation measure listed to apply to Impact ENE-1, on Draft EIR p. 4.5-43, is corrected as follows:

**Mitigation Measure TRANS-3be: Pedestrian and Bicycle Overcrossing.** (See Section 4.15, *Transportation and Circulation*)

“Mitigation Measure Effectiveness” is added at the end of Impact ENE-2 on Draft EIR p. 4.5-43:

**Mitigation Measure Effectiveness**

Due to changes to the mitigation measures incorporated based on comments received on the Draft EIR, the following changes would occur: 1) all buildings at the project site would be fully electric except for food service uses (required through Mitigation Measure AIR-2e); 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e); and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units (required through Mitigation Measure AIR-2d). Compared to what is presented in the tables above, update #1 would increase electricity consumption but decrease natural gas consumption; update #2 would decrease gasoline and diesel fuel consumption; update #3 would increase electricity consumption but decrease diesel fuel consumption. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021).

As discussed above, implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d; Mitigation Measure GHG-1; in addition to Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b, would reduce Impact ENE-2 to less than significant. Together, implementation of these mitigation measures would effectively ensure that the Project would not conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards.

Specifically, implementation of the AIR mitigation measures would help avoid conflicts with adopted energy conservation plans by requiring well-maintained equipment, limiting idling time of certain commercial vehicles and off-road equipment in accordance with the Title 13, Section 2485, of the California Code of Regulations and Title 13, Section 2449, of the California Code of Regulations, restricting generator testing, and requiring electric hook-ups for loading docks to reduce the use of diesel fuel in trucks. Mitigation Measure GHG-1 requires the project to incorporate a wide variety of emission reduction measures into the Project design that would further help avoid conflicts with adopted energy conservation plans by reducing energy use associated with operation of the Project. The requirements in many of these mitigation measures adhere to existing laws, regulations, standards, ordinances, and practices established by various State, regional and local agencies. In addition, although the TRANS mitigation measures would result in short-term energy usage associated with

construction of a pedestrian and bicycle overcrossing and other off-site construction associated with transportation improvements, the mitigation measures would result in long-term reductions in motor vehicle trips associated with operations of the Project, pursuant to the requirement of AB 734.

The following revision is made to the first paragraph on Draft EIR p. 4.5-46 to reflect changes to the mitigation measure title:

Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce diesel fuel consumption associated with diesel generators, Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel use, and both Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures~~Mitigation Plan~~) and Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan) would further reduce energy use associated with operations through a wide variety of emission reduction measures (although the specific measures to be implemented are currently not known).

The following revision is made on Draft EIR p. 4.5-46 under “Conclusion” to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**~~Mitigation Plan~~. (See Section 4.2, *Air Quality*)

## 7.12 Changes to Section 4.6: Geology, Soils, and Paleontological Resources

The text under the subheading “Paleontological Resources” is revised as follows on Draft EIR p. 4.6-9 in response to Comment O-29-29:

~~Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates (animals with backbones; mammals, birds, fish, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), and microscopic plants and animals (microfossils). They are valuable, non-renewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur and the topography of the area in which~~

~~they are exposed. The geologic environments within which the plants or animals became fossilized usually were quite different from the present environments in which the geologic formations now exist.~~

Geologic units beneath the artificial fill and Bay Mud (i.e., Merritt Sand and San Antonio Formation) on the Project site have the potential for containing paleontological resources.

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals (microfossils). They are valuable, non-renewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. The age, abundance, and distribution of fossils depend on the geologic formation in which they occur.

The standard practice in analyzing paleontological resources includes using guidance from the Society of Vertebrate Paleontology (SVP). Although not a law or regulation in the legal sense, these guidelines have become the standard in the industry (SVP, 2010).

The SVP defines the level of potential as one of four sensitivity categories for sedimentary rocks: high, undetermined, low, and no potential as listed below.

- **High Potential.** Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources.
- **Low Potential.** Rock units that are poorly represented by fossil specimens in institutional collections or, based on general scientific consensus, only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule.
- **Undetermined Potential.** Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment are considered to have undetermined potential.
- **No Potential.** Rock units such as high-grade metamorphic rocks and plutonic rocks that will not preserve fossil resources.

Geologic mapping by Graymer and the geotechnical investigation performed by ENGEO indicates that historic artificial fill is present beneath the Project site ranging in depth from 5 to 40 feet, and below that is approximately 0 to 30 feet of Holocene-age Bay Mud. The Holocene to Pleistocene-age Merritt Sand deposits are present beneath the Bay Mud ranging from 10 to 40 feet in thickness, with the San Antonio Formation present beneath the Merritt Sand (ENGEO, 2019).

The University of California Museum of Paleontology (UCMP) online fossil locality database indicates 63 previously recorded fossil localities in Alameda County in which Pleistocene-age fossils were recovered (UCMP, 2021). Additionally, several invertebrate and plant fossil localities have been recovered from Holocene and Pleistocene deposits in Alameda County (UCMP, 2021). While the exact locations are not provided by the UCMP records search, approximate locations can be inferred from the localities names. Based on the localities names provided by the UCMP, some of these fossil sites are in

proximity to the Project site (e.g., Harrison Street Tunnel, Oakland Coliseum), but none appear to occur within the Project site.

The artificial fill has no potential to contain significant paleontological resources, as it is man-made, not native soil, and is too young.

Generally, Holocene-age sedimentary deposits have low paleontological sensitivity due to the recent age of these deposits. However, the deeper, older layers of Holocene-age deposits increase in paleontological potential; therefore, deeper layers of these deposits have a high potential to contain significant paleontological resources. As such, the Holocene-age Bay Mud is too young to contain fossilized remains and has a low potential to contain significant paleontological resources, per SVP guidelines (SVP, 2010).

In general, Pleistocene-age sedimentary deposits have a high potential to contain significant paleontological resources, as is evident by the numerous fossil discoveries made within Pleistocene-age deposits throughout Alameda County (UCMP, 2021). The age of the Merritt Sand deposits ranges between late Holocene and middle Pleistocene, which would indicate low to high potential to contain paleontological resources depending on the depth of the deposits; the late Holocene deposits have a low potential to contain paleontological resources, but potential increases to high as the deposits transition into Pleistocene-age deposits. Underlying the Merritt Sand deposits is the Pleistocene-age San Antonio Formation, which may be present between 10 and 40 feet below ground surface (bgs). Although the Merritt Sand and San Antonio Formation are not specially named within the UCMP database results, any Pleistocene-age deposits in Alameda County should be considered to have a high potential to contain significant paleontological resources.

The following text has been added on Draft EIR p. 4.6-10 under “State Regulations:”

**San Francisco Bay Conservation and Development Commission**

The McAteer-Petris Act of 1965 (Mc-Ateer-Petris Act), which created the San Francisco Bay Conservation and Development Commission (BCDC), requires the preparation of an enforceable plan to guide the future protection and use of the Bay (Bay Plan). The McAteer-Petris Act directs the BCDC to exercise its authority to issue or deny permit applications for placing fill, extracting materials, or changing the use of any land, water, or structure within its jurisdiction. The Bay Plan presents two essential components: policies to guide future uses of the Bay and shoreline, and the maps that apply these policies to the present Bay and shoreline. The BCDC is directed by the McAteer-Petris Act to carry out its regulatory processes in accordance with the Bay Plan policies and Bay Plan Maps.

Part IV of the Bay Plan contains the findings and policies associated with development of the Bay and shoreline. Within Part IV, there are policies associated with safety of fills

and structures that will be built upon fill. Listed below are two of the four policies that pertain to the Project:

**Policy 1:** The Commission has appointed the Engineering Criteria Review Board (ECRB) consisting of geologists, civil engineers specializing in geotechnical and coastal engineering, structural engineers, and architects competent to and adequately empowered to: (a) establish and revise safety criteria for Bay fills and structures thereon; (b) review all except minor projects for the adequacy of their specific safety provisions, and make recommendations concerning these provisions; (c) prescribe an inspection system to assure placement and maintenance of fill according to approved designs; (d) with regard to inspections of marine petroleum terminals, make recommendations to the California State Lands Commission and the U.S. Coast Guard, which are responsible for regulating and inspecting these facilities; (e) coordinate with the California State Lands Commission on projects relating to marine petroleum terminal fills and structures to ensure compliance with other Bay Plan policies and the California State Lands Commission’s rules, regulations, guidelines, and policies; and (f) gather, and make available performance data developed from specific projects. The activities would complement the functions of local building departments and local planning departments, none of which are presently staffed to provide soils inspections.

**Policy 2:** Even if the Bay Plan indicates that a fill may be permissible, no fill or building should be constructed if hazards cannot be overcome adequately for the intended use in accordance with the criteria prescribed by the ECRB.

The following text is added on Draft EIR p. 4.6-12 under “State Regulations”:

**Public Resources Code Section 5097.5 and Section 30244**

Other state requirements for paleontological resource management are included in PRC Section 5097.5 and Section 30244. These statutes prohibit the removal of any paleontological site or feature from public lands without permission of the jurisdictional agency, define the removal of paleontological sites or features as a misdemeanor, and require reasonable mitigation of adverse impacts to paleontological resources from developments on public (state, county, city, district) lands.

In response to Comment A-12-61, the following text is added at the bottom of p. 4.6-12 of the Draft EIR:

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or structure within its jurisdiction. The Bay Plan<sup>11</sup> presents two essential components: policies to guide future uses of the Bay and shoreline, and the maps that apply these policies to the present Bay and shoreline. BCDC is directed by the McAteer-Petris Act to carry out its regulatory processes in accordance with the Bay Plan policies and Bay Plan Maps.

Part IV of the Bay Plan contains the findings and policies associated with development of the Bay and shoreline. Within Part IV, there are policies associated with safety of fills and structures that will be built upon fill. Listed below are two of the four policies that pertain to the Project:

**Policy 1:** The Commission has appointed the Engineering Criteria Review Board (ECRB) consisting of geologists, civil engineers specializing in geotechnical and coastal engineering, structural engineers, and architects competent to and adequately empowered to: (a) establish and revise safety criteria for Bay fills and structures thereon; (b) review all except minor projects for the adequacy of their specific safety provisions, and make recommendations concerning these provisions; (c) prescribe an inspection system to assure placement and maintenance of fill according to approved designs; (d) with regard to inspections of marine petroleum terminals, make recommendations to the California State Lands Commission and the U.S. Coast Guard, which are responsible for regulating and inspecting these facilities; (e) coordinate with the California State Lands Commission on projects relating to marine petroleum terminal fills and structures to ensure compliance with other Bay Plan policies and the California State Lands Commission’s rules, regulations, guidelines, and policies; and (f) gather, and make available performance data developed from specific projects. The activities would complement the functions of local building departments and local planning departments, none of which are presently staffed to provide soils inspections.

**Policy 2:** Even if the Bay Plan indicates that a fill may be permissible, no fill or building should be constructed if hazards cannot be overcome adequately for the intended use in accordance with the criteria prescribed by the ECRB.

“Mitigation Measure Effectiveness” is added following Mitigation Measure GEO-1 on Draft EIR p. 4.6-18:

### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure GEO-1 (Site-Specific Final Geotechnical Report) would ensure that the Project sponsor is in compliance with the California Building Code (CBC) and California Geological Survey (CGS) Special Publication 117 prior to obtaining the necessary grading and construction permits. Implementation of Mitigation Measure GEO-1 will ensure that the geotechnical investigation and report will be prepared by a registered geotechnical engineer and that it will contain a description of the

<sup>11</sup> San Francisco Bay Conservation and Development Commission. 2020. *San Francisco Bay Plan*. Originally adopted in 1968; amended in October 2011; reprinted in May 2020.

site conditions and an evaluation of site-specific seismic hazards, and that it will include recommendations and design requirements to reduce the potential for seismic-related impacts (i.e., seismic ground shaking, liquefaction, and other ground stability hazards). The report will also include an evaluation of the corrosion potential of the soils at the Project site, performed by a corrosion specialist, and will include specific recommendations to reduce of corrosive soils. The requirements of Mitigation Measure GEO-1 will ensure that all structures constructed as part of the Project will be designed consistent with CBC requirements to reduce the impacts of seismic hazards.

“Mitigation Measure Effectiveness” is added following Mitigation Measure GEO-1 on Draft EIR p. 4.6-24:

### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure GEO-2 (Inadvertent Discovery of Paleontological Resources During Construction) would ensure that all work would be halted in the event of any discovery of paleontological resources during construction; the City would be notified and a qualified paleontologist would be consulted to assess the find, in accordance with the Society of Vertebrate Paleontology (SVP) standards. In the event of a discovery, implementation of Mitigation Measure GEO-2 would ensure that, if the find is determined to be significant, appropriate avoidance measures will be followed unless avoidance is determined to be unnecessary or infeasible. In the case of infeasibility, additional measures, such as excavation of the find, will be instituted. In the event of excavation, an excavation plan will be prepared by a qualified paleontologist, and all recovered paleontological resources will be studied and housed in a professional museum. Implementation of Mitigation Measure GEO-2 will ensure any discovery of paleontological resources will be handled by a qualified paleontologist and the resources will be protected.

## **7.13 Changes to Section 4.7: Greenhouse Gas Emissions**

The first paragraph on Draft EIR p. 4.7-8 under the subheading “State of California Emissions” is modified as follows:

The California Air Resources Board (CARB) compiles GHG inventories for the State of California. Based on the ~~2017~~2019 GHG inventory data (i.e., the latest year for which data are available from CARB) prepared by CARB in ~~2019~~2021, California emitted ~~424418~~ MMTCO<sub>2</sub>e, including emissions resulting from imported electrical power (CARB, ~~2019~~2021). Between 1990 and ~~2017~~2019, the population of California grew by approximately 9.4 million (from 29.8 to ~~39.9~~39.6 million) (California Department of Finance, 2007; California Department of Finance, ~~2019~~2021) representing an increase of approximately ~~34~~33 percent from 1990 population levels. In addition, the California economy, measured as gross state product, grew from \$773 billion in 1990 to

\$2.623.14 trillion in 2016 representing an increase of approximately 239306 percent (just over three times the 1990 gross state product) (California Department of Finance, 20182020). Despite the population and economic growth, CARB’s 20172019 statewide inventory indicates that California’s net GHG emissions in 20172019 were just below 1990 levels, which is the 2020 GHG reduction target codified in California Health and Safety Code (HSC), Division 25.5, also known as The Global Warming Solutions Act of 2006 (AB 32). **Table 4.7-1** identifies, quantifies and compares statewide anthropogenic GHG emissions and sinks (e.g., carbon sequestration due to forest growth) in 1990 and 20162019. As shown in the table, the transportation sector is the largest contributor to statewide GHG emissions at approximately 40 percent in 20172019.

Table 4.7-1 on Draft EIR p. 4.7-8 is modified as follows:

**TABLE 4.7-1  
STATE OF CALIFORNIA GREENHOUSE GAS EMISSIONS**

Category	Total 1990 Emissions Using IPCC SAR (MMTCO <sub>2</sub> e)	Percent of Total 1990 Emissions	Total 20172019 Emissions Using IPCC AR4 (MMTCO <sub>2</sub> e)	Percent of Total 20172019 Emissions
Transportation	150.7	35%	169.9166.1	40%
Electric Power	110.6	26%	62.458.8	1514%
Commercial Fuel Use	14.4	3%	15.115.0	4%
Residential	29.7	7%	26.028.8	67%
Industrial	103.0	24%	89.488.2	21%
Recycling and Waste <sup>a</sup>	—	—	8.98.9	2%
High GWP/Non-Specified <sup>b</sup>	1.3	<1%	19.920.6	5%
Agriculture/Forestry	23.6	6%	32.431.8	8%
Forestry Sinks	-6.7	-2%	— <sup>c</sup>	—
<b>Net Total (IPCC SAR)</b>	<b>426.6</b>	<b>100%</b>	<b>—</b>	<b>—</b>
<b>Net Total (IPCC AR4)<sup>d</sup></b>	<b>431</b>		<b>424.0418.1</b>	<b>100%</b>

NOTES:

a Included in other categories for the 1990 emissions inventory.

b High global warming potential (GWP) gases are not specifically called out in the 1990 emissions inventory.

c Revised methodology under development (not reported for 20172019).

d CARB revised the State’s 1990 level GHG emissions using GWPs from the IPCC AR4 (IPCC, 2007).

SOURCES: California Air Resources Board, Staff Report – California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit, (2007); California Air Resources Board, “California Greenhouse Gas 2000–20172019 Inventory by Scoping Plan Category – Summary,” <http://www.arb.ca.gov/cc/inventory/data/data.htm>, accessed September 2019December 2021.

In response to Comment A-12-34, the text on Draft EIR p. 4.7-9 is modified as follows:

The projections in Table 4.9-1 are from the same source, OPC (2018), that “similar to, though somewhat higher than, BCDC’s most recent consideration the best estimates of future sea level rise” (e.g., BCDC 2021’s 2017 ART Bay Area Sea Level Rise Analysis and Mapping Project), which is based upon the 2013 California State guidance for sea level rise projections described above. According to the 2013 study, the State’s range for sea level rise relative to 2000 levels was for an increase of between 0.4 to 2.0 feet by

2050 and 1.4 to 5.5 feet by 2100 (BCDC, 2017). Although BCDC’s ART analysis and mapping used the older sea level rise projections, BCDC acknowledges that the more recent 2018 OPC guidance will help local agencies update their analysis and decision-making (BCDC, 2019a).

In response to Comments O-45-7, O-45-10, O-62-65, O-63-50, and I-93-14, the following heading and paragraph on Draft EIR p. 4.2-38 are added:

#### Electric Vehicle Chargers

The Project sponsor has committed to construct at least 50 percent of residential buildings to be all-electric (i.e., no use of natural gas) consistent with CARB’s determination under AB 734. The Project would also be required to comply with applicable requirements in the City’s building code that reduce or eliminate the use of natural gas unless the City grants a waiver for restaurants and/or other land uses.

In response to Comments O-45-7, O-45-10, O-62-65, O-63-50, and I-93-14, the first paragraph under the subheading “Energy” on Draft EIR p. 4.2-38 is revised as follows:

Natural gas combustion for the Project ballpark stadium was estimated based on historical natural gas use from the Coliseum on a per-attendee basis. The per-attendee usage rate was scaled based on full capacity annual attendance to estimate annual natural gas usage for the Project ballpark. This is conservative as the new ballpark stadium is will likely be more efficient for natural gas use than the existing Coliseum Ballpark. Natural gas use for non-ballpark land uses was estimated using CalEEMod default values and adjusted to reflect the energy efficiency improvements in the 2019 Title 24 Energy Efficiency Standards, which apply to all new construction after January 1, 2019. Accordingly, for the Phase 1 and Full Project scenarios, natural gas use rates were reduced by 1.0 percent, per the CEC’s 2019 Title 24 Impact Analysis (Noresco, 2019). In addition, the Project would also comply with the building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City’s building code. This would decrease operational mitigated emissions from what is presented in this section. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

In response to Comment O-45-8, the last paragraph on Draft EIR p. 4.7-50 is revised as follows:

**Table 4.7-4** presents total annual GHG emissions by source for existing conditions (2018); and adjusts these emissions for the first operational year of Project Phase 1; and the first operational year of Project Buildout; by accounting for the effect that the RPS and the State’s vehicle efficiency standards would have in reducing emissions from electricity generation and mobile sources (see Table 4.7-3). This approach is more conservative than using a fixed baseline as of the year 2018, because as emissions from existing activities would decrease over time, the net new emissions for the Project

increase. Emissions presented in Table 4.7-4 are subtracted from the project’s total emissions to determine the project’s “net additional” emissions; please see the following tables for additional detail.

Table 4.7-4 on Draft EIR p. 4.7-51 has been revised as follows:

**TABLE 4.7-4  
A’S-RELATED EXISTING CONDITIONS EMISSIONS IN 2018 AND FIRST OPERATIONAL YEAR OF  
PHASE 1 AND FULL BUILDOUT TOTAL ANNUAL GHG EMISSIONS BY SOURCE (MTCO<sub>2</sub>E/YEAR)**

Category	2018	Phase 1 <sup>a</sup>	Full Buildout <sup>a</sup>
Mobile	6,954	5,950	5,211
Electricity	872	762	624
Natural Gas	170	170	170
Water and Wastewater	83	79	75
Solid Waste	500	500	500
Area Sources (Landscaping)	0.2	0.20.02	0.20.06
TRU Operation	0.4	0.4	0.4
Emergency Generators <sup>b</sup>	0	0	0
<b>Total<sup>c</sup></b>	<b>8,580</b>	<b>7,462</b>	<b>6,580</b>

NOTES:

- a The first operational year of Phase 1 is assumed to be concurrent with Year 4 of construction and the first operational year of Full Buildout is expected to be concurrent with Year 8 of construction. Emissions are adjusted to account for the anticipated change in CO<sub>2</sub>e intensity factors for electricity (due to the RPS) and mobile sources (due to State regulations for vehicle efficiency), as shown in *Air Quality Technical Report*, Tables 21 and 25.
- b Emissions from the Coliseum’s existing emergency generators are conservatively assumed to be zero, as it is difficult to accurately apportion their use to the A’s operations.
- c Due to rounding, emissions from individual sectors may not add up to total.
- SOURCE: Ramboll, 2020, *Air Quality Technical Report* (Appendix AIR.1), Tables 31, and 43, and 59; Adjusted by ESA to incorporate 2023 and 2027 emission factors.

Mitigation Measure GHG-1 on Draft EIR pp. 4.7-56 through 4.7-65 is revised as follows:

**Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan.**

Prior to the City’s approval of the first construction or grading-related permit for the Project, the Project sponsor shall retain a qualified air quality consultant to develop a Project-wide GHG Reduction Plan (Plan) for implementation over the life of the Project in accordance with the requirements of this mitigation measure.

The Plan shall quantify, using the most current information available, projected emissions from the first phase of Project construction as well as Project construction for full buildout of all phases of the approved development, and operational GHG emissions for the life of the project (defined as 30 years of operation). The Plan shall specify anticipated GHG emission reduction measures sufficient to reduce or offset these emissions in accordance with the standards set forth below, such that the resulting GHG emissions are below the City’s “no net additional” threshold of significance pursuant to CEQA. The Plan shall also contain a separate schedule of projected GHG emissions, emission reductions and GHG

offset purchases prepared in accordance with CARB's AB 734 determination (CARB, 2020) in order to comply with AB 734's requirement that those measures be monitored and enforced by the City for the life of the Project sponsor's obligation.

For each phase or sub-phase of development, the Plan shall be updated as set forth in greater detail in Section B.1 below. At all times throughout the life of the Project, the Plan shall demonstrate that emissions from all construction and development are below the City's "no net additional" threshold of significance pursuant to CEQA for (1) phases already completed, permitted, and being proposed for permitting; and (2) anticipated future phases.

The City shall retain the services of a third-party expert to assist with the City's review and approval of the Plan. The third-party expert shall also assist the City with its review and approval of updates to the GHG Reduction Plan and Annual Reports, as described below. All costs relating to the third-party expert, including City review of its services, shall be paid by the project applicant.

#### A. GHG Reduction Plan Contents and Standards

Specific information on the components of each element of the Plan, as it pertains to CEQA compliance, is described below:

- 1) ***Land Use Program and Project GHG Emissions Estimates, by Phase*** –The GHG Reduction Plan shall identify the amount of construction and square footage of development anticipated within each phase or sub-phase of the Project and shall estimate the projected annual and total net emissions of the Project by phase or sub-phase, inclusive of all sources of Project emissions and consistent with all categories of sources identified in the EIR.

To estimate the construction and operational emissions, the Plan shall utilize full approved buildout (e.g., number of units, square footage of retail, etc.), inclusive of any required design features or other GHG Emission Reduction Measures as described below. The Project GHG emissions estimates in the Plan shall be based upon design and energy use estimates, Project-specific traffic generation, and equipment to be used on-site. The emission factors for electricity and transportation shall be based on those commonly used at the time the Plan is completed or at the time the Plan is subsequently amended, reflecting vehicle emissions standards and building energy standards in effect at the time. Consistent with the methodology used in the EIR, future year emissions factors shall be based on enacted regulations that are in effect and affect the emissions source (e.g., California's Renewables Portfolio Standard for electricity, and fuel efficiency standards for on-road vehicles).

Construction-related emissions shall be presented for both horizontal and vertical construction emissions by year for each phase. Net (incremental) emissions shall be derived by subtracting from total Project emissions (construction plus operations) the emissions from the existing A's baseball operations at the

Oakland Coliseum and at their offices in Jack London Square using the methodology in EIR. Future emission factors shall be applied both to the Project and to the existing operations so as to reflect vehicle emissions standards and building energy standards in effect at the time, as described in the previous paragraph. The net emissions calculated shall demonstrate compliance with the “no net additional” threshold as set forth in greater detail above.

- 2) ***GHG Emission Reduction Measures*** – The Plan shall identify GHG Emission Reduction Measures that shall be implemented for each Project phase or sub-phase to achieve the “no net additional” CEQA significance threshold. Measures shall be verifiable and feasible to implement, and the Plan shall identify the person/entity responsible for each measure, each measure’s reduction amount, and the person/entity responsible for monitoring that reduction, all subject to review and approval by the City. If reduction measures associated with any given phase are shown to exceed net (incremental) emissions of that phase, the estimated credit towards future phase(s) shall be identified as set forth in Section B.1 below.

GHG reduction measures to be considered include, but are not be limited to, those listed below, as well as measures in the 2030 ECAP, Pathways to Deep GHG Reductions in Oakland: Final Report (City of Oakland, 2018b), BAAQMD’s latest CEQA Air Quality Guidelines (May 2017, as may be revised), the California Air Resources Board Scoping Plan (November 2017, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General’s website, and Reference Guides on LEED published by the U.S. Green Building Council.

a. **Horizontal Construction Emission Reduction Measures**

The reduction measures for horizontal construction emissions from the Project shall be:

- (1) Mitigation Measure AIR-1b Criteria Air Pollutant Controls; and
- (2) Purchase of Carbon Offset Credits subject to Section 2c, *Standards for Carbon Offset Credits*, below.

b. **Vertical Construction and Operational Emission Reduction Measures**

(1) Type and Location Requirements.

GHG reduction measures shall be subject to the following requirements with respect to type and location.

The order of priority for the type of reduction measures shall be: (1) physical design features; (2) operational features; and (3) the purchase of

carbon offset credits subject to the standards described below under Section 2c, *Standards for Carbon Offset Credits*.

The order of priority for the location of physical design features and operational features shall be: (1) the project site; (2) off-site within the neighborhood surrounding the Project site, including Old Oakland, Jack London Square, Chinatown, and West Oakland; (3) the greater City of Oakland community; and (4) within the San Francisco Bay Area Air Basin.

To the extent that the Plan proposes GHG reduction measures that do not conform to the priorities set forth above, the Plan shall contain substantial evidence to support the exclusion of higher priority measure(s) considered and determined to be infeasible as defined under CEQA.

(2) Required Measures.

The Plan shall incorporate the following measures to reduce Project emissions:

- i. Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.

The Plan shall incorporate the following mitigation measures related to operation:

- ii. Mitigation Measure AIR-2c: Diesel Backup Generator Specifications.
- iii. Mitigation Measure AIR-2d: Diesel Truck Emission Reduction.
- iv. Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures Emission Reduction Plan.
- v. The ballpark receives LEED Gold certification or above for new construction within one year after completion of the first baseball season. Each new nonresidential building receives LEED Gold certification or above for new construction within one year after completion of the applicable nonresidential building. Any residential building shall achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to quality transit.
- vi. Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.
- vii. Mitigation Measure TRANS-1b: Transportation Management Plan.
- ~~viii. Install EV chargers at 10% of onsite parking spaces.~~
- ~~ix. Electrify a minimum of 50% of the residential units as required by CARB certification.~~

~~Unless a waiver is granted by the City for a Project use, the Project would also be required to comply with building electrification requirements in the City's Ordinance 13632 building code that reduce or eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City's building code effect at the time of Project development.~~ Compliance with regulatory measures shall not qualify as a mitigation measure.

(3) Menu of Additional Emission Reduction Measures: On-Site

The following types of measures shall be included in the Plan as necessary to meet the requirements of this mitigation measure and the “no net additional” GHG emissions requirement for the Project.

- i. *On-site measures to reduce operational energy emissions:*
  - (a) *Minimize the Project's energy demand through physical design features, with the ultimate goal of zero net GHG emissions from energy use:* Minimize electricity and natural gas demand through implementation of design measures. New development, including residential, commercial, and retail buildings, could be designed as zero net GHG emissions buildings.
  - (b) *100 percent zero-carbon electricity for all land uses:* Procure 100 percent zero-carbon electricity through East Bay Community Energy or other renewable energy provider (e.g., green power purchase agreement with electric utility) for all electricity loads, including residential, commercial, and retail buildings.<sup>12</sup>
  - (c) *On-site rooftop solar PV panels or other on-site renewable energy generation:* Install on-site roof-top solar PV panels or other on-site renewable energy on all buildings at the Project site subject to space availability.
  - ~~(d) *Electrify residential and nonresidential development:* Go beyond building code requirements for electrification of residential and nonresidential buildings. Any requirement for building electrification then in effect and applicable to the Project under the City's Building Code shall not qualify as a mitigation measure but shall be treated as a project design feature and its efficacy in reducing GHG emissions shall be taken into consideration in calculating the Project's emissions.~~
  - (d)(e) *Reduce refrigerant emissions:* Specify low-GWP (global warming potential) refrigerants in heat pumps installed in

<sup>12</sup> East Bay Community Energy (EBCE). Information available online: <https://ebce.org/power-mix/>.

residential and nonresidential buildings, such as for HVAC systems, water heaters, and refrigeration.

~~(e)(f)~~ *Convert the Peaker Plant:* Remove the jet-fueled turbines in the Peaker Plant and the associated jet fuel storage tank and replace with a battery energy storage system. The methodology used to calculate emission reductions and the amount of reduction resulting from Peaker Plant conversion attributable to the Project and applied towards the “no net additional” CEQA significance threshold shall be subject to City review and approval based on information provided as part of the Plan and other available information.

(f) On-site solar energy battery storage systems: In conjunction with on-site rooftop solar PV panels, install solar energy battery storage systems to store electricity that can be consumed after sundown, during energy demand peaks, or during a power outage.

ii. *On-site measures to reduce transportation emissions:*

~~(a) Additional ZEV infrastructure charging stations beyond regulatory requirements:~~ Install ZEV infrastructure charging stations, that provides EV charging and hydrogen fueling opportunities beyond regulatory requirements and the requirements of Mitigation Measure AIR-2e, including but not limited to installing medium- and heavy-duty truck charging stations for delivery vehicles, installing curbside public EV charging stations, and installing hydrogen fueling stations for fuel cell vehicles, that provide charging opportunities beyond regulatory requirements.

~~(b) Preferred parking for alternative-fueled vehicles and car sharing:~~ Reduce the need to have a vehicle (or second vehicle) by providing Promote the use of clean fuel efficient vehicles through preferential (designated and proximate to entry) parking for zero-emission ride sharing vehicles on-site beyond regulatory requirements. Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.

~~(c) Additional TDM and/or TMP measures: Implement TDM and/or TMP measures that go beyond 20 percent vehicle trip reduction in~~

~~the TDM and TMP Plans by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and car sharing, with preference to active transportation and public transit.~~

iii. *On-site measures to reduce solid waste emissions:*

- (a) *Ballpark solid waste diversion:* Increase waste diversion rate at the new ballpark to 75 percent or greater.
- (b) *Organic waste diversion:* Ensure that unused edible food at restaurants and supermarkets is donated to recovery and collection organizations such as FoodShift, a non-profit organization in Alameda, California, that can distribute it to the neediest populations beyond regulatory requirements.
- (c) *Increase the use of reusable bags and compostable containers:* Require vendors and restaurants providing food at the ballpark to use compostable containers, encourage Ppromotions by on-site merchants to support the City’s “Bring Your Own Bag” campaign, and increase the use by customers of durable reusable bags.

iv. *On-site measures to reduce water and wastewater emissions:*

- (a) *Water efficient fixtures:* Install water efficient fixtures in residential and commercial buildings, including water-saving sinks, showers, urinals and toilets beyond regulatory requirements.

v. *On-site operational measures to reduce area source (landscaping) emissions:*

- (a) *Water-efficient landscaping:* Install water-efficient landscaping and irrigation systems, including the use of native drought-tolerant vegetation beyond regulatory requirements.
- (b) *Compost application:* ~~Include a minimum of 0.5 inches of~~ Apply compost applied to any landscaping consistent with the Bay Friendly Landscaping Guidelines.
- (c) *Recycled water:* Install dual plumbing (purple pipe) for the use of recycled water for landscape irrigation, fire protection, toilet and urinal flushing in non-residential facilities, and outdoor landscape features such as fountains and water features beyond regulatory requirements.

vi. *Additional on-site measures and technologies.*

- (a) The Plan may include additional or substitute measures and technology to reduce GHG emissions from Project construction or

operations that are not currently known or available. This may include new energy systems (such as battery storage), new transportation systems (such as autonomous vehicle networks), or other technology (such as carbon capture and storage) that is not currently available at the project-level, provided that the GHG Reduction Plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, including those described above.

(4) Menu of Additional Emission Reduction Measures: Off-Site

- i. *Off-site measures to reduce energy emissions:*
  - (a) *Community energy efficiency retrofits:* Fund, ~~contribute to,~~ or implement community energy efficiency retrofits to reduce offsite building energy use.
  - (b) *Community energy decarbonization projects:* Fund or implement measures to increase use of non-carbon sources of energy, such as retrofits or other infrastructure projects (e.g., electrification), to reduce offsite building energy use.
  - (c) *Community solar projects:* Fund or implement community solar PV installations.
  - (d) *Community energy storage projects:* Fund or implement community energy storage installations, such as batteries or mechanical energy storage.
- ii. *Off-site measures to reduce transportation emissions:*
  - ~~(a) Fund or implement programs to increase use of public transit so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.~~
  - ~~(b) Fund or implement programs to increase use of bicycles, including electric bicycles, so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.~~
  - ~~(c) Fund or implement programs that promote walking in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community, so as to exceed the 20 percent vehicle trip reduction requirement of the TDM Plan and TMP.~~
  - ~~(d)~~ *Off-site EV chargers:* Fund or implement a program that expands the installation of EV chargers, including but not limited to curbside public EV charging stations.

- (eb) Fund or implement programs that increase use of electric vehicles.
- (fc) ~~Contribute to Fund~~ or implement programs that increase electrification of public transit buses in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community.

iii. *Off-site measures to increase carbon sequestration:*

- (a) *Tree planting and vegetated buffers:* Fund or implement program that results in significant new tree planting and/or vegetated buffers.

- iv. *Purchase of Carbon Offset Credits:* The purchase of Carbon Offset Credits, subject to Section 2c, *Standards for Offset Credits*, below, shall only be used as a reduction measure for construction and operational emissions after all the following conditions are satisfied: (1) AB 734’s commitment to reduce 50% of net new emissions associated with the ballpark and other non-residential uses through the implementation of local direct measures has been met; and (2) for non-transportation sector and non-ballpark and non-hotel uses only, physical design features or operational features located on the project site or off-site within the City of Oakland have reduced project emissions levels to at or below 0.6 MTCO<sub>2e</sub>/service population in keeping with the City’s GHG emission reduction target.<sup>13</sup>

c. **Standards for Carbon Offset Credits**

- (1) Carbon offset credits can result from activities that reduce, avoid, destroy or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions occurring elsewhere. For the purpose of Project mitigation, carbon offset credits shall consist of direct emission reductions or sequestration that are used to offset the Project’s direct emissions. As described in the CARB Determination for AB 734, all carbon offset credits shall be purchased from a carbon offset registry approved by CARB, which at present include the following: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The carbon offset credits shall be verifiable by the City and enforceable in accordance with the registry’s applicable standards, practices, or protocols. The carbon offsets must substantively satisfy all six of the statutory “environmental integrity” requirements applicable to the CARB Cap-and-Trade Program, generally

<sup>13</sup> This performance metric is derived from the 2030 ECAP, which incorporates the City of Oakland’s adopted GHG emissions target of 56 percent below 2005 levels by the year 2030. For non-transportation emissions this equates to a Citywide efficiency threshold of 0.61 MTCO<sub>2e</sub> per service population. Refer to the Downtown Oakland Specific Plan Draft EIR, Table V.D-3 (p. 277), for its derivation, which divides the citywide 2030 non-transportation emissions target of 491,799 MTCO<sub>2e</sub> by a projected service population of 812,535 (City of Oakland, 2019b).

as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, permanent, quantifiable, verifiable, enforceable, and additional. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., ANAB Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification. Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.

- (2) Geographic location: Carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of priority to the extent ~~available~~<sup>feasible</sup>: (1) off-site within the neighborhood surrounding the Project site, including West Oakland; (2) the greater City of Oakland community; (3) within the San Francisco Bay Area Air Basin; (4) the State of California; and (5) the United States of America. Any offset credits used for mitigation are subject to the approval of the City.

## B. Implementation, Monitoring, and Enforcement

### 1) *Updated GHG Reduction Plan Required for Each Phase*<sup>14</sup>

Prior to issuance of the first grading or construction-related permit for each phase or sub-phase of development (i.e., a Final Development Plan and/or permit for horizontal improvements) the Applicant shall update the GHG Reduction Plan to calculate the actual quantity of emissions from construction and operation of the phase or sub-phase for the life of the Project (defined as 30 years of operation), to calculate the reductions necessary (including local, direct, and offset credits) to achieve the “no net additional” threshold for the proposed phase or sub-phase, and to identify the specific local reduction measures and offset requirements that will be implemented to meet the threshold for the proposed phase or sub-phase. The Applicant shall provide the updated Plan to the City for review and approval, along with a separate “AB 734 Compliance Memorandum” for the phase or sub-phase, prepared in conformance with the methodology set forth in the CARB Determination, a courtesy copy of which shall also be provided to CARB.

<sup>14</sup> CARB’s AB 734 Determination refers to the GHG Reduction Plan Updates completed at each phase as the “AB 734 Compliance Memorandum.”

The GHG Reduction Plan, as amended, shall identify any proposed GHG Emissions Reduction Measures to be implemented or offset credits to be purchased as part of each phase that exceed those required to offset the phase's emissions and achieve the "no net additional" threshold, in which case the balance of the reductions and/or credits shall be considered a "credit bank" applicable to subsequent phases.

## 2) *Implementation*

The Project sponsor shall implement the updated and approved GHG Reduction Plan during construction and operation of each permitted phase as follows:

For physical GHG reduction measures to be incorporated into the design of the Project, the measures shall be included on the drawings submitted for construction-related permits and implemented during construction. The City shall confirm inclusion of these measures in the plans prior to issuance of a building permit for the applicable phase and confirm the measures were built as part of the final inspection for a Temporary Certificate of Occupancy (TCO).

For physical GHG reduction measures to be incorporated into off-site projects, the Project sponsor shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval prior to issuance of the first building permit for the applicable phase. These off-site improvements shall be installed prior to completion of the applicable phase as shown in final development plan or equivalent. The City shall confirm completion of these measures prior to issuance of a TCO for the applicable phase and as part of the final inspection.

For GHG reduction measures involving the purchase of carbon offset credits for horizontal construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the first grading and/or permit for horizontal construction (P-Job permit) for each construction phase or subphase for horizontal construction and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired prior to issuance of the construction permit for each construction phase or subphase. ~~The City shall confirm receipt evidence that the contract has been entered into prior to issuance of the permit and evidence of the of the verification reports and serial numbers prior to completion of the phase.~~ The City shall confirm receipt of verification reports and serial numbers prior to permit issuance.

For GHG Reduction measures involving the purchase of carbon offset credits for vertical construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the building permit for each building's construction, and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired prior to issuance of the building permit for each building's

construction. The City shall confirm receipt of verification reports and serial numbers prior to permit issuance.

For GHG Reduction measures involving the purchase of carbon offset credits for operational emissions, contracts for purchase of credits shall be entered into prior to issuance of a TCO for each building and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired. The City shall confirm receipt of the verification reports and serial numbers prior to issuance of a TCO.

### 3) *Annual Report Required*

The Applicant shall submit an annual report to the City's Planning Director on November first of each calendar year starting one year after the City issues the first TCO for the project.

The Annual Report shall summarize the Project's implementation of GHG reduction measures over the preceding year, provide information on past, current, and anticipated Project phasing, describe compliance with the conditions of the Plan, and include a brief summary of any revisions to the GHG Reduction Plan since the previous Annual Report was submitted, including the start of new phases or sub-phases affected by the Plan. The Annual Report shall keep an ongoing tally of all carbon offset credits that have been purchased and applied to the Project, including the serial numbers of the credits, and the registry into which they have been permanently retired.

The City or its third-party GHG emissions expert shall review the Annual Report to verify that the GHG Reduction Plan is being implemented in full and monitored in accordance with the terms of this mitigation measure. The City retains the right to request a Corrective Action Plan if the Annual Report is not submitted or if the GHG Reduction Measures in the Plan are not being fully implemented and/or maintained as appropriate over the Project's 30-year lifetime, and to enforce provisions of that Corrective Action Plan if specified actions are not taken or are not successful at addressing the violation within the specified period of time.

Notwithstanding the foregoing, the City retains its discretion to enforce all mechanisms under the Municipal Code and other laws to enforce non-compliance with the requirements of this mitigation measure.

The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the Applicant, to coincide with other related monitoring and reporting required for the Project, provided that the Annual Report shall be submitted not less than once per calendar year.

The following text is added in the "NOTES" section of Table 4.7-6 on Draft EIR p. 4.7-54:

Emissions in this table do not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units. All of these updates would decrease operational emissions from what is presented in this table.

The following revisions to footnote b” is made in the “NOTES” section of Table 4.7-6 on Draft EIR p. 4.7-54:

Mobile source emissions include the ~~20 percent vehicle trip reduction~~ at least 22 percent vehicle trip reduction for non-ballpark development and at least 23 percent vehicle trip reduction for the ballpark required by ~~AB-734~~ Mitigation Measure AIR-2e. For emissions without this reduction, refer to Appendix AIR, *Air Quality Supporting Information*

The following text is added in the “NOTES” section of Table 4.7-7 on Draft EIR p. 4.7-55:

Emissions in this table do not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units. All of these updates would decrease operational emissions from what is presented in this table for all years of operation.

The subheading and text on Draft EIR pp. 4.7-65 to 4.7-66 has been revised as follows:

#### **Mitigation Measure Effectiveness of Mitigation**

Due to changes to Mitigation Measure GHG-1 incorporated based on comments received on the Draft EIR, the following changes would occur: ) all buildings at the project site would be fully electric except for food service uses (required through Mitigation Measure AIR-2e); 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (required through Mitigation Measure AIR-2e); and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units (required through Mitigation Measure AIR-2d). All of these updates would decrease operational mitigated emissions from what is presented in the tables below. Please see *CEQA Air Quality Technical Addendum* (Ramboll, 2021) for additional detail.

As described above, Mitigation Measure GHG-1 requires implementation of GHG emission reduction measures to meet the “no net additional” threshold at each phase or sub-phase, and to continually demonstrate Project-wide compliance with the “no net additional” CEQA significance threshold over the 30-year life of the Project.

The required measures under Mitigation Measure GHG-1 section A.2)b.(2) would reduce GHG emissions as follows:

- i. Mitigation Measure AIR-1b (Criteria Air Pollutant Controls) would reduce fossil fuel combustion (and associated GHG emissions) by minimizing the idling times of diesel construction vehicles, requiring that all construction equipment be maintained and properly tuned, and by allowing diesel-powered portable equipment only if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- ii. Mitigation Measure AIR-2c (Diesel Backup Generator Specifications) would reduce diesel fuel combustion (and associated GHG emissions) by requiring alternatives to diesel-fueled generators that run on biodiesel, renewable diesel, natural gas, or other biofuels if feasible, and by limiting annual maintenance testing to 20 hours.
- iii. Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel combustion (and associated GHG emissions) by requiring, if feasible, a range of measures to reduce emissions from Project-related diesel trucks, including a two-minute idling limit, electrical hook-ups for diesel trucks at loading docks, and requiring truck-intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
- iv. Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures) requires all buildings to be 100 percent electric and not include any natural gas appliances, additional TDM and TMP measures that go beyond the 20 percent vehicle trip reduction in the TDM or TMP Plan to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark, electric shuttle buses, and other measures. Mitigation Measure AIR-2e also requires a detailed and comprehensive plan to implement feasible on-site and off-site measures that reduce criteria pollutant emissions, many of which would reduce GHG emissions as well. Building electrification is anticipated to reduce the Project's GHG emissions by approximately 2,046 MTCO<sub>2</sub>e per year, and the additional TDM measures are anticipated to reduce the Project's GHG emissions by approximately 1,899 MTCO<sub>2</sub>e per year, as shown in Table 18 of *CEQA Air Quality Technical Addendum* (Ramboll, 2021).
- v. The requirement that the ballpark and non-residential buildings receive LEED Gold certification or above for new construction, and that residential buildings achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, would reduce GHG emissions by resulting in highly energy- and resource-efficient buildings as well as waste minimization and support for non-motorized transportation.
- vi. Mitigation Measure TRANS-1a (Transportation and Parking Demand Management Plan) would reduce GHG emissions from transportation by requiring a TDM plan for each building (non-ballpark) that includes a range of services and programs

designed to reduce vehicle trips, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information.

vii. Mitigation Measure TRANS-1b (Transportation Management Plan) would reduce GHG emissions from transportation by requiring a TDM plan for the ballpark that includes a range of services and programs designed to reduce vehicle trips, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information. .

viii. The Project would be required to install EV chargers at a minimum of 13 percent of onsite parking spaces, required through Mitigation Measure AIR-2e, which would reduce the Project’s GHG emissions by approximately 217 MTCO<sub>2</sub>e per year, as shown in Table 4.7-6 and Appendix AIR.1 Table 39.

As described in Mitigation Measure GHG-1, the Project sponsor shall develop, implement and update as needed a GHG Reduction Plan that includes these required measures, as well as additional measures, to ensure that that emissions from the Project are below the City’s “no net additional” threshold of significance. As shown in Table 4.7-7, the Project’s total “net additional” emissions without mitigation over its 30-year lifetime, based on currently available information regarding the Project’s design and current emission factors, are anticipated to be 1,266,567 MTCO<sub>2</sub>e. This represents the Project’s total mitigation obligation, which would be recalculated and met on a phase-by-phase basis as described in Mitigation Measure GHG-1. This obligation may change over time as the Project is implemented because the applicable emission factors and regulatory requirements will change, and new technologies will become available and effective.

The obligation established by Mitigation Measure GHG-1 is different from the obligation on the Project sponsor required by CARB in their AB 734 determination based on CARB’s assumptions regarding future emission factors, additional events at the Coliseum that were credited by CARB, and potential “backfill” events at the Coliseum. The CARB AB 734 obligations will be subject to a separate condition of approval.<sup>15</sup>

The following revision is made “Summary” on Draft EIR p. 4.7-66:

### **Summary**

The Project would incorporate Mitigation Measures AIR-1c and AIR-2c through 2e, and would ~~achieve~~ exceed the 20 percent vehicle trip reduction required by AB 734 and as provided for in Mitigation Measures TRANS-1a and 1b, ~~instead achieving~~ instead achieving at least 22 percent vehicle trip reduction for non-ballpark development and at least 23 percent vehicle trip reduction for the ballpark. All buildings at the project site would be fully electric except for food service uses. As shown in Table 4.7-6, the Project’s net additional emissions without additional mitigation would

<sup>15</sup> CARB’s AB 734 determination requires establishment of an escrow account, setting aside funding to be used to reduce and offset emissions from any event at the Coliseum beyond the historic average of four per year. The City will impose this requirement as a non-CEQA condition of approval.

result in approximately 17,990 MTCO<sub>2</sub>e per year at Phase 1 (as defined in this EIR) and 52,957 MTCO<sub>2</sub>e per year at buildout, and may be reduced over time due to lower CO<sub>2</sub>e intensity factors expected for electricity and mobile sources. Over its 30-year lifetime, the Project's total net additional emissions are anticipated to be 1,266,567 MTCO<sub>2</sub>e.<sup>43</sup>

The following footnote is added on Draft EIR p. 4.7-66:

<sup>43</sup> GHG emissions in this paragraph do not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units. All of these updates would decrease operational emissions from what is presented in this paragraph.

The following revision is made on Draft EIR p. 4.7-66 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**~~Mitigation Plan~~. (See Section 4.2, *Air Quality*)

The following sub-bullet is added for ECAP action "TLU-1" in the "Consistency Analysis" column under the "Support for transit, TOD and VMT reduction:" in Table 4.7-8 on Draft EIR p. 4.7-68:

- The Project would achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark (MM AIR-2e).

The following revisions are made under ECAP action "TLU-8" in the "Consistency Analysis" column under in Table 4.7-8 on Draft EIR p. 4.7-71:

The TDM Plan for each building shall include a range of services and programs designed to meet the 20 percent reduction that is required by AB 734, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information. The Project would also be required to implement additional TDM and TMP measures that go beyond the 20 percent vehicle trip reduction in the TDM or TMP Plan to achieve at least 22 percent vehicle trip reduction for non-ballpark development and at least 23 percent vehicle trip reduction for the ballpark (MM AIR-2e).

“Building Energy Use” in Table 4.7-8 on Draft EIR p. 4.7-71 is revised as follows in response to Comment I311-4-27:

Building Energy Use	
B-1	<p><b>Eliminate Natural Gas in New Buildings.</b> By 2023, the City will prohibit new buildings and major renovations from connecting to natural gas infrastructure.</p>
	<p><b>Consistent</b> – The City’s newly adopted natural gas ban (Ordinance 13632) for new residential and commercial buildings applies to the Project. The Project will comply with any requirement for building electrification then in effect and applicable to the Project under the City’s Building Code, which shall not qualify as a mitigation measure but shall be treated as a Project design feature. The Project sponsor has committed to electrify 50% of residential buildings, and Mitigation Measure GHG-1 includes an <u>required</u> on-site measure <del>as part of menu of Plan options</del> to design and construct all residential and nonresidential buildings to be 100 percent electric and not include any natural gas appliances, including water heaters, clothes washers and dryers, HVAC systems, and stoves, <u>unless a waiver is granted for food service uses in conformance with the City’s building code. This is also required in Mitigation Measure AIR-2e.</u></p>

The following revision is made on Draft EIR p. 4.7-78 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**~~Mitigation Plan.~~ (See Section 4.2, *Air Quality*)

The following text is added in the “NOTES” section of Table 4.7-10 on Draft EIR p. 4.7-81:

Emissions in this table do not reflect the following updates: 1) all buildings at the project site would be fully electric except for food service uses; 2) the Project would be required to achieve vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark; and 3) all loading docks would be equipped with electrical hookups for trucks with TRUs or auxiliary power units. All of these updates would decrease operational emissions from what is presented in this table.

The following revisions are made to footnote b” in the “NOTES” section of Table 4.7-10 on Draft EIR p. 4.7-81

Mobile source emissions include the ~~20 percent vehicle trip reduction~~vehicle trip reductions of at least 22 percent for non-ballpark development and at least 23 percent for the ballpark required by ~~AB-734~~ Mitigation Measure AIR-2e. For emissions without this reduction, refer to Appendix AIR, *Air Quality Supporting Information*

The following revisions are made on Draft EIR p. 4.7-83:

California Department of Finance, 2007. E-4 Revised Historical City, County and State Population Estimates, 1991-2000, with 1990 and 2000 Census Counts.

<https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-4/1991-2000/>,  
accessed December 13, 2020.

California Department of Finance, ~~2019~~2021. E-5 Population and Housing Estimates for Cities, Counties and the State. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>, accessed ~~September 23, 2019~~December 13, 2020.

California Department of Finance, ~~2018~~2020. Gross State Product. Amounts are based on current dollars as of the date of the report (~~May 2018~~April 2020). [http://www.dof.ca.gov/Forecasting/Economics/Indicators/Gross\\_State\\_Product/](http://www.dof.ca.gov/Forecasting/Economics/Indicators/Gross_State_Product/), accessed ~~March 2019~~December 13, 2020.

## 7.14 Changes to Section 4.8: Hazards and Hazardous Materials

The following technical report is added on Draft EIR p. 4.8-1:

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

To reflect the change from a RAW to a RAP, the first sentence in the last paragraph on Draft EIR p. 4.8-17 is modified as follows:

The results of the Risk Assessment developed Target Cleanup Levels to be incorporated into the Remedial Action Plan (RAP, see Section 4.8.3, Significance Criteria)~~RAW~~.

Additional explanatory information is added to Draft EIR Section 4.8.2, Regulatory Setting, Future Governing Documents, p. 4.8-38 as follows:

### **Future Governing Documents**

Moving forward, the Oakland A's are engaged in a process with DTSC to consolidate the existing cleanup decision documents for the different portions of the Project site into a single set for the entire site. The new, consolidated decision documents are proposed to address all three current DTSC sites within the Project site, including the previously described Embarcadero/Clay parking lot (BevMo parking lot) and the public rights of way. The objective is for DTSC to approve a new consolidated ~~RAW~~remediation plan for the entire Project area, requiring the preparation of a remediation site management plan and an O&M plan and agreement, as well as recordation of two LUCs, one for all the Port-owned portions of the Project area, and one for the portions to be owned by the Oakland A's. The objective is also for DTSC to rely on this Project EIR for CEQA compliance for its decision to approve the new remediation plan~~RAW~~, which means the remediation plan~~RAW~~ could not be approved until after the Project EIR is certified by the City. DTSC approval will be required before any grading or construction commences.

The substantive requirements of these replacement documents would be similar to those in the existing governing documents described above, but would be specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and anticipated land uses, including allowing residential use under specified conditions. These substantive requirements would be based on the Human Health and Ecological Risk assessment that has been prepared in compliance with established US EPA and DTSC guidelines and approved by DTSC. The risk assessment proposes, and the remediation plan RAW would establish, numeric target cleanup levels for each COC, with residential and commercial/industrial tiers that would be consistent with the TCLs established in the HHERA. These numeric target levels are designed to achieve a theoretical lifetime excess cancer risk of no more than 1 in a million, and non-cancer hazard index utilizing standard Cal EPA and US EPA methodology of less than or equal to 1. The future consolidated governing documents are further described below in Impact HAZ-2.

Note that at the time of the publication of the Draft EIR, it was assumed that a Removal Action Workplan (RAW) would be prepared as the remediation plan. Subsequent to the publication of the Draft EIR, the Project sponsor conservatively elected to prepare a Remedial Action Plan (RAP). The Draft RAP is anticipated to be submitted to the DTSC in early 2022. Regardless of the title and nature of the remediation plan, the DTSC will ultimately require that the remedial action be protective of construction workers, the public, and the environment.

One RAP would be prepared for the entire Project site. This RAP would describe the remedial approach for the entire property, and would require the subsequent recordation of two LUCs and O&M Agreements (i.e., one for Port-owned property and one for property owned by the Project sponsor), and the preparation of Remedial Design and Implementation Plans (RDIPs). The RAP will require that RDIPs be prepared for each subarea or parcel to provide more detail regarding how remedial measures will be applied to that specific subarea or parcel, tailored for the specific subarea's or parcel's proposed development and uses. The measures described in the RDIPs will ensure protectiveness of human health consistent with the TCLs derived in the HHERA. While providing additional detail about specific remediation details, the RDIPs are part of and would be consistent with the RAP.

To reflect the change from a RAW to a RAP, the last sentence in the last paragraph on Draft EIR p. 4.8-40 is modified as follows:

The Risk Assessment completed in 2020 developed site-specific Target Cleanup Levels to be incorporated into the RAPRAW and applied during remedial activities (ENGE0 2020b).

To reflect the change from a RAW to a RAP, the first, third, and fourth paragraphs on Draft EIR p. 4.8-41 is modified as follows:

The Project will require development-related environmental remediation and/or mitigation and site grading. These processes could occur in a phased manner as the Project is built out over time, or they could be completed for the entire site at once. In either case, the remediation and/or mitigation will proceed according to the RAPRAW that will be considered for approval by DTSC after certification of the EIR by the City; the general standards and available methods for the anticipated future RAPRAW is summarized below in Impact HAZ-2. As described in Chapter 3, *Project Description*, Phase 1 of the Project would include the area generally east of Market Street. The balance of the site west of Market Street would be improved, utilizing existing pavement areas to serve as a surface parking lot before the full project site is developed.

If the project takes the phased approach to address development-related environmental issues and grading, targeted remediation and/or mitigation would occur on Phase 1 portions of the site, and the same portions would be raised to future grade. This approach to site grading would require some interim circulation conditions to connect through the approximate 3- to 5-foot grade differential between Phase 1 and the rest of the site (stairs, ramps, etc.). After Phase 1 is complete, site remediation could occur over the balance of the site or with a similar targeted approach.

If the project addresses development related environmental issues and grading across the site all at once, targeted remediation and/or mitigation and site grading would occur across the entirety of the project site at once. This approach to site grading would also require interim circulation conditions, however, there would be fewer grade changes to negotiate. With either the phased or un-phased approach, remediation and/or mitigation would be required per the RAPRAW as approved by DTSC following certification of the EIR.

Potential remedial action approaches and methods are further described in *Consideration of Remediation and Mitigation Alternatives*, dated July 31, 2019 (ENGEO, 2019b). The RAPRAW would include a combination of the methods summarized here. Methods that would treat or remove soil gas and/or soil contamination in the vadose zone<sup>9</sup> include encapsulation or surface capping, excavation, soil vapor extraction (SVE), bioventing and in-situ bioremediation,<sup>10</sup> in-situ chemical oxidation (reduction), and/or thermal desorption.<sup>11</sup> Methods that would treat or remove groundwater contamination include monitored natural attenuation, pump and treat, petroleum skimming from wells, air sparging,<sup>12</sup> dual-phase extraction, and/or permeable reactive barriers. Containment strategies include vapor intrusion mitigation systems (vapor barriers) and vertical cutoff barriers/walls, in addition to the previously listed surface capping. The RAPRAW would identify the methods to be used, the specific areas and media for the given remedial methods would be applied, the regulatory standards to be achieved, and measures to restore the cap integrity where required.

To reflect the change from a RAW to a RAP, the last full paragraph on Draft EIR p. 4.8-42 is modified as follows:

Much of the impacted material may be maintained at the Project site. However, it is important to note that remedial action objectives (RAOs) have not been established; this would occur after the ~~RAPRAW~~ and the Human Health and Ecological Risk Assessment are approved, and would be reflected in the anticipated new RAPRAW. Consequently, threshold conditions or COC concentration limits that would necessitate excavation and removal or more intensive remediation activity for hotspots have not yet been developed.

In response to Comment O-29-36, text at the beginning of Draft EIR p. 4.8-44 is revised to read:

Long-term operational groundwater treatment ~~may~~ would be necessary ~~if and~~ a cutoff wall and underdrain system ~~are~~ would be installed for the ballpark. As described in Chapter 3, Project Description, a cutoff wall and drainage system would be installed beneath the ballpark. Seasonal rainwater would be collected in a shallow drainage system that would route the rainwater to the storm drain system. While the cutoff wall would largely isolate groundwater beneath the ballpark, it is anticipated that some groundwater may seep through or under the cutoff wall. The groundwater levels within the area of the cutoff wall would be monitored and dewatering would occur on an as-needed basis. The dewatering effluent would be tested to assess the appropriate treatment and disposal method, as discussed above.

~~In the event~~ Groundwater treatment would be required for short- and/or long-term groundwater extraction operations ~~are~~ required for the ballpark or elsewhere ~~at~~ on the Project site, ~~groundwater treatment would be required~~ due to TPH and available cyanide. These materials ~~can~~ would be treated and removed with common dewatering treatment technologies, including sand filtration and GAC prior to discharge.

To reflect the change from a RAW to a RAP, the first paragraph under “Implementation of Institutional Controls” on Draft EIR p. 4.8-44 is modified as follows:

As discussed above in Section 4.8.2, *Regulatory Setting, Existing and Future Site-Specific Regulatory Framework and Governing Documents*, LUCs are currently in place for almost the entire Project site. It is anticipated that contaminated soil would be reconsolidated and capped, some contaminated groundwater would remain in place, and VIMS would be required for certain structures to mitigate vapor intrusion concerns. Consequently, the new consolidated RAPRAW to be approved by DTSC would require that the existing LUCs and their associated plans (RMPs, O&M Agreements, and SGMPs) be replaced to account for the changes to the Project site. The substantive requirements of these documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use under specified conditions.

The following paragraph is added to the end of Section 4.8.3, *Significance Criteria, Approach to Analysis, Remediation and Mitigation of Contaminated Materials* on Draft EIR p. 4.8-45:

Note that at the time of the publication of the Draft EIR, it was assumed that a RAW would be prepared. Subsequent to the publication of the Draft EIR, the Project sponsor conservatively elected to prepare a RAP. The Draft RAP is anticipated to be submitted to the DTSC in early 2022. Regardless of the title and nature of the remediation plan, the DTSC will ultimately require that the remedial action be protective of construction workers, the public, and the environment.

To reflect the change from a RAW to a RAP, the first paragraph on Draft EIR p. 4.8-45 is modified as follows:

Although groundwater would not be used in the future as a domestic water source, the LUCs would typically prohibit the use or extraction of groundwater in the future without the express permission of the oversight regulatory agency, similar to that described with soil excavation or exploration activity. In the event that groundwater is extracted in the future, there would be provisions in the consolidated ~~RAPRAW~~ for characterization prior to re-use and/or discharge to a receiving system, such as the sanitary sewer. In addition, the LUCs will require that onsite monitoring wells would need to be protected (or relocated) and reasonable access would need to be provided to facilitate ongoing monitoring.

To reflect the change from a RAW to a RAP, the fourth paragraph on Draft EIR p. 4.8-50 is modified as follows:

The required compliance with the numerous laws and regulations, and in particular with the requirements of the consolidated ~~RAPRAW~~, LUCs, and associated plans and agreements described above, would control and manage those hazardous materials, and would render this impact less than significant. However, because details of the consolidated ~~RAPRAW~~, LUCs, and associated plans are not known at this time, **Mitigation Measures HAZ-1a** through **HAZ-1d** are provided below to ensure that with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of construction workers, the public, future users and residents of the Project site, and the environment.

To reflect the change from a RAW to a RAP, the first paragraph under “Mitigation Measures” and Mitigation Measures HAZ-1a and HAZ-1b on Draft EIR pp. 4.8-51 through 4.8-52 are modified as follows:

Required compliance with the numerous laws and regulations previously discussed, and in particular with the requirements of the proposed (consolidated) ~~RAPRAW~~, LUCs, and associated plans and agreements described above, would prevent contact with the buried hazardous materials, and would render this impact less than significant. However, because details of the consolidated ~~RAPRAW~~, LUCs, and associated plans are not known

at this time, mitigation measures are provided below to ensure that with regulatory requirements and oversight by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of construction workers, the public, future users and residents of the Project site, and the environment.

**Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans.**

Prior to Project-related grading or construction onsite, the project sponsor shall prepare a consolidated RAPRAW, LUCs, and associated plans, all of which shall be submitted to the DTSC for review and approval. The project sponsor shall provide the chief building official with documentation of DTSC's approval prior to issuance of a grading, excavation, and/or construction permits on the project site. The consolidated RAPRAW, LUCs, and associated governing plans shall include the following:

1. **Remedial Action Plan (RAP)** ~~**Remedial Action Workplan (RAW)**~~ shall be prepared in compliance with established US EPA and DTSC guidelines, specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and land uses, including allowing residential use under specified conditions. The RAPRAW shall identify and address potential impacts of the remediation activities themselves. The RAPRAW shall:
  - a. Identify known areas with soil, soil gas, and/or groundwater with COC concentrations above the Target Cleanup Levels developed in the previously described Risk Assessment.
  - b. Describe specific remedial methods to be applied to each of the contaminated media and areas.
  - c. Describe procedures for the excavation, treatment, stockpiling, containerization, transportation, and disposal of contaminated media, including soil and dewatering effluent. Offsite disposal of contaminated materials shall be conducted by licensed hazardous waste transporters and offsite disposal facilities shall be licensed facilities permitted to accept the waste materials.
  - d. For those areas and media where removal or treatment is proposed, describe sampling and analytical methods to verify that contaminated materials have been removed or treated such that the numerical cleanup levels have been achieved.
  - e. Describe vapor intrusion barriers and other required remedies for those areas that will require inhalation protection (e.g., ground floor residential areas).

- f. Describe cap restoration actions for those areas that will require a cap or engineered equivalent. The cap may consist of asphalt or concrete hardscape. Engineered equivalents may include the addition of sufficient fill and/or engineered drainage to isolate the public and the environment from underlying contaminants.
2. Separate but similar *LUCs* shall be prepared for the A's and Port portions of the project site. The LUCs shall describe prohibited land uses (e.g., hospital), prohibited activities (e.g., disturbance of the cap or engineered equivalent without the approval of the DTSC), and notification and reporting requirements for activities that disturb areas with a cap or engineered equivalent.
3. An *Operations and Maintenance (O&M) Plan* shall be prepared describing long-term groundwater monitoring and cap maintenance procedures. The O&M Plan shall govern the ongoing operations and maintenance and shall include procedures describing how soil and groundwater shall be managed during future maintenance activities, utility installations, and other activities. The O&M Plans shall require annual groundwater monitoring programs, annual and five-year reporting obligations, health and safety plans, notification requirements, cap maintenance obligations. For certain construction projects raising unique issues, project specific soil and groundwater management plans shall be submitted to the DTSC for their approval before work can begin. The O&M Plan shall describe operations for the seasonal drainage of rainwater and the as-needed drainage of groundwater for the area within the cutoff wall beneath the ballpark.

**Mitigation Measure HAZ-1b: Compliance with Approved RAPRAW, LUCs and Associated Plans.**

Prior to issuance of any grading, building, or construction permit for the Project, the Project sponsor shall provide evidence to the chief building official of DTSC concurrence that the proposed action is consistent with the RAPRAW, LUCs, and Associated Plans adopted to ensure protections appropriate for the type of anticipated construction activity. Prior to issuance of a certificate of occupancy or similar operating permit for new buildings and uses by the chief building official, the Project sponsor shall provide evidence of successful implementation of protective measures to ensure protections appropriate for the type of anticipated uses, including allowing residential use under specified conditions, in the form of a certificate of completion, finding of suitability for the project's intended use, or similar documentation issued by the DTSC.

“Mitigation Measure Effectiveness” is added following Mitigation Measures HAZ-1a through HAZ-1d on Draft EIR p. 4.8-53:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measures HAZ-1a through HAZ-1d would ensure that construction workers, the public, and the environment would be protected by preventing exposure to contaminated materials. Mitigation Measures HAZ-1a and HAZ-1b would require that remediation activities apply the Target Cleanup Levels developed in the HHERA to identify those contaminated materials that require removal or encapsulation. Once removed or encapsulated, the LUCs and O&M Agreements would ensure that the encapsulated areas are maintained and not disturbed to prevent exposure of the public or the environment to the encapsulated materials. Mitigation Measure HAZ-1c would ensure that construction workers are informed and trained to manage the contaminated materials in accordance with Title 8 of the California Code of Regulations (Cal OSHA). Mitigation Measure HAZ-1c would also establish procedures to address the discovery of contaminated materials. Mitigation Measure HAZ-1d would ensure that hazardous building materials are managed in compliance with all applicable federal, state, and local regulations, including Title 8 of the California Code of Regulations. In addition, Mitigation Measure HYD-1a would ensure that sediment would not enter the estuary during construction activities.

“Mitigation Measure Effectiveness” and “Significance after Mitigation” are added at the end of Impact HAZ-3 on Draft EIR p. 4.8-55:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure TRANS-4 would ensure that the volume and timing of construction traffic would be managed so as not to adversely affect the level of service on nearby roads relative to emergency response or evacuation plans.

**Significance after Mitigation:** Less than Significant.

The following revisions are made to the subheading “Mitigation Measures” at the end of Impact HAZ-1.CU on Draft EIR p. 4.8-59:

**Mitigation Measures**

Cumulative projects that have similar issues with contaminated materials and/or construction activities that could interfere with the level of service on public roads would implement mitigation measures similar to the mitigation measures that would be implemented for the Project.

**Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans.** (See Impact HAZ-2)

**Mitigation Measure HAZ-1b: Compliance with Approved RAPRAW, LUCs and Associated Plans.** (See Impact HAZ-2)

**Mitigation Measure HAZ-1c: Health and Safety Plan.** (See Impact HAZ-2)

**Mitigation Measure HAZ-1d: Hazardous Building Materials.** (See Impact HAZ-2)

**Mitigation Measure HYD-1a: Creek Protection Plan.** (See Section 4.9, *Hydrology and Water Quality*)

**Mitigation Measure HYD-1b: NPDES Stormwater Requirements.** (See Section 4.9, *Hydrology and Water Quality*)

**Mitigation Measure TRANS-4: Construction Management Plan.** (See Section 4.15, *Transportation and Circulation*)

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measures HAZ-1a through HAZ-1d would ensure that construction workers, the public, and the environment would be protected by preventing exposure to contaminated materials. Mitigation Measures HAZ-1a and HAZ-1b would require that remediation activities apply the Target Cleanup Levels developed in the HHERA to identify those contaminated materials that require removal or encapsulation. Once removed or encapsulated, the LUCs and O&M Agreements would ensure that the encapsulated areas are maintained and not disturbed to prevent exposure of the public or the environment to the encapsulated materials. Mitigation Measure HAZ-1c would ensure that construction workers are informed and trained to manage the contaminated materials in accordance with Title 8 of the California Code of Regulations (Cal OSHA). Mitigation Measure HAZ-1c would also establish procedures to address the discovery of contaminated materials. Mitigation Measure HAZ-1d would ensure that hazardous building materials are managed in compliance with all applicable federal, state, and local regulations, including Title 8 of the California Code of Regulations.

Mitigation Measure HYD-1a would further ensure that sediment would not enter the estuary during construction activities. Implementation of Mitigation Measure HYD-1b would further ensure that the project design includes measures to control stormwater runoff and runoff in compliance with the City's municipal stormwater permit. Implementation of both measures would further ensure that construction workers, the public, and the environment are not exposed to contaminated materials.

Implementation of Mitigation Measure TRANS-4 would ensure that the volume and timing of construction traffic would be managed so as not to adversely affect the level of service on nearby roads relative to emergency response or evacuation plans.

**Significance after Mitigation:** Less than Significant.

## 7.15 Changes to Section 4.9: Hydrology and Water Quality

The following edits are made to clarify the first paragraph on Draft EIR p. 4.9-5:

The majority of the Project site is currently higher than this BFE, except a portion along the eastern boundary between Clay and Jefferson streets south of the Peaker Power Plant, so most of the site falls outside of the 100-year flood zone designated as Zone AE, but still within in unshaded Zone X (FEMA maps number 06001C0066H and 06001C0067H, effective date December 21, 2018). Unshaded Zone X is an area of minimal flood hazard, defined as areas outside the 500-year flood zone. Small areas within portions of the eastern Project site are mapped as moderate flood hazard areas, or Zone X (shaded), which are the areas between the limits of the 100-year flood and the 0.2-percent-annual-chance (or 500-year) flood because these areas are lower than the ~~base~~-flood elevations for these events. (Moffat & Nichol, 2019)

The following revisions to the first paragraph on Draft EIR p. 4.9-7 are made for technical accuracy:

This latest guidance adopted a probabilistic<sup>16</sup> approach and produced estimates of the likely range of global sea level rise under different emission scenarios,<sup>17</sup> where the “likely range” covers the central 66 percent of the probability distribution (i.e., the sea levels that fall within the range created by the value that is 17 percent likely to be exceeded~~occur~~ and the value that is 83 percent likely to be exceeded~~occur~~). To be precautionary in safeguarding the people and resources of California and inform the development of sufficient adaptation pathways and contingency plans, the 2018 OPC report provides a range of projections based on *low*, *medium-high*, and *extreme* levels of risk aversion.

The following revision to the last sentence in the second paragraph on Draft EIR p. 4.9-7 is made in response to Comment A-12-40:

The probability of this scenario occurring depends upon extreme Antarctica ice loss, which is not currently considered likely, ~~unknown, as sea level rise is not currently following the H++ scenario,~~ but its consideration is important, particularly for high stakes, long-term decisions (California OPC, 2018).

<sup>16</sup> Probabilistic is defined as: based on or adapted to a theory of probability; subject to or involving chance variation.

<sup>17</sup> The updated OPC Guidance considers the emissions scenarios used by the Intergovernmental Panel on Climate Change’s Fifth Assessment Report (IPCC Fifth Assessment) called Representative Concentration Pathways or RCPs. There are four RCPs, named for the associated radiative heat forcing level, in watts per square meter, in 2100: RCP 2.6, 4.5, 6.0 and 8.5. Each RCP represents a family of possible underlying socioeconomic conditions, policy options and technological considerations, spanning from a low-end scenario (RCP 2.6) that requires significant emissions reductions to a high-end, “business-as-usual,” fossil-fuel-intensive emission scenario (RCP 8.5).

The following revisions to the last paragraph on Draft EIR p. 4.9-7 and beginning of p. 4.9-8 are made in response to Comment A-12-34:

The projections in Table 4.9-1 are from the same source, OPC (2018), that “similar to, though somewhat higher than, BCDC’s most recent consideration the best estimates of future sea level rise” (e.g., BCDC 2021’s 2017 ART Bay Area Sea Level Rise Analysis and Mapping Project), which is based upon the 2013 California State guidance for sea level rise projections described above. According to the 2013 study, the State’s range for sea level rise relative to 2000 levels was for an increase of between 0.4 to 2.0 feet by 2050 and 1.4 to 5.5 feet by 2100 (BCDC, 2017). Although BCDC’s ART analysis and mapping used the older sea level rise projections, BCDC acknowledges that the more recent 2018 OPC guidance will help local agencies update their analysis and decision-making (BCDC, 2019a).

The following revisions to the text under “San Francisco Bay Conservation and Development Commission” on Draft EIR p. 4.9-13 are made in response to Comments A-12-36, A-12-38, and A-12-48:

The San Francisco Bay Conservation and Development Commission (BCDC) has regulatory jurisdiction over the Bay and the Bay shoreline. (See Section 4.10, *Land Use, Plans and Policies*, for a discussion and map of areas of the site in BCDC’s jurisdiction, including the original 100-foot shoreline band and areas of fill permitted subsequent to creation of BCDC.) BCDC’s policies for assessing sea-level rise vulnerability and risk are established in the Climate Change Policies 2 and 3 of the Bay Plan. Sea level rise vulnerability and risk assessments are required when planning shoreline areas or designing larger shoreline projects in BCDC’s jurisdiction. Risk assessments must be based on the best available estimates of future sea level rise. New projects on Bay fill, likely to be affected by future sea level rise and storm surge activity during the life of the project, must meet additional requirements, and when feasible, integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem (e.g., including marsh and/or upland vegetation).

Within BCDC jurisdiction are the following reports that apply to the Project site BCDC’s Adapting to Rising Tides (ART) program provides resources and support to local jurisdictions on sea level rise adaptation planning. The following reports in this area were conducted or supported by the ART program: that apply to the Project site Adapting to Rising Tides Alameda County Subregional Project (BCDC, 2019b), and Oakland/ Alameda Resilience Study (BCDC, 2016), Capitol Corridor Joint Powers Authority Sea Level Rise Vulnerability Assessment (2014), and Adapting to Rising Tides Bay Area: Regional Sea Level Rise Vulnerability and Adaptation Study (2020). The Adapting to Rising Tides Alameda County Subregional Project provides adaptation responses for vulnerabilities identified across five broad asset categories: overarching, community land use, transportation, utilities, shorelines. It includes possible planning mechanisms, governance structures, or collaborative approaches that could be used to implement

actions. The *Oakland/Alameda Resilience Study* includes adaptation responses for vulnerabilities identified in four sectors: schools, childcare facilities, senior care facilities, and communities.

The *Capital Corridor* assessment identifies vulnerabilities along the rail corridor, including vulnerabilities of specific assets, such as railroad tracks at grade, railroad signal systems, railroad bridges, stations, and the Oakland Maintenance Facility. The Project area is adjacent to the railroad tracks and as a networked system, impacts from flooding in one location would impact the entire railroad network.

The *ART Bay Area Study* evaluates flooding exposure and consequences to four regional systems: transportation networks, vulnerable communities, priority development areas (PDAs), and priority conservation areas (PCAs). The Project area is within an area identified by the ART Bay Area report as a "regional hot spot," meaning that it contained multiple regional assets with among the highest consequences of impact from sea level rise. As part of the *ART Bay Area Study*, Howard Terminal (i.e. the Project area) was considered part of the Port of Oakland in the "Seaports" analysis. This analysis includes consequences from flooding of dollar value of exports and imports of seaports and identifies the Port of Oakland as having the highest dollar value of exports and imports impacted by flooding exacerbated by sea level rise. High level adaptation strategies were identified in the report. Additionally, Local Vulnerability Assessments were conducted with this project being within the "San Leandro" Local Assessment.

The ART reports are informational products with planning-level studies that provide initial analyses for use by local governments in their planning efforts. All relevant climate change policies and requirements are located in the Bay Plan and include policy on climate change, safety of fills, and shoreline protection. Guidance for the Bay Plan's climate change policies are further explained in BCDC (2021).

The first paragraph on Draft EIR p. 4.9-21 is revised to reflect changes to mitigation measure titles:

Prior to construction, the proposed Project's plans to maintain the durable cover integrity would be required to be submitted to the DTSC for their review and approval in accordance with the anticipated new LUCs and associated plans described in Section 4.8. *Hazards and Hazardous Materials* as a condition of Project approval. **Mitigation Measure HAZ-1a, Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans**, summarizes contents of the updated RAW that are required to address potential impacts related to hazardous materials during construction of the Project. This measure, along with **Mitigation Measure HAZ-1b, Compliance with Approved RAPRAW, LUCs and Associated Plans; Mitigation Measure HAZ-1c, Health and Safety Plan**; Mitigation Measure HYD-1a, Creek Protection Plan; and required compliance with the numerous laws and regulations and City ordinances discussed previously that govern the water quality would limit the potential impacts from construction to less than significant.

The text on Draft EIR p. 4.9-25 is revised to reflect changes to mitigation measure titles:

**Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans.** (See Section 4.8, *Hazards and Hazardous Materials*)

**Mitigation Measure HAZ-1b: Compliance with Approved RAPRAW, LUCs and Associated Plans.** (See Section 4.8, *Hazards and Hazardous Materials*)

“Mitigation Measure Effectiveness” is added at the end of Impact HYD-1 on Draft EIR p. 4.9-25:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measures HYD-1a and HYD-1b would ensure that BMPs would be designed and incorporated during construction and after construction to protect surface water quality in the City and in the Oakland-Alameda Estuary. Implementation of Mitigation Measure HYD-1a and HYD-1b would ensure monitoring of construction and post-construction stormwater quality BMPs meet performance-based criteria approved of and inspected by the City. Implementation of Mitigation Measure HYD-1a and HYD-1b would ensure future maintenance of stormwater quality BMPs are met with oversight by the City.

**Significance after Mitigation:** Less than Significant.

“Mitigation Measure Effectiveness” is added at the end of Impact HYD-3 on Draft EIR p. 4.9-28:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measures HYD-1a and HYD-1b would ensure that BMPs would be designed and incorporated during construction and after construction to protect surface water quality in the City and in the Oakland-Alameda Estuary. Implementation of Mitigation Measure HYD-1a and HYD-1b would ensure monitoring of construction and post-construction stormwater quality BMPs meet performance-based criteria approved of and inspected by the City. Implementation of Mitigation Measure HYD-1a and HYD-1b would ensure future maintenance of stormwater quality BMPs are met with oversight by the City.

**Significance after Mitigation:** Less than Significant.

In response to this comment, the following text on Draft EIR p. 4.9-29 is revised to read:

...Converted to Oakland datum (OCD), the BFE would be approximately 3.9 feet (Moffatt & Nichol, 2021a9). The Project proposes new mixed use development on this portion of the Project site. Given parts of development block #18 are within the SFHA, future surveys are warranted to verify that the building floor levels are above the base

flood elevation. The surveys would factor in more specificity known in the future about the location of the future residential or commercial-serving mixed uses, the design proposal, specific site flooding characteristics and refined grading. This evaluation only considers the Project sponsor's preliminary grading plan in Figure 4.9-1. Figure 4.9-1 shows that the building on development block #18 would have a finished floor elevation of at least 6.0 feet, which would be higher than the BFE of approximately 3.9 feet. Proposed grading and elevations within the proposed Project site would not result in changes to flood flows adjacent and inland, as the source of flooding at block #18 is from the Estuary (Moffatt & Nichol, 2021a).

“Mitigation Measure Effectiveness” is added following Mitigation Measure HYD-2 on Draft EIR p. 4.9-29:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure HYD-2 would ensure that the design of the Proposed Project would not impede or redirect flood flows off-site. Mitigation Measure HYD-2 would ensure that the design elevation of all structures within the current 100-year coastal flood SFHA and BFE meet the finished floor elevations required above the BFE to prevent flooding of structures, as reviewed and approved of by the City prior to construction.

The first paragraph under “Flood Impacts Related to Sea Level Rise” on Draft EIR p. 4.9-30 is revised as follows in response to Comment A-12-35:

As discussed in Section 4.9.1, *Environmental Setting*, the current projections for San Francisco Bay sea level rise in 2050 are 1.1 feet under the low risk aversion projection, or 1.9 feet under a medium-high risk aversion projection; and in 2100 to be 2.4 to 3.4 feet under the low risk aversion projection, and 5.7 to 6.9 feet under the medium-high risk aversion projection (Cal OPC, 2018). BCDC's most recent ~~analysis of sea level rise guidance (e.g., its BCDC 2021 ART Project)~~ considers used OPC's 2013 sea level rise projections, which fall between OPC's 2018 low and medium-high risk aversion projections to be the best estimates of future sea level rise. Hence, the 2018 OPC medium-high risk scenarios used to assess the Project are consistent with ~~consider a higher sea level rise of up to 6.9 feet, as compared to BCDC's 2021 guidance ART mapping, which considered up to 5.5 feet. Although BCDC's ART analysis and mapping used the older sea level rise projections, BCDC acknowledges that the more recent 2018 OPC guidance will help local agencies update their analysis and decision-making (BCDC, 2019a).~~ Additionally, AB 1191 requires that plans for the Project account for 100-year storm events, wave run-ups, king tides, and other extreme high tides associated with the medium-high risk aversion for the high-risk emissions scenario through 2100. AB 1191 also requires consideration of the H++ scenarios as defined by the Ocean Protection Council, for purposes of risk management, by outlining adaptation pathways that would be implemented as contingency plans to ensure resiliency if H++ scenarios

occur. Accordingly, the extreme risk aversion projection (H++ scenario) is also presented in this analysis for informational purposes only.

The following revisions and corrections are made to the text on Draft EIR p. 4.9-33 in response to Comment A-12-37:

The Project site would be elevated such that proposed grades include an allowance for sea level rise. As described in Chapter 3, Project Description, the Project's proposed grading plan calls for the addition of soil throughout much of the Project site to raise the ground surface elevations. In addition, the finished floor elevations of all residential buildings on the site, except development block #18 at the corner of Embarcadero West and Clay (see Figure 4.9-1), are proposed to be at or above 10 feet COD to accommodate future increases in the base flood elevation (BFE) due to future sea level rise (see Table 4.9.1 in the Environmental Setting). At an elevation of 10 feet COD, the finished floors would remain above the BFE for up to 6.1 feet of sea level rise. This amount of sea level rise by 2100 falls with the guidance range (5.7-6.9 feet) for medium-high risk aversion from the state (Cal OPC, 2018), ~~and is above the guidance range (2.6-5.5 feet) from BCDC~~. Although the elevations for the proposed finished floors only fall within, not above, the medium-high risk aversion range for 2100, the incremental difference of 0.8 feet does not cause substantial additional risk, since minimal adaptations, such as subtle modifications to grades, would be required to keep up with rising sea levels under the medium-high risk aversion scenario. Additionally, the medium-high risk aversion projection has only a 0.5 percent probability of being exceeded (Cal OPC, 2018) and the proposed finished floor elevation meets the medium-high risk aversion sea level rise range through 2090 (Table 4.9-1).

Development block #18 would have a finished floor elevation of 6.0 feet COD based on the preliminary grading plan. Additionally, proposed roadway elevations on the Project site would be approximately 9-14 feet COD for most internal roads and decrease to 4.9 feet COD on the north edge of the Project site, and 4.40 feet COD on the eastern edge of the Project site to match with the existing grade of adjacent properties.

In response to Comment A-12-39, the following figures, which show the mapping of existing conditions and other scenarios discussed in the analysis of Impact HYD-5, and which are included in Moffat & Nichol (2021b), have been added to the Draft EIR as Figures 4.9-2 through 4.9-7.

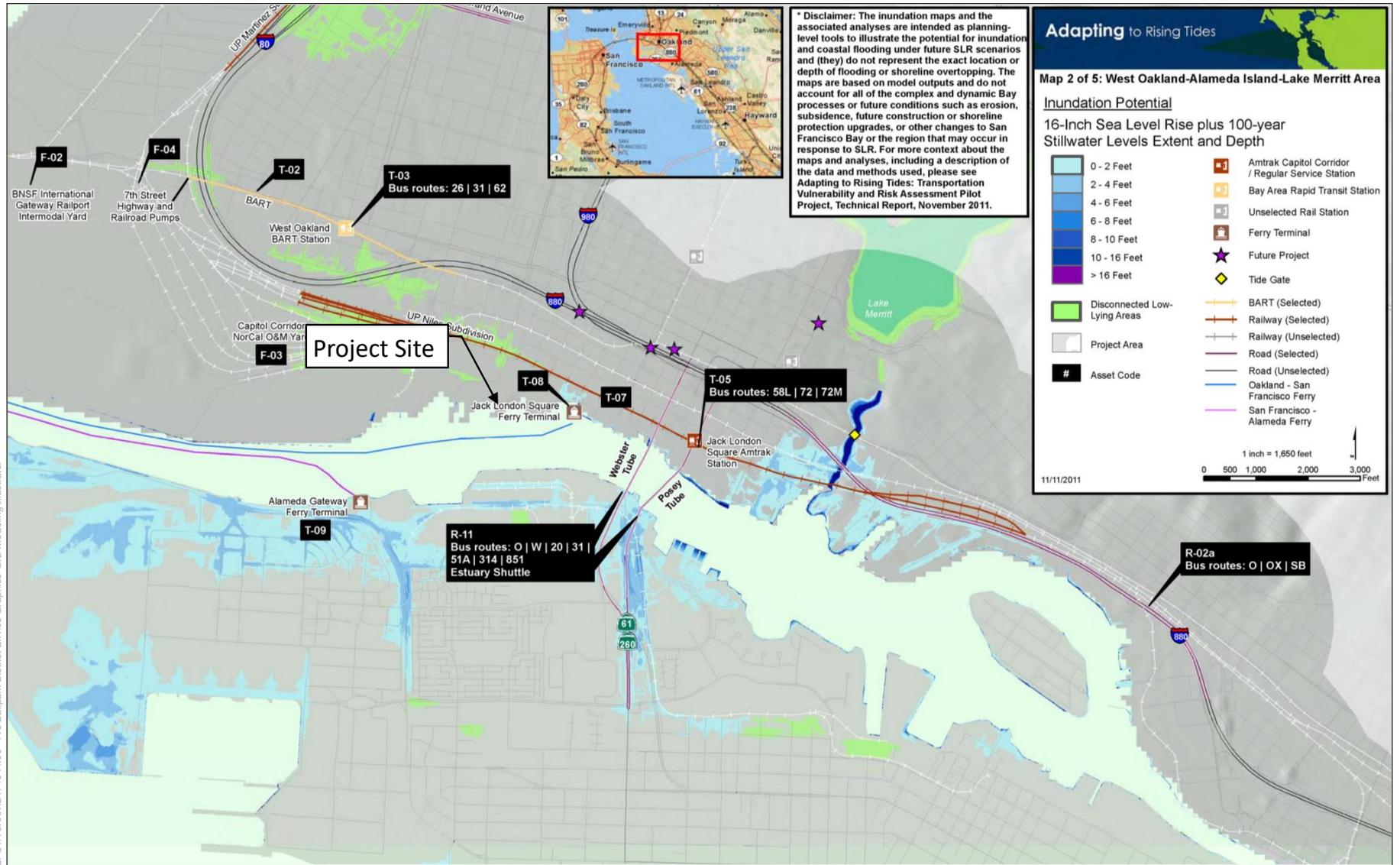
Mitigation Measure HYD-3 on Draft EIR p. 4.9-36 is revised as follows in response to several comments:

Prior to the issuance of the first grading permit for the Project, the Project sponsor shall develop a final adaptive management and contingency plan for sea level rise using the strategies identified in the Tidal Datums and Sea Level Rise Design Basis Memorandum

prepared for the Project (Moffat & Nichol, 2019 and 2021) or other equivalent strategies that will be implemented to address the medium-high risk aversion scenario through 2100, subject to approval of the City and the State Lands Commission pursuant to AB 1191. The final adaptive management and contingency plan shall, at a minimum, include enforceable strategies incorporating an adaptive management approach to sea level rise for the duration of ground lease term for the final trust lands. The plan shall establish a monitoring and compliance program providing for regular review and enforcement by the City, including actual measured sea level rise adjacent to the Project site, and strategies that have been implemented, or are required to be implemented in the future, to address then-current projections of sea level rise.

The framework for such a plan will be based on *monitoring* of flooding events, sea level rise, and groundwater levels; establishing *triggers* for management actions that include *planning and design* of adaptations; and *implementing* adaptation measures. The objective of the plan will be to identify specific thresholds when responses to sea levels and groundwater levels higher than those built into the initial Project design need to be initiated, which adaptation measures best meet flood protection objectives and site use constraints, and how to fund and implement the measures.

The Project's adaptation strategy will vary in different areas based on levels of acceptable risk, requirements to maintain existing uses and connectivity to adjacent streets, and the desire to provide a variety of user experiences. The decision on which adaptations to implement will be based on a variety of factors, including applicable sea level rise guidance at the time, consultation with agencies, regulatory requirements, and industry best practices at the time of adaptation. Adaptation measures would be tailored for each component of the site, as described in more detail in Moffat & Nichol (2021a). The type, location, and residual inundation extent for a potential adaptation pathway to provide sea level rise resilience for the Project site is shown in two stages, for 2050 (Figure 4.9-6) and 2100 (Figure 4.9-7).



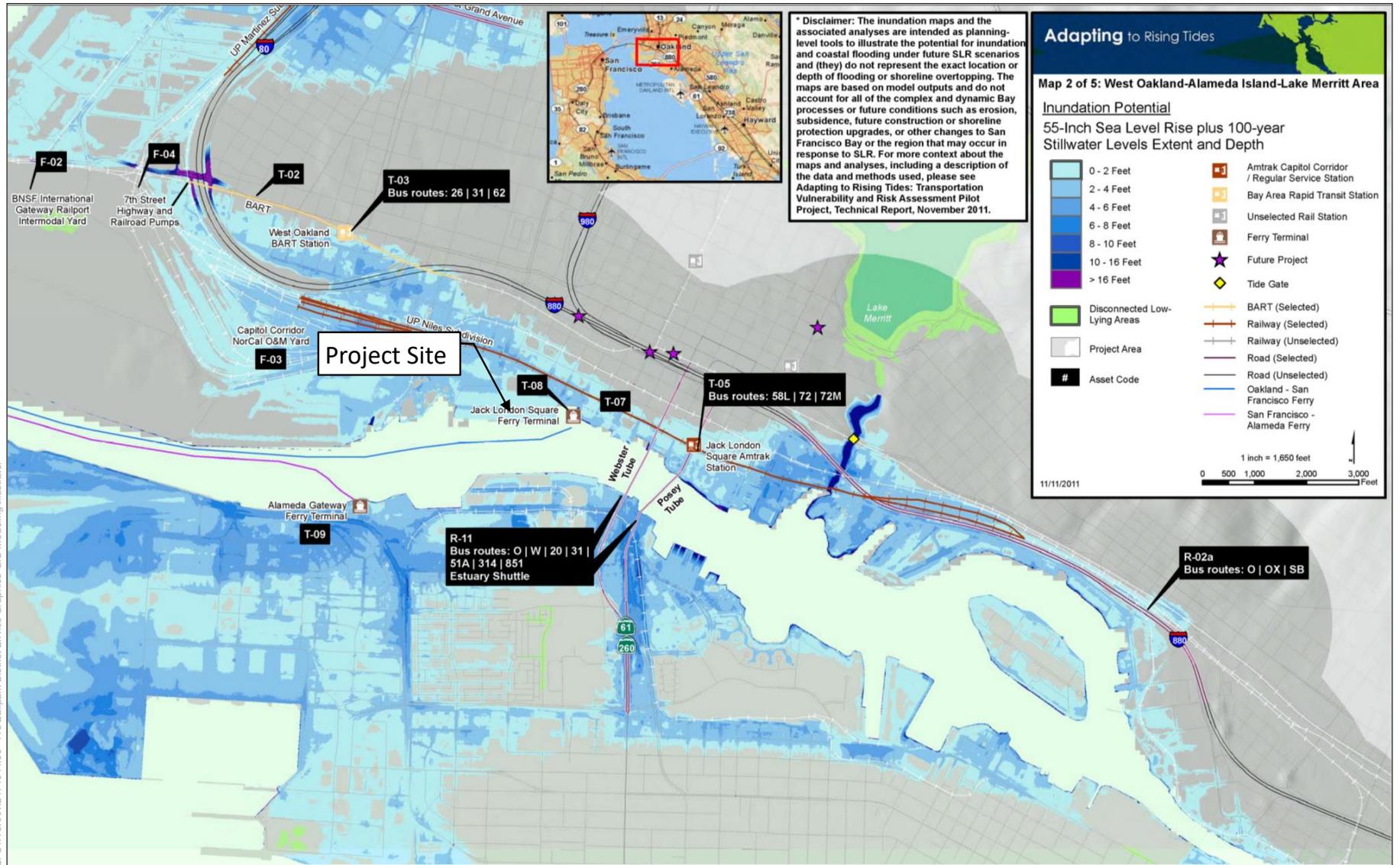
SFO\170XXXX\171044.00 - A's Ballpark District EIR\05\_Graphics-GIS-Modeling\Illustrator

SOURCE: Moffat & Nichol, 2021b

Oakland Waterfront Ballpark District Project

**Figure 4.9-2**  
Inundation at Extreme High Tide, 2050 (No Project)





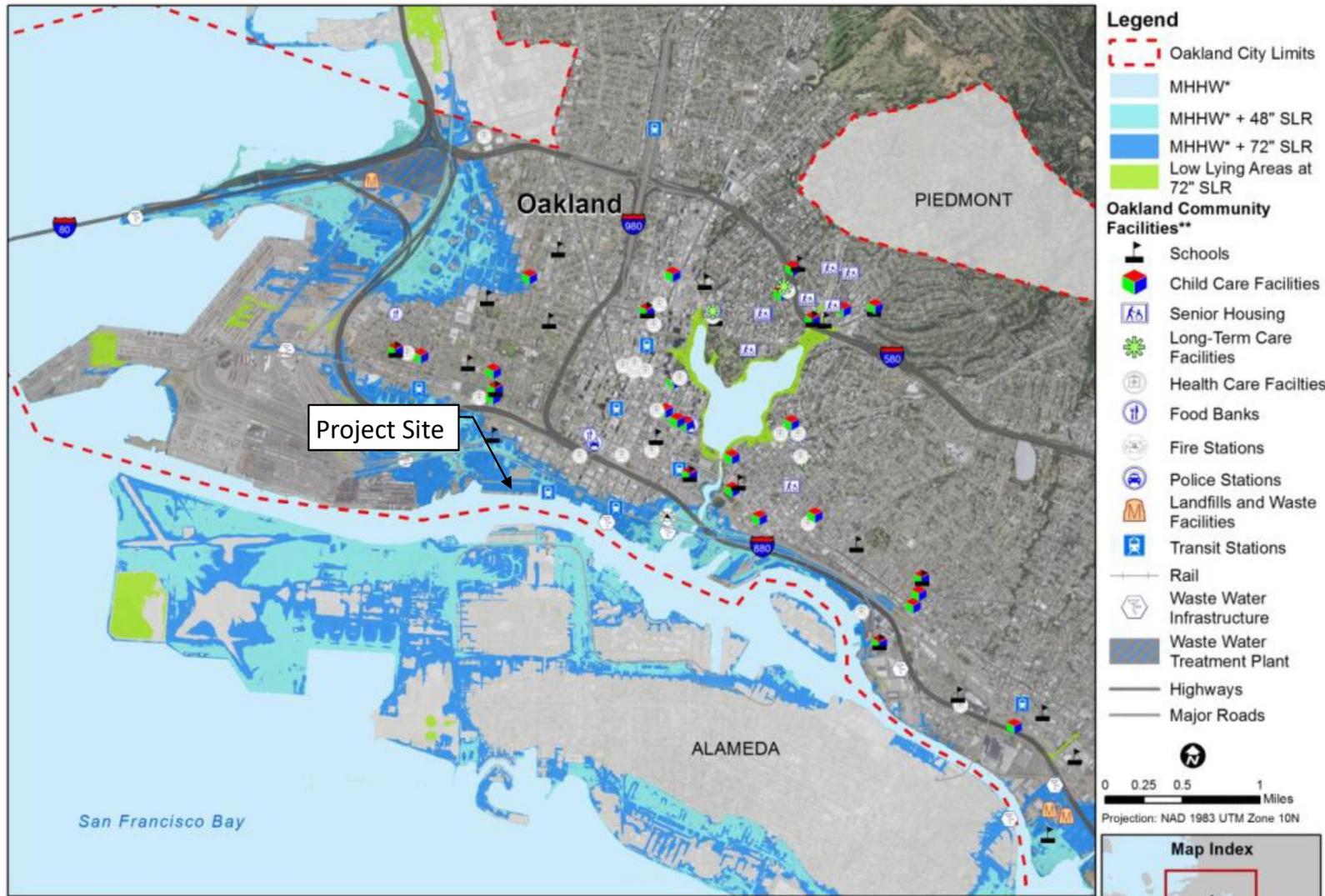
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SOURCE: Moffat & Nichol, 2021b

Oakland Waterfront Ballpark District Project

**Figure 4.9-3**  
Inundation at Extreme High Tide, 2100 (No Project)

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\*MHHW - Mean Higher High Water is calculated as the average of the higher of the two daily tides over a 19 year tidal epoch.  
 \*\*Facilities shown only represent City assets within a distance of 500 meters from the edge of the 72" Sea Level Rise Water Level.  
 Disclaimer: These maps are intended as planning-level tools to illustrate the potential for coastal flooding as sea levels rise and do not represent the exact location or depth of flooding. The maps are based on model outputs and do not account for all the complex and dynamic Bay processes or future conditions.  
 Data Sources: BCDC, Alameda County Flood Control, Pacific Institute, TANA  
 Map created by San Francisco Bay Conservation & Development Commission. June 2016

SOURCE: Moffat & Nichol, 2021b

Oakland Waterfront Ballpark District Project

**Figure 4.9-4**  
Daily Inundation with Sea Level Rise (No Project)





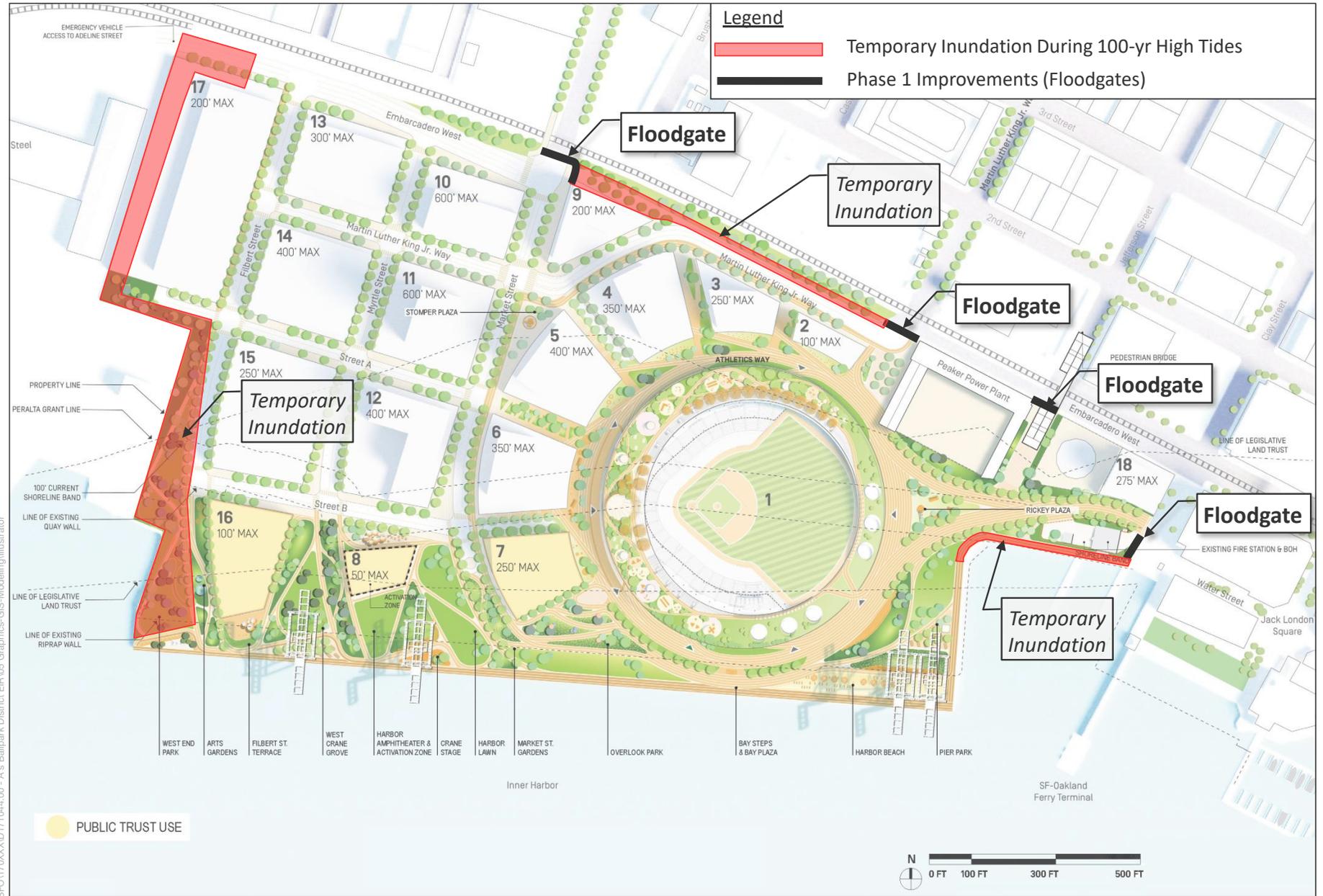
SFO1710XXXXD171044.00 - A's Ballpark District EIR 05 Graphics-GIS-Modeling/Illustrator

SOURCE: Moffat & Nichol, 2021b

Oakland Waterfront Ballpark District Project

**Figure 4.9-5**  
Inundation at Extreme High Tide ~2025 (Post Project)



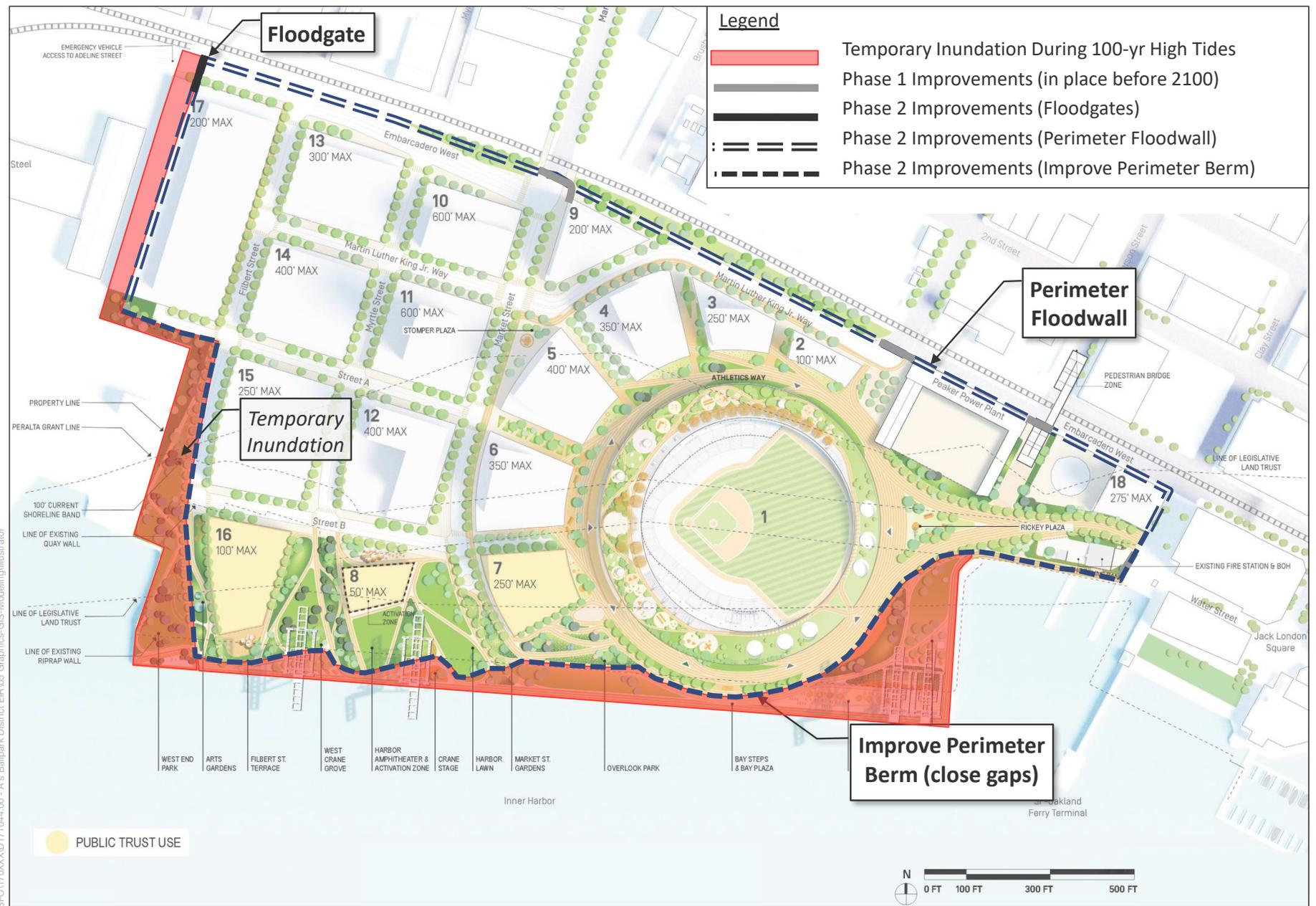


SOURCE: Moffat & Nichol, 2021b

Oakland Waterfront Ballpark District Project

**Figure 4.9-6**  
Inundation at Extreme High Tide ~2050 (Post Project)





SOURCE: Moffat & Nichol, 2021b

Oakland Waterfront Ballpark District Project

**Figure 4.9-7**  
Inundation at Extreme High Tide ~2100 (Post Project)

“Mitigation Measure Effectiveness” is added following Mitigation Measure HYD-3 on Draft EIR p. 4.9-36:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure HYD-3 would ensure that the Project would provide risk reduction resilience to the flood exposures that pose risks of structure loss, personal injury, or death. The adaptive management and contingency plan will provide strategies sufficient for the base flood elevation increased by the sea level rise projected for the medium-high risk aversion scenario through 2100. In this way, the plan identifies how the project will continue to maintain the effectiveness of preventing inundation during the 100-year event at least until 2100. This plan will be subject to approval of the City and the State Lands Commission pursuant to AB 1191.

The final adaptive management and contingency plan shall, at a minimum, include enforceable strategies incorporating an adaptive management approach to sea level rise for the duration of ground lease term for the final trust lands. The plan shall establish a monitoring and compliance program providing for regular review and enforcement by the City, including actual measured sea level rise adjacent to the Project site, and strategies that have been implemented, or are required to be implemented in the future, to address then-current projections of sea level rise.

The last paragraph on Draft EIR p. 4.9-37 is revised as follows to reflect changes to mitigation measure titles:

However, because details of the consolidated RAW, LUCs, and associated plans are not known at this time, Mitigation Measures HAZ-1a through HAZ-1c are provided to ensure that with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of water quality, the environment, and construction workers, the public, future users and residents of the Project site, specifically, Mitigation Measure HAZ-1a(Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans); Mitigation Measure HAZ-1b (Compliance with Approved RAPRAW, LUCs and Associated Plans); and Mitigation Measure HAZ-1c (Health and Safety Plan). The impact with these mitigation measures is less than significant.

The text on Draft EIR p. 4.9-39 is revised to reflect changes to mitigation measure titles:

**Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans.** (See Section 4.8, *Hazards and Hazardous Materials*)

**Mitigation Measure HAZ-1b: Compliance with Approved RAPRAW, LUCs and Associated Plans.** (See Section 4.8, *Hazards and Hazardous Materials*)

The following new references are added on Draft EIR p. 4.9-40:

Moffat & Nichol, 2021a. Coastal Flooding, Proposed Grading Strategy, Sea Level Rise Adaptation, and Public Access on Wharf, Oakland Athletics Howard Terminal Project, July 9, 2021.

Moffat & Nichol, 2021b. Potential Extents of Inundation, Oakland Athletics Howard Terminal Project, September 27, 2021.

## 7.16 Changes to Section 4.10: Land Use, Plans, and Policies

The last bullet point on Draft EIR p. 4.10-10 is revised as follows in response to Comment A-7-34:

- 1923 Tidelands.** This portion of the Project site consists of ~~filled~~, formerly submerged lands that were filled or upon which a wharf structure was constructed, and was granted by the State to the City of Oakland by a 1923 legislative trust grant (Stats. 1923, Chap. 174, as amended by Stats 1981, Chap. 1016). This approximately 10-acre portion of the Project site is public trust land, subject to public trust and legislative grant restrictions. Per the legislative grant, the City is required to establish a harbor on the granted lands, and is permitted to use the granted lands for wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation. The Port may lease this portion for public trust uses for periods not to exceed 66 years.

The second bullet on Draft EIR p. 4.10-11 is revised as follows in response to Comment A-7-35:

- Rancho Uplands.** This approximately 20-acre portion of the Project site consists of upland areas that are generally located landward of the ordinary high-water mark in its last natural location. These lands were never owned by the State, and were within the rancho grant confirmed and patented by the United States to Vincente and Domingo Peralta. As such, they were not subject to the public trust or included in any legislative grants. However, to the extent that these this portions of the Project site were acquired or improved with trust funds, they are considered an asset of the trust and to be used for public trust purposes. If the Port were to implement a trust exchange with the approval of the State Lands Commission as authorized under AB 1191 based upon a finding that the property was no longer needed for trust purposes and the trust has received lands having an equal or greater value to the terminated lands, ~~determine the property was no longer needed for trust purposes, however,~~ the Port could, among other things, ~~lease the lands for an economically productive non-trust use or~~ sell them for fair market value, to generate revenue for the trust (see, e.g., Harbors and Navigation Code Section 6294).

In response to Comment A-12-30, Figure 4.10-4 on Draft EIR p. 4.1-14 is amended to add labels for BCDC's current Bay and shoreline band jurisdiction.

Draft EIR p. 4.10-15 is revised as follows in response to Comment A-12-9:

BCDC reviews permits for proposed projects in the shoreline band for consistency with the McAteer-Petris Act, the Bay Plan and the Seaport Plan, ~~as amended by AB 1191~~. In addition, AB 1191 authorizes BCDC to take certain actions related to the development of the Howard Terminal property and the Project notwithstanding certain Bay Plan policies that might otherwise be applicable to the Project, including, among other things:

Mitigation Measure LUP-1a is revised on Draft EIR pp. 4.10-38 through 4.10-39 to add protocol requirements and define Consulting Agencies and Approving Parties as follows:

**Mitigation Measure LUP-1a: Boating and Recreational Water Safety ~~Plan and~~ Requirements.**

The Project sponsor shall ~~develop~~have a protocol for boating and water recreation around the Project site including the requirements set forth in this measure, as approved by ~~with the approval of~~ the City of Oakland and the Port of Oakland, in consultation with the San Francisco Bay Area Water Emergency Transportation Authority, the Harbor Safety Committee of the San Francisco Bay Region, and the United States Coast Guard (collectively, the "Consulting Agencies").

The protocol shall specify measures ~~intended~~ to minimize conflicts with maritime navigation resulting in safety hazards and ship delay, and shall be implemented prior to and during baseball games, concerts, and other large events (as defined in the TMP) scheduled at the ballpark or the Waterfront Park. The protocol shall include, but shall not be limited to, the following requirements:

1. Installation and maintenance of signs along the wharf informing recreational watercraft of the prohibition on docking, loitering, and anchoring adjacent to the Project site, including the wharf adjacent to the Project site;
2. Water-based patrols by the Oakland Police Department during and reasonably prior and subsequent to, all baseball games, concerts, and other large events (as defined in the TMP) at the ballpark or the Waterfront Park, sufficient to remove any boating and water recreation activity that is not in compliance with all the applicable laws, regulations, and rules governing navigation in the shipping channel or in the turning basin, as well as ensuring that no such boating or water recreation activity loiters, anchors, or otherwise impedes maritime navigation;
3. Procedures for response to water-related emergencies adjacent to the Project site during all baseball games, concerts, and other large events (as defined in the TMP) at the ballpark or the Waterfront Park and evaluations of procedures for the imposition

of safety zones, security zones (including navigational security needs under all Maritime Security [MARSEC] levels), and restricted navigational areas; and

4. Communications by the Project sponsor to its guests, customers, and the public regarding this protocol and appropriate safety measures for any recreational boating or water-based activities through communicating on (without limitation) its websites and on communications to those who have purchased entry to ballpark events.

The Project sponsor shall solely fund the cost of all of the above requirements, including the incremental cost of the additional water-based OPD patrols.

The ~~Project sponsor, the~~ City of Oakland, and the Port of Oakland (collectively, the “Approving Parties”) in consultation with the Project sponsor shall reach agreement on a protocol achieving all of these requirements prior to the issuance of a certificate of occupancy ~~and Port Building Permit~~ for the ballpark. During the opening baseball season in which games are played in the ballpark, the Approving Parties shall meet at least monthly with the Project sponsor to review the effectiveness of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards in consultation with interested Consulting Agencies. After this opening baseball season, the Approving Parties shall continue to meet monthly with the Project sponsor to review the effectiveness of the protocol unless less frequent meetings are mutually agreed upon in consultation with interested Consulting Agencies. Additionally, the Approving Parties shall review annually the number of OPD warnings and citations, safety incidents, and water-related emergency responses to ensure that the safety measures are effective in consultation with interested Consulting Agencies.

The Approving Parties and the Project sponsor shall make good faith efforts to ~~regularly~~ revise the initial protocol as necessary based on information on the effectiveness ~~and feasibility~~ of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards in consultation with the Consulting Agencies. If the Approving Parties and Project sponsor cannot mutually agree to revise the protocol to ensure that it effectively prevents non-compliant boating activity, shipping delays, and water safety hazards within 30 days of first making such efforts, then the Port may require additional operational safety measures that are similar to those listed in the initial protocol, including measures such as increased water-based patrols or enhanced signage, which shall be promptly implemented by Project sponsor at Project sponsor’s sole cost.

Mitigation Measure LUP-1c on Draft EIR pp. 4.10-49 through 4.10-50 is revised as follows in response to Comment A-7-39:

#### **Mitigation Measure LUP-1c: Land Use Siting and Buffers.**

All proposed sensitive uses (including residences and childcare facilities) on the Project site shall be prohibited west of Myrtle Street. Prohibiting residential uses west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from

the UPRR railyard to the northwest of the Project site, per guidance from the California Air Resources Board's (CARB's) *Air Quality and Land Use Handbook* (2005). Prior to the issuance of a construction-related permit, the Project sponsor shall develop detailed plans and specifications for buffering strategies to be used during Project development, including timing and phasing of implementation to precede on-site sensitive receptors. Buffering strategies to be used on the Project site shall incorporate guidance contained in CARB's *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (2017) and the U.S. Environmental Protection Agency's (U.S. EPA's) *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality* (2016) and include (but not be limited to):

1. The creation of building and streetscape design principles that shall incorporate buildings with varying shapes and heights, building articulations, and spaces that encourage air flow.
2. Solid barriers (e.g., sound walls or building walls) along the western perimeter of the Project site that shall be used in combination with vegetation barriers (i.e., dense trees/vegetation planted next to the solid barrier). If implemented Solid building exterior walls built on the western property line of Block 17 shall be used in combination with upper level setbacks and landscaping elements.
3. Vegetated buffers along the western perimeter of the site and portions of the northern perimeter west of Market Street that shall be planted densely, contain plants tolerant of air pollution, use trees, shrubs, and grasses for multi-level pollutant trapping, and use multiple species to minimize risks with low diversity.

City planning staff shall review, and at their discretion, approve ~~accept~~ the Project sponsor's plans and specification, together with their proposed timing and phasing strategies prior to issuance of any construction-related permit. Accepted plans, specifications, and phasing shall be referenced on all subsequent construction-related plans submitted to the City's building official, who shall determine compliance prior to permit issuance and upon final inspection.

The project Sponsor shall be responsible for maintaining all solid barriers and vegetated buffers for the life of the Project.

The following revision is made on Draft EIR p. 4.10-51 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**~~Mitigation Plan~~. (see Section 4.2, Air Quality)

In response to Comment A-12-31, the second full paragraph of Draft EIR p. 4.10-56 is revised as follows:

As explained in Section 4.10.2, the McAteer-Petris Act and the Bay Plan<sup>14</sup> restrict the types of projects for which fill may be authorized. BCDC interprets these regulations as applying both to projects proposing new fill, as well as projects which would utilize or rely upon previously authorized Bay fill (BCDC, 2019). Pursuant to the McAteer-Petris Act Section 66605, for new Bay fill to be approvable, it must be demonstrated that the fill is the minimum necessary to accomplish the purpose, there is no upland alternative, and the fill will not conflict with public access or enjoyment of the Bay or waterfront...

Draft EIR p. 4.10-57 is revised as follows in response to Comment A-12-32:

As described in Section 3.10.2 of the Project Description, the Project could require a small amount of permanent new Bay fill where none presently exists from the relocation and construction of stormwater and drainage, as needed, and the limited addition of in-water piles for the reinforcement of waterfront areas, within an area of no more than 0.01 acre (500 square feet), to support the cranes. The environmental effects of potential pile installation to support cranes is addressed in Section 4.3, Biological Resources. Given the small amount of potential new permanent fill proposed and that the potential piles would not obstruct Bay or waterfront access or use, potential permanent fill for the crane support piles would not be expected to conflict with applicable BCDC Bay fill regulations. At the time of McAteer-Petris Act's passage in September 1965, the Project site's shoreline was landward of its current location. In the years subsequent to that date, BCDC authorized fill placement for port-related purposes, resulting in an approximately 17-acre bayward expansion of the site (Catellus, 2019). The approximate locations of the current and 1965 shorelines are presented in Figure 4.10-6.

Development of those portions of the Project that lie within the Commission's Bay jurisdiction, including the ballpark, parks and open space, and associated improvements on top of the existing Howard Terminal fill and wharf structure, would be evaluated by BCDC in light of AB 1191. AB 1191 requires all BCDC jurisdictional bay fill lands to remain subject to the public trust and authorizes BCDC, in considering permits for the Project, to find that the ballpark, public trust, and public open space uses that lie within the BCDC jurisdictional bay fill lands are water-oriented uses, if BCDC finds that certain conditions are met. Thus, project components proposed for such filled areas must be evaluated consistent with the conditions in AB 1191, which address ballpark and open space design, public access, views, and activation of public open spaces. Determinations of Project consistency with these conditions will ultimately be made by BCDC through the permit process, which will include review of the Project's proposed appearance and design by the agency's Design Review Board. Through issuance of a permit, consistent with the conditions in AB 1191, the Project's potential conflicts with BCDC's Bay fill policies would be resolved, and the Port would require that the Project sponsor consult with and obtain the required permits from BCDC for the Project as a condition to

commencing construction of any portion of the Project within BCDC's jurisdiction. With BCDC approval, the Project would not conflict with the agency's regulations governing use of Bay fill, and the impact would be less than significant. In the absence of such approval, the Project could not proceed.

"Mitigation Measure Effectiveness" has been added following Mitigation Measure LUP-1a on Draft EIR p. 4.10-39:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure LUP-1a would ensure the potential impact related to a fundamental land use conflict with maritime navigation or water-based uses is mitigated by requiring a protocol for enforcement by OPD, and by providing for regular review and revision during the life of Project operations, ensuring the protocol's effectiveness in achieving a performance standard: to prevent non-compliant boating activity, shipping delays, and water safety hazards resulting from uses of the ballpark. Mitigation Measure LUP-1a also contains ongoing requirements for the protocol to be monitored, reviewed, and revised as necessary to ensure its effectiveness in preventing non-compliant boating activity, shipping delays, and water safety hazards, including both monthly and annual reviews of the protocol. The measure gives the Port the ability to impose additional strategies if deemed necessary as a result of the ongoing monitoring.

"Mitigation Measure Effectiveness" has been added following Mitigation Measure LUP-1b on Draft EIR p. 4.10-43:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure LUP-1b would Implement Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution (see Section 4.1, *Aesthetics, Shadow, and Wind*) and ensure that potential effects of lighting on adjacent or nearby water-based uses, including maritime and ferry navigation, are reduced. This measure would require that the Project sponsor demonstrate to the satisfaction of the City and the Port that its lighting design prevents unnecessary light and glare onto adjacent areas. In addition, if the ballpark orientation or design of light stands changes such that light and glare levels in the shipping channel or Inner Harbor Turning Basin would be substantially different than analyzed in the Lighting Technical Report, the Project sponsor would be required to assess the changes in a supplemental Lighting Technical Report subject to review and approval by the City and the Port.

The following revision is made on Draft EIR p. 4.10-70 to reflect changes to the mitigation measure title:

**Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures**  
**Mitigation Plan.** (see Section 4.2, Air Quality)

## 7.17 Changes to Section 4.11: Noise and Vibration

The following changes are made to Mitigation Measure NOI-1c on Draft EIR p. 4.11-40 in response to Comment I332-1-20:

**Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures.**

- a. **Construction Noise Reduction Plan Required.*** Prior to any noise generating construction activities, the Project sponsor shall retain a qualified acoustical consultant to update the Draft ~~submit a~~ Construction Noise Reduction Plan ~~prepared by a qualified acoustical consultant~~ for City review and approval. The Project sponsor shall implement the approved Plan during construction with the goal of achieving interior noise levels that do not exceed 45 dBA for residential activities, 50 dBA for offices and group assembly activities, and 55 dBA for other commercial activities or current baseline levels. The updated plan shall ~~that~~ contains a set of site-specific noise attenuation measures to further reduce ~~construction impacts, specifically~~ impacts associated with extreme noise generating activities (activities generating greater than 90 dBA) and/or affecting sensitive receptors on or near the Project site as follows. ~~The Project sponsor shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:~~
- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.
  - ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where such technologies are acceptable given feasible, ~~in consideration of~~ geotechnical and structural requirements and conditions;
  - iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
  - iv. Specify additional ~~feasible~~ attenuation measures and best practices to further reduce extreme noise generating construction activities (activities generating greater than 90dBA);
  - v. Specify additional ~~feasible~~ attenuation measures and best practices to further reduce construction noise impacts on the existing Phoenix Lofts, the Ellington Condominiums, and future occupants of Phase 1 residences;
  - vi. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of

sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

vii. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

- b. **Public Notification Required.** The Project sponsor shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project sponsor shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

The second bullet of Mitigation Measure NOI-1e on Draft EIR p. 4.11-41 is revised as follows:

- The accommodation option may be provided for the duration of pile driving activities. A temporary relocation Plan shall be developed by the Project sponsor and submitted to the Oakland Bureau of Planning and Bureau of Building City Department of Planning & Building for review that specifies the duration of the accommodation and the type of accommodation (e.g., hotel or other). Once finalized, the affected residents shall be contacted six months prior to construction and provided with a description and the predicted severity and duration of construction-related noise exposure and provided the opportunity for temporary relocations as developed within the Temporary Relocation Plan.

“Mitigation Measure Effectiveness” is added following Mitigation Measure NOI-1a through NOI-1e on Draft EIR p. 4.11-41:

#### **Mitigation Measure Effectiveness**

Implementation of Mitigation Measure NOI-1a (Construction Days/Hours) would establish restrictions on construction days and hours for all construction and general as well as for specific activities. By placing restrictions on the days and hours of noisy construction work Mitigation Measure NOI-1a will reduce the duration of noise generated by construction activity and, thus reduce the impact to receptors that would experience a substantial increase in noise over the entire duration of the multi-year construction project.

Implementation of Mitigation Measure NOI-1b (Construction Noise Reduction) would require the Project sponsor to implement noise reduction measures to reduce noise impacts due to construction. Measures implemented by Mitigation Measure NOI-1b to control the use of pneumatic tools would require an exhaust muffler on the compressed air exhaust which can lower noise levels from the exhaust by up to about 10 dBA. External jackets on pneumatic tool bodies, if such jackets are commercially available, can

achieve a reduction of 5 dBA. Use of temporary power poles would reduce the noise created by operation of generators for construction power.

Mitigation Measure NOI-1c (Project-Specific Construction Noise Measures) would require the Project sponsor to retain a qualified acoustical consultant to update the Draft Construction Noise Reduction Plan. This Plan is included as Appendix CNRP of the Draft EIR. This Plan identifies 10 project-specific measure to be implemented by the Project sponsor and its contractors.

Mitigation Measure NOI-1d (Construction Noise Complaints) establishes a protocol for filing and responding to construction noise complaints. This measure would potentially reduce the duration of impacts by creating a mechanism by which impacted receptors can register a construction noise complaint and the Project sponsors contractors can respond to reduce the impact in a timely manner.

Mitigation Measure NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors) requires the Project sponsor to provide physical improvements or temporary accommodations for residents of the Phoenix Lofts and new Phase 1 receptors during impact or vibratory pile driving activities when it occurs within 300 feet with direct line of sight. This measure will provide the most severely impacted receptors an alternate location so as to avoid exposure to the most substantial noise-generating activities.

**Significance after Mitigation:** Significant and Unavoidable. Mitigation Measure NOI-1a: Construction Days/Hours, Mitigation Measure NOI-1b: Construction Noise Reduction, Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures, Mitigation Measure NOI-1d: Construction Noise Complaints, and Mitigation Measure NOI-1e: Structural Improvements or Off-site Accommodations for Substantially Affected Receptors would all serve to either reduce noise levels from construction-related activities of the proposed Project or to reduce the impact by restricting noisy activity to those days and times that are considered less noise-sensitive. While the City of Oakland's significance criterion for construction noise allows for a project to periodically generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) when an acoustical analysis is performed that identifies recommended measures to reduce potential impacts, given the extensive duration and intensity of activities associated with the proposed Phase 1 ballpark construction involving impact compaction methodologies and multiple pile driving activities in particular, the impact of daytime Phase 1 construction activities is conservatively identified as significant and unavoidable even with incorporation of identified mitigation measures.

“Mitigation Measure Effectiveness” is added following Mitigation Measure CUL-2 on Draft EIR p. 4.11-44:

**Mitigation Measure CUL-2: Vibration Analysis for Historic Structures.** (See Section 4.4, *Cultural and Tribal Cultural Resources*)

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure CUL-2 (Vibration Analysis for Historic Structures) would establish a baseline to determine the current vibrations levels that 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street experience. This baseline will be used to select appropriate construction techniques to reduce additional vibrations exposure to these historic resources. This mitigation will also establish a baseline threshold for vibration monitoring during construction and will enable the Project sponsor to proactively adjust construction methods to limit the potential for damage resulting from construction-related sources of additional vibrations. This protects these historic resources by enabling multiple avenues to address potential sources of ground borne vibrations that could damage these historic masonry and concrete buildings.

Draft EIR Table 4.11-18 on p. 4.11-47 is revised as follows in response to comment I332-1-28:

**TABLE 4.11-18  
MODELED BALLPARK NOISE LEVELS WITH A BASEBALL EVENT**

Receptor Location	Existing L <sub>33</sub> <sup>a</sup>	Baseball Event	Exceed Noise Ordinance Standard? <sup>b,c</sup>
<b>LT-3a:</b> North side of Phoenix Lofts, 737 2nd Street (closest residential receptor but commercially zoned)	65	41.0	No
<b>LT-3b:</b> South side of Phoenix Lofts, 737 2nd Street (closest residential receptor but commercially zoned)	58	43.5	No
<b>ST-1:</b> 724 4th Street (Single Family Residence)	67	36.2	No
<b>ST-2:</b> 403 – 409 Martin Luther King Jr. Way (Single Family Residences)	68	37.5	No
<b>ST-3:</b> 222 Broadway (Ellington Condominiums)	61	34.6	No
<b>ST-4:</b> 444 Embarcadero (Jack London Inn)	63	39.5	No
<b>ST-5:</b> Cardinal Point Retirement Home 2431 Mariner Square Drive, Alameda <sup>2</sup>	52	49.9	No
<b>ST-6:</b> Z Hotel 233 Broadway (Washington Street Setback)	59	34.8	No

NOTES:

- a At the Alameda receptor location this value is Leq.
- b Noise ordinance standard in Oakland is 60 dBA, L<sub>33</sub> residential and 65 dBA, L<sub>33</sub> Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.
- c Noise ordinance standard in Alameda is 55 dBA, L<sub>50</sub> residential and 65 dBA, L<sub>50</sub> Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.

SOURCE: ESA, 2019 (Appendix NOI)

Draft EIR Table 4.11-19 on p. 4.11-48 is revised as follows in response to comment I332-1-29:

**TABLE 4.11-19  
MODELED BALLPARK NOISE LEVELS WITH A CONCERT EVENT**

Receptor Location	Existing L <sub>33</sub> <sup>a</sup>	Concert Event	Exceed Noise Ordinance Standard? <sup>b,c</sup>
LT-3a. North side of Phoenix Lofts, 737 2 <sup>nd</sup> Street (closest residential receptor but commercially zoned)	65	49.4	No
<u>LT-3b. South side of Phoenix Lofts, 737 2<sup>nd</sup> Street (closest residential receptor but commercially zoned)</u>	<u>58</u>	<u>51.3</u>	<u>No</u>
ST-1: 724 4 <sup>th</sup> Street (Single Family Residence)	67	45.2	No
ST-2: 403 – 409 Martin Luther King Jr. Way (Single Family Residences)	68	45.8	No
ST-3: 222 Broadway (Ellington Condominiums)	61	43.4	No
ST-4: 444 Embarcadero (Jack London Inn)	63	44.4	No
ST-5: Cardinal Point Retirement Home 2431 Mariner Square Drive, Alameda <sup>2</sup>	52	<b>61.8</b>	<b>Yes</b>
ST-6: Z Hotel 233 Broadway (Washington Street Setback)	59	44.8	No

NOTES:

- a At the Alameda receptor location this value is Leq.  
 b Noise ordinance standard in Oakland is 60 dBA, L<sub>33</sub> residential and 65 dBA, L<sub>33</sub> Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.  
 c Noise ordinance standard in Alameda is 55 dBA, L<sub>50</sub> residential and 65 dBA, L<sub>50</sub> Commercial unless existing level already exceeds which results in the existing ambient level becoming the standard.

SOURCE: ESA, 2019 (Appendix NOI)

To clarify the process of implementing Mitigation Measure NOI-2a: Sound Control Plan for Concert Events, and in response to comments on the Draft EIR, the text on p. 4.11-50 is amended as follows:

**Mitigation Measure NOI-2a: Permit and Sound Control Plan Agreement Requirement for Concert Events.**

The Project sponsor shall require each individual concert event obtain a concert event operation permit from the City Administrators office. Each operators permit will require the preparation and implementation of a~~prepare and implement a~~ Sound Control Agreement ~~Plan for Concert Events~~ to be implemented at all for each concert events at the proposed ballpark to reduce the severity of potential noise impacts from amplified music. ~~The This~~ Sound Control ~~Agreement Plan~~ shall be submitted to the City's Administrators office when applying for the special event permit required pursuant to Chapter 12.56 of the City's Municipal Code. ~~The Plan~~ Sound Control Agreement shall be vetted by the City Administrator's Office and shall contain the following elements:

- ~~• **Sound Control Agreement:** Each concert event will require a permit from the City Administrators Office pursuant to Section 12.56 of the City's Municipal Code. Any operator applying for a concert event at the ballpark shall enter into a Sound Control Agreement with the City as a part of this permit application. This Agreement shall~~

~~establish operational restrictions on the operator both in terms of operational hours and quantitative sound level limits.~~

- **Operational Hours:** The Sound Control Agreement would restrict the event operator to prescribed hours and days for all amplified sound.
- **Operational Setup:** Noise impacts are predicted to occur at receptor locations south of the proposed ballpark. Consequently, speakers and stages shall be oriented so as to avoid directing amplified sound toward the more impacted southerly locations. The directional limitation shall be enforced for all auxiliary stage set-ups as well as the main stage, with the preferred direction being speakers facing inward.
- **Sound Level Limits:** For concert events the maximum allowable sound amplification shall be established at approximately 100 feet from the stage or at an alternative location otherwise approved by the City.
- **Real-time Monitoring:** Sound monitoring during events would represent the most effective method of not only ascertaining whether the operator is in compliance with the Sound Control Agreement, but also establishing a mechanism by which an operator may reduce sound levels in excess of the standard while the event is occurring.

Sound monitoring shall be performed either by City staff, the event operator, or by a contracted technician. This monitoring shall be conducted using a 10-minute  $L_{eq}$  average to assess compliance with the Sound Control Agreement. Sound levels shall be monitored at pre-established off-site receptor locations to be included in the Plan or at the sound board, if correlation to remote receptors can be established. If monitored sound levels are in excess of the standard in the Sound Control Agreement, the sound monitoring technician would contact the Sound Control Liaison (see below) by the manner agreed upon in the Sound Control Agreement. The Sound Control Liaison would then have the operator reduce noise levels. After this period, the technician would collect subsequent measurements to assess compliance throughout the balance of the concert event. Repeated occurrences of not meeting the response time would lead to future permit denials for the given operator.

- **Sound Control Liaison:** As part of the Sound Control Agreement, the operator would designate a Sound Control Liaison to respond to notification of sound levels in excess of those established by the Sound Control Agreement. The Sound Control Liaison would be notified by the sound monitoring technician by cell phone or text. Once notified, the Sound Control Liaison would respond to the notification and reduce sound levels to acceptable levels.

“Mitigation Measure Effectiveness” is added following Mitigation Measure NOI-2a on Draft EIR p. 4.11-51:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure NOI-2a (Sound Control Plan for Concert Events) would require the Project sponsor shall prepare and implement a Sound Control Plan for Concert Events to be implemented at all concert events at the proposed ballpark to reduce the severity of potential noise impacts from amplified music. Development and implementation of the Plan would result in sound systems set up to minimize transmission of concert noise to impacted areas south of the proposed ballpark. Establishment of sound level limits and real-time monitoring under the Plan will allow for operators to adjust sound levels during performances to meet noise level standards.

The last sentence on p. 4.11-51 is revised to correct the duration of fireworks displays as follows:

The could be occasional fireworks displays at the proposed ballpark, estimated at approximately seven times per year. These fireworks display events would be range in duration depending on the nature of the event, with more notable fireworks displays ranging between approximately 15 30 and 45 minutes in duration.

The reference to 45-minute firework events in the first paragraph on p. 4.11-51 is also modified as follows:

...with noise levels of 70 to 78 dBA expected during 1545-minute events.

“Mitigation Measure Effectiveness” is added following Mitigation Measure NOI-2b on Draft EIR p. 4.11-59:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure NOI-2b: Egress Notifications would require the Project sponsor shall disseminate information to event-goers identifying alternative egress routes without sensitive receptors and asking patrons for quiet post-event egress. However, the effectiveness of this notification cannot be quantified or verified and therefore cannot be assured.

“Mitigation Measure Effectiveness” is added following Mitigation Measure NOI-2c on Draft EIR p. 4.11-60:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure NOI-2c (Operational Noise from Stationary Equipment) would establish a performance standard consistent with standards in chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code for stationary equipment. . Methods of achieving the performance standard include low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment with a

rooftop mechanical penthouse, and use of shields and parapets to reduce noise levels to adjacent land uses. For Generators, industrial grade silencers can reduce exhaust noise by 12 to 18 dB and residential grade silencers by 18 to 25 dBA. (ASHRAE TC, 2006).

“Mitigation Measure Effectiveness” is added following Mitigation Measure NOI-3 on Draft EIR p. 4.11-63:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure NOI-3 (Noise Reduction Plan for Exposure to Community Noise) would ensure that the noise reductions measures used in the construction of the Project will achieve exterior to interior noise reduction levels necessary to ensure residential interior noise levels of 45 DNL and commercial interior noise levels of 55 DNL. Implementation of Mitigation Measure NOI-3 will ensure that the noise performance ratings of the specific building elements (e.g., sound-rated windows, walls, door assemblies) to be used in the Project are specified, and their effectiveness verified (in the submitted Noise Reduction Plan), for City review and approval, before the City issues a construction-related permit. As discussed in Appendix NOI, noise reduction levels ranging from 36 to 45 dBA have been achieved under certain conditions and are greater than the noise reductions required for the Project’s residential and commercial uses, based on the proposed location of these land uses relative to existing noise levels documented at the noise monitoring locations identified in this analysis.

The first paragraph of Mitigation Measure NOI-4 on Draft EIR p. 4.11-64 is modified as follows:

**Improvement Measure NOI-4. Vibration Reduction Plan.**

All residential development with a vibration exposure exceeding 75 VdB from operations on the UPRR tracks shall be designed to reduce vibration from UPRR operations to 75 VdB or less for residential uses. Prior to issuance of any building permit for structures intended for human occupancy within 100 feet of the mainline track, a detailed vibration design study shall be completed by a qualified engineer to confirm the ground vibration levels and frequency along the UPRR tracks and to determine appropriate design to limit interior vibration levels to 75 VdB for residences, if necessary. Implementation of the recommended measures of the acoustical study into Project design elements shall be verified by the Oakland Bureau of Building Department as part of the plan-check process.

## **7.18 Changes to Section 4.12: Population and Housing**

The top paragraph on Draft EIR p. 4.12-14 is modified as follows:

Due to comments raised during the scoping period for this Draft EIR, the jobs-housing balance (expressed as a ratio of jobs to employed residents) is discussed following the

cumulative impacts analysis for informational purposes. It should also be noted that the Project sponsor may ~~seek to meet a portion of the Project's affordable housing obligation by providing funds to support off-site affordable constructing housing on-site, off-site, via preservation and/or renovation of existing units, and/or down payment assistance via the payment of fee.~~ If one or more off-site housing developments is developed to meet the Project's affordable housing obligation, each would be separately entitled following environmental review. This analysis does not speculate regarding the location or impacts of ~~any~~ the off-site ~~unit~~ option, which would comply with City zoning, be consistent with the City's General Plan, and therefore fall within the forecast of cumulative growth.

In response to Comment I-39-1, the Phase 1 Total for new retail jobs in Table 4.12-8 of the Draft EIR p. 4.12-17 is changed from 60 to 69, as follows:

**TABLE 4.12-8  
PHASE I AND FULL BUILDOUT PROJECT EMPLOYMENT**

Project Component	Current Ballpark	Phase 1		Buildout	
	Existing FTE <sup>a</sup>	New FTE	Phase 1 Total	New FTE	Buildout Total
A's Staff <sup>b</sup>	285	—	285	—	285
Event Non-A's, and Game Day-of Staff <sup>c</sup>	1,227	93	1,320	93	1,320
Performance Venue <sup>d</sup>	—	—	—	200	200
Office <sup>e</sup>	—	1,111	1,111	6,667	6,667
Retail <sup>f</sup>	—	69	<del>60</del> 69	540	540
Hotel <sup>g</sup>	—	360	360	360	360
Residential <sup>h</sup>	—	17	17	94	94
Parking and Other <sup>i</sup>	—	18	18	33	33
<b>Total Employees<sup>j</sup></b>	<b>1,511</b>	<b>1,671</b>	<b>3,171</b>	<b>7,987</b>	<b>9,499</b>

NOTES:

- a FTE = full-time equivalent / Existing Ballpark Employees are presented to compare existing A's related employees to that anticipated under the Proposed Project.
- b A's Staff: this includes all sports operations, business operations, business operations support, and ballpark operations and management as identified in the Table 3-3. These would work at games, however, they are accounted for in the estimate of A's Staff.
- c Event Non-A's, Day-of Staff: Per Table 3-2 in the Project Description, there are numerous Non-A's, Day of Staff dependent on the nature of the event. This table considers the typical employees-generated during a baseball game event, as it would generate the highest number of event-day employees.
- d Performance Venue: 200 is the assumed rate provided by the Project sponsor.
- e Office Rate: 225 square feet per employee
- f Retail Rate: 500 square feet per employee
- g The Hotel Rate: 0.9 employees per room
- h Residential Rate: 1 employee per 32 housing units
- i Parking and Other: 270 spaces per employee
- j Total Employees refers to all employees generated by the Proposed Project and conservatively represent new employees at the Project site. (This is conservative because existing employees at the Project site have not been accounted for.) *Net New Employees* is presented to account for the existing 640 employees associated with the existing Ballpark that would be relocated to the Project site.

SOURCE: Rates from City of Oakland, 2014b; Athletics Investment Group, LLC; A's, Strategic Economics, 2018.

## 7.19 Changes to Section 4.13: Public Services

The first paragraph on Draft EIR p. 4.13-25 is revised as follows to reflect changes to the mitigation measure titles:

hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. These include **Mitigation Measures AIR-1a** (Dust Controls); **AIR-1b** (Criteria Air Pollutant Controls); **AIR-1c** (Diesel Particulate Matter Controls); **AIR-1d** (Super-Compliant VOC Architectural Coatings during Construction); **BIO-1a** (Disturbance of Birds during Nesting Season); **BIO-2** (Pre-Construction Assessments and Protection Measures for Bats); **BIO-3** (Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals); **BIO-4** (Compensation for Fill of Jurisdictional Waters); **CUL-1** (Maritime Resources Treatment Plan); **CUL-2** (Vibration Analysis for Historic Structures); **CUL-4a** (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction); **CUL-4b** (Archaeologically Sensitive Areas – Pre-Construction Measures); **CUL-5** (Human Remains – Discovery During Construction); **GEO-1** (Site-Specific Final Geotechnical Report); **GEO-2** (Inadvertent Discovery of Paleontological Resources During Construction); **HAZ-1a** (Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans); **HAZ-1b** (Compliance with Approved RAPRAW, LUCs and Associated Plans); **HAZ-1c** (Health and Safety Plan); **HAZ-1d** (Hazardous Building Materials); **HYD-1** (Creek Protection Plan); **NOI-1a** (Construction Days/Hours); **NOI-1b** (Construction Noise Reduction); **NOI-1c** (Extreme Construction Noise Measures); **NOI-1d** (Project-Specific Construction Noise Reduction Measures); **NOI-1e** (Construction Noise Complaints); **NOI-1f** (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors); and **TRANS-4** (Construction Management Plan). The aforementioned mitigation measures are applied collectively to this impact as **Mitigation Measure PUB-1**, below.

Mitigation Measure PUB-2 on Draft EIR p. 4.13-27 is revised as follows to reflect changes to the mitigation measure titles:

**Mitigation Measure PUB-1:** For construction of the new and/or retrofitted public services facilities, implement **Mitigation Measures AIR-1a, *Dust Controls*; AIR-1b, *Criteria Air Pollutant Controls*; AIR-1c, *Diesel Particulate Matter Controls*; AIR-1d, *Super-Compliant VOC Architectural Coatings during Construction*; BIO-1a, *Disturbance of Birds during Nesting Season*; BIO-2, *Pre-Construction Assessments and Protection Measures for Bats*; BIO-3, *Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals*; BIO-4, *Compensation for Fill of Jurisdictional Waters*; CUL-1, *Maritime Resources Treatment Plan*; CUL-2, *Vibration Analysis for Historic Structures*; CUL-4a, *Archaeological Resources and Tribal Cultural Resources – Discovery During Construction*; CUL-4b, *Archaeologically Sensitive Areas – Pre-Construction Measures*; CUL-5, *Human Remains – Discovery During Construction*; GEO-1, *Site-Specific Final Geotechnical Report*; GEO-2, *Inadvertent Discovery of Paleontological Resources During Construction*; HAZ-1a,**

*Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans; HAZ-1b, Compliance with Approved RAPRAW, LUCs and Associated Plans; HAZ-1c, Health and Safety Plan; HAZ-1d, Hazardous Building Materials; HYD-1, Creek Protection Plan; NOI-1a, Construction Days/Hours; NOI-1b, Construction Noise Reduction; NOI-1c, Extreme Construction Noise Measures; NOI-1d, Project-Specific Construction Noise Reduction Measures; NOI-1e, Construction Noise Complaints; NOI-1f, Physical Improvements or Off-site Accommodations for Substantially Affected Receptors; and TRANS-4, Construction Management Plan.*

Necessary Improvement Measure PUB-2 on Draft EIR pp. 4.13-29 and 4.13-30 is revised as follows to correct the name of the Bureau of Building:

**Necessary Improvement Measure PUB-2: Ballpark Law Enforcement Facilities.**

Prior to the issuance of the building permit for the ballpark, the Project sponsor shall provide building plans to the Bureau of ~~Planning & Building~~ showing the locations of police and other law enforcement office space and a command post within the ballpark. The office space shall include an area within the development to be utilized for event day briefings, report writing space, and holding cells to accommodate arrests. The command post is to be utilized by all agencies involved in event and security operations at the ballpark. The law enforcement office space and command post shall be developed in consultation with law enforcement agencies, including the OPD, U.S. Coast Guard, and Alameda County Sheriff based on their needs. The Project sponsor shall be responsible for all design, construction, and maintenance costs associated with the law enforcement office space and command center.

## 7.20 Changes to Section 4.14: Recreation

Draft EIR p. 4.14-2 is revised as follows in response to Comment I-302-1:

- South Prescott Park, located approximately 0.50 miles northwest of the Project site (3rd Street/Chester Avenue), is an approximately 4.6-acre neighborhood park that contains a playground and large lawns. Dogs are also allowed off-leash in South Prescott Park.

Draft EIR p. 4.14-2 is revised as follows in response to Comment I-302-1:

- Lowell Park, located 0.66 miles north of the Project site (1180 14th Street), is an 8.37-acre neighborhood park that includes ball fields ~~with lights~~, a junior soccer field, basketball courts with lights, and a playground. The athletic fields are used for soccer and baseball year-round, typically 6 days per week by youth leagues. Additionally, there is an annual African American Festival located at Lowell Park with approximately 20 vendors serving over 1,500 West Oakland community members.

Draft EIR p. 4.14-4 is revised as follows as described in response to Comment I-302-1:

- Raimondi Park, located approximately 1.15 miles northwest of the Project site (~~1429 Seminary Avenue~~ 1800 Wood Street) is a 10.02-acre athletic field facility with a baseball diamond, a turf multisport field with bleachers, a playground, lawns, and a putting green. Raimondi Park contains West Oakland's major athletic fields.

In response to Comment A-12-10, the citation to the Bay Plan on Draft EIR p. 4.14-8 is corrected to cite the Bay Plan adopted in May 2020:

### ***San Francisco Bay Conservation and Development Commission***

The San Francisco Bay Conservation and Development Commission (BCDC) is a State agency with permit authority over the Bay and its shoreline. The BCDC San Francisco Bay Plan contains the following policies related to recreation that are relevant to the Project (BCDC, ~~2011~~2020):

Draft EIR Table 4.14-1 on p. 4.14-5 is revised as follows in response to Comment O-63-77:

**TABLE 4.14-1  
SURVEYED CITY PARK MAINTENANCE CONDITIONS NEAR THE PROJECT SITE**

<b>Park<sup>a</sup></b>	<b>Park Classification<sup>b</sup></b>	<b>2016 Park Overall Rating</b>	<b>2018 Park Overall Rating</b>	<b><u>Service Level<sup>c</sup></u></b>
Jefferson Square Park	Neighborhood Park	B	D	<u>2</u>
South Prescott Park	Neighborhood Park	D	B	<u>2</u>
Lafayette Square Park	Special Use Park	C	D	<u>2</u>
Lowell Park	Neighborhood Park	B	C	<u>1</u>
Lincoln Square Park	Neighborhood Park	B	B	<u>1</u>
Wade Johnson Park	Neighborhood Park	C	D	<u>2</u>
DeFremery Park	Community Park	B	B	<u>1</u>

**NOTES:**

a Includes parks surveyed in the *2018 Report on the State of Maintenance in Oakland Parks*. The report involved a limited survey of OPRYD parks and did not include all City parks in the Project vicinity.

b Per the OSCAR Element

c As defined on page 4.14-4 of the Draft EIR.

This data is based off of an independent survey submitted to OPRYD by the non-profit organization, the Oakland Parks and Recreation Foundation.

SOURCE: Oakland Parks and Recreation Foundation, 2018; OPRYD, 2016

Draft EIR p. 4.14-12 is revised as follows, and new Figures 4.14-2 and 4.14-3 are added in response to Comment A-7-5:

As described in Chapter 3, *Project Description*, the Project includes the construction of a network of publicly-accessible open spaces, and the extension of the pedestrian and bicycle network from West Oakland to the waterfront. The network of publicly accessible open spaces would include sidewalks and plazas, landscaped areas at the western and northern periphery of the Project site, and the junction of Market Street and Martin Luther King Jr. Way. The Project also includes large-scale publicly-accessible open spaces, including Athletics Way, an approximately 5.0-acre pedestrian promenade that would be an extension of Water Street leading to and encircling the ballpark.<sup>4</sup> Athletics Way would be designed to accommodate up to 35,000 visitors and spectators on ballpark event days (approximately 244 days per year<sup>5</sup>) with café terraces and beer gardens. Athletics Way would include seating areas, picnic spaces, children’s play spaces, and lawns that would be open to the public on non-event days (approximately 121 days per year). An approximately 2.5-acre Rooftop Park would be located on top of the seating areas of the proposed ballpark that would gradually ramp down to the ground-level and connect to Athletics Way.<sup>6</sup> The Rooftop Park would include a tree-lined walkway and passive spaces, would provide views of the waterfront and ballpark, and would be accessible to the public on non-event days. **Figures 4.14-2 and 4.14-2.MRS illustrate proposed event-day ticketed and security zones surrounding the ballpark. Access to the ticketed zone would require an event ticket. The public would be able to access to the security zone without an event ticket but would be required to pass through security screening before entering.**

The bottom of Draft EIR p. 4.14.-15 and top of p. 4.14-16 are revised as follows to reflect changes to the mitigation measure titles:

...**HAZ-1a** (Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans); **HAZ-1b** (Compliance with Approved RAPRAW, LUCs and Associated Plans);...

Mitigation Measure REC-1 on Draft EIR p. 4.14-16 is revised as follows to reflect changes to the mitigation measure titles:

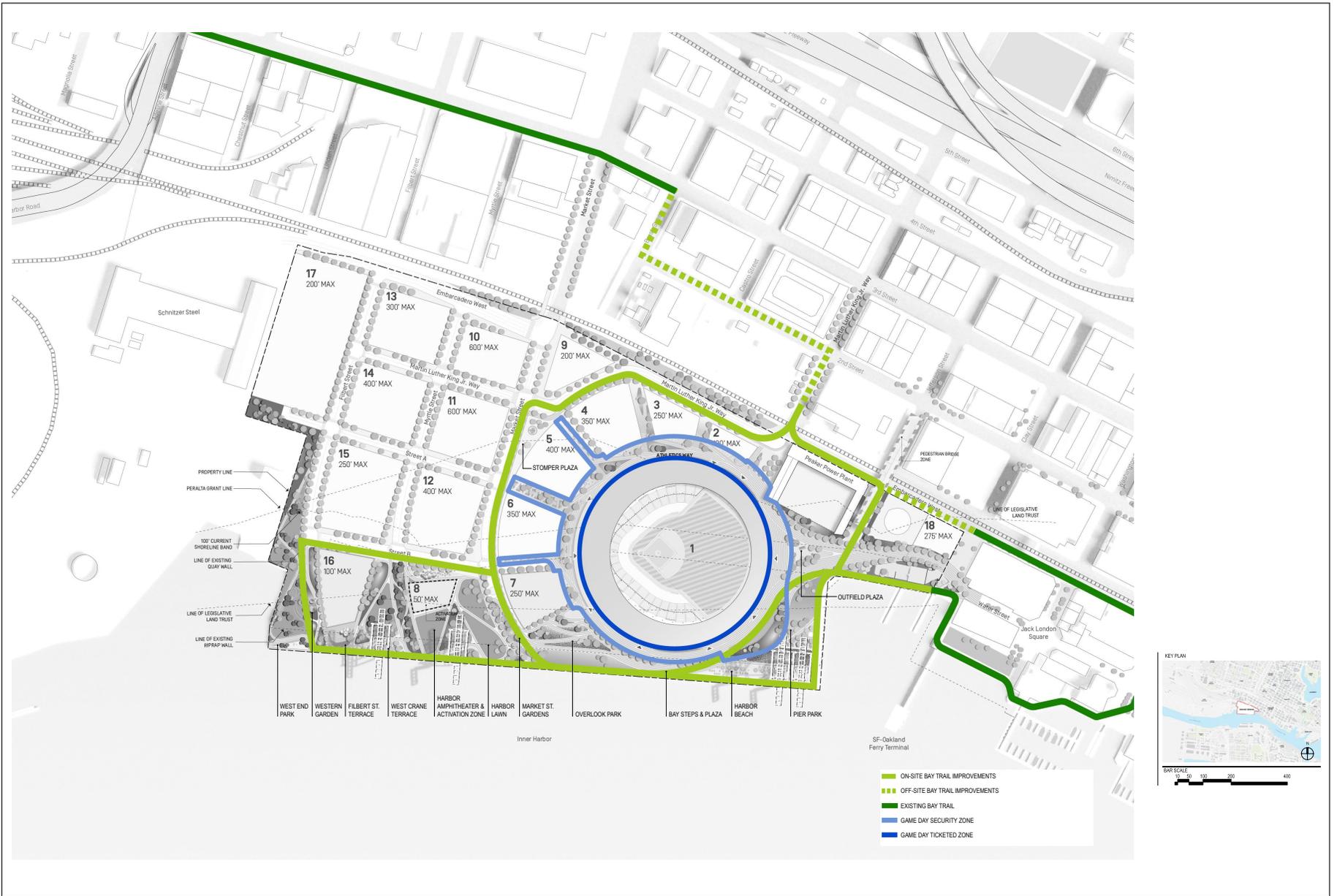
**Mitigation Measure REC-1: Implement Mitigation Measures AIR-1a, *Dust Controls*; AIR-1b, *Criteria Air Pollutant Controls*; AIR-1c, *Diesel Particulate Matter Controls*; AIR-1d, *Super-Compliant VOC Architectural Coatings during Construction*; BIO-1a,**

<sup>4</sup> An event ticket would be required to access portions of Athletics Way on ballpark event days; however, public access to the shoreline would remain. On non-event days, Athletics Way would be fully open to the public.

<sup>5</sup> Conservatively assumes up to 94 baseball games, 15 concerts, 100 smaller corporate or community events, and 35 other events. However, portions of Athletics Way or the rooftop park may not be closed during smaller events (e.g., corporate or community events), and may be open to the public during limited hours prior to and following events.

<sup>6</sup> An event ticket would be required to access Rooftop Park on ballpark event days. On non-event days, the Rooftop Park would be open to the public.

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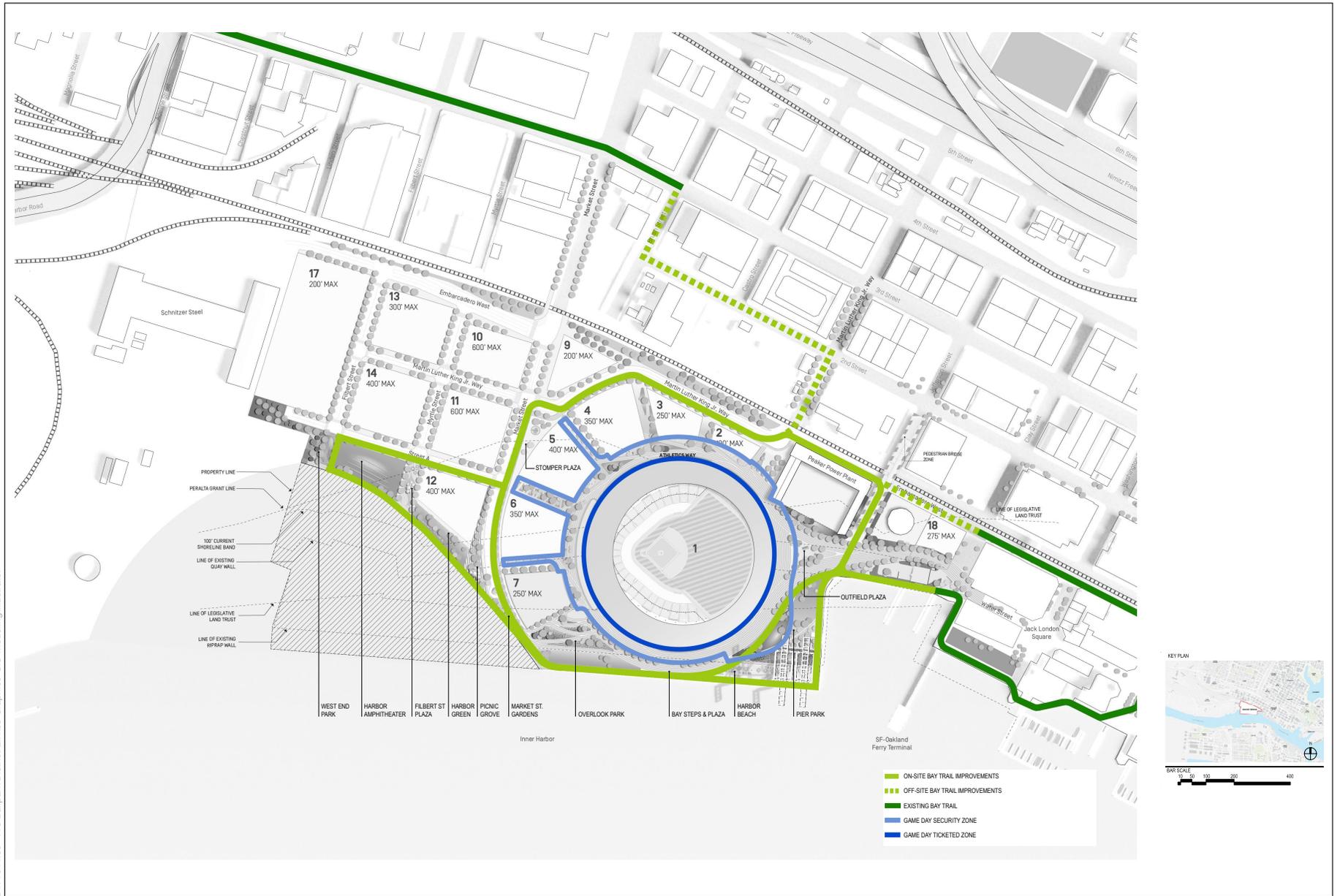
SOURCE: Bjarke Ingels Group, 2021

Oakland Waterfront Ballpark District Project

**Figure 4.14-2**  
Event Day Security and Ticket Zone Plan



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SOURCE: Bjarke Ingels Group, 2021

Oakland Waterfront Ballpark District Project

**Figure 4.14-2.MRS**  
Event Day Security and Ticket Zone Plan – Maritime Reservation Scenario



*Disturbance of Birds during Nesting Season; BIO-2, Pre-Construction Assessments and Protection Measures for Bats; BIO-3, Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals; BIO-4, Compensation for Fill of Jurisdictional Waters; CUL-1, Maritime Resources Treatment Plan; CUL-2, Vibration Analysis for Historic Structures; CUL-4a, Archaeological Resources and Tribal Cultural Resources – Discovery During Construction; CUL-4b, Archaeologically Sensitive Areas – Pre-Construction Measures; CUL-5, Human Remains – Discovery During Construction; GEO-1, Site-Specific Final Geotechnical Report; GEO-2, Inadvertent Discovery of Paleontological Resources During Construction; HAZ-1a, Preparation and Approval of Consolidated RAPRAW, LUCs and Associated Plans; HAZ-1b, Compliance with Approved RAPRAW, LUCs and Associated Plans; HAZ-1c, Health and Safety Plan; HAZ-1d, Hazardous Building Materials; HYD-1, Creek Protection Plan; NOI-1a, Construction Days/Hours; NOI-1b, Construction Noise Reduction; NOI-1c, Extreme Construction Noise Measures; NOI-1d, Project-Specific Construction Noise Reduction Measures; NOI-1e, Construction Noise Complaints; NOI-1f, Physical Improvements or Off-site Accommodations for Substantially Affected Receptors; and TRANS-4, Construction Management Plan.*

The reference on Draft EIR p. 4.14-20 is corrected to cite the Bay Plan adopted in May 2020:

BCDC, ~~2011~~2020. *San Francisco Bay Plan*, ~~amended October, 2011~~adopted May 2020.

Available at: <https://www.bcdc.ca.gov/pdf/bayplan/bayplan.pdf>~~http://~~

~~www.bcdc.ca.gov/plans/sfbay\_plan#25~~, accessed March 6, 2019.

## 7.21 Changes to Section 4.15: Transportation and Circulation

In response to Comment A-14-18, the text on Draft EIR p. 4.15-13 is revised as follows:

- 12th Street Oakland City Center station is located under Broadway in downtown Oakland, with station entrances between 11th Street and 14th Street, about 0.8 miles from the Project's eastern boundary. The station is served by the Richmond-Millbrae, Richmond–~~Berryessa~~Warm Springs/South Fremont, and Antioch–SFO/Millbrae lines.
- Lake Merritt station is in Oakland's Chinatown District, with an entrance at the Oak Street/8th Street intersection about 1.1 miles from the Project's eastern boundary. The station is served by the Dublin/Pleasanton–Daly City, Richmond–~~Berryessa~~Warm Springs/South Fremont, and ~~Berryessa~~Warm Springs/South Fremont –Daly City lines.
- West Oakland station is in West Oakland, about 0.9 miles from the Project's northern boundary, and is bounded by 7th Street, Chester Street, 5th Street, and Mandela Parkway. The station is served by all four transbay lines: Richmond–Daly City, Antioch–SFO/Millbrae, Dublin/Pleasanton–Daly City, and ~~Berryessa~~Warm Springs/South Fremont –Daly City.

~~These stations~~ In 2018 the 12<sup>th</sup> Street and West Oakland stations were each served by about 20 trains per hour, per direction, during the peak periods while the Lake Merritt station was

served by about 12 trains. Based on BART monthly ridership reports provided by BART, in fall 2018 about 28,300, 14,200, and 15,200 weekday daily passengers (entries plus exits) were served at the 12th Street, Lake Merritt, and West Oakland stations, respectively.

In response to Comment O29-2-7, the text on Draft EIR p. 4.15-24 is revised as follows:

Based on the MTC Travel Model, the regional average VMT per worker is 21.8, while the weighted average for the Project site is 16.5. The VMT per worker for the Project site is weighted by the employment in the transportation analysis zone (TAZ) 966 and 967 that cover the Project site.

In response to Comment A-13-19, the text on Draft EIR pp. 4.15-28 through 4.15-29 and footnote 7 are modified such that freeway segments referred to as “grandfathered” are now referred to as “legacy segments.”

### Freeway Segments

- I-80 eastbound: Toll Plaza to I-580 (~~grandfathered~~ legacy segment)<sup>7</sup>
- I-580 eastbound: I-80 to I-980 (~~grandfathered~~ legacy segment)
- I-580 eastbound: I-980 to Harrison Street
- I-580 eastbound: Harrison Street to Lakeshore Avenue
- I-580 eastbound: Coolidge Avenue to SR 13
- I-580 westbound: SR 24 to I-80/580 split (~~grandfathered~~ legacy segment)
- I-880 northbound: Between I-80 ramps
- I-880 southbound: Between I-80 merge and junction I-980
- I-880 southbound: Between I-980 and 23rd Avenue
- SR 13 northbound: Moraga Avenue to Hiller Drive
- SR 13 southbound: Redwood Road to I-580
- SR 24 eastbound: I-580 to Broadway/SR 13 (~~grandfathered~~ legacy segment)
- SR 24 eastbound: Broadway/SR 13 to Caldecott Tunnel (~~grandfathered~~ legacy segment)
- SR 24 eastbound: Caldecott Tunnel to Fish Ranch Road (~~grandfathered~~ legacy segment)

### Freeway Ramps

- I-80/I-580 interchange: I-580 westbound to I-80 northbound
- I-580/SR 24 interchange: I-580 westbound to SR 24 eastbound
- I-580/SR 24 interchange: SR 24 westbound to I-580 eastbound
- SR 13/SR 24 interchange: SR 13 northbound to SR 24 eastbound (~~grandfathered~~ legacy segment)
- I-880/SR 260 connection: SR 260 eastbound to I-880 northbound
- I-880 northbound off-ramp to 5th Street/Broadway intersection

<sup>7</sup> ~~Grandfathered~~ legacy segments that operated at LOS F during the initial data collection effort in 1991 by the Alameda County Congestion Management Agency, a predecessor to Alameda CTC, and are therefore “~~grandfathered~~ legacy,” meaning that they are exempt from LOS standards. The other segments are not exempt, meaning that they operate at unacceptable conditions based on Alameda CTC standards. Alameda CTC requires preparation of a deficiency plan for non-~~grandfathered~~ legacy segments that fail to meet the established standards.

In response to Comment O29-2-10, the text on Draft EIR p. 4.15-39 is revised as follows:

The freight data for the Market Street crossing in the table include one ~~extraordinary~~ freight train event that caused the gate to be down for 87 minutes, from about 9:13 p.m. to 10:40 p.m. on Sunday evening.

Page 4.15-39 of the Draft EIR is revised as follows:

There were six instances during the week when the gates were down at both crossings for freight trains, with the longest being about 19 minutes and the shortest being about 7 minutes. Instances where both tracks were occupied by either freight or passenger trains occur about 4 percent of all gate-down instances, about two to three times a day.

In response to Comment O-48-52, the text on Draft EIR p. 4.15-41 is revised as follows:

- *Market Street* on the north side of the railroad is a four-lane road with sidewalks on both sides. The crossing surface has been improved for motor vehicles, but the sidewalks terminate prior to the crossing. Bike lanes on Market Street terminate one block prior to the crossing at 3rd Street. The crossing serves truck access to the Project site and Schnitzer Steel. The crossing has two 9A warning devices (flashing light signals with automated gate arms and additional flashing lights on a cantilever), one in each direction, and is a designated truck route. There was a train crash in 2019 at the Market Street crossing with an unoccupied motor vehicle that resulted in no injuries. ~~There have been no train crashes at this crossing within the last five years.~~
- *Martin Luther King Jr. Way* on the north side of the railroad is a four-lane road with on-street parking and sidewalks on both sides. South of the tracks, it is a two-lane road with no sidewalks. The crossing surface has been improved for motor vehicles, but the sidewalks terminate prior to the crossing. The crossing serves motor vehicle access to the Project site, the Vistra Power Plant, and other uses. The crossing has two 9A warning devices, one in each direction, and is a designated truck route. There have been no train crashes at this crossing within the last five years. ~~There was a train crash in 2019 at the Market Street crossing with an unoccupied motor vehicle that resulted in no injuries.~~

In response to Comment O29-2-10, the text on Draft EIR p. 4.15-42 is revised as follows:

The Seaport, shown in **Figure 4.15-13**, is bounded by freight and passenger rail lines, I-80, and I-880, and has three access points, at Maritime Street (ADT 4,900 vehicles), 7th Street (ADT 7,800 vehicles), and Adeline Street (ADT 7,000 vehicles) ~~Streets~~.

The fourth sentence of the third bullet on Draft EIR p. 4.15-45 is revised as follows in response to Comment A-13-8:

The primary reason for the program is that heavy containerized loads that exceed Federal and or State weight limits are not allowed on State highways to protect interstate freeway bridge structures. This established program allows shippers to meet the demands of industry and to maximize both transportation efficiencies and the economic benefits afforded by utilizing the full cargo carrying capabilities of shipping containers.

In response to Comment A-12-15, the following measures are added to Draft EIR p. 4.15-55 under the heading “West Oakland Community Action Plan”:

Strategy 38: The City of Oakland, consistent with the West Oakland Truck Management Plan: (1) improves training for police officers, community resource officers, and parking control technicians who issue truck and trailer parking tickets; (2) changes the parking regulations so they are easier to enforce; (3) increases truck parking fines; (4) targets enforcement at specific times and locations; and (5) improves signage directing drivers to available truck parking.

Strategy 39: The City of Oakland, consistent with the West Oakland Truck Management Plan: (1) improves signage regarding existing truck routes; (2) works with businesses on preferred routes to use when destinations are not located on truck routes; and (3) adds to, or changes, truck routes and prohibited streets.

Strategy 40: The City of Oakland, consistent with the West Oakland Truck Management Plan, implements, in consultation with West Oakland residents, traffic calming measures to keep truck traffic off residential streets.

Strategy 56: The City of Oakland implements the broad array of bicycle and pedestrian improvements identified in the West Oakland Specific Plan, the 2019 Oakland Bike Plan, and the 2017 Oakland Walks Pedestrian Plan.

**Figure 4.15-15** on page 4.15-83 of the Draft EIR showing the proposed Project’s on-site mobility access has been revised.

To address changes in vehicle access to the Vistra Power Plant site, the third bullet on Draft EIR p. 4.15-85 is revised as follows:

- The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to Washington Street (and potentially to Broadway) would be physically separated from the railroad tracks by a fence. A multi-use path would be constructed between Martin Luther King Jr. Way and Jefferson Street and between Clay Street and Washington Street (and potentially to Broadway). ~~to accommodate a multi-use path.~~ The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent

feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and Broadway could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot-wide vehicle lane were combined with the 8-foot wide sidewalk. The portion of Embarcadero between Jefferson and Clay Streets would remain a vehicle access with sidewalk serving the Vistra Power Plant where bicyclists would share the street with motor vehicle traffic.

In response to Comment A-12-30, the first full paragraph on Draft EIR p. 4.15-86 is revised as follows:

As discussed in Chapter 3, Project Description, the Howard Terminal portion of the Project site is approximately 50 acres. With development of the proposed Project, the existing tenants and users of Howard Terminal are assumed to move to other locations in the Seaport (including the Roundhouse parking adjacent to the Schnitzer Steel property Howard Terminal), the City, or the region where their uses are permitted under applicable zoning and other regulations.

**Figure 4.15-18** on page 4.15-91 of the Draft EIR showing the proposed Project's bicycle and scooter routing has been revised.

The list under *Railroad Crossing Improvements* starting on Draft EIR p. 4.15-93 is revised as follows:

- Install fencing along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to Oak Street. ~~Broadway~~. This change would alter Embarcadero West circulation as follows:
  - Between Market Street and Schnitzer Steel Embarcadero West would remain two-way with a signalized intersection at Market Street.
  - Between Market Street and Martin Luther King Jr. Way the street would be abandoned such that there would no longer be a motor vehicle intersection at Martin Luther King Jr. Way.
  - Between Jefferson and Webster Streets Embarcadero West on the north side of the active UPRR tracks would remain as a public street with forced right turns at intersecting streets if the fence line separating the railroad tracks and Embarcadero would be offset from the active track by approximately 10 feet.
  - The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to ~~Washington Street (and potentially to Broadway)~~ would be physically separated from the railroad tracks by a fence. A multi-use path would be constructed between Martin Luther King Jr. Way and Jefferson

Street and between Clay Street and Washington Street (and potentially to Broadway). to accommodate a multi-use path. The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and Broadway could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. The portion of Embarcadero between Jefferson and Clay Streets would remain a vehicle access with sidewalk serving the Vistra Power Plant where bicyclists would share the street with motor vehicle traffic. ~~On the north side of the railroad Embarcadero West would remain one-way westbound with forced right turns at the Jefferson, Clay, and Washington Streets as well as at Broadway. Vehicle access to the Vistra Plant could be via an extension of Water Street at Clay Street or driveway easement and used infrequently solely for site access.~~

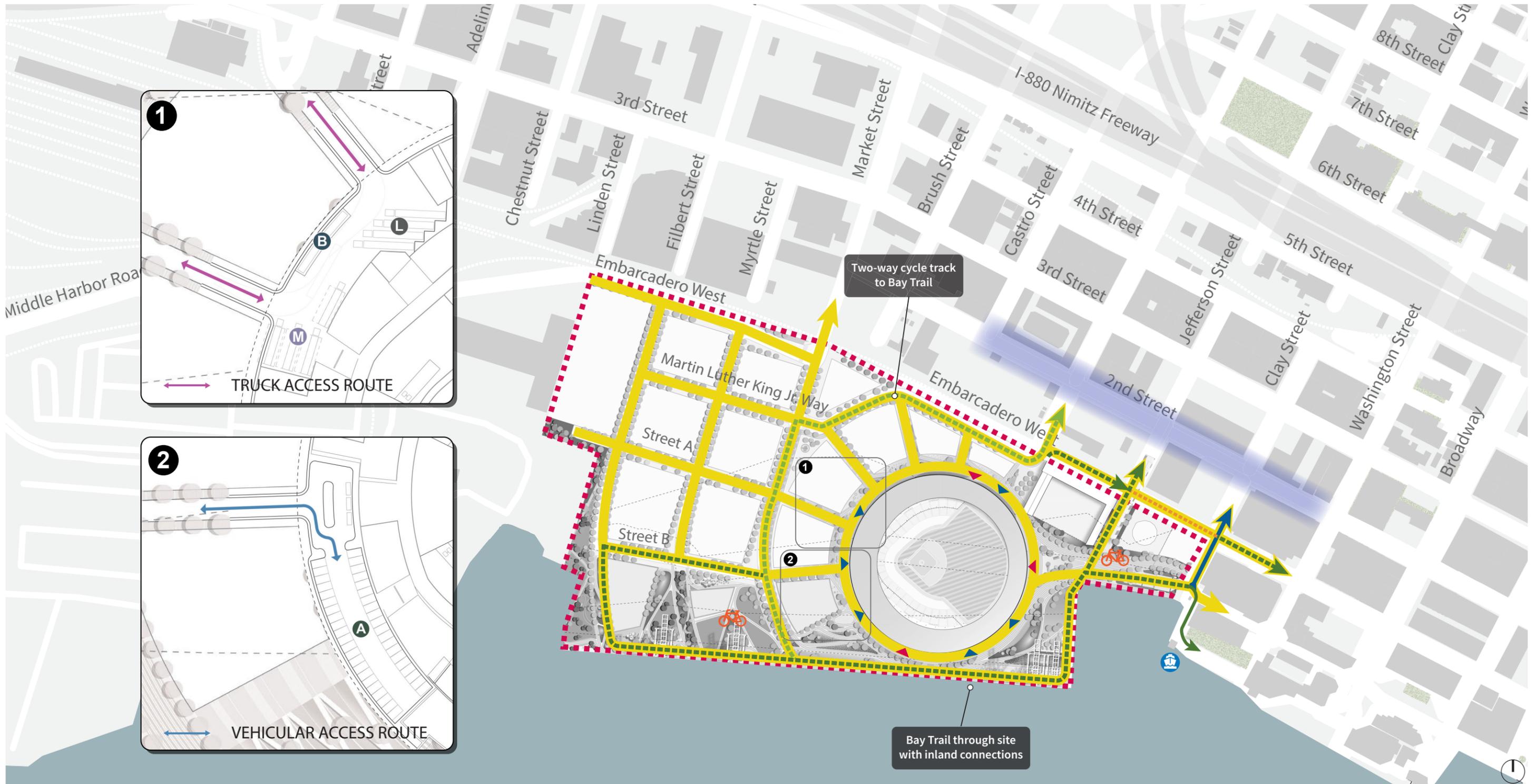
- The portion of Embarcadero that is south of the active UPRR tracks and between Broadway and Webster Street would be physically separated from the railroad tracks by a fence. The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or CPUC. If offset from the active track, the remaining width between the fence and the sidewalk would be used as a service access and emergency vehicle route. If offset from the third track, there would be no width for a service access or emergency vehicle route serving the Jack London Square businesses along the south side of Embarcadero West between Broadway and Webster Street.
- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street ~~and~~ Broadway, Franklin Street, Webster Street, and Oak Street with features like quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes by. The final suite of at-grade crossing improvements will be established through the GO 88-B Request (Authorization to Alter Highway Rail Crossings).

**Figure 4.15-20** on page 4.15-95 of the Draft EIR showing truck routing has been revised.

**Figure 4.15-21** on page 4.15-96 of the Draft EIR showing the proposed overall mobility access plan has been revised.

**Figure 4.15-35** on page 4.15-112 of the Draft EIR showing off-site transportation features has been revised.

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**LEGEND**

- EXISTING BIKE NETWORK
- PROPOSED BIKE NETWORK
- Multi-Use Path
- Protected Bikeway

- Buffered/Non-Buffered Bike Lanes
- Neighborhood Bike Route/Bike Route
- Special Event Bike Parking
- Pedestrian Routing

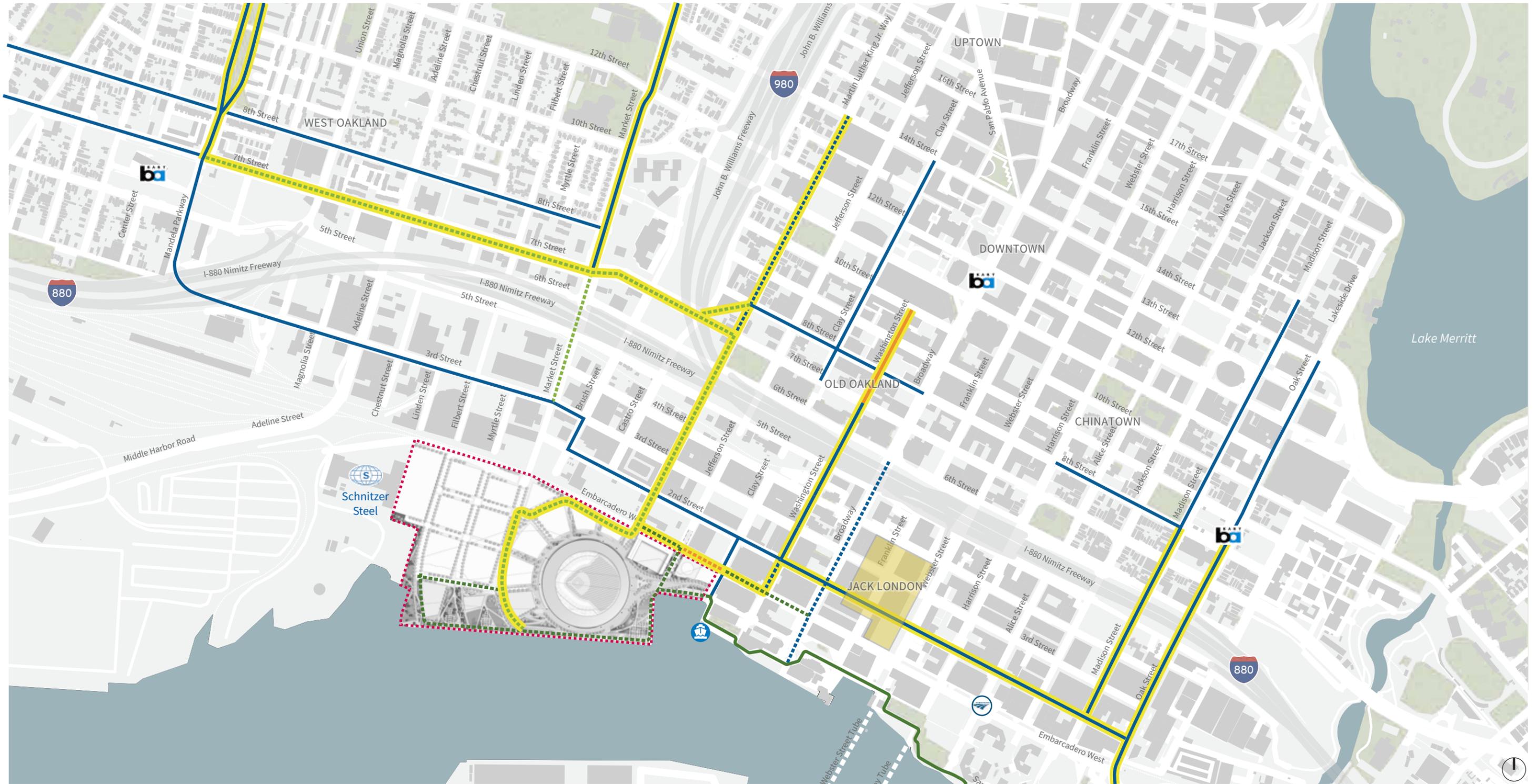
- Gameday Pedestrian Ballpark Access
- Gameday and Non-Gameday Roof Park Pedestrian Access
- Project Boundary
- Ferry

- A Player Parking
- B Team Buses
- L Loading Docks
- M Media Trucks

- Transportation Hub (up to 120 buses per hour)
  - West Oakland Shuttle (if provided)
  - 2 Loading Zones (up to 24 buses per hour)
  - Lake Merritt BART Shuttle (if provided)
  - 2 or 3 Loading Zones (24 to 36 buses per hour)
  - AC Transit Line Extensions (10 to 12 buses per hour)
  - 12th St BART Shuttle (up to 36 buses per hour)
  - AC Transit Line Rerouting (6 to 8 buses per hour)
- Rerouting AC Transit Lines requires approval by AC Transit.  
Shuttle use of bus stops requires approval by AC Transit.

Figure 4.15-15

**On-Site Mobility Access Plan**

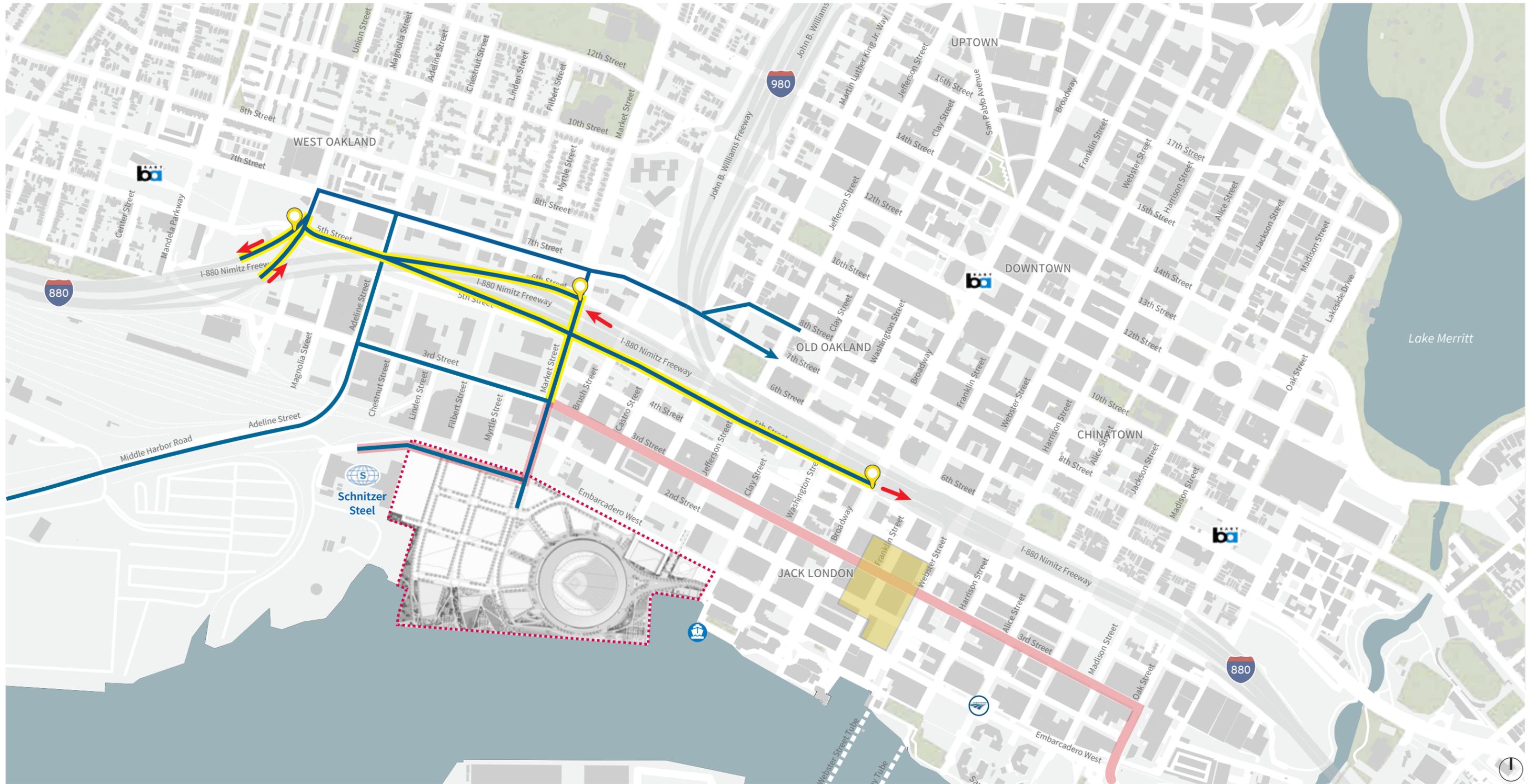


**LEGEND**

- EXISTING BIKE NETWORK  
 PROPOSED BIKE NETWORK  
 PER OAKLAND BIKE PLAN
- Primary Bike Facilities  
 used by Howard Terminal
- Multi-Use Path
- Protected Bikeway
- Buffered/Non-Buffered  
 Bike Lanes
- Neighborhood Bike Route/  
 Bike Route
- Produce Market
- Project Boundary
- BART Station
- Amtrak
- Ferry

Figure 4.15-18

Howard Terminal Bicycle/Scooter Routing



**LEGEND**

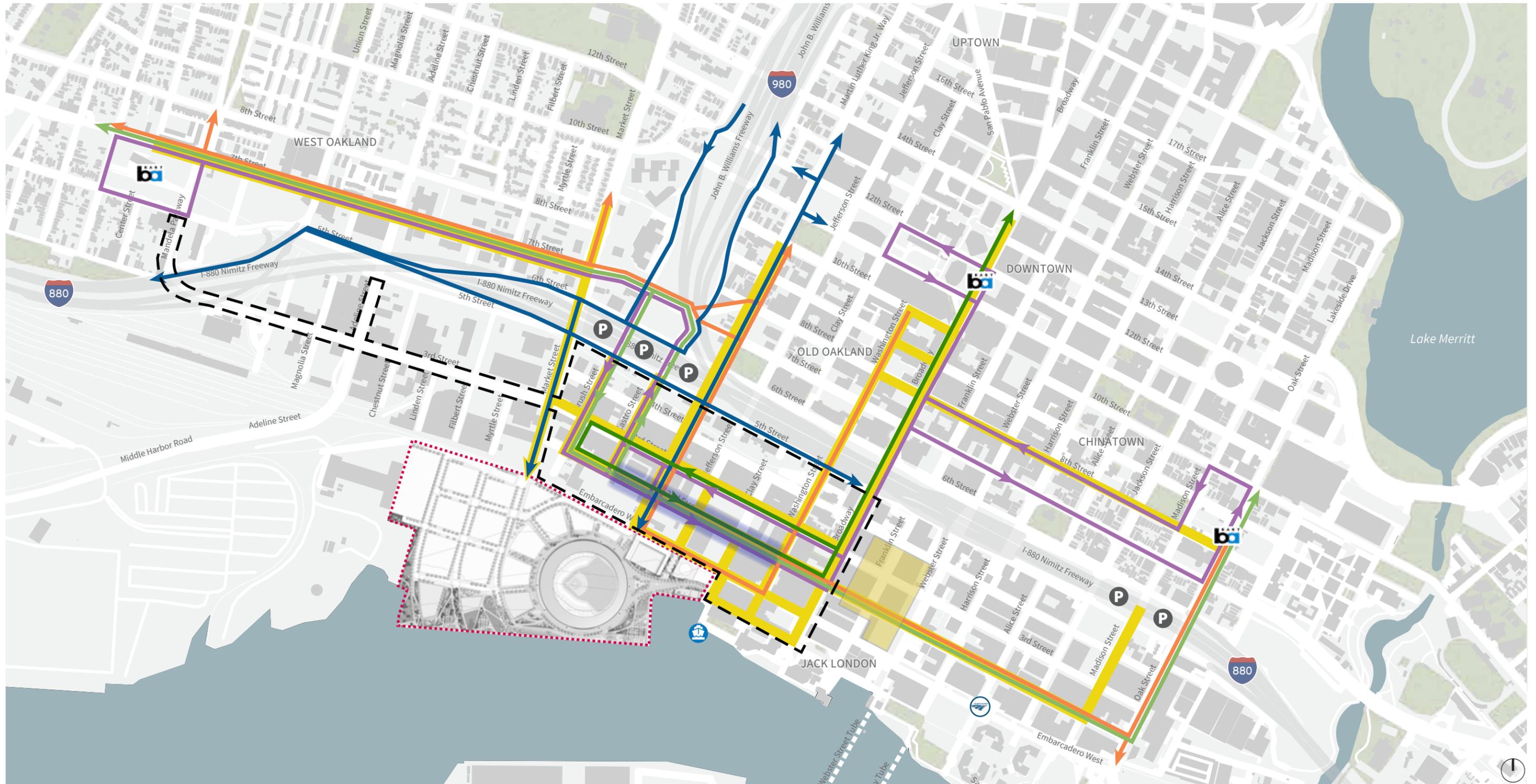
Freeway Ramps for Project and Schnitzer Steel Trucks

Existing Local Street Truck Circulation  
 Overweight Truck Corridor  
 Truck Routes Used by Howard Terminal and Schnitzer Steel

Project Boundary  
 Produce Market  
 BART Station  
 Amtrak  
 Ferry

Figure 4.15-20

**Howard Terminal Truck Routing**



**LEGEND**

- Potential AC Transit routing to connect West Oakland and Lake Merritt BART
- Potential AC Transit line extensions connecting to 12th Street BART
- Potential shuttle routing

- Howard Terminal Traffic
- Bike Routing
- - - Bike Routing Alternatives
- Pedestrian Routing
- P** Potential Off-Site Parking under the Freeway
- Produce Market

- Local Traffic Only Boundary on Game Days
- Project Boundary
- bART** BART Station
- Amtrak
- Ferry

- Transportation Hub (up to 120 buses per hour)
  - West Oakland Shuttle (if provided)
  - 2 Loading Zones (up to 24 buses per hour)
  - Lake Merritt BART Shuttle (if provided)
  - 2 or 3 Loading Zones (24 to 36 buses per hour)
  - Rerouting AC Transit Lines requires approval by AC Transit.
  - Shuttle use of bus stops requires approval by AC Transit.
- AC Transit Line Extensions (10 to 12 buses per hour)
- 12th St BART Shuttle (up to 36 buses per hour)
- AC Transit Line Rerouting (6 to 8 buses per hour)

Figure 4.15-21

**Howard Terminal Overall Mobility Access Plan**



Approx. 1:100 Scale

**LEGEND**

-  High visibility crosswalk striping
-  Bus only lane
-  Bus priority lane
-  Protected bike lane
-  Traffic signal
-  Curb extension
-  Concrete Buffer
-  Sidewalk enhancement/upgrade
-  New/widened sidewalk
-  Landscape opportunity area
-  Existing bus stop
-  Proposed bus stop
-  Proposed bus stop removal

Figure 4.15-35

**Off-Site Transportation Features - Grid 13**

Conceptual drawings are representations of transportation improvements if all features are implemented, subject to detailed engineering analysis, review, and approval by the City of Oakland.



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The following bullets under *Base Set of Transportation Improvements – Ballpark Opening*, on Draft EIR p. 4.15-132 are revised as follows:

- Install fencing on either side of the railroad tracks between Oak Street ~~Broadway~~ and Schnitzer Steel with at-grade crossing improvements at Market Street, Martin Luther King Jr. Way, Jefferson Street, Clay Street, Washington Street, ~~and Broadway,~~ Franklin Street, Webster Street, and Oak Street as well as a pedestrian and bike bridge serving the ballpark. (Mitigation Measure TRANS-3a and Mitigation Measure TRANS-3b)
- The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to ~~Washington Street (and potentially to Broadway)~~ would be physically separated from the railroad tracks by a fence. A multi-use path would be constructed between Martin Luther King Jr. Way and Jefferson Street and between Clay Street and Washington Street (and potentially to Broadway). ~~to accommodate a multi-use path.~~ The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and Broadway could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. The portion of Embarcadero between Jefferson and Clay Streets would remain a vehicle access with sidewalk serving the Vistra Power Plant where bicyclists would share the street with motor vehicle traffic. ~~On the north side of the railroad Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway~~ (Mitigation Measure TRANS-3a)
- The portion of Embarcadero that is south of the active UPRR tracks and between Broadway and Webster Street would be physically separated from the railroad tracks by a fence. The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or CPUC. If offset from the active track, the remaining width between the fence and the sidewalk would be used as a service access and emergency vehicle route. If offset from the third track, there would be no width for a service access or emergency vehicle route serving the Jack London Square businesses along the south side of Embarcadero West between Broadway and Webster Street. (Mitigation Measure TRANS-3a)
- Between Jefferson and Webster Streets Embarcadero West on the north side of the active UPRR tracks would remain as a public street with forced right turns at intersecting streets if the fence line separating the railroad tracks and Embarcadero

would be offset from the active track by approximately 10 feet. (Mitigation Measure TRANS-3a)

To supplement the information regarding considered and discarded transportation improvement strategies, the following bullet point is added to Draft EIR p. 4.15-148 in response to Comment I311-7-23:

Fully Grade-Separated Access -- The Capitol Corridor Joint Powers Authority has studied placing passenger and freight rail below grade in the Jack London Square area, estimating the cost at \$1.2 billion in 2016 dollars (Capitol Corridor, 2016). Given this potential project's cost and complexity, providing a fully grade separated access to the Project site was deemed infeasible in the time frame that the ballpark would be constructed. See Section 6.2.3 for discussion of an alternative to the proposed Project with a vehicular grade separation.

The following text regarding *Railroad Access* on Draft EIR p. 4.15-153 is revised as follows:

- Install fencing, while maintaining at-grade crossings, along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to Broadway Oak Street; this will reduce people crossing the railroad tracks between intersections. This change would alter Embarcadero West circulation as follows:
  - Between Market Street and Schnitzer Steel Embarcadero West would remain two-way with a signalized intersection at Market Street.
  - Between Market Street and Martin Luther King Jr. Way the street would be abandoned such that there would no longer be a motor vehicle intersection at Martin Luther King Jr. Way.
  - Between Jefferson and Webster Streets Embarcadero West on the north side of the active UPRR tracks would remain as a public street with forced right turns at intersecting streets if the fence line separating the railroad tracks and Embarcadero would be offset from the active track by approximately 10 feet.
  - The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to Washington Street (and potentially to Broadway) would be physically separated from the railroad tracks by a fence. A multi-use path would be constructed between Martin Luther King Jr. Way and Jefferson Street and between Clay Street and Washington Street (and potentially to Broadway). ~~to accommodate a multi-use path.~~ The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of

Embarcadero between Washington Street and Broadway could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. The portion of Embarcadero between Jefferson and Clay Streets would remain a vehicle access with sidewalk serving the Vistra Power Plant where bicyclists would share the street with motor vehicle traffic. ~~On the north side of the railroad Embarcadero West would remain one way westbound with forced right turns at the Jefferson, Clay, and Washington Streets as well as at Broadway. Vehicle access to the Vistra Plant could be via an extension of Water Street at Clay Street or driveway easement and used infrequently solely for site access.~~

The portion of Embarcadero that is south of the active UPRR tracks and between Broadway and Webster Street would be physically separated from the railroad tracks by a fence. The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or CPUC. If offset from the active track, the remaining width between the fence and the sidewalk would be used as a service access and emergency vehicle route. If offset from the third track, there would be no width for a service access or emergency vehicle route serving the Jack London Square businesses along the south side of Embarcadero West between Broadway and Webster Street.

- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, and Broadway, Franklin Street, Webster Street, and Oak Street with features like quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes by; this will reduce the potential for people to cross the railroad tracks when a train is approaching. The final suite of at-grade crossing improvements will be established through the GO 88-B Request (Authorization to Alter Highway Rail Crossings).

In response to Comment O29-2-24, the text on p. 4.15-177 of the Draft EIR is modified as follows:

~~The MTC model does not calculate retail-based service population VMT where service population is defined as workers plus residential population, and so . . . . MTC has not provided maps or tables of VMT other than the maps of residential VMT per capita and worker VMT per employee, and so . . . . .~~

In response to Comment O29-2-47, the text on p. 4.15-179 of the Draft EIR is modified as follows:

The Project is located adjacent to the San Francisco Bay Ferry Terminal, within a one-mile area that includes the Lake Merritt, 12th Street, and West Oakland BART Stations, the Amtrak Rail Station, and within a 10- to 15-minute walk of 13 AC Transit bus routes serving downtown and beyond. Even with these available transit services, the Project would not qualify as having a major transit stop under CEQA Section 21064.3 because the site is not fully served within 0.5 miles by rail or bus transit service. The Project would not satisfy Criterion #3, because it would meet all the following three conditions for this criterion:

- ~~The project has a FAR greater than 0.75. (Satisfied)~~
- ~~The Project allows for structured parking spaces and includes parking maximums in its development policies. As described in the Parking subsection starting on page 4.15-80, the parking maximums proposed by the Project are less than the current demand rates for similar nearby uses. (Satisfied)~~

~~The Project is located within the Downtown and Jack London Priority Development Area (PDA) as defined by Plan Bay Area and is therefore consistent with the region's Sustainable Communities Strategy. (Satisfied)~~

In response to comments received on the Draft EIR, Mitigation Measure TRANS-1a is amended as follows on Draft EIR pp. 4.15-183 through 4.15-189:

**Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan.**

This mitigation measure ~~is intended to~~ will ensure that the Project achieves a 20 percent project VTR for the non-ballpark development over conditions without a TDM Plan, as prescribed in AB 734.

A separate TDM Plan shall be prepared for each building within the non-ballpark development unless otherwise approved by the City. The building owner or their designee shall submit a Transportation and Parking Demand Management (TDM) Plan for the non-ballpark development for review and approval by the City prior to building occupancy. A draft TDM Plan is included in Draft EIR Appendix TRA. To ensure implementation of the TDM Plan, the building owners or their designees shall actively participate in a Transportation Management Association (TMA) to be established by the Project sponsor prior to occupancy of the first non-ballpark building. The TMA at a minimum covers the non-ballpark development for the site but could also cover the ballpark or additional development in Jack London District and potentially downtown.

The goals of the TDM Plan shall be the following:

- Reduce vehicle traffic and parking demand generated by the Project to achieve at least a 20% reduction in vehicle trips~~the maximum extent practicable.~~
- Prioritize pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
- Enhance the City's transportation system, consistent with City policies and programs.

The TDM Plan shall include the baseline calculations of non-ballpark development vehicle trips. These will be the baseline measurements that the TDM Plan will be measured against.

The TDM Plan shall comply with the requirements of AB 734 (Section 21168.6.7(a)(3)(A)(iii)), which states that the Project must have a TDM Plan that achieves a 20 percent reduction in vehicle trips as compared to operations absent the plan. A separate TDM Plan shall be prepared for each building in the non-ballpark development, unless otherwise approved by the City. The TDM plan for each building shall achieve the 20 percent reduction within one year after the completion of that building. The TDM Plan for each building shall include the mandatory measures identified in this measure and additional range of services and programs designed as necessary to meet the 20 percent reduction, such as providing incentives for transit usage and carpools, bicycle parking and support, signage, and real time transit information.

As stated in Table 4 of the City's *Transportation Impact Review Guidelines*, the following TDM strategies (**Table 4.15-36**) are required to be incorporated into the TDM Plan based on the project location or other characteristics. These strategies should be identified as a credit toward a project's VTR.

The performance venue shall establish a TDM Plan that incorporates traffic management strategies to minimize its traffic impact on neighboring communities, including the Seaport, that may include traffic and/or parking control offices or other personnel acceptable to the City to manage traffic at key intersections and railroad crossings.

**TABLE 4.15-36  
NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN  
CONSISTENCY WITH CITY'S TRANSPORTATION IMPACT REVIEW GUIDELINES**

Improvement	Required by Code or When ...	Required for Proposed Project?
1. Bus boarding bulbs or islands	<ul style="list-style-type: none"> <li>• A bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or</li> <li>• A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would, depending on design, provide bus boarding bulbs or islands.
2. Bus shelter	<ul style="list-style-type: none"> <li>• A stop with no shelter is located within the project frontage, or</li> <li>• The project is located within 0.10 miles of a flag stop with 25 or more boardings per day</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would include bus shelters or other, comparable amenities.
3. Concrete bus pad	<ul style="list-style-type: none"> <li>• A bus stop is located along the project frontage and a concrete bus pad does not already exist</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would incorporate concrete bus pads.
4. Curb extensions or bulb-outs	<ul style="list-style-type: none"> <li>• Identified as an improvement within site analysis</li> </ul>	<b>Yes.</b> Project would construct bulb-outs where additional pedestrian waiting space is needed at intersections and where truck and emergency access can still be accommodated (Mitigation Measure TRANS-1e).
5. Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> <li>• A buffered Class 2 or Class 4 bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and</li> <li>• The project would generate 500 or more daily bicycle trips</li> </ul>	<b>Yes.</b> Bike lanes on Martin Luther King Jr. Way between the site and 8th Street (Mitigation Measure TRANS-2b); on 7th Street between Mandela Parkway and Martin Luther King Jr. Way (Mitigation Measure TRANS-2a); on Embarcadero West, south side of the railroad tracks, between Martin Luther King Jr. Way and Washington Street and potentially to Broadway (Mitigation Measure TRANS-3a); and completed bike lanes on Washington Street between Embarcadero West and 10th Street (Mitigation Measure TRANS-2c) would constitute multiple corridor-level bikeway improvements.
6. Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> <li>• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and</li> <li>• The project would generate 400 or more peak period transit trips</li> </ul>	<b>Yes.</b> The Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c) together with bus-only lanes on Broadway to connect the Transportation Hub and the 12th Street BART Station (Mitigation Measure TRANS-1d) would constitute a corridor-level transit capital improvement,
7. Installation of amenities: lighting; pedestrian-oriented green infrastructure, trees, and greening landscape; trash receptacles per Pedestrian Master Plan and applicable streetscape plans.	<ul style="list-style-type: none"> <li>• Always required</li> </ul>	<b>Yes.</b> Pedestrian amenities to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).

**TABLE 4.15-36 (CONT.)**  
**NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN**  
**CONSISTENCY WITH CITY'S TRANSPORTATION IMPACT REVIEW GUIDELINES**

Improvement	Required by Code or When ...	Required for Proposed Project?
8. Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> <li>When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection</li> </ul>	<p><b>Yes.</b> Construct railroad safety improvements between Schnitzer Steel and <del>Broadway</del> <u>Oak Street</u> which requires CPUC approval (Mitigation Measure TRANS-3a). Pedestrian safety improvements to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).</p>
9. In-street bicycle corral	<ul style="list-style-type: none"> <li>A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.</li> </ul>	<p><b>Yes.</b> In-street bicycle corrals or bicycle parking of similar ease and density to be provided on-site.</p>
10. Intersection improvements <sup>a</sup>	<ul style="list-style-type: none"> <li>Identified as an improvement within site analysis</li> </ul>	<p><b>Yes.</b> On- and off-site intersections would be designed to address these concerns.</p>
11. New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> <li>Always required</li> </ul>	<p><b>Yes.</b> All on-site sidewalks, curb ramps, curbs, and gutters would meet current City and ADA standards.</p>
12. No monthly permits and establish minimum price floor for public parking <sup>b</sup>	<ul style="list-style-type: none"> <li>If proposed parking ratio exceeds 1:1000 sf. (commercial)</li> </ul>	<p><b>Yes.</b> <del>In commercial developments where the parking ratio exceeds 1:1,000 sq. ft., no monthly.</del> <u>Monthly permits would be prohibited offered for all publicly available spaces, and a price floor would be established for all publicly available parking.</u></p>
13. Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> <li>Optional If parking ratio exceeds 1.25 spaces per unit (residential) or 1:1000 sf. (commercial)</li> </ul>	<p><b>Yes.</b> Residential parking would be limited to 1 space per unit. Commercial developments with parking more than 1:1,000 sq. ft. could be designed with retrofitable garages.</p>
14. Parking space reserved for car share	<ul style="list-style-type: none"> <li>If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 and 200 units, then one car share space per 200 units.</li> </ul>	<p><b>Yes.</b> Project would include car share parking that meets these residential ratios and car share parking for commercial parking at one car share space per 200 parking spaces. And regularly monitor car share parking usage and adjust, as necessary.</p>
15. Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> <li>Typically required</li> </ul>	<p><b>Yes.</b> All on-site streets would be newly constructed.</p>
16. Pedestrian crossing improvements	<ul style="list-style-type: none"> <li>Identified as an improvement within site analysis</li> </ul>	<p><b>Yes.</b> New on-site streets and intersections as well as off-site transportation improvements would include the pedestrian crossing features.</p>
17. Pedestrian-supportive signal changes <sup>c</sup>	<ul style="list-style-type: none"> <li>Identified as an improvement within operations analysis</li> </ul>	<p><b>Yes.</b> All new and modified on- and off-site signals would have pedestrian supportive signal features.</p>

**TABLE 4.15-36 (CONT.)**  
**NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN**  
**CONSISTENCY WITH CITY'S TRANSPORTATION IMPACT REVIEW GUIDELINES**

Improvement	Required by Code or When ...	Required for Proposed Project?
18. Real-time transit information system	<ul style="list-style-type: none"> <li>A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better</li> </ul>	<b>Yes.</b> The Transportation Hub (Mitigation Measure TRANS-1c), each building, and the ballpark would make real time transit information available for transit serving the Hub, BART, Amtrak, and ferries.
19. Relocating bus stops to far side	<ul style="list-style-type: none"> <li>A project is located within 0.10 miles of any active bus stop that is currently on the near side</li> </ul>	<b>Yes.</b> Construct Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c). Bus stops would either have parallel pull-in or saw-tooth designs depending on Class 2 Bike Lanes and parking priorities.
20. Signal upgrades <sup>d</sup>	<ul style="list-style-type: none"> <li>Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and</li> <li>Project frontage abuts intersection with signal infrastructure older than 15 years</li> </ul>	<b>Yes.</b> All new and upgraded traffic signals, whether on- or off-site, would meet city standards in effect at the time of installation or upgrade.
21. Transit queue jumps	<ul style="list-style-type: none"> <li>Identified as a needed improvement within project operations analysis with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better</li> </ul>	<b>Yes.</b> The bus-only lanes on Broadway between Embarcadero West and 11th Street (Mitigation Measure TRANS-1d) function as transit queue jumps.
22. Trenching and placement of conduit for providing traffic signal interconnect	<ul style="list-style-type: none"> <li>Project size exceeds 100 units, 80,000 sf. retail, or 100,000 sf. commercial; and</li> <li>Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and</li> <li>A major transit improvement is identified within operations analysis requiring traffic signal interconnect</li> </ul>	<b>Yes.</b> New and modified traffic signal installations, whether on- or off-site, would be interconnected to City standards at the time of installation or upgrade.
23. Unbundled parking	<ul style="list-style-type: none"> <li>If proposed parking ratio exceeds 1.25 spaces per unit (residential)</li> </ul>	<b>Yes.</b> Residential parking would be <u>unbundled from residential leases and residential purchases, limited to 1 space per unit.</u> <del>Therefore, unbundled parking not required.</del>

## NOTES:

- a Such as visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.  
b May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.  
c Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.  
d Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.

SOURCES: City of Oakland Transportation Impact Review Guidelines, 2017.

Other TDM strategies, some of which are described in City's *Transportation Impact Review Guidelines*, that could be ~~considered~~ included for each building in the non-ballpark development as needed to meet the 20% trip reduction requirement include, but are not limited to, the following, as well as applicable strategies that may be stipulated in

Transportation Management Plan for the ballpark (Mitigation Measure TRANS-1b). The required strategies noted below shall apply to all TDM Plans for the non-ballpark development:

1. Provide long-term and short-term bicycle parking and (for commercial uses) shower and locker facilities more than the minimums set forth in chapter 17.117 of the Oakland Planning Code. (Optional)
2. Provide additional access to bikeways per the Let's Bike Oakland Plan: construction of priority bikeway projects, on-site signage, and bike lane striping. (Optional)
3. Provide additional safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. (Optional)
4. Provide additional amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan Update, the Master Street Tree List and Tree Planning Guidelines, which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively) and any applicable streetscape plan. (Optional)
5. Provide additional transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. (Optional)
6. Provide direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). (Optional)
7. Provide transit subsidy to employees ~~or~~ and residents (per bedroom) in the form of an AC Transit EasyPass (currently up to \$154.10 per year per person) or Clipper Card loaded with the equivalent of half of an AC Transit unlimited monthly pass (currently \$42.30 per month per person). (Required)
8. Provide ongoing contribution to transit service to the area between the Project and nearest mass transit station prioritized as follows: (1) Contribution to AC Transit bus service such as extending Line 6 to the Project; (2) Contribution to an existing area shuttle or streetcar service; ~~and~~ or (3) Establishment of new shuttle service with 10 minute headways during peak demand periods. ~~The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario3).~~ (Required)
9. Provide guaranteed ride home program for employees, either through 511.org or through separate program. (Optional)
10. Provide pre-tax commuter benefits (commuter checks) for employees. (Optional)

11. Provide free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. Designate at least the minimum number of on-site residential parking spaces for car-sharing (as required by Oakland Municipal Code, Section 17.116.105). (Required)
12. Provide on-site carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools. (Optional)
13. Provide information concerning alternative transportation options. (Optional)
14. Sponsor a bike share station in the project vicinity. (Optional)
15. Designate a staff person from each tenant as their TDM representative to coordinate, monitor, and publicize TDM activities that are being implemented by the building management. (Optional)
16. Designate a TDM representative for the building management that coordinates TDM strategies with residents and tenants, participates in the Transportation Management Association, and oversees the annual building TDM Plan monitoring. (Required)
17. Provide parking spaces sold/leased separately for residential units (Required) ~~(as required by Oakland Municipal Code, Section 17.116.310)~~ and for office and commercial uses (Required).
18. Charge employees for parking or provide a cash incentive or transit pass alternative to a free parking space ~~in commercial~~ for all non-residential properties. (Optional)
19. Prohibit monthly parking permits and establish a minimum price floor for publicly accessible parking. (Required)
20. Provide less parking than parking demand ~~for residential and commercial uses~~ with the following maximums at buildout: 0.85 spaces per residential unit; 2.0 spaces per ksf for office; 2.6 spaces per ksf for commercial i.e., restaurant, retail, entertainment; and 0.5 spaces per hotel unit (Required).
21. Provide shared parking opportunities and/or parking districts to optimize parking use without increasing vehicle trip reduction goals. (Optional)
22. Allow employees to work off-site. (Optional)
23. Allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). (Optional)
24. Allow employees to stagger work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. (Optional)

The TDM Plan shall include an ongoing monitoring and enforcement program to ensure that the TDM Plan is implemented on an ongoing basis during project operation. The program shall comply both with the AB 734 legislation as well as the requirements of the Oakland Municipal Code Chapter 10.68 (Employer-Based Trip Reduction Program). The TDM Plan shall also specify the topics to be addressed in an annual report as explained below. A separate TDM Plan shall be prepared for each building (unless otherwise approved by the City) prior to building occupancy.

- TDM Implementation – For VTR strategies involving physical improvements, the Project sponsor shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the Project Phase 1 unless the physical improvement is required as part of a specific building in which case the improvement must be completed prior to occupancy of the building in question. All other TDM strategies shall be implemented per each building’s TDM Plan.
- TDM Monitoring – The owner or their designee for each building of the non-ballpark development, through the TMA, shall submit an annual compliance report each year through and including the fifth year following buildout of the non-ballpark development for review and approval by the City. The annual report shall document the status and effectiveness of the TDM strategies, including the actual VTR achieved during building operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the building’s owner or their designee, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the building has failed to achieve the VTR goal, additional measures shall be implemented until the goal is met. If in two successive years, the VTR goals are not satisfied, the building’s owner or their designee shall prepare and submit for City Staff approval a Corrective Action Plan to bring the TDM Plan into conformance with VTR goals. The Corrective Action Plan shall detail the additional measures for the building to be implemented and their expected vehicle trip reduction. If the required automobile trip reduction target is still not being met one year after the Corrective Action Plan is implemented, or if the building’s owner or manager fails to submit the reports described above, or if the reports do not meet City requirements, the building will be considered in violation of the Mitigation Measure and the City may initiate enforcement action as provided for in the Project’s Conditions of Approval and Oakland Planning Code Chapter 17.152, including but not limited to imposition of a penalty, in an amount to be determined by the City, at least sufficient to fund and manage transportation improvements that would bring vehicle trips to the targeted level.

In response to comments received on the Draft EIR, Mitigation Measure TRANS-1b is amended as follows on Draft EIR pp. 4.15-193 through 4.15-197:

**Mitigation Measure TRANS-1b: Transportation Management Plan.**

The Project sponsor shall submit a draft Transportation Management Plan (TMP) for the ballpark for review and approval by the City together with its application for building

permits for the ballpark. The TMP shall incorporate by reference Mitigation Measure TRANS-1a, which shall apply to the ballpark employees. The TMP shall outline operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event. The TMP must be approved by the City prior to the issuance of the Temporary Certificate of Occupancy for the ballpark. The TMP will be a living document requiring periodic updates over time as travel patterns change because of development and changes to transportation infrastructure and operations. All revisions to the TMP shall be subject to the review and approval of the City.

The following are the City's overarching goals for the TMP:

- To ensure improvements benefit the community at large and contribute to equitable opportunities for all people and communities.
- To provide residents, workers, and visitors with safe, efficient, affordable, convenient, and reliable mobility options including public transit, walking, carpooling, and biking.
- To manage how the project interacts with the surrounding area, including residential neighborhoods, the Port of Oakland, and local industries and businesses.

The City of Oakland has prioritized walking and public transit as critical to achieving these goals. Transit will have minimal impacts on community, neighborhood and Port operations, the environment, and safely move the maximum number of people. The TMP shall have the following high-level objectives.

- ~~Minimize auto mode share to achieve at least a 20% reduction in vehicle trips. and reduce vehicle trips and parking demand generated by the project to the maximum extent practicable.~~
- Facilitate and promote safe use of non-automobile transportation by people attending and supporting ball games and other events as well as other uses on-site.
- Highlight and optimize the use of transit by attendees and employees to ball games and other events.
- Facilitate and maximize bicycle use by attendees and employees to ball games and other events.
- Facilitate a high-quality walking experience to the ballpark from adjacent neighborhoods by identifying key walking routes and major street crossing locations, so that wayfinding, infrastructure improvements, and/or personnel (e.g., traffic control officers, parking control officers, or other personnel acceptable to the City) can be located at critical points to manage the interaction of pedestrians and vehicles during medium and large events.
- Maximize safety for all transportation users at key locations in and around the ballpark and broader neighborhood during event ingress and egress.

- Minimize conflicts between ridesourcing, i.e., Lyft, Uber, and taxi operations and key transit, walking, biking, and Port truck access streets near the ballpark.
- Facilitate the safe and efficient flow of vehicle traffic into and out of the site and the adjacent neighborhoods during event and no-event conditions.
- Minimize event-related vehicular, bicycle, and pedestrian impacts to surrounding residential and commercial areas, including warehouse and industrial operations and the Port.
- Minimize conflicts with Seaport operations, including freight movement by roadway and rail.

The TMP shall include the baseline calculations of ballpark development vehicle trips, which would reflect the ballpark at the Project site absent a TMP. These will be the baseline measurements that the TMP will be measured against.

A Parking Management Plan for the ballpark shall be one component of the TMP. But the TMP shall have many other elements as described below including modal strategies addressing transit, pedestrians, bicycles, automobiles, parking, and ridesourcing, i.e., Lyft, Uber, and taxis. The TMP shall address the railroad crossings, event-day operations and communication, curb management, freight, and emergency vehicle access. The TMP shall provide the framework for monitoring, refinement, and performance standards. Refer to the Draft TMP in Appendix TRA for more details.

The TMP shall comply with requirements of AB 734 (Section 21168.6.7(a)(3)(A)(iii)), which states that the Project must have a TMP that achieves a 20 percent reduction in vehicle trips as compared to operations absent the plan. The TMP for the ballpark development shall achieve the 20 percent reduction within one year after the completion of the first baseball season. The TMP shall include mandatory measures set forth herein and a menu of additional measures to meet the 20% reduction, a menu of options including permanent infrastructure changes and operational changes designed to reduce the number of vehicle trips, including temporarily expanding the capacity of bus transit, as appropriate, to serve the baseball park events, use of traffic and/or parking control officers or other personnel acceptable to the City to manage the flow of people to and from the ballpark, and a range of services and programs to reduce vehicle trips designed to meet the 20 percent reduction, including providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information.

The City identified the following priorities for the TMP that are consistent with the City of Oakland's Transit First Policy as well as AB 734. These strategies are preferred by the City and strategies in **bold** represent strategies that are ~~expected~~ mandatory to be

implemented by opening day of the ballpark and will be adopted as specific mitigation measures (as identified below) or conditions of approval, as applicable.

1. **Extending transit service such as Line 6, 72, 72M, and 72R to and constructing the Transportation Hub on 2nd Street in coordination with AC Transit and the City of Oakland. ~~(Required as Mitigation Measure TRANS-1e)~~**
2. Additional regular AC Transit bus service connecting the Project site to Downtown, as well as the West Oakland, 12th Street, and Lake Merritt, BART stations.
3. **Bus priority lanes serving the 12th Street BART station and Downtown Oakland to increase the speed, reliability, and attractiveness of transit services. (Required as Mitigation Measure TRANS-1d)**
4. Bus priority lanes serving the West Oakland and Lake Merritt BART stations to increase the speed, reliability, and attractiveness of transit services.
5. **Supplemental shuttle service (provided by AC Transit or a private operator) to the 12th Street BART station using high capacity multidoor buses to increase frequency and capacity of transit connections to BART stations on event days.**
6. Supplemental shuttle service (provided by AC Transit or a private operator) to either the West Oakland and/or Lake Merritt BART stations using high capacity multidoor buses to increase frequency and capacity of transit connections to BART stations on event days.
7. **Pedestrian improvements along 7th Street, Market Street, Martin Luther King Jr. Way, Washington Street, ~~and Broadway~~ and 8th Street connecting the BART stations and the ballpark as well as improvements on streets serving the Transportation Hub and the Pedestrian Bridge over the railroad tracks. (Required as Mitigation Measure TRANS-1e and TRANS-3b)**
8. **Bicycle network improvements on 7th Street, Market Street, Martin Luther King Jr. Way, Washington Street, and 2nd Street. (Required as Mitigation Measure TRANS-2a, TRANS-2b, and TRANS-2c)**
9. **Wayfinding between the West Oakland BART station and the ballpark via 7th Street, between the 12th Street BART station and the ballpark via Broadway and Washington Street, and between the Lake Merritt BART station and the ballpark via 8th Street.**
10. **At-grade railroad crossing improvements along the project's frontage and extending to ~~Broadway~~ Oak Street. (Required as Mitigation Measure TRANS-3a and TRANS-3b)**
11. Transit subsidies to provide ~~free or~~ reduced cost transit (for example equivalent to an average roundtrip BART fare at 12<sup>th</sup> Street BART station which is currently \$6.70) for ballpark attendees and/or employees ~~particularly at the Transportation Hub on 2nd Street.~~

12. **No parking subsidies for ballpark employees and contractors.**
13. **A combination of standard, secure, and valet bicycle parking at multiple locations, identified in collaboration with OakDOT.**
14. **Identification of geofenced micromobility parking (such as scooters and bike share), as well as priority and coordination for on-site and/or site-adjacent shared micromobility services identified in collaboration with OakDOT.**
15. **Coordination with transit providers to provide timed transit service before and/or after the game or event, including but not limited to AC Transit, BART, Amtrak, and WETA.**
16. **~~Agreements~~Coordination between the City, A's and TNC operators (such as Lyft and Uber) to use geofencing or similar methods to restrict pick-up and drop-off zones to designated locations significantly farther from the ballpark than bus transit and shared micromobility options.**
17. **Enforcement of local access restrictions to limit circulation of vehicles other than local traffic within the neighborhoods adjacent to the Project site before, during, and after ballgames.**
18. Implementation of TNC fee (through private agreements between A's and TNC operators) for access to designated locations to limit demand to support VTR goals.
19. **Implementation of the Parking Management Plan titled *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan to manage* Coordination with OakDOT on management of the off-site parking garages within at least one mile of the Project site.**
20. **Implementation of the Parking Management Plan titled *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan to manage* Coordination with OakDOT on the management of on-street parking on-site and in adjacent neighborhoods within at least one mile of the Project site, including the implementation of RPPs, through the Oak Park parking plan.**
21. Further reduction of on-site parking as needed to achieve VTR goals.
22. Additional measures and technology. With approval from the City of Oakland, the TMP may include additional or substitute measures and technology to reduce Project-generated trips that are not currently known or available, provided that the VTR plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, are consistent with the City's various published plan documents, as amended, and meet the City's policy goals and values.
23. **The A's shall actively market and disseminate information to employees, ballpark attendees, and contractors regarding travel to and from the ballpark events such as carpooling, reserving parking, using AC Transit, BART, bicycling, and bikeshare, as well as other non-auto modes and services. Active**

**marketing campaigns shall be coordinated with transit providers and other local groups as appropriate and may include “event” days that celebrate and promote specific non-auto travel modes.**

**24. Provide BART personnel or other personnel acceptable to BART to manage pre- and post-event attendees accessing the West Oakland, 12<sup>th</sup> Street, and Lake Merritt BART stations to ensure safe and efficient access for all people traveling to and from ballpark events through the BART stations.**

**25. Provide Traffic Control Officers or other personnel acceptable to the City of Oakland to manage pre- and post-event attendees to ensure safe and efficient access for all people traveling to and from ballpark events.**

The TMP shall include an ongoing monitoring and enforcement program to ensure that the TMP is implemented on an ongoing basis during project operation. The program shall comply with the AB 734 legislation.

- **TMP Implementation of Physical Improvements** –For VTR strategies involving physical improvements, the Project sponsor shall obtain the necessary permits/approvals from the City and install the improvements prior to opening day of the ballpark. Functionally equivalent interim measures may be considered by the City in circumstances where such measure are needed to address unforeseen construction delays to off-site improvements.
- **TMP Implementation Inaugural Events** – The Project sponsor shall work with a designated team of ballpark and city and Port staff to establish, implement, monitor, debrief, and adjust the TMP during each ballpark event until the transportation patterns are established. Once transportation patterns are established the designated team shall meet quarterly the first two years, and at least annually thereafter, to coordinate transportation efforts and adjust, remove, or add measures to refine the TMP.
- **TMP Monitoring** – The Project sponsor shall follow the monitoring and performance requirements described in the TMP. Annual compliance reporting will be required each year that the ballpark is in operation and be submitted for review and approval by the City. The annual report shall document the status and effectiveness of the TMP, including but not limited to the actual VTR achieved by the Project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the Project sponsor, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the Project sponsor has failed to implement the TMP, or if the reports do not meet City requirements, the Project sponsor will be considered in violation of the Mitigation Measure and the City may initiate enforcement action as provided for in the Project’s Conditions of Approval and Oakland Planning Code Chapter 17.152, including but not limited to imposition of a penalty, in an amount to be determined by the City, at least sufficient to fund and manage transportation improvements that would bring vehicle trips to the targeted level.

The following text is revised in the first paragraph of Mitigation Measure TRANS-1e on Draft EIR p. 4.15-198:

**Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway.**

Unless transit lanes have already been installed, the Project sponsor shall implement bus-only lanes on Broadway generally between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane while maintaining the existing vehicle throughput at the 5th and 6th Street intersections particularly to the Webster Tube. The mitigation measure shall include the following measures to support the bus-only lanes and shall be completed and in operation prior to opening day of the ballpark.

The following text is added as the third bullet of Mitigation Measure TRANS-1e, on Draft EIR p. 4.15-199:

- Unless another street that directly connects the Lake Merritt BART station and Broadway is identified and agreed upon by the City, upgrade the sidewalk on both sides of 8th Street between Oak Street and Washington Street to provide minimum 8-foot clear space at fixed sidewalk obstacles; maximize sidewalk waiting areas within 20 to 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; daylight intersections and driveways with red curb per City guidance; and provide pedestrian wayfinding signage to direct patrons to the ballpark.

In response to Comment O-62-61, the last paragraph on Draft EIR p. 4.15-201 under Impact TRANS-2 is revised as follows:

There are three corridors, Adeline Street and Market Street and Broadway, where planned transportation improvements described in adopted plans would potentially conflict with the Project's transportation improvements, illustrated in **Figure 4.15-47**. In each case as noted in the table, the Project and its planned components include transportation improvements, i.e., Mitigation Measures that resolve the conflict by providing an alternative solution to the planned transportation improvement. These measures are also consistent with the intent of the Bike Plan, which states: "The Oakland Athletics are currently proposing to relocate their ballpark to Howard Terminal. This unique nature of this proposed project may necessitate adjustments to this Bike Plan network to balance competing game-day demands on surrounding streets, including but not limited to Broadway, Market Street, Martin Luther King Jr. Way, Embarcadero West, and 3rd Street. While precise street segments on the Bike Network may change to accommodate these demands, high quality bicycle facilities to and from the ballpark will be incorporated in both the Howard Terminal project design and any revisions to the network envisioned herein to ensure safe and sustainable transportation to and from the waterfront."

In response to Comment A-12-15, the following measures are added under the row “West Oakland Community Action Plan” in Draft EIR Table 4.15-41 on p. 4.15-226:

**TABLE 4.15-41**  
**CONSISTENCY ANALYSIS**  
**LIST OF PLANNED IMPROVEMENTS TO THE TRANSPORTATION NETWORK WITHIN THE STUDY INFLUENCE AREAS**  
**(FIGURE 4.15-1 THROUGH FIGURE 4.15-4)**

<b>West Oakland Community Action Plan</b>			
West Oakland BART Station	BART will develop a bike station with controlled access at the West Oakland BART Station.	None	N/A
<u>West Oakland BART Station</u>	<u>Strategy 38: The City of Oakland, consistent with the West Oakland Truck Management Plan: (1) improves training for police officers, community resource officers, and parking control technicians who issue truck and trailer parking tickets; (2) changes the parking regulations so they are easier to enforce; (3) increases truck parking fines; (4) targets enforcement at specific times and locations; and (5) improves signage directing drivers to available truck parking.</u>	<u>None</u>	<u>N/A</u>
<u>West Oakland BART Station</u>	<u>Strategy 39: The City of Oakland, consistent with the West Oakland Truck Management Plan: (1) improves signage regarding existing truck routes; (2) works with businesses on preferred routes to use when destinations are not located on truck routes; and (3) adds to, or changes, truck routes and prohibited streets.</u>	<u>None</u>	<u>N/A</u>
<u>West Oakland BART Station</u>	<u>Strategy 40: The City of Oakland, consistent with the West Oakland Truck Management Plan, implements, in consultation with West Oakland residents, traffic calming measures to keep truck traffic off residential streets.</u>	<u>None</u>	<u>N/A</u>
<u>West Oakland BART Station</u>	<u>Strategy 56: The City of Oakland implements the broad array of bicycle and pedestrian improvements identified in the West Oakland Specific Plan, the 2019 Oakland Bike Plan, and the 2017 Oakland Walks Pedestrian Plan.</u>	<u>None</u>	<u>N/A</u>

Text in the second paragraph of Draft EIR p. 4.15-234 is revised as follows:

There were six instances during the week when the gates were down at both crossings for freight trains with the longest being about 19 minutes and the shortest being about 7 minutes. Site employees, residents, and visitors who drove would not be able to exit the site via their car during times when both the Market Street and Martin Luther King Jr. Way at-grade crossings are blocked by a train. Grade separation would allow site employees, residents, and visitors who drove to exit the site via their car when both at-grade crossings are blocked. However, the EVA connecting the site with Middle Harbor Road at Adeline Street would provide emergency access when needed.

In response to Comment A-8-16, the third paragraph on Draft EIR p. 4.15-234 is revised as follows:

According to the Capitol Corridor Joint Powers Authority, when an accident occurs at a railroad crossing, response by emergency and other medical responders, as well as railroad track inspectors, can result in closure of tracks and crossings for multiple hours. According to Federal Railroad Administration Highway-Rail Grade Crossing Accident/Incident Reports (n.d.), there was a cluster of collisions (18) at the at-grade crossings and Embarcadero West in the 1970s followed by an extended period, 1980 through 1998, where there were only a few collisions (5). Between 1999 and 2009 there was another cluster of collisions (13) with few collisions (2) occurring since 2009. The historic crash frequency is no guarantee of future trends. The lack of crashes for extended periods is not indicative of the heightened safety concerns raised by railroad operators and people working in, living in, and visiting Jack London District. The railroad segment through Jack London District is unique in California in that passenger and freight trains operate within an urban street sharing the rail right-of-way with motor vehicles, bicycles, and pedestrians; where railroad crossing controls and protection are minimally provided at public street at-grade crossings but no features exist that preclude people from crossing mid-block or turning left across the railroad tracks even when crossing controls are activated.

Mitigation Measure TRANS-3a on p. 4.15-236 of the Draft EIR is expanded and updated as follows:

**Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements.**

Subject to obtaining necessary approvals from CPUC and other responsible agencies, the Project sponsor shall install at-grade railroad crossing improvements including fencing and railroad crossing features to enhance multimodal safety along and across the railroad tracks including elements that would facilitate a Quiet Zone (if pursued by others) designation through Jack London District. The mitigation measure would substantially improve safety along the railroad corridor and shall include the measures like those listed below.

- Install fencing along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to ~~Broadway~~ Oak Street. This change would alter Embarcadero West circulation as follows:
  - Between Market Street and Schnitzer Steel Embarcadero West would remain two-way with a signalized intersection at Market Street.
  - Between Market Street and Martin Luther King Jr. Way the street would be abandoned such that there would no longer be a motor vehicle intersection at Martin Luther King Jr. Way.
  - Between Jefferson and Webster Streets, Embarcadero West on the north side of the active UPRR tracks would remain as a public street if the fence line separating the railroad tracks and Embarcadero would be offset from the active track by approximately 10 feet.
  - The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to ~~Washington Street (and potentially to Broadway)~~ would be physically separated from the railroad tracks by a fence. A multi-use path would be constructed between Martin Luther King Jr. Way and Jefferson Street and between Clay Street and Washington Street (and potentially to Broadway) to accommodate a multi-use path. The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and Broadway and potentially Oak Street could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. The portion of Embarcadero between Jefferson and Clay Streets would remain a vehicle access with sidewalk serving the Vistra Power Plant where bicyclists would share the street with motor vehicle traffic. ~~On the north side of the railroad Embarcadero West would remain one-way westbound with forced right turns at Jefferson, Clay, and Washington Streets as well as at Broadway. Vehicle access to the Vistra Plant could be via an extension of Water Street at Clay Street or driveway easement and used infrequently solely for site access.~~

The portion of Embarcadero that is south of the active UPRR tracks and between Broadway and Webster Street would be physically separated from the railroad tracks by a fence. The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third

track by approximately 10 feet, or the minimum allowable by UPRR and/or CPUC. If offset from the active track, the remaining width between the fence and the sidewalk would be used as a service access and emergency vehicle route. If offset from the third track, there would be no width for a service access or emergency vehicle route serving the Jack London Square businesses along the south side of Embarcadero West between Broadway and Webster Street.

- Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, ~~and Broadway~~, Franklin Street, Webster Street, and Oak Street with features like quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes by.
- Install a traffic signal at the Market Street at-grade crossing and its intersection with Embarcadero West as well as a traffic signal on Market Street at 3rd Street. These signals would be part of the railroad preemption system<sup>25</sup> and include queue cutter loops<sup>26</sup> on Market Street that would be tied to both traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3rd Street that are activated during railroad preemption.
- While there is no motor vehicle intersection at the Martin Luther King Jr. Way at-grade crossing, install a traffic signal at the at-grade crossing as well as traffic signals at 2nd Street where left turns would be prohibited and at 3rd Street where a left-turn lane would be provided to separate left turning and through movement traffic. These signals would be part of the railroad preemption system and include a queue cutter loop on Martin Luther King Jr. Way that would be tied to all three traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3rd Street that are activated during railroad preemption.

The Project sponsor shall be responsible for undertaking the necessary Diagnostic Study based, in part, on the suite of improvements described above and coordinating with the City, CPUC and affected railroads and obtaining all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings), and constructing the at-grade improvements prior to opening day of the ballpark. The final suite of at-grade crossing improvements shall be established through the GO 88-B Request.

Mitigation Measure TRANS-4 on p. 4.15-241 of the Draft EIR is updated as follows:

**Mitigation Measure TRANS-4: Construction Management Plan.**

The Project sponsor and general contractor shall prepare a Construction Management Plan (CMP) and the plan shall be submitted to the City of Oakland for review and approval prior to the City issuing the first construction-related permit. The Plan shall be reviewed by the City's Bureau of Planning and Bureau of Building Department, Fire Department, Department of Transportation, Public Works Department, and others as needed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Mitigation Measures (and additional conditions of approval if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. In order to minimize site grading, infrastructure and ballpark construction impacts on access for nearby residences, institutions, and businesses, the Project sponsor shall provide nearby residences and businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours, excavation), and travel lane closures via a website and/or quarterly construction update meetings with neighbors.

## 7.22 Changes to Section 4.16: Utilities

In response to Comment A-5-7, the third paragraph on Draft EIR p. 4.16-14 is revised as follows:

For new development or redevelopment, the ordinance requires the installation and testing of sewer laterals to document that no I/I enters the wastewater flows. In addition, new development or redevelopment must meet the requirement of EBMUD's Wastewater Control Ordinance (Ord. No. 355-11 as amended by Ord. No. 358-13 on August 22, 2013) to go through an application and approval process to ensure the compliance of the quantity, quality, and flow of wastewater and industrial water entering EBMUD's wastewater conveyance system.

In response to Comment A-5-8, on Draft EIR p. 4.16-21, the following text is added below the Port of Oakland Ordinance No. 4311 discussion:

**Port Ordinance No. 4474**

Port Ordinance No. 4474 adopts by reference Oakland Municipal Code Sections 13.08.590 through 13.08.620, with certain modifications that require Port tenants to comply with the private sewer lateral regulations established by the City and EBMUD whenever a Port tenant's actions trigger the application of those ordinances, including the responsibilities of inspecting, maintaining, repairing, and replacing sewer laterals.

“Mitigation Measure Effectiveness” is added following Mitigation Measure UTIL-1 on Draft EIR p. 4.16-37:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure UTIL-1 would ensure that the Project sponsor would be required to provide a final design Sewer System Impact Analysis to the City and pay funds necessary to improve the sanitary sewer system to accommodate any net increase in wastewater flows from the Proposed Project. Mitigation Measure UTIL-1 would ensure that all funding and improvements would be made to the sanitary sewer system prior to the wastewater flows exceeding the City-projected conveyance flows in the system.

In response to Comment A-5-10, Mitigation Measure UTIL-1 on Draft EIR p. 4.16-37 is revised as follows:

**Mitigation Measure UTIL-1: Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis.**

Prior to approval of any construction related permits, the Project sponsor shall prepare and submit a Sanitary Sewer Impact Analysis to the City and EBMUD for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines and EBMUD’s Wastewater Control Ordinance, respectively. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City- or EBMUD-projected increases in wastewater flow in the sanitary sewer system, the Project sponsor shall pay the Sanitary Sewer Impact Fee in accordance with the City’s Master Fee Schedule for funding improvements to the sanitary sewer system.

“Mitigation Measure Effectiveness” is added following Mitigation Measure UTIL-2 on Draft EIR p. 4.16-39:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure UTIL-2 would ensure that the Project’s stormwater treatment design features would meet the City’s Storm Drainage Design Standards and Guidelines and ensure a reduction in the velocity and volume of stormwater runoff compared to existing conditions entering the City’s drainage system. Mitigation Measure UTIL-2 would ensure the City’s review and approval of the Project’s stormwater treatment design feature prior to construction.

In response to Comment A-5-11, the second paragraph on Draft EIR p. 4.16-40 is revised as follows:

In addition, CALGreen standards, the City of Oakland Green Building Ordinance, Sustainable Green Building Requirements for Private Development and Water Efficient

Landscape Requirements found in Chapter 18.02 of the Oakland Municipal Code would further reduce water demand from the proposed Project. Considering all of this information, EBMUD has determined that the additional water demand from the proposed Project would be within the forecasted planning horizon and that water demands would be met with existing and future water rights and entitlements. Further, recycled water pipelines would be installed for use in landscape irrigation and flushable fixtures with mains connected to EBMUD recycled water mains. If EBMUD Recycled Water Master Plan Phase 1B is not installed prior to construction of water supply infrastructure on the Project site, recycled water mains would be installed and temporarily connected to the proposed Project domestic water system until EBMUD Phase 1B improvements are complete, after which the proposed Project water system would be connected to the Phase 1B water main and disconnected from the domestic water system.

“Mitigation Measure Effectiveness” is added following Mitigation Measure UTIL-3 on Draft EIR p. 4.16-43:

**Mitigation Measure Effectiveness**

Implementation of Mitigation Measure UTIL-3 would ensure that Project construction would not be approved until the Project drawings contain the locations and sizes of recycling collection and storage areas that meet the residential and non-residential standards defines in the City’s Recycling Space Allocation Ordinance. Mitigation Measure UTIL-3 would ensure that there is sufficient capacity for the collection and storage of all recycled materials on the Project site.

## **7.23 Changes to Section 4.17: Effects Found Not to Be Significant**

No changes are made to Section 4.17, *Effects Found Not to Be Significant*, of the Draft EIR.

## **7.24 Changes to Chapter 5: Variants**

The third sentence of the third paragraph on Draft EIR p. 5-7 is revised in response to modifications to the Peaker Power Plant Variant:

The Project sponsor is seeking to acquire the Peaker Power Plant; if it does so, the variant would include both interior and exterior modifications to the building. The interior modifications would include a battery storage facility. The exterior modifications would include shortening the existing west wings of the building.

The last sentence on Draft EIR p. 5-13 is revised in response to modifications to the Peaker Power Plant Variant:

As a result, a high volume of pedestrian foot-traffic is anticipated where the southern portions of the east and west wings currently exist. These west wing isare proposed for modification as described below.

The heading on Draft EIR p. 5-14 is revised in response to modifications to the Peaker Power Plant Variant:

### ***West Wing Detail and Modifications***

Two building sections form the west wing of the Peaker Power Plant, which faces MLK Jr. Way.

The heading and text starting at the bottom of Draft EIR p. 5-14 is revised in response to modifications to the Peaker Power Plant Variant:

### ***East Wing ModificationsDetail***

The building sections at 75 and 51 Jefferson Street form the east wing and were constructed in 1912–1914 and 1928, respectively. See Figure 5-7 for the building address and age information. The east wing is in relatively good condition, showing few signs of deterioration. The façades facing Embarcadero West (north) and Jefferson Street (east) are monumental elevations and are designed to appear as one-story buildings with oversized features that do not reflect the actual multi-story height of the building (see Figure 5-3). Under the Peaker Power Plant Variant, the ~~building section identified as 75 Jefferson Street~~east wing would remain in use as part of a new power generation facility; however, the building section identified as 51 Jefferson Street (the southernmost portion of the east wing) would be removed to accommodate the new public plaza proposed to the south. The exterior appearance of the remaining building would be retained and rehabilitated in conformance with the Secretary’s Standards, and ~~the transom windows would be repaired and refurbished; and similar to the west wing, a new end wall would be constructed to be distinguishable from, yet compatible with, the character of the remaining historic structure.~~

The following text on Draft EIR p. 5-15 is revised in response to modifications to the Peaker Power Plant Variant:

### ***West Wing and Courtyard***

With conversion of the building to battery storage and the removal of ~~a~~portions of the ~~east and~~west wings, the majority of the building and the area enclosed by its wings and replaced south wall of the west wing would still be used as a power plant. However, as shown conceptually in Figure 5-3, the transformed and newly available spaces created

from the reduced ~~east and~~ west wings and south of the power plant wall – fronting Athletics’ Way, the ballpark, and the waterfront – would have indoor and outdoor amenities for public use, including retail and dining establishments, such as a restaurant or bar, informal outdoor seating, and landscaping areas.

The following revision is made to the text at the top of Draft EIR p. 5-24 to reflect changes to the mitigation measure title:

(Diesel Backup Generator Specifications); AIR-2d (Diesel Truck Emission Reduction); and AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan), as well as Transportation Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.

The following revision is made to the bottom of Draft EIR p. 5-32 and top of p. 5-33 to reflect changes to the mitigation measure title:

...AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants),...

The following revision is made on Draft EIR p. 5-37 to reflect changes to the mitigation measure title:

As such, the same mitigation measures for the Project would be required for the Peaker Power Plant Variant. These include Mitigation Measures AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), AIR-4a (Install MERV16 Filtration Systems), AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), and AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan), as well as Transportation Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.

The following text on Draft EIR p. 5-39 is revised in response to modifications to the Peaker Power Plant Variant:

## **Biological Resources**

The Peaker Power Plant Variant would result in the *same biological resources impacts and mitigation measures* as identified for the proposed Project. The modifications proposed to the ~~east and~~ west wings of the historic 601 Embarcadero West building (a

contributor to the PG&E Station C API), demolition of the fuel storage tank, and subsequent construction of new buildings would occur near existing street trees and buildings that have been vacant or infrequently used. Therefore, the variant may affect protected nesting birds or special-status or protected bats, or protected trees that exist adjacent to the variant site, the same as described for the proposed Project. Mitigation measures identified in Section 4.3 would reduce this impact to less than significant. No new or changed impacts or mitigation measures would be required.

The following text on Draft EIR p. 5-40 is revised in response to modifications to the Peaker Power Plant Variant:

**Impact CUL-8: The proposed Project, with the Peaker Power Plant Variant, would directly impact a historic resource by removing a portions of the east and west wings of the building at 601 Embarcadero West. (Criterion 1) (*Significant and Unavoidable with Mitigation*)**

Removal of portions of the east and west wings would alter the existing design of 601 Embarcadero West. The building is recognized as a contributor to the PG&E Station C API and has been given an Oakland Cultural Historic Survey rating of A1+ for its architecture and its association with the industrial history of Oakland (see Appendix CUL-1). Character-defining features of the PG&E Station C API include:

The second paragraph on Draft EIR p. 5-41 is revised in response to modifications to the Peaker Power Plant Variant:

This variant would remove portions of the building (~~51 Jefferson Street, constructed in 1928, and 64 MLK Jr. Way, constructed ca. 1889~~). The sections slated for demolition ~~are~~ is the southernmost portions of the ~~two west~~ wings. ~~These~~ This wings ~~are~~ is a secondary façades, fronting industrial lots that once contained related functions of PG&E Station C, and form part of its characteristic U-shaped configuration. Loss of this portion would still retain this overall geometry but would shorten the west wings and reduce the footprint of the building.

The last two paragraphs on Draft EIR p. 5-41 are revised in response to modifications to the Peaker Power Plant Variant:

However, while all other character-defining features would remain intact, the footprint of the building would be altered and the monumental size of the building would be diminished. Alterations that demolish or materially alter in an adverse manner those physical characteristics of a resource that convey its historical significance would materially impair the significance of the historic resource (CEQA Section 15064.5(2)), resulting in a significant impact. Demolition of a portions of ~~both the east and~~ west wings would result in a loss of historic fabric and would constitute just such a significant impact. CEQA provides provisions to potentially mitigate impacts on historic resources to less than

significant if they follow the Secretary's Standards (CEQA Section 15064.5(3)); in this case, however, incorporating the Secretary's Standards would not mitigate the loss of the building section located at 601 Embarcadero West. Therefore, the Peaker Power Plant Variant would result in a *significant and unavoidable impact* on the historic resource.

Although the loss of a portions of the west wings cannot be mitigated to a less-than-significant level, the following mitigation measures would lessen the impacts of new construction to the greatest extent possible.

The following text on Draft EIR p. 5-42 is revised in response to modifications to the Peaker Power Plant Variant:

**Mitigation Measure CUL-6a: Peaker Power Plant – HABS Documentation (Level II).**

Prior to demolition of a portion of the building sections located at 601 Embarcadero West, the entire building shall be recorded to the standards required by the Historic American Buildings Survey – Level II. Copies of the documentation shall be deposited locally in the Oakland History Room at the Oakland Public Library and other locations as determined by the City of Oakland.

**Mitigation Measure CUL-6b: Peaker Power Plant – Secretary of the Interior's Standards Compliance Analysis.**

Prior to demolition, architectural plans for the new end walls on the shortened ~~east and~~ west wings and other modifications to the building shall be reviewed by a professional meeting the Secretary of the Interior's Professional Qualification for Architectural History and/or Historic Architecture to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation. The professional's findings and recommendations shall be subject to review and approval by the City. The findings of this review shall be documented in a Standards Compliance Report.

**Significance after Mitigation:** Significant and Unavoidable.

The following text on Draft EIR p. 5-42 is revised in response to modifications to the Peaker Power Plant Variant:

**Impact CUL-3.CU: The Project, in combination with the Peaker Power Plant Variant, would contribute to a citywide cumulative impact on cultural and historic resources identified in the Downtown Oakland Specific Plan EIR through the loss of a portion of the historic west wings of the Peaker Power Plant. (*Significant and Unavoidable with Mitigation*)**

The following revision is made to the last paragraph on Draft EIR p. 5-45 to reflect changes to the mitigation measure title:

Implementing Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) would avoid inefficient use of energy by requiring newer, more efficient off-road construction equipment; Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel use in trucks by reducing truck idling and requiring electric hook-ups for loading docks; and Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan) would incorporate a wide variety of emissions reduction measures into the Project design before the start of construction, which would further reduce energy use associated with operations (although the specific measures to be implemented are currently not known).

The following text on Draft EIR p. 5-49 is revised in response to modifications to the Peaker Power Plant Variant:

This variant would involve the same land uses (specifically residential, commercial, and open space) and construction and excavation activities previously considered in the analysis of the proposed Project. The variant would demolish portions of the existing west wings of the power plant, which ~~are~~ likely to contain hazardous materials such as lead and asbestos, and would also demolish the existing fuel storage tank. These activities would not otherwise occur with the proposed Project and were therefore not previously considered.

The following revisions are made on Draft EIR p. 5-51 to reflect changes to mitigation measure titles:

**Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAPRAW, LUCs, and Associated Plans.** (See Section 4.8, *Hazards and Hazardous Materials*)

**Mitigation Measure HAZ-b: Compliance with Approved RAPRAW, LUCs, and Associated Plans.** (See Section 4.8, *Hazards and Hazardous Materials*)

The first sentence of paragraph four on Draft EIR p. 5-54 is revised in response to modifications to the Peaker Power Plant Variant:

With modifications of the power plant's west wings and construction at the fuel storage tank site, the proposed Project with the Peaker Power Plant Variant would redistribute, but not change or increase, development and uses proposed as part of the Project.

The following text is revised in the second paragraph on Draft EIR p. 5-55 is revised in response to modifications to the Peaker Power Plant Variant:

## Transportation and Circulation

The Peaker Power Plant Variant would result in the *same transportation and circulation impacts and mitigation measures* as identified for the proposed Project. Access to the Peaker Power Plant Variant site would be provided along Embarcadero West or through development block #18 as an easement, or through the combination of the blocks. With modifications of the power plant's west wings and construction at the fuel storage tank site, the proposed Project with the Peaker Power Plant Variant would redistribute, but not change or increase, development and uses proposed as part of the Project.

The following text is revised in the last paragraph on Draft EIR p. 5-55 is revised in response to modifications to the Peaker Power Plant Variant:

- *Impact CUL-8*, related to the demolition of a portions of both the east and west wings of the Peaker Power Plant building and the resulting loss of historic fabric. Although the loss of a portions of the west wings cannot be mitigated to a less-than-significant level, new Mitigation Measures CUL-6a (Peaker Power Plant – HABS Documentation [Level II]) and CUL-6b (Peaker Power Plant – Secretary of the Interior's Standards Compliance Analysis) would lessen the impacts of new construction to the greatest extent possible. However, the impact would remain significant and unavoidable.

The following revision is made to the second paragraph on Draft EIR p. 5-98 to reflect changes to the mitigation measure title:

Thus, the Aerial Gondola Variant would require the same mitigation measures as the Project: Mitigation Measures AIR-2a (Use Low and Super-Compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions); AIR-2b (Promote Use of Green Consumer Products); AIR-2c (Diesel Backup Generator Specifications); AIR-2d (Diesel Truck Emission Reduction); and AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan).

The following revision is made to the last paragraph on Draft EIR p. 5-105 to reflect changes to the mitigation measure title:

Thus, the Aerial Gondola Variant would require the same mitigation measures as the Project: Mitigation Measures AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air

Contaminants), AIR-4a (Install MERV16 Filtration Systems), AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), and AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan), as well as Transportation

The following revision is made to the first paragraph on Draft EIR p. 5-109 to reflect changes to the mitigation measure title:

Thus, the Aerial Gondola Variant would require the same mitigation measures as the Project: Mitigation Measures AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), AIR-4a (Install MERV16 Filtration Systems), AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), and AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan) as well as Transportation Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b.

The following revision is made to the last paragraph on Draft EIR p. 5-120 to reflect changes to the mitigation measure title:

Implementing Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) would avoid the inefficient use of energy by requiring newer, more efficient off-road construction equipment; Mitigation Measure AIR-2d (Diesel Truck Emission Reduction) would reduce diesel fuel use in trucks by reducing truck idling and requiring electric hook-ups for loading docks; and Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan) would incorporate a wide variety of emissions reduction measures into the Project design before the start

The following revision is made to the Impact CUL-8 row in Table 5-24 on Draft EIR p. 5-143 in response to modifications to the Peaker Power Plant Variant:

<p><b>Impact CUL-8:</b> The proposed Project, with the Peaker Power Plant Variant, would directly impact a historical resource through removal of <u>a</u> portions of the east and west wings of the building at 601 Embarcadero West. (Criterion 1) (<i>Significant and Unavoidable with Mitigation</i>)</p>	<p><b>Mitigation Measure CUL-6a: Peaker Power Plant – HABS Documentation (Level II).</b></p> <p>Prior to demolition of <u>a</u> portions of the building sections located at 601 Embarcadero West, the entire building shall be recorded to the standards required by the Historic American Buildings Survey – Level II. Copies of the documentation shall be deposited locally in the Oakland History Room at the Oakland Public Library and other locations as determined by the City of Oakland.</p> <p><b>Mitigation Measure CUL-6b: Peaker Power Plant – Secretary of the Interior’s Standards Compliance Analysis.</b></p> <p>Prior to demolition, architectural plans for the new end walls on the shortened east and west wings and other modifications to the building shall be reviewed by a</p>	<p>Significant and Unavoidable</p>
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	<p>professional meeting the Secretary of the Interior's Professional Qualification for Architectural History and/or Historic Architecture to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation. The professional's findings and recommendations shall be subject to review and approval by the City. The findings of this review shall be documented in a Standards Compliance Report.</p>	
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The following revision is made to the Impact CUL-3.CU row in Table 5-24 on Draft EIR p. 5-144 in response to modifications to the Peaker Power Plant Variant:

<p><b>Impact CUL-3.CU:</b> The Project, in combination with the Peaker Power Plant Variant, would contribute to a citywide cumulative impact on cultural and historic resources identified in the Downtown Oakland Specific Plan EIR through the loss of a portion of the historic west wing of the Peaker Power Plant. <i>(Significant and Unavoidable with Mitigation)</i></p>	<p><b>Mitigation Measure CUL-6a (Peaker Power Plant – HABS Documentation [Level II]).</b> (See Impact CUL-8)</p> <p><b>Mitigation Measure CUL-6b (Peaker Power Plant – Secretary of the Interior's Standards Compliance Analysis).</b> (See Impact CUL-8)</p>	<p>Significant and Unavoidable</p>
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The following revision is made to the Impact HAZ-4 row in Table 5-24 on Draft EIR p. 5-146 to reflect changes to the mitigation measure titles:

<p><b>Impact HAZ-4:</b> The proposed Project, with the Peaker Power Plant Variant, would have the potential to encounter hazardous materials, which could create a significant hazard to the public or the environment. (Criterion 5) <i>(Less than Significant with Mitigation)</i></p>	<p><b>Mitigation Measure HAZ-2: Peaker Power Plant Fuel Tank Decommissioning and Training/Oversight.</b></p> <p>Prior to demolition or removal of the fuel tank, the Project sponsor shall have the fuel tank parcel decommissioned, subject to the oversight and inspection of the Oakland Fire Department. The decommissioning activity shall be performed by qualified personnel trained and certified in environmental health and safety procedures pursuant to Occupational Safety and Health Administration training requirements in Code of Federal Regulations Title 29, Section 1910.120, Hazardous Waste Operations and Emergency Response, including appropriate training for enclosed space activities. The Project sponsor shall ensure that full-time observation under a site management plan occurs during actual removal of the tank to determine whether evidence of subsurface impact is present.</p> <p><b>Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Section 4.8, Hazards and Hazardous Materials)</p> <p><b>Mitigation Measure HAZ-1b: Compliance with Approved <u>RAPRAW</u>, LUCs and Associated Plans.</b> (see Section 4.8, Hazards and Hazardous Materials)</p> <p><b>Mitigation Measure HAZ-1c: Health and Safety Plan.</b> (see Section 4.8, Hazards and Hazardous Materials)</p> <p><b>Mitigation Measure HAZ-1d: Hazardous Building Materials.</b> (see Section 4.8, Hazards and Hazardous Materials)</p>	<p>Less than Significant</p>
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## 7.25 Changes to Chapter 6: Alternatives

The following text on Draft EIR p. 6-6 is revised in response to modifications to the Peaker Power Plant Variant:

**Impact CUL-8: Peaker Power Plant Partial Demolition (Peaker Power Plant Variant)** – The proposed Project, with the Peaker Power Plant Variant, would directly impact a historic resource by removing a portions of the east and west wings of the building at 601 Embarcadero West. Mitigation Measures CUL-6a and CUL-6b would reduce the severity of this impact, which would nonetheless remain significant and unavoidable.

**Impact CUL-3.CU: Cumulative Impact/Peaker Power Plant Modifications (Peaker Power Plant Variant)** – The Project, in combination with the Peaker Power Plant Variant and development anticipated under the DOSP, would contribute to a citywide cumulative impact on cultural and historic resources identified in the DOSP EIR through the loss of a portion of the historic west wings of the Peaker Power Plant. Mitigation Measures CUL-6a and CUL-6b would reduce the severity of this impact, which would nonetheless remain significant and unavoidable.

The first paragraph about Air Quality impacts on p. 6-14 of the Draft EIR is modified as follows:

The new ballpark and new development that would occur at the Coliseum site under Alternative 2 would be the same as that proposed under the proposed Project and similar to Alternative 2C analyzed in the CASP EIR, except that there would be fewer parking spaces provided, and thus more emphasis on modes of travel other than the private automobile than with CASP Alternative 2C. The CASP EIR found that there would be significant and unavoidable impacts associated with criteria pollutant emissions during construction and operation of development in the Coliseum District under the CASP, and that these impacts could be reduced during construction via implementation of SCAs and mitigation measures designed to reduce toxic air contaminant (TAC) emissions from construction equipment, but not to a level that is less than significant. While criteria pollutant emissions associated with site remediation activities could be less with Alternative 2, this would likely be off-set by the grading and landscaping/utilities work required due to the larger site size (120 as opposed to 55 acres). More importantly, the long term criteria pollutant emissions and mitigation associated with ongoing operations in Alternative 2 would be similar to those with the Project at Howard Terminal given the same development program, even though and emissions are likely to be less than with Alternative 2C in the CASP EIR because of the lower parking numbers, dwelling units, and hotel rooms associated with Alternative 2 (see Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Emissions). While TAC emissions for Alternative 2 would likely be less than was analyzed in the CASP EIR for the same reason (lower parking numbers, dwelling units, and hotel rooms with Alternative 2), health risks are informed by site-specific conditions, including the proximity of sensitive receptors to TAC emissions sources (such as construction equipment, emergency generators, and

operational vehicle traffic). For this reason, off-site health risks of Alternative 2 would be similar to but less than those reported in the CASP EIR and generally less than those with the Project at Howard Terminal, where Project-specific health risks would be Less than Significant with mitigation (Impact AIR-4).

To clarify this section, the paragraph about Energy impacts on p. 6-16 of the Draft EIR is modified as follows:

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to the proposed Project, although ~~given the number of parking spaces available to ballpark patrons would be greater because the parking that Alternative 2 describes as being associated with the Arena would also be available to ballpark patrons.~~ This additional parking would result in somewhat more vehicle trips intensity of other site uses (i.e., the existing arena and its associated parking), and therefore, the amount of energy used at the site would be somewhat greater. The development would be subject to SCAs, which would result in less-than-significant impacts similar to the Project.

To clarify that the underlying contamination on each site is different, the last sentence in the first (partial) paragraph on p. 6-18 of the Draft EIR is modified as follows:

With these requirements in place, impacts related to hazards and hazardous materials under Alternative 2 would be less than significant. Thus, the impact would be similar to the proposed Project (i.e. less than significant) with mitigation, although the amount of contamination at the Coliseum site is believed to be less than at the Howard Terminal site, and therefore the extent of environmental response needed to address the issue would be less than with the proposed Project.

To acknowledge the commenters' observation that amendments to the regional plans would not be needed, the final sentence on p. 6-18 of the Draft EIR is amended as follows (additions are underlined and deletions are ~~crossed out~~):

~~In addition, p~~Potential impacts of the ~~P~~Proposed ~~p~~Project related to land use compatibility under CEQA would not occur at the Coliseum site, because the Coliseum site is not adjacent to maritime uses like the proposed Project at Howard Terminal, and no mitigation would be required. In addition, amendments to the Seaport Plan and the Bay Plan would not be required.

The Draft EIR describes the various options for grade-separated crossings that were considered when crafting Alternative 3 (Draft EIR p. 6-58), explaining why various other locations were deemed less desirable, and also identifying various physical constraints that contributed to the decision not to analyze a grade-separated crossing at Martin Luther King Jr. Way in conjunction with the grade separation envisioned in Alternative 3 (Draft EIR p. 6-59). While these discussions

imply that a fully grade-separated option would be infeasible, this is not explicit, and the following text is added on p. 6-59 of the Draft EIR:

This Draft EIR does not analyze an alternative that eliminates both existing at-grade crossings serving the site at MLK Jr. Way and at Market Street, or an alternative that would provide a grade-separated crossing to the site for construction. The elimination of both existing at-grade crossings serving the site was deemed infeasible, given the need to accommodate access to the site and the constraints associated with constructing grade separations at both Market (or Brush) Street *and* MLK Jr. Way. Specifically:

- Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would impact access to additional parcels north of the railroad tracks, affecting eight additional driveways, and would eliminate access to MLK Jr. Way from 2nd Street.
- Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would impact proposed utility service to the site because both Market Street and MLK Jr. Way are utility corridors, providing sanitary sewer, domestic water, and other utility service to the site, and grade separations would limit the capacity of the right-of-way to accommodate utilities. These streets also accommodate significant City storm drain infrastructure.
- MLK Jr. Way is planned as one of the primary entrances to the site, and construction of a grade-separated crossing could eliminate pedestrian/bicycle access at that location and affect the proposed Bay Trail extension.
- Adding a grade separation at MLK Jr. Way in addition to Market (or Brush) Street would require changing the grades of on-site streets and the ramps required to get both grade separations back to grade would limit the developable acreage of the Project site, reducing the economic viability of the Project. Specifically, connections to elevated or underground grade separations would require portions of the streets on the Project site to be depressed or elevated, such that access to all or a portion of Blocks 4, 5, 9, 10, 11, and 13 would be significantly constrained.<sup>18</sup>
- Depressing the railroad corridor along the north end of the site in an open-trench so that Market Street and MLK Jr. Way could continue to access the site at grade could result in significant disruptions to existing rail traffic during construction and would affect approximately 1.45 miles of the rail corridor, including the segment adjacent to the site and segments on either side of the site where the railroad tracks would descend into the trench. Thus construction impacts could be severe, and would extend over a large geographic area. In addition, such an extensive construction project would be cost prohibitive, reducing the economic viability of the project, and neither the City or the applicant has site control of the rail corridor.

Even if it were possible to provide two grade-separated crossings to serve the site (one at Market Street and one at MLK Jr. Way), many pedestrians would continue to use the

<sup>18</sup> BKF, 2021. *Howard Terminal Grade Separation Alternatives Feasibility Study*, July 9, 2021.

Water Street pedestrian access to the Project site, resulting in increased pedestrian and bicycle traffic at existing off-site at-grade crossings at Washington and Clay Streets as well as Broadway. Thus, any alternative with two grade-separated crossings serving the site, even if feasible, would have to maintain one or more existing at-grade crossings in the surrounding neighborhood. This means that such an alternative, if feasible, would reduce but would not eliminate the associated significant and unavoidable impact of the Project.

A broad solution of placing the entire corridor adjacent to the site and through Jack London Square underground, as described in the Capitol Corridor's Rail Vision Plan (Capitol Corridor, 2016), could address this issue by eliminating all existing off-site at-grade crossings in the area. However, this would be a region-wide improvement project to address baseline conditions and impacts beyond this Project and thus would be outside of the scope and nexus of the Project. The scale of such improvements would also be infeasible as an alternative to the Project given its broad scope, substantial cost (estimated at \$1.2 billion in 2016), its potential impacts on existing businesses and residents in the area (including property acquisitions), the greatly extended geographic area that would be exposed to increased construction-related air pollutant emissions and noise, and the lack of site control by the City or the applicant. Therefore, this alternative is rejected for detailed consideration in the EIR as infeasible and lacking a nexus to the Project impacts. Thus, any alternative with grade-separated crossings serving the site, even if feasible, would have to maintain one or more existing at-grade crossings. This means that such an alternative, if feasible, would substantially reduce but would not eliminate the associated significant and unavoidable impact of the Project.

To further clarify the basis for the City's determination that Alternative 4, the Reduced Development Alternative, would be environmentally superior, the text of the Draft EIR on p. 6-60 is modified as follows (deletions are ~~crossed out~~ and additions are underlined):

CEQA Guidelines Section 15126.6(e)(2) requires EIRs to identify an environmentally superior alternative, and if the No Project Alternative is superior, to identify anthe second most ~~most~~ environmentally superior alternative from the remaining alternatives. Based on the analysis provided above, Alternative 1: The No Project Alternative would be environmentally superior because it would avoid all of the impacts of the proposed Project. Based on a review of the project alternatives identified in this EIR, none of the other alternatives would be effective in eliminating the Project's significant and unavoidable impacts. The Reduced Project Alternative is identified as ~~would be~~ the ~~second~~-most environmentally superior alternative from the remaining alternatives because it would reduce the air pollutant emissions and health-related consequences of the proposed Project and all of the other alternatives.

The Reduced Project Alternative would involve less construction and less intense development than other build alternatives, and would therefore result in fewer air pollutant emissions, it would ~~it would~~ reducing the significant and unavoidable air quality impacts of the proposed Project and all other build alternatives. Specifically, operational-

related criteria pollutant emissions under the Reduced Project Alternative would be less than the significance thresholds. However, because Impact AIR-2 assesses operation plus construction-related emissions, and construction emissions of NO<sub>x</sub> would still remain above the thresholds of significance, the overall impact would not be reduced to less than significant. Also, the Reduced Project Alternative would be subject to requirements of AB 734 and thus would achieve the “no net additional” standard for GHG emissions that would apply to the Project.

Although Alternative 2, the Off-Site (Coliseum Area) Alternative would have fewer significant and unavoidable impacts than the Reduced Project Alternative, most of the significant and unavoidable impacts that would be avoided would relate to construction noise and on-site wind hazards, whereas its significant and unavoidable air pollutant emissions would be higher, and it would not achieve no net additional GHG emissions. Nonetheless, as shown in Table 6-4, Alternative 2 would avoid impacts specific to the Project site at Howard Terminal, and would in many cases lessen the severity of potentially significant impacts without the use of mitigation measures because the Standard Conditions of Approval (SCAs) adopted as part of the CASP would apply.

## 7.26 Changes to Chapter 7: Impact Overview and Growth Inducement

The following text on Draft EIR p. 7-5 is revised in response to modifications to the Peaker Power Plant Variant:

**Impact CUL-8: Peaker Power Plant Partial Demolition (Peaker Power Plant Variant)** – The proposed Project, with the Peaker Power Plant Variant, would directly impact a historic resource by removing a portions of the east and west wings of the building at 601 Embarcadero West. Mitigation Measures CUL-6a and CUL-6b would reduce the severity of this impact, which would nonetheless remain significant and unavoidable.

**Impact CUL-3.CU: Cumulative Impact/Peaker Power Plant Modifications (Peaker Power Plant Variant)** – The Project, in combination with the Peaker Power Plant Variant and development anticipated under the DOSP, would contribute to a citywide cumulative impact on cultural and historic resources identified in the DOSP EIR through the loss of a portion of the historic west wings of the Peaker Power Plant. Mitigation Measures CUL-6a and CUL-6b would reduce the severity of this impact, which would nonetheless remain significant and unavoidable.

## 7.27 Changes to Chapter 8: Report Preparers

No changes are made to Chapter 8, *Report Preparers*, of the Draft EIR.

## 7.28 Changes to Appendix BIO

As cited in the Draft EIR, the analysis regarding the 500-foot spatial buffer specified in Mitigation Measure BIO-1c is based in part on the H.T. Harvey memorandum (H.T. Harvey 2019) analyzing the stadium fireworks and potential for peregrine falcon disturbance should they be nesting on the Project site cranes when firework displays occur.<sup>19</sup> The HT Harvey report cited in the Draft EIR (H.T. Harvey 2019) is added to Appendix BIO in response to Comment A-7-27.

## 7.29 Changes to Appendix CUL

In response to a request in comment O-41-1, the California Inventory Historic Resources Form for the Pacific Gas and Electric Company Station C is added to Draft EIR Appendix CUL.

## 7.30 Changes to Appendix TRA.2

In response to Comment O29-2-32, to improve the legibility of referenced figures in Draft EIR Appendix TRA.2, updated figures have been provided.

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<sup>19</sup> H.T. Harvey and Associates, 2019. Memorandum from Jeff Smith, Ph.D., Senior Raptor Ecologist, and Scott Terrill, Ph.D., Senior Ornithologist to Crescentia Brown, ESA, entitled, "Oakland A's Stadium Fireworks and Potential for Peregrine Falcon Disturbance." Project #4294-01, October 10, 2019.

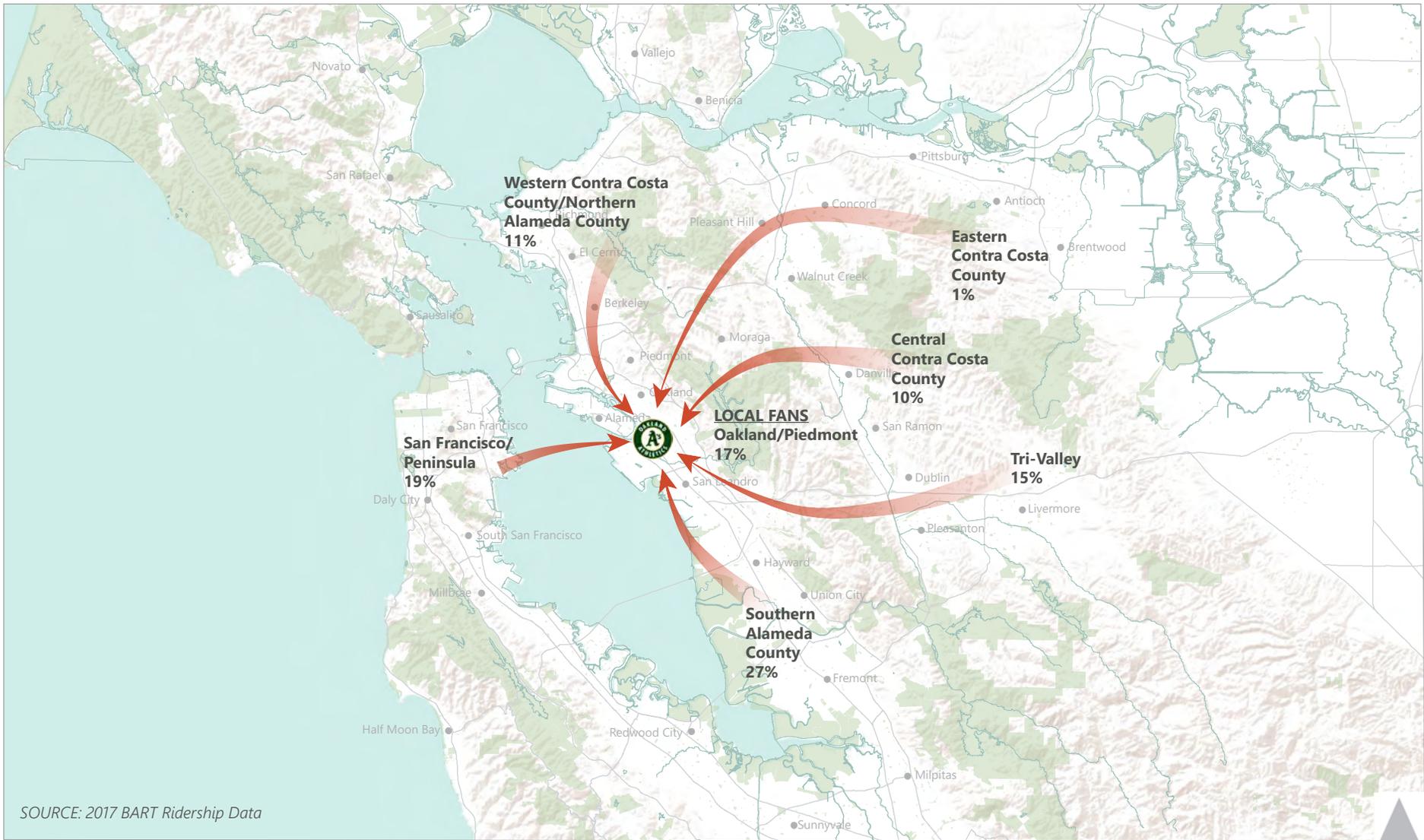


Figure 1



## Weekday Evening Game Geographic Distribution (2017) of Oakland A's Game Attendees Who BART

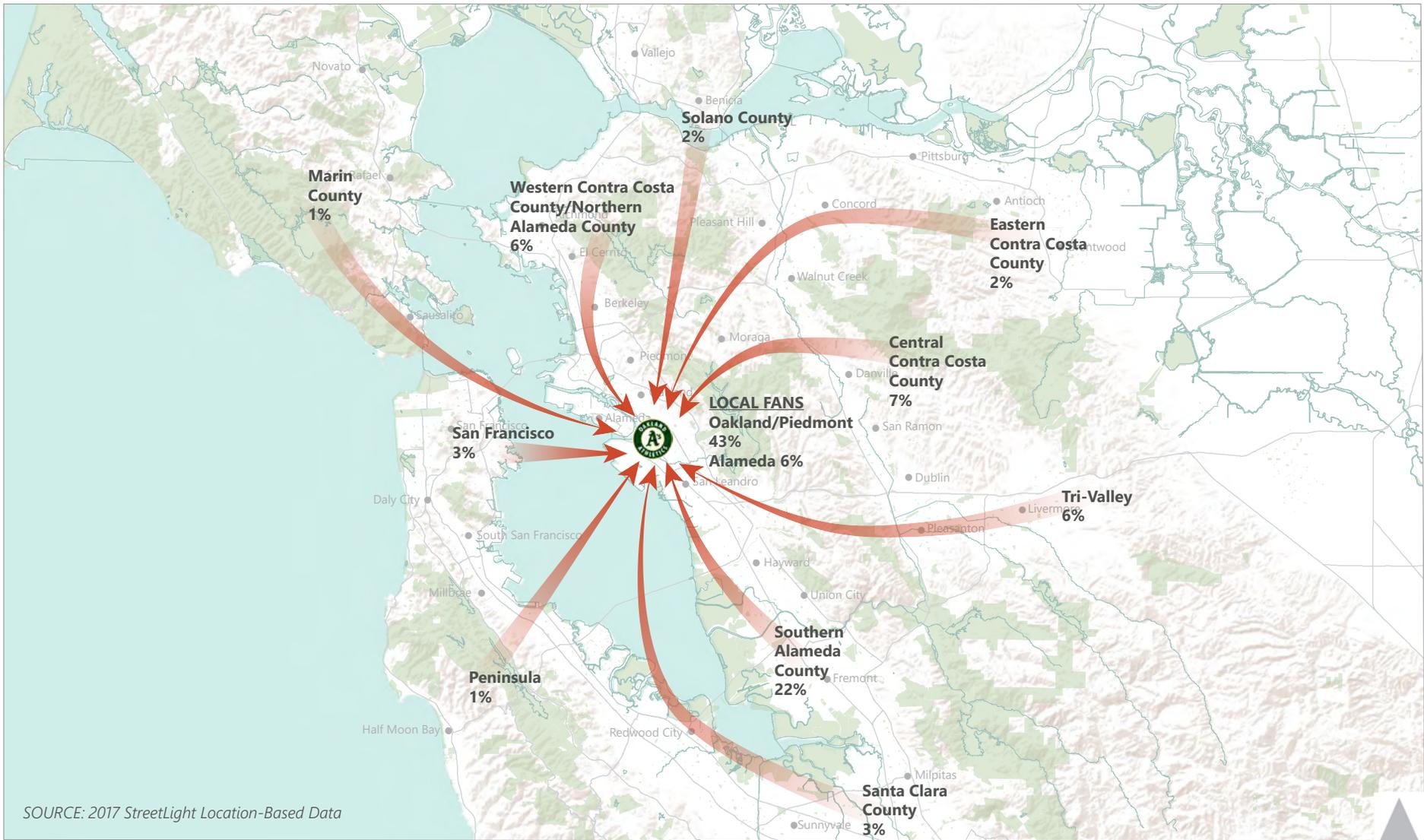


Figure 2



## Weekday Evening Game Geographic Distribution of (2017) Oakland A's Game Attendees Who Drive

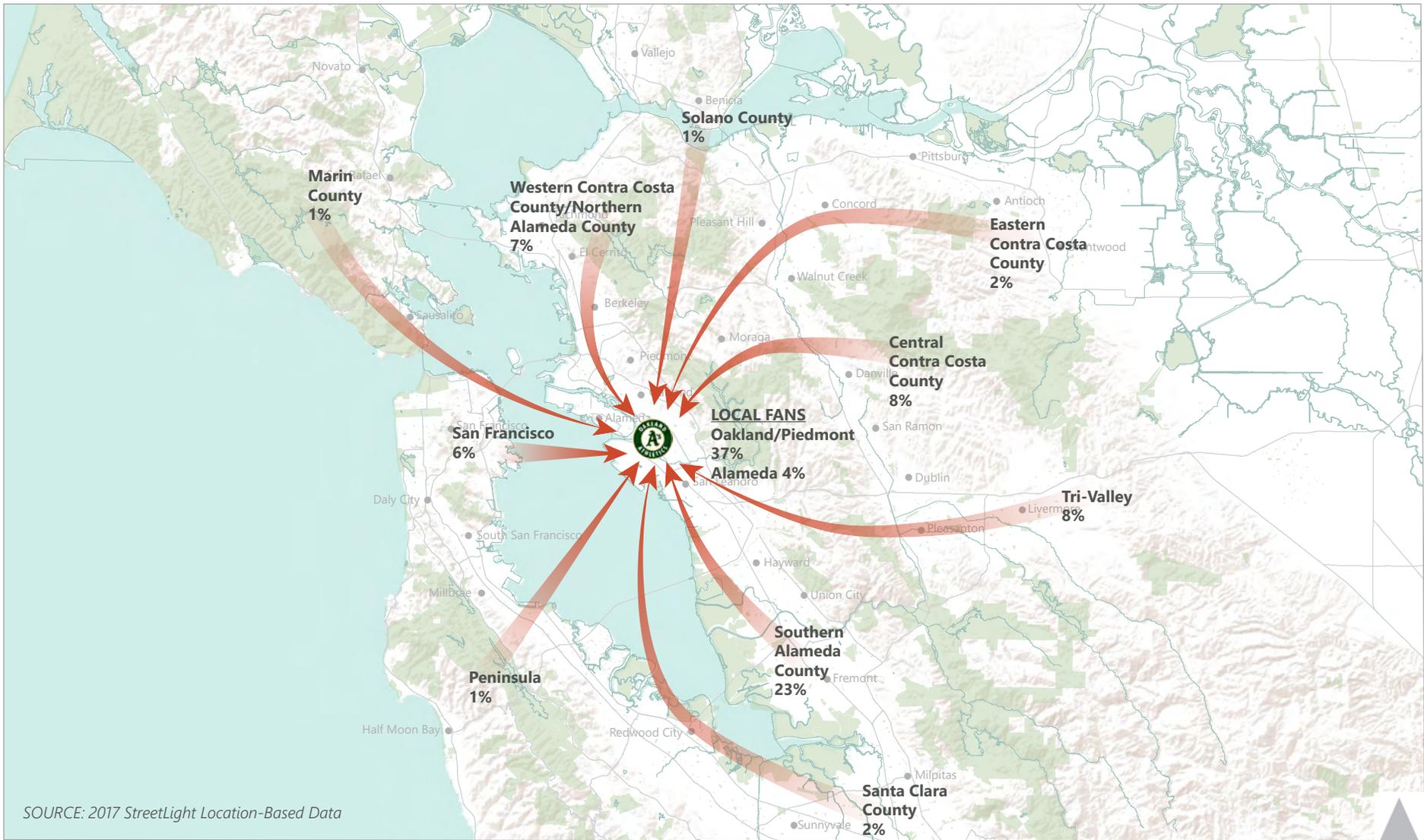


Figure 3



## Weekday Evening Game Existing Geographic (2017) Distribution of All Oakland A's Game Attendees



Figure 4



## Weekday Evening Game Anticipated Geographic Distribution of Oakland A's Game Attendees at Howard Terminal