CEQA FINDINGS:
Certification of the EIR, Rejection of Alternatives and
Statement of Overriding Considerations for the Coliseum Area Specific Plan

I. INTRODUCTION

These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq.; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the Coliseum Area Specific Plan ("Plan" or "Project") a 25-year planning document that provides goals, policies and development regulations to guide the future development of the 800 acres surrounding the Oakland-Alameda County Coliseum complex. The Plan serves as the mechanism for insuring that future development is coordinated, and occurs in an orderly and well-planned manner.

These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.

These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

The Coliseum Area Specific Plan Area ("Plan Area") covers approximately 800 acres, and is generally bounded by 66th Avenue and East Creek Slough to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area is divided for Specific Plan purposes into five Sub-Areas, A through E (see Attachment G to this report). For ease of comprehension: Sub-Area A applies to the current Coliseum/Arena site and Coliseum BART station area; Sub Areas B, C & D spans the Oakland Airport Business Park; and Sub-Area E contains the East Bay Municipal Utility District-owned and City of Oakland-owned lands between Damon Slough and East Creek Slough.

A summary of the Specific Plan build-out includes up to three new sports facilities totaling nearly 4.25 million square feet of building space for 47,000 new seats; an increase of up to 8 million square feet of office, light industrial, logistics and retail space; and 5,750 new residential units. The Final Draft Specific Plan buildout accommodates up to 14,000 structured parking spaces, and 4,000 surface parking spaces on the Coliseum site. The Specific Plan will create nearly 34 acres of new, publically accessible open space within Sub-Areas A and B, and allows for additional acres of restored open space in Sub-Area E.

The Final Draft Specific Plan has been prepared with sufficient flexibility to allow for a number of alternative development scenarios, and the continued guidance of future development in the Plan Area even if one or more of the sports teams were to relocate out of the Coliseum Area. Therefore, the DEIR also studies the environmental effects of a two-team, a one-team, and a no-team project alternative.

Concurrent, but separately, the project also includes changes to the General Plan (text and map changes); Planning Code amendments; Zoning Maps; and new design guidelines (collectively called "Related Actions") to help implement the Coliseum Plan's vision and goals.

a) General Plan Changes:

With respect to the General Plan, proposed General Plan Amendments are described below:

i. Sub-Area A (Site of the current Coliseum)

For the expected development at Sub-Area A (the site of the current Coliseum), the City is proposing the following General Plan amendments and corrections to the LUTE:

- Amending the land use designation for the area along San Leandro Street, between the Coliseum BART station and the Union Pacific/Amtrak railroad tracks, from 66th to 76th Avenues, from "Regional Commercial" to "Community Commercial". The new "Community Commercial" land use designation will allow residential and/or commercial development more similar in character to that envisioned for the remainder of the Coliseum BART station TOD area to the east;
- Correcting the land use designation for the strip of railroad right of way in front of Lion Creek Crossings apartments, along the BART tracks, between 66th and 69th Avenues, from "General Industrial" to "Community Commercial". The purpose of this General Plan correction is to make this Union Pacific right of way area consistent with the General Plan designations for both the adjacent Lions Creek crossing development and the Coliseum BART station TOD area.
- Amending the land use designation for the two blocks on the east side of the Hegenberger overpass, at San Leandro Street, between 75th Avenue and Hawley Street. Proposed to be amended from "Business Mix" to "Community Commercial" to incentivize the private redevelopment of a two block section of 75th Avenue which forms the gateway and a street entrance into the Coliseum BART parking lots.

The majority of Sub-Area A (the site of the current Coliseum) is already designated "Regional Commercial", and will not need a General Plan amendment to allow development under this Plan. Today, the Oakland Planning Code does not permit residential activities in the Regional Commercial- 1 (CR-1) zone, and creating new zoning which allows housing at the Coliseum site is proposed as part of the Specific Plan (see below).

ii. Sub-Area B, C and D (Airport Business Park)

For the expected development within Sub-Area B, C and D, the City proposes several amendments to the General Plan Land Use Diagram. These amendments include:

- Amending the land use designation for the majority of Sub-Area B from "Business Mix" to "Regional Commercial";
- Adding and adjusting the "Urban Park and Open Space" land use designation along the edges of Damon Slough, Elmhurst Creek, San Leandro Creek and the San Leandro Bay shoreline; and
- Amending the land use designations for the following list of properties, from "Business Mix" to "Regional Commercial":
    - properties fronting along Oakport Street, between Elmhurst Creek and Hegenberger Road;

- properties fronting along Pendleton Way (backing to the properties on the Hegenberger Road corridor);
- and properties fronting along a portion of Pardee Drive nearest to Hegenberger Road.

The "Regional Commercial" land use designation proposed for Sub-Area B is necessary to enable development of the proposed mixed-use waterfront residential development and the development of a new Arena as envisioned under the Draft Specific Plan, neither of which are permitted under the current "Business Mix" designation. The new Regional Commercial designation would be similar to the land use designation that currently exists across I-880 at the Coliseum District, better tying these two integrated development areas together.

The other "Regional Commercial" land use amendments are consistent with the General Plan LUTE's overall planning direction for the Airport/ Gateway Showcase, which provide for primarily airport-related support services and uses within the Airport Business Park, and visitor-serving businesses such as hotels, restaurants, and retail along the Hegenberger corridor. The additions or modifications to the "Urban Park and Open Space" land use designations clarify the expected minimum 100- foot publicly-accessible open space setback from the top-of-bank of the channels and from the high water line of the shoreline.

iii. Sub-Area E (between Damon Slough and East Creek Slough)

Sub-Area E is the only portion of the Coliseum Area Specific Plan that is currently located within the General Plan's *Estuary Policy Plan* (EPP) area, rather than the General Plan LUTE. In 2013, the City adopted the Central Estuary Area Plan, which now brings the objectives and policies of the older Estuary Policy Plan up to date with current planning conditions. However, Sub-Area E was not included as part of the Central Estuary Area Plan update, and therefore remains one of the few "leftover" portions of the prior EPP that has not had its zoning updated as part of a Specific or Area Plan. As a result, the City is now proposing to re-designate lands within Sub-Area E to be consistent with the intent of this Specific Plan for the Coliseum Area. These new land use designations from the LUTE include:

- Amending the older EPP land use designations for those City-owned properties at Oakport Street/66th Avenue, from "General Commercial 2" and "Light Industrial 3", to "Urban Park and Open Space"; and
- Amending the older EPP land use designations for the two EBMUD-owned Oakport Street parcels near East Creek Slough, from "Light Industrial 3" (Oakport Wet Weather Facility lot) and "General Commercial 2" (vacant lot on Oakport near 66th Avenue), both proposed to be amended to "Business Mix".
- In addition, the development intensity for areas with the Community Commercial and Regional Commercial General Plan land use classifications within the Coliseum Specific Plan ***only*** would be amended to a maximum FAR of 8.0, and a maximum residential density of 250 units/ gross acre (all other areas in the City classified as Community Commercial and Regional Commercial would still retain the current maximum FAR and residential density).

b) Planning Code and Map Changes:

The Coliseum Area Specific Plan proposes six (6) new district-specific zoning classifications that would replace the existing zoning. These district-specific zones follow a nomenclature established by the City in other districts, such as the Wood Street District, Oak to Ninth, and the Kaiser Permanente Medical Center areas. The new Coliseum zone districts are identified by the descriptive prefix of "D-CO" which signifies "District – Coliseum." The six (6) new district-specific zoning classifications would be as follows:

i. D-CO-1

D-CO-1 will replace the current Transit Oriented Development zone (S-15) mapped currently around the Coliseum BART station. The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities. The new D-CO-1 zone will increase the height limit in this area to 159 feet unless FAA review and Conditional Use Permit (CUP) review permits taller building heights. The new D-CO-1 zone would apply to all properties east of the Union Pacific Railroad (UPRR) railroad tracks that are within the Coliseum Specific Plan Area;

ii. D-CO-2

D-CO-2 would replace the current "Regional Commercial-1" (CR-1) zone that applies to the majority of the Coliseum District. The new D-CO-2 zone will specifically permit and encourage development of regional-drawing centers of activity such as new sports and entertainment venues, residential, retail, restaurants, and other activity generating uses, as well as a broad spectrum of employment activities. The new D-CO-2 zone will clarify that any building height over 159 feet will require FAA review and Conditional Use Permit (CUP) approval;

iii. D-CO-3

D-CO-3 will replace the existing "Industrial/Office" (IO) zone for properties located in Subarea B between Oakport Street and Edgewater Drive. These properties in Subarea B include lands envisioned as a potential location for a proposed new sports/special events Arena. The new D-CO-3 zone would also include the existing IO-zoned properties located along Oakport Street between Elmhurst Creek and Hegeburger Road; and the Regional Commercial (CR-1)-zoned properties along the north side of Hegenberger Road down to Earhart Drive. The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of commercial, and light industrial activities. The D-CO-3 zone would not permit residential uses;

iv. D-CO-4

D-CO-4 will replace the existing "Industrial/Office" (IO) zone for those properties between Edgewater Drive and the San Leandro Bay shoreline in Sub-Area B only; primarily, the City's Corporation Yard. The D-CO-4 Zone is intended to create, maintain and enhance a mix of activities on or near the Northwest Edgewater Drive waterfront. The D-CO-4 zone would conditionally permit residential activities between Edgewater Drive and the waterfront;

v. D-CO-5

D-CO-5 will replace the existing "Industrial/Office" (IO) zone for those properties along Edgewater Drive in Sub-Area C (to Pendleton Way), and the properties in the existing CIX-2 zone in Sub-Area D (Pardee Drive). The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of office, commercial, industrial, and logistics activities. The new D-CO-5 zone will permit a similar mix of light industrial and warehousing activities as is allowed under current city zoning, and it would not permit

residential activities;

vi. D-CO-6

D-CO-6 would apply to those City-owned and EBMUD-owned properties along Oakport Street from East Creek Slough to 66th Avenue within Sub-Area E (these lands are not within Port jurisdiction). The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher-intensity commercial and light industrial land uses and development types. The new D-CO-6 zone would replace the existing Industrial (M-40) zoning that applies. This zone would not permit residential activities.

These new zoning districts would require changes to the City's Zoning Map.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR was published on **April 19, 2013**. The NOP, which included notice of the EIR scoping sessions mentioned below, was distributed to state and local agencies, published in the Oakland Tribune, mailed to property owners and neighboring property owners. On **May 13, 2013**, the Landmarks Preservation Advisory Board conducted a duly noticed EIR scoping session concerning the scope of the EIR. On **May 1, 2013**, the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR**.** The public comment period on the NOP ended on **May 20, 2013.**

On April 19, 2013, the City of Oakland issued a Notice of Preparation (NOP), to inform agencies and interested parties of its intent to prepare and distribute a "Draft EIR for the Coliseum Area Specific Plan." The Landmarks Preservation Advisory Board and the City of Oakland Planning Commission held Scoping Meetings on May 13 and May 1, 2013, respectively, to accept comments regarding the scope of the EIR in response to the NOP. On August 22, 2014, the City issued the Draft EIR; the comment period ended October 6, 2014. A Final EIR is expected to be released by the City on February 6, 2015, and discussed at a public hearing of the Planning Commission on February 18, 2015.

A Draft EIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release was published on **August 18, 2014** and the Draft EIR was published on **August 22, 2014**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate state and local agencies, published in the Oakland Tribune, mailed to property owners and neighboring property owners, as well as owners of businesses in the Oakland Airport Business Park. Emailed notices went to the 600 subscribers of the Coliseum Plan list serv. Copies of the Draft EIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. A duly noticed Public Hearing on the Draft EIR was held at the **September 8, 2014** meeting of the Landmarks Preservation Advisory Board, and at the **October 1, 2014** meeting of the Planning Commission. The Draft EIR was properly circulated in excess of the required 45-day public review period. The public comment period on the Draft EIR closed on **October 17, 2014** (which was extended from the original closing date of October 6, 2013 after the Planning staff decided to honor the requests of several community groups to extend the comment period.

The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments,

changes to the Draft EIR, and additional information were published in a Final EIR/Response to Comment document on **February 20, 2015**. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on **February 20, 2015**, twelve (12) days prior to the duly noticed **March 4, 2015**, Planning Commission public hearing. The Notice of Availability/Notice of Release of the Final EIR was distributed on **February 20, 2015** to those state and local agencies who commented on the Draft EIR, posted at four locations throughout the project site, and mailed and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the Draft EIR and Final EIR were also distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies– through email communication of the specific response in the FEIR to each of the commenting agencies -- at least 10 days prior to the public hearing considering certification of the EIR and the Project. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

IV. THE ADMINISTRATIVE RECORD

The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

a) The EIR and all documents referenced in or relied upon by the EIR.

b) All information (including written evidence and testimony) provided by City staff to the Planning Commission and Landmarks Preservation Advisory Board relating to the EIR, the approvals, and the Project.

c) All information (including written evidence and testimony) presented to the Planning Commission and Landmarks Preservation Advisory Board by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and Landmarks Preservation Advisory Board.

d) All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.

e) All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.

f) For documentary and information purposes, all City-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

g) The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.

h) All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of the Planning and Building Department, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the **March 4, 2015**, Planning Commission staff report and exhibits/attachments. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the DEIR was completed, and that the Final EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project

identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the **March 4, 2015** Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these findings.

The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

As a separate and independent basis from the other CEQA findings, pursuant to Public Resources Code section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan (EIR certified in March 1998); (b) the Housing Element of the General Plan (EIR certified in January 2011); (c) the Estuary Policy Plan (EIR certified in November 1998); and (d) the Historic Preservation Element of the General Plan (EIR certified in May 1998); (e) feasible mitigation measures identified in the foregoing were adopted and have been, or will be, undertaken; (f) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (g) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (h) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate project and cumulative impacts.

IX. SIGNIFICANT BUT MITIGABLE IMPACTS

Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP). Note that the EIR studied impacts of the “Project” (development in the Coliseum District, in Sub-Areas A and a portion of B), the “Plan” (development in Sub Areas B, C, D and E) and the cumulative condition.

Aesthetics, Shadow and Wind: Implementation of the Coliseum Plan proposed as part of the project would allow for increased land use densities and intensities, possibly impacting the area’s existing visual quality. For impacts from light and glare, application of SCA Aesthetics 1, which requires approval of plans to adequately shield lighting to prevent unnecessary glare onto adjacent properties would reduce the impact to less than significant. Impacts which can only be reduced by new mitigation measures are: shadows on existing solar collectors, where MM Aesthetics 5A-1 protects Lion Creek Crossings solar collectors from shadows; and winds, where MM Aesthetics 7 requires tall buildings to conduct wind studies. Moreover, compliance with various policies and goals contained in the City’s general plans and mitigation measures contained in the Land Use and Transportation Element EIR, Housing Element EIR, and Historic Preservation Element EIR would ensure there would not be significant adverse aesthetic impacts with respect to visual quality or scenic public vistas.

Air Quality**:** New construction under the Plan could cause Air Quality impacts; however, certain impacts found to be less than significant with standard conditions of approval or with new mitigations, including:

1. **Air-1** and **Air-2** (Consistency with Clean Air Plan and Special Overlay Zones): Special Overlay Zones, where the impact of new development near freeways and high volume roadways is mitigated by application of SCA Air-2, Exposure to Air Pollution (screen for health risks using BAAQMD’s recommended screening criteria).

2. **Air-4** (Construction Period Fugitive Dust, where the application of SCA-Air 1, Oakland Municipal Code Dust Control Measures, as well as SCA –Air 3, Asbestos removal in structures, would reduce the impacts to less than significant;

3. **Air-6A:** Construction Period Toxic Air Contaminant Emissions (Project), where the application of SCA Air-1 (best management practices) and new mitigation measures MM 6A-1: Reduced Construction Emissions, and MM 6A-2: Reduced Construction Emission Exposure would reduce this impact to less than significant;

4. **Air-6B** (Construction Period Toxic Air Contaminant Emissions (Plan), application of SCA Air-1 (best management practices) would reduce the impact to less than significant;

5. **Air-8** (Carbon Monoxide Concentrations): Development at the Coliseum District and under Plan Buildout would not contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards (CAAQS) of nine parts per million (ppm) averaged over eight hours and 20 ppm for one hour.

6. **Air-9** (New Sources of Operational Toxic Air Contaminants): application of SCA Air-2 (health risk reduction measures) would reduce this impact to less than significant;

7. **Air-10A and -10B** (Expose New Sensitive Receptors to Substantial Levels of Toxic Air Contaminants), application of SCA Air-2 (health risk reduction measures) would reduce this impact to less than significant.

Biological Resources

8. **Bio-1A** (Special Status Species, Coliseum District): New development within the Coliseum District, particularly the proposed realignment of Elmhurst Creek and construction work related to enhancements of Damon Slough, could have a substantial adverse effect, either directly or through habitat modifications on identified candidate, sensitive, or special status species. In-water work within Elmhurst Creek and/or Damon Slough could cause direct impacts to individuals of special status fish species present within these waters, and may release sediments downstream and into the Bay during construction. Sediment or contaminants from construction activity could also affect salt marsh habitat and those sensitive species associated with this habitat within Damon Marsh and/or Arrowhead Marsh, including shorebirds. Required implementation of SCA Bio-1 through SCA Bio-8 would substantially reduce indirect impacts on special status species that could occur from construction activity through disturbance from noise, truck traffic ground disturbance and tree removal. Implementation of SCA Bio-9 requiring preparation of an erosion and sedimentation control plan, SCA Bio-10 requiring implementation of best management practices for soil and groundwater hazards, and SCAs Bio-11, and Bio-13 through Bio-16 regarding permits and requirements related to City Creeks permits would substantially reduce impacts on special status species (fish, marine mammal species and mammal species which inhabit salt marshes) that could otherwise be adversely affected by downstream sedimentation and contamination. Additionally, work associated with realignment and/or culverting of Elmhurst Creek and enhancement of Damon Slough will be subject to jurisdictional requirements of several agencies including the RWQCB, California Fish and Wildlife, the US Army Corps of Engineers and the US Fish and Wildlife Service, and implementation of SCA Bio-12: Regulatory Permits and Authorizations will required compliance all applicable regulatory agency permits or authorizations. In addition, Mitigation Measure Bio 1A-1 includes higher standards than typical City SCAs for pre-construction nesting bird surveys and buffers because of the special sensitivity and extended nesting and migratory period associated with species present in the area, Mitigation Measure Bio 1A-2 provides for restricted construction periods for an in-water work, and Mitigation Measure Bio 1A-3 requires buffers, protections and monitoring for all construction work in or near pickleweed-dominated salt marsh habitat within Damon Marsh and Arrowhead Marsh. The majority of impacts to special status species resulting from construction and

operations at the Coliseum District would be reduced to less than significant through implementation of City of Oakland SCA SCAs related to direct and indirect impacts to special status species and habitat, but because of certain especially sensitive habitat and species presence within or adjacent to the Coliseum District, additional mitigation measures are recommended to fully reduce impacts to these species and their habitat to a level of less than significant.

9. **Bio-2A** (Wetlands, Riparian Habitat and Other Sensitive Natural Communities - Coliseum District): New development within the Coliseum District could have a substantial adverse effect on wetlands, riparian habitat and other sensitive natural communities. Damon Slough has a narrow band of coastal tidal marsh along its edges, and Elmhurst Creek has a narrow band of coastal scrub along its edges. These habitats provide value to wildlife, and their removal could reduce potential nesting habitat for birds and cover sites for animals, reduce beneficial shading of watercourses and potentially affect bank stability. Implementation of SCA Bio-10 requires best management practices for soil and groundwater hazards, and SCA Bio-11 requires preparation of a City-approved Creek Protection Plan. These SCAs would substantially reduce impacts caused by construction activities near the edges of on-site waterways. Additionally, required implementation of City of Oakland SCAs Bio-6 and Bio-8 regarding tree permits, SCA Bio-9 requiring preparation of an erosion and sedimentation control plan, and SCA Bio-12 regarding regulatory permits and authorizations would substantially reduce impacts to riparian habitat or sensitive natural communities. In addition, Mitigation Measure Bio 1A-1 requires preparation of a Vegetation Plan for Damon Slough, with performance standards that are accepted by CDFW and RWQCB; and Mitigation Measure Bio 2A-2 requires that any new bridge pilings and abutments be placed outside of coastal tidal marsh habitat. For Elmhurst Creek, Mitigation Measure Bio 2A-4 requires replacement coastal scrub restoration and the restoration of additional upland riparian habitat along Damon Slough. If Elmhurst Creek is ultimately realigned, Mitigation Measure Bio 2A-5 requires that any newly aligned and day-lighted portion of Elmhurst Creek must have a channel design that is consistent with the City of Oakland Creek Protection, Storm Water Management and Discharge Control Ordinance, and Mitigation Measure Bio 2A-6 requires replacement restoration of tidal wetland at the "Cruise America" parcel adjacent to Damon Slough, at a 2:1 ratio. For impacts to Damon Slough, implementation of SCAs, and implementation of Mitigation Measure Bio 2A-1and 2A-2 would fully reduce and/or compensate for impacts to sensitive natural communities to a less than significant level. Depending upon the ultimate selection of the preferred Creek treatment options at Elmhurst Creek, implementation of SCA and Mitigation Measures Bio 2A-3 and Bio 2A-4, and/or Mitigation Measures Bio 2A-5 and Bio 2A-6 will fully address impacts to sensitive natural communities to a less than significant level.

10. **Bio-3** (Species Movement, Migration, or Nursery Sites): Future development at the Coliseum District and pursuant to Plan Buildout could substantially interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Implementation of City of Oakland SCAs, including, but not limited to SCA Bio-1 through Bio-4 regarding construction-related impacts, SCA Bio-5 through Bio-16 regarding protection of habitat, and SCA Bio-3 and Bio-17 regarding bird collision reduction techniques and lighting plans; together with Mitigation Measures MM Bio 1A-1 (Pre-construction Nesting Bird Surveys and Buffers), Bio 1A-2 (In-water Work Restrictions), Bio 1A-3 (Salt Marsh Protection), Bio 1B-1 (In-Bay Dredge Requirements), Bio 1B-2 (Freshwater Marsh Restoration Plan), Bio 2A-1 (Vegetation Plan for Coliseum District Sensitive Communities), Bio 2A-4 (Coastal Scrub Restoration), Bio 2A-5 (Realigned Portion of Elmhurst Creek), Bio 2A-6 (Cruise America Tidal Wetland); and MM Bio 3-1 (Boat Docks) restricting future boat docks, and MM Bio 3-2 (Herbicide / Pesticide Control) requiring an herbicide/pesticide drift control plan, would reduce

impacts related to migratory movement, migratory corridors and nursery sites to a less than significant level.

11. **Bio-4** (Applicable Conservation Plans): Future development at the Coliseum District and pursuant to Plan Buildout would not fundamentally conflict with an applicable habitat conservation plan or natural community conservation plan. With implementation of the City of Oakland SCAs and the Mitigation Measures described for Impacts Bio-1A, Bio-2A and Bio-3 above, the proposed Project would be built in a way to support the goals of the BCDC Bay Plan, Goals Project and the Subtidal Goals Project, and the East Bay Regional Park District Master Plan.

12. **Bio-5** (Conflicts with Tree Protection Ordinance): Future development at the Coliseum District and pursuant to Plan Buildout would not fundamentally conflict with the City of Oakland Tree Protection Ordinance by removal of protected trees under certain circumstances. Pursuant to SCA Bio-6 and -7, all conditions, procedures and protections related to tree Removal permits shall be implemented before and during removal of protected trees.

13. **Bio-6** (Conflicts with Creek Protection Ordinance): New development at the Coliseum District and pursuant to Plan Buildout would not fundamentally conflict with the City of Oakland Creek Protection Ordinance. All work conducted to improve Damon Slough, realign Elmhurst Creek to connect with Damon Slough, and to culvert and fill portions of Elmhurst Creek would be conducted pursuant to a City of Oakland Creek Protection Permit as required under SCA Bio-11, and would be implemented in accordance with the detailed performance requirements as list in SCA Bio-13, -14 and -15. By obtaining the required Creek Protection permit(s) and conducting the work in accordance with those permits, any impacts would be less than significant.

Cultural and Historic Resources

14. **Cultural-1B** (Plan Buildout): Other than the proposed demolition of the Oakland Coliseum and the potential demolition of the Arena as discussed above in Impact Cultural-1A, future development pursuant to Plan Buildout does not specifically propose to demolish or materially alter any other historic or potentially historic resources. Any subsequent development project that may propose demolition or alteration of a current or future-defined historic resource would be required to undergo subsequent and individual environmental review, and would also be subject to all applicable City of Oakland's standard conditions of approval, including SCA Cultural 5 (Policy 3.7 of the Historic Resource Element of the Oakland General Plan), and SCA Cultural 6 (Vibrations to Adjacent Historic Structures); as well as requirements from the "Demolition Findings" of Planning Code Section 17.136.075(D); following Policy 3.5 of the Historic Resource Element in the Oakland General Plan; policy considerations relevant to historic resource preservation. With the application of these regulations, the impacts to cultural and historic resources at Plan Buildout are deemed less than significant.

15. **Cultural-2** (Archaeology, paleontology and Human Remains, Plan and Cumulative): Proposed development within the Project Area and in the *cumulative condition* could directly or indirectly destroy a unique paleontological resource or site, cause a substantial adverse change in the significance of currently undiscovered archaeological resources, or disturb human remains. Application of the City's Standard Conditions of Approval SCA Cultural-4 (Archeological Resources, Sensitive Sites), SCA Cultural-1 (Archeological Resources), SCA Cultural-2 (Human Remains), and SCA Cultural-3 Paleontological Resources would reduce impacts from new development in the Plan area to less than significant.

Geology and Soils:

16. **Geo-1 and Geo-3** (Seismic Shaking and Expansive Soils): The proposed Project would not expose people or structures to substantial risk of loss, injury, or death involving strong seismic ground shaking and seismic-related ground failure including liquefaction, lateral spreading, subsidence, or collapse; or may be located on expansive soil. With the application of the City's Standard Condition of Approval SCA Geo-2: Geotechnical Report, and compliance with the California Code of Regulations, Title 24, California Building Standards Code, these two impacts would be less than significant.

17. **Geo-2** (Soil Erosion): The proposed Project would not result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways, if application of the City's Standard Conditions of Approval SCA Hydro-1: Erosion and Sedimentation Control (when no grading permit is required), SCA Hydro-2: Erosion and Sedimentation Control Plan, SCA Hydro-3: Stormwater Pollution Prevention Plan (SWPPP) and SCA Hydro-4: Site Design Measures for Post-Construction Stormwater Management were applied. This impact would be less than significant with these standard conditions applied.

18. **Geo-4 and Geo-5** (Geologic Features or Landfills): The proposed Project is located in a developed area above one or more of the following: well, pit, swamp, mound, tank vault, or unmarked sewer line; these features do not create substantial risks to life or property; the proposed Project is not located above landfills for which there is no approved closure and post-closure plan. The proposed Project is located above fill. With the application of the City's Standard Condition of Approval SCA Geo-1 Soil Report, and SCA Geo-2: Geotechnical Report, these impacts would be less than significant.

Greenhouse Gas Emissions:

19. **GHG-1** (Stationary Sources): New development within the Coliseum District would not generate greenhouse gas emissions specifically from stationary sources, either directly or indirectly, that would produce total emissions of more than 10,000 metric tons of CO2e annually

20. **GHG 2A** (Coliseum District Emissions): New development at the Coliseum District would generate greenhouse gas emissions from both direct and indirect sources that would produce total emissions of more than 1,100 metric tons of CO2e annually, but less than the Project-level threshold of 4.6 metric tons of CO2e per service population annually. Application of the City's SCA GHG-1: Project-specific GHG Reduction Plans and SCA F: With required compliance with the Green Building Ordinance; SCA Traf-1: Parking and Transportation Demand Management and SCA Util-1: Waste Reduction and Recycling, as well as several SCAs regarding landscape requirements and tree replacement; and several SCAs regarding stormwater management, this impact would be less than significant.

21. **GHG-2A and GHG-3** (Plan Buildout and Policy Consistency)**:** New development pursuant to Plan Buildout would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment, nor would it fundamentally conflict with an applicable plan, policy or regulation adopted for the purposes of reducing greenhouse gas emissions. Specifically, new development pursuant to Plan Buildout (including all new development within the Coliseum District) would not produce emissions of more than the Plan-level threshold of 6.6 metric tons of CO2e per service population annually or more than the Project-level threshold of 4.6 metric tons of CO2e per service population annually. With the application of the City's Standard Conditions of Approval SCA GHG-1: Project-specific GHG Reduction Plans and SCA F: Compliance with the Green Building Ordinance; SCA Traf-1: Parking and Transportation Demand Management and SCA Util-1:

Waste Reduction and Recycling, as well as several SCAs regarding landscape requirements and tree replacement; and several SCAs regarding stormwater management, this impact would be less than significant.

Hazards and Hazardous Materials

22. **Haz-1** (Routine Transportation, Use, and Storage): The proposed Project would result in an increase in the routine transportation, use, and storage of hazardous chemicals. With the application of the City's Standard Condition of Approval, SCA Haz-1 Hazards Best Management Practices, this impact would be less than significant.

23. **Haz-2** (Accidental Release): Construction and development of the proposed Project could result in the accidental release of hazardous materials used during construction through improper handling or storage. With the application of the City's Standard Conditions of Approval, SCA Haz-1 Hazards Best Management Practices, SCA Haz-5 Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment, SCA Haz-6 Environmental Site Assessment Reports Remediation, and SCA Haz-9 Health and Safety Plan per Assessment this impact would be less than significant.

24. **Haz-3 and Haz-4** (Acutely Hazardous Materials and Hazards near a School): The proposed Project could create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors. With required implementation of SCA Haz-12: Hazardous Materials Business Plan, as well as implementation of City of Oakland Municipal Code requirements for a Hazardous Materials Assessment Report and Remediation Plan (HMARRP), this impact would be less than significant.

25. **Haz-5A and 5B** (Cortese List) : Development at the Coliseum District and at Plan Buildout would be located on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and could create a significant hazard to the public or the environment. With required implementation of site assessments pursuant to SCA Haz-3, Haz-4, Haz-5 and Haz-11; plus required remediation responsibilities pursuant to SCA Haz-6 through Haz-10; and required verification and compliance pursuant to SCA Haz-3, Haz-10 and Haz-11, this impact would be less than significant.

26. **Haz-6** (Emergency Access): Development of the proposed Project could result in fewer than two emergency access routes for streets exceeding 600 feet in length. With required implementation of SCA 20: Improvements in the Public Right-of-Way (General), and SCA 21: Improvements in the Public Right-of-Way (Specific), this impact would be less than significant.

27. **Haz-7** (Safety Hazard from Aircraft): The Project Area is located within the Oakland International Airport Land Use Plan area and within two miles of the Oakland Airport, but would not result in a safety hazard for people residing or working in the Project Area. No SCAs or mitigation measures are needed, but further discussion on this issue is provided under Impact Land Use-9; Compatibility with ALUCP.

28. **Haz-8, -9 and -10** (Other Hazards): The Project Area is not located in the vicinity of a private airstrip; development would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and the proposed Project would not expose people or structures to risks involving wildland fires. These impacts would be less than significant.

Hydrology/Water Quality

29. **Hydro-1A and -1B** (Drainage Patterns and Runoff): New development at the Coliseum District and pursuant to Plan Buildout would alter drainage patterns and increase the volume of stormwater, and potentially increase the level of contamination or siltation in stormwater flows. Any work within the creeks would be required to implement SCAs Hydro-9 through SCA Hydro-15 pertaining to erosion, sedimentation and debris control as well as creek protection and dewatering and diversion requirements. Any work related to drainage and water quality would be required to implement SCAs Hydro-1 through SCA Hydro-8 regarding erosion and sedimentation control, stormwater pollution prevention, and post-construction stormwater management. With implementation of these SCAs, these impacts would be less than significant.

30. **Hydro-2** (Flooding): New development at the Coliseum Site and pursuant to Plan Buildout would not be susceptible to flooding hazards, as no new development is proposed within a 100-year flood zone as mapped by FEMA. Required implementation of SCA Hydro- 16 and Hydro-17 would ensure compliance will all applicable regulatory permits and authorizations and would ensure this impact would be less than significant.

31. **Hydro-3 and -4** (Dam Failure and Tsunami Hazards): Future development at the Coliseum District and pursuant to Plan Buildout could be susceptible to flooding hazards in the event of dam or reservoir failure, but compliance with all dam safety regulations will reduce this relatively low risk of impact to a less than significant level. Future development at the Coliseum District and pursuant to Plan Buildout could be susceptible to tsunami-related hazards, but the relatively low risk of occurrence of this impact is less than significant.

32. **Hydro-5** (Sea Level Rise): The impact of flooding related to sea level rise pertains to the impact of an existing or future environmental condition on the Project Area, whereas CEQA requires only an analysis of impacts pertaining to a project's impact on the environment. Although not legally required by CEQA, the EIR discusses of the impact of sea level rise on the Project Area in the interest of being conservative and providing information to the public and decision-makers. Future development at the Coliseum District and pursuant to Plan Buildout could be susceptible to inundation, storm events and storm events with wind waves in the event of sea-level rise. The Specific Plan includes an adaptation strategy whereby:

    a) City-wide goals and resiliency planning should inform the design of new development within the Specific Plan;

    b) Sea level rise strategies for the Project Area should address designing flood protection against a nearer-term potential 16-inch sea level rise above current Base Flood Elevation for mid-term planning and design (2050); and designing a gravity storm drain systems for 16 inches of sea level rise;

    c) A mid-term adaptive approach should provide for addressing sea level rise of greater than 18 inches, including incorporation of potential retreat space and setbacks for higher levels of shoreline protection, and designing for livable/floodable along coastal areas in parks, walkways, and parking lots;

    d) A long-term adaptive management strategy should be developed to protect against even greater levels of sea level rise of up to 66 inches, plus future storm surge scenarios and consideration of increased magnitude of precipitation events.

e) A suite of shoreline protection measures, protective setbacks and other adaptation strategies should be incorporated into subsequent development projects

Land Use:

33. **Land-2** (Land Use Compatibility): The proposed Project at the Coliseum District and pursuant to Plan Buildout would introduce new residential and other sensitive land uses at locations that could be exposed to noise, emissions and other potential land use incompatibilities associated with adjacent industrial and special event land uses. With required implementation of City SCA AQ-2: Exposure to Air Pollution - Toxic Air Contaminants Health Risk Reduction Measures, SCA Noise-4: Interior Noise, SCA Noise-5: Operational Noise-General; SCA Haz-8: Other Materials Classified as Hazardous Waste; SCA Haz-12: Hazardous Materials Business Plan, these impacts would be less than significant and no mitigation measures required. However, instances of nuisance complaints from new residents could potentially arise. To protect existing industrial uses from complaints that may seek to force an existing use to change or permanently restrict its operations, it is a Plan recommendation that sellers or leasers of real property intended for residential use and located within the Coliseum District or within the proposed waterfront residential area in Sub-Area B shall provide a disclosure statement included as part of all real estate transactions. The statement shall disclose that the property is located within an area near pre-existing industrial uses, that those industrial uses will be allowed to continue, and that such uses may generate light, noise, dust, traffic and other annoyances or inconveniences incidental to and customarily associated with industrial use.

34. **Land-3A and 3B** (Land Use Policy Conflicts): Development of the Coliseum District pursuant to the proposed Project and Plan Buildout would not fundamentally conflict with the City's General Plan. To protect existing industrial uses, it is a Plan recommendation that, prior to approval of any residential development within Sub-Area B on land that is currently in industrial use, the developer of the proposed residential use must find a suitable replacement site acceptable to the owner/user of the industrial property in question, and facilitate acquisition of that replacement site for the displaced industrial use. In particular, an acceptable new site shall be found for the relocation of the City's corporation yard prior to residential uses being developed on that property.

35. **Land-5A and 5B** (Zoning): Development of the Coliseum District and Plan Buildout pursuant to the proposed Project would conflict with the City's current Planning Code and Zoning Map. City zoning inconsistencies would be made consistent through implementation of the proposed new zoning districts and zoning changes proposed pursuant to the Specific Plan.

36. **Land-6** (Port of Oakland land Use and Development Code Consistency): Development of a new Arena at the proposed Coliseum District as well as development of a residential and retail mixed use site along the waterfront pursuant to Buildout of the proposed Project would fundamentally conflict with the Port of Oakland's current Land Use and Development Code (LUDC). In order to enable implementation of the Project as proposed, the Port Board of Commissioners must either adopt the Specific Plan as its new land use plan for the Business Park, or elect to cede land use authority over the ultimate new Arena site and the waterfront residential site to the City of Oakland, or choose to instead amend its own LUDC to allow the new Arena and waterfront residential / retail mixed use as permitted or conditionally permitted uses within the Business Park. The City does not have jurisdictional authority to change or modify the Port's LUDC, and cannot ensure implementation of this measure. If the Port Board does not take any of the actions identified, the proposed new Arena and the proposed new waterfront residential mixed-use development would directly conflict with the LUDC. In that event, those elements of the Project could not move forward and the impact would be less than significant.

37. **Land-7** (ALUCP Compatibility): Development of the Coliseum District could fundamentally conflict with the structural height criteria of the Oakland International Airport Land Use Compatibility Plan (ALUCP). Mitigation Measure Land-7A provides that no structures that exceed 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, or which exceed 200 feet above the ground level of its site, will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and receives either an FAA finding that the structure is not a hazard to air navigation and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable instituting any alterations or curtailing of flight operations; or a conclusion by the ALUC that the proposed structure is acceptable with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features. Mitigation Measure Land-7B requires sellers or leasers of real property located within the Oakland Airport Influence Area (AIA) to include a real estate disclosure and aviation easement included as part of all real estate transactions within the AIA; and Mitigation Measure Land-7C requires avigation easements be dedicated to the Port of Oakland as a condition for any discretionary approvals of future residential or non-residential development within the Project Area. With implementation of these mitigation measures, the impact would be reduced to a level of less than significant.

38. **Land-8** (Consistency with BCDC Plans and Policies): New development pursuant to Plan Buildout would not fundamentally conflict with BCDC's Bay Plan or Sea Port Plan. To ensure consistency, Mitigation Measure Land-8A requires issuance of necessary BCDC permits for proposed Damon Slough enhancements, the Elmhurst Creek realignment, new development within 100 feet of the San Leandro Bay shoreline, and the proposed Bay Cut. Additionally, Mitigation Measure Land-8B requires compliance with Bay Plan dredging policies. With implementation of these mitigation measures, the impact would be reduced to a level of less than significant.

39. **Land-9** (Tidelands Trust): Future development within Sub-Areas B, C and or D may occur on lands granted to the Port of Oakland and subject to public trust. The development of residential and neighborhood-serving retail uses would conflict with the public trust doctrine and would not otherwise be permitted. However, the potential inconsistency with the public trust doctrine can be removed through appropriate reallocation of the public trust resource. Mitigation Measure Land-9 requires the developer of any future project within the Project Area that proposes to use land that is owned by the Port of Oakland to either enter into an agreement with the Port to ground lease and develop such project for uses deemed consistent with the public trust; or buy the underlying land from the Port subject to a finding that the property is no longer needed or required for the promotion of the public trust with the proceeds of the land sale to be used at the Port Board's discretion for public trust purposes; or arrange for an authorized exchange of any lands granted to the Port, subject to a finding that the land is no longer needed or required for the promotion of the public trust, for other lands not now subject to the public trust.

Noise:

40. **Noise-1** (Construction Noise): Future development at the Coliseum District and pursuant to Plan Buildout would include pile drilling and other extreme noise generating construction activities that would temporarily increase noise levels in the vicinity of individual project sites. Required implementation of SCA Noise-1: Days/Hours of Construction Operation, SCA Noise-2: Noise Control, SCA Noise-3: Noise Complaint Procedures, SCA Noise-7: Pile Driving and Other Extreme Noise Generators, would reduce this impact to a level of less than significant.

41. **Noise-4, -5A and -5B** (Noise Exposure of New Sensitive Land Uses): Buildout of the proposed Project could expose persons to interior Ldn or CNEL greater than 45 dBA in proposed multi-family dwellings and hotels, motels, dormitories and long-term care facilities, and would expose proposed new noise-sensitive land uses to noise levels in excess of noise levels considered normally acceptable according to the land use compatibility guidelines of the Oakland General Plan. Required implementation of SCA Noise-4: Interior Noise would mandate that noise levels within structures meet acceptable noise exposure criteria, and would reduce this impact to a level of less than significant.

42. **Noise-6** (Operational Noise): The proposed Project would not expose persons to or generate operational noise levels in excess of applicable standards established by the City, and these standards would be required of all new development pursuant to SCA Noise-5: Operational Noise – General. Required implementation of this SCA would reduce this impact to a level of less than significant.

43. Public Services: The proposed Project could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. However, required implementation of SCA Public-1: Conformance with other Requirements and SCA Public-2: Fire Safety Phasing Plan, would reduce this impact to a level of less than significant.

Traffic and Transportation:[1]

44. **Trans-4** (San Leandro Street/66th Avenue): Development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more, and increase the V/C ratio for a critical movement by 0.05 or more at the San Leandro Street/66th Avenue intersection, which operates at LOS F during the weekday PM peak hour under Existing Plus Coliseum District conditions. Implementation of Mitigation Trans-4 including: restriping eastbound 66th Avenue approach to provide one left-turn lane, one through lane, and one right-turn lane, and narrowing the westbound direction to one receiving lane; restriping westbound 66th Avenue approach to provide one left-turn lane and one shared through/right-turn lane; optimizing signal timing; and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

45. **Trans-14** (Camden Street/North MacArthur Boulevard/Seminary Avenue): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Camden Street/North MacArthur Boulevard/Seminary Avenue during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-14 including: restriping the eastbound Seminary Avenue approach to provide one left-turn lane and one shared through/right-turn lane by eliminating one of the westbound receiving lanes; restriping the westbound Seminary Avenue approach to provide one left-turn lane, one through lane, and one right-turn lane; restriping the northbound Camden Street approach to provide one shared left/through/right lane and one bicycle lane; converting signal operations from split phasing to permitted phasing on the north/south Camden Street/North MacArthur Boulevard approaches and protected phasing on the east/west Seminary

[1] In addition to the mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also reduce the potentially significant impacts listed to less than significant.

Avenue approaches; optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection); and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

46. **Trans-18** (Foothill Boulevard/35th Avenue): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Foothill Boulevard/35th Avenue during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-18 including: restriping the eastbound and westbound 35th Avenue approaches to provide an exclusive left-turn lane within the existing right-of-way on each approach; updating traffic signal equipment to provide protected left-turns on the eastbound and westbound 35th Avenue approaches; optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection); and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

47. **Trans-19** (Foothill Boulevard/High Street): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Foothill Boulevard/High Street during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-19 including: converting the traffic signal from pre-timed to actuated operations, optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection), and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

48. **Trans-20** (Foothill Boulevard/Seminary Avenue/Walnut Street): The development of the Coliseum District would degrade the Foothill Boulevard/ Seminary Avenue/Walnut Street from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. Implementation of Mitigation Trans-20 including: increasing signal cycle length at this intersection and the adjacent and closely spaced signal at Bancroft Avenue/Seminary Avenue to 90 seconds during the PM peak hour; optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection); and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

49. **Trans-39** (Camden Street/North MacArthur Boulevard/Seminary Avenue): Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Camden Street/North MacArthur Boulevard/Seminary Avenue during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-39, which is the implementation of Mitigation Trans-14 at the Camden Street/North MacArthur Boulevard/Seminary Avenue Intersection, would reduce this impact to a less than significant level.

50. **Trans-44** (Foothill Boulevard/35th Avenue): Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Foothill Boulevard/35th Avenue during both weekday AM and PM peak hours which would operate at LOS F

under 2035 conditions. Implementation of Mitigation Trans-44, which is the implementation of Mitigation Trans-18 at the Foothill Boulevard/35th Avenue intersection, would reduce this impact to a less than significant level.

51. **Trans-45** (Foothill Boulevard/High Street): Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Foothill Boulevard/High Street during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-45, which is the implementation of Mitigation Trans-19 at the Foothill Boulevard/High Street intersection, would reduce this impact to a less than significant level.

52. **Trans-46** (Foothill Boulevard/Seminary Avenue/Walnut Street): Plan Buildout would degrade the Foothill Boulevard/ Seminary Avenue/Walnut Street from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. Implementation of Mitigation Trans-46, which is the implementation of Mitigation Trans-18 at the Foothill Boulevard/Seminary Avenue/Walnut Street intersection, would reduce this impact to a less than significant level.

53. **Trans-48** (Bancroft Avenue / 73rd Avenue): Plan Buildout would degrade intersection operations from LOS D to LOS E during the PM peak hour and increase total intersection average vehicle delay by four or more seconds at the Bancroft Avenue / 73rd Avenue under 2035 conditions. Implementation of Mitigation Trans-48 including: providing a second left-turn lane on the northbound Bancroft Avenue approach; replacing existing 6-foot gutter pans and prohibit parking on both northbound and southbound Bancroft Avenue with 2-foot gutter pans; reconfiguring eastbound 73rd Avenue approach to provide one left-turn lane, two through lanes, one bicycle lane, and one right-turn lane; reconfiguring westbound 73rd Avenue approach to provide one left-turn lane, one through lane, one shared through/right lane, and one bicycle lane; optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection); and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

54. **Trans-66** (Oakport Street/Zhone Way): Plan Buildout would degrade intersection operations from LOS B to LOS F and increase total intersection average vehicle delay by four or more seconds during the PM peak hour at the Oakport Street/Zhone Way intersection under 2035 conditions. Implementation of Mitigation Trans-66, including provide a right-turn lane on the northbound Oakport Street approach; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

55. **Trans-72** (Airport Access Road/Pardee Drive/Hegenberger Road): Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds during the PM peak hour at the Airport Access Road/Pardee Drive/Hegenberger Road under 2035 conditions. Implementation of Mitigation Trans-72, including: convert left-turn operations on the north/south approaches from permitted phasing to protected phasing; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group, would reduce this impact to a less than significant level.

56. **Trans-79** (Transit travel Times): The proposed Coliseum District development would not substantially increase travel times for AC Transit buses. The City of Oakland has no basis to establish a numerical threshold for "substantially increased travel times". However, traffic generated by the Coliseum District development would result in increased congestion along transit corridors, and average speeds on these corridors would decrease by 0 to 3 mph. It is estimated that the congestion caused by the Coliseum District traffic in combination with the roadway modifications proposed by the Specific Plan and mitigation measures presented in this EIR would increase travel times for most buses on these corridors by less than two minutes. The Project also includes design measures that would improve bus travel times, including moving bus stops from the near-side to the far-side of the intersection, and providing bulbouts at bus stops where feasible. All streets within the Coliseum District would accommodate bus serve and sidewalks would provide adequate space for bus shelters and other bus stop amenities. While the proposed Project may increase some bus travel times, the resulting increases would have a minor effect on transit service within the Project Area as most of the travel time increase would be offset by implementation of the improvements discussed above, resulting in a less than significant impact.

57. **Trans-81** (Transportation Hazards): Development under the proposed Project would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses. The Specific Plan includes policies which would ensure that developments and changes in the public right-of-way, such as realignment of San Leandro Street would not adversely affect safety for all street users. In addition, the design for each individual development project and changes in the public right-of-way under the Specific Plan would be required to be consistent with appropriate regulations and design standards in effect at the time. Implementation of traffic mitigation measures would improve traffic flow at intersections and would also improve safety for all travel modes. The proposed Project generally includes intersecting streets that slow vehicle speeds and maximize sight lines between drivers, pedestrians, and bicyclists. Implementation of SCA Trans-1 and SCA Trans-2 require that public improvement plans and building plans for individual development projects incorporate design requirements such as curbs, gutters, disabled access, adequate emergency access, and other measures to improve vehicle, bicycle, and pedestrian safety. Additionally, Mitigation Trans-81 requires that E Street be configures so that it curves along the alignment of F Street intersecting Loop Road opposite the access to the collector-distributor road, or be redirected at F Street through the surface parking to connect to Hegenberger Road opposite Baldwin Street. With implementation of SCAs Trans-1 and Trans-2 and Mitigation Measure Trans-81, transportation safety hazards would be reduced to a less than significant level.

58. **Trans-82** (Pedestrian Safety): Development under the proposed Project would not directly or indirectly result in a permanent substantial decrease in pedestrian safety. In order to accommodate the increased pedestrian activity, the Specific Plan includes policies and physical changes that would improve pedestrian safety in the Project Area, including direct pedestrian connections to transit, replacement of the existing Coliseum Way channel overcrossing with a new crossing that has widened sidewalks on both sides, providing a Class 1 Path on the south side of 66th Avenue, providing a Class 1 Path on the east side of the Loop Road connecting Hegenberger Road with E Street, maintaining clear zones within the sidewalk realm, minimizing driveways and curb-cuts, providing pedestrian-scale street lighting along all streets in the Project Area, and providing marked crosswalks across all approaches to intersecting streets and maintaining dedicated curb ramps for each crosswalk. Several mitigation measures would also improve pedestrian safety including upgrades to the traffic signal equipment providing count-down pedestrian signal heads, and/or providing adequate time for pedestrians to cross the streets. As a result of the above features, the proposed Project would

not result in permanent substantial decrease in pedestrian safety and would have a less than significant impact.

59. **Trans-83** (Bicyclists Safety): Development under the proposed Project would not directly or indirectly result in a permanent substantial decrease in bicycle safety. One of the goals of the Specific Plan is to increase bicycling in the Project Area. In order to accommodate the increased bicycling activity, the Specific Plan also includes policies and physical changes that would improve bicyclist safety in the Project Area, including a Class 2 bike lanes from 66th Avenue into the Project Area, bike lanes on major internal streets, bike facilities on the promenade and on the elevated concourse connecting to the transit hub, and bicycle signal actuation, bicycle boxes, two-stage turn queue boxes, and other features to facilitate bicycle travel within and through the Coliseum District. As a result of these features, the proposed Project would not result in permanent substantial decrease in bicyclist safety and would have a less than significant impact.

60. **Trans-84** (Bus Rider Safety): Development under the proposed Project would not directly or indirectly result in a permanent substantial decrease in bus rider safety. The Specific Plan includes changes to the pedestrian environment that would benefit bus rider safety, and policies that would improve safety for bus riders, including collaboration with AC Transit to improve bus service to the Project Area by adding additional service and incorporating additional features into the bus network around and through the Project Area. As a result, the proposed Project's impacts on bus rider safety would be less than significant.

61. **Trans-86** (Transit and Multi-Modal Policy Conflicts): Development under the proposed Project would not fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment. The Specific Plan would provide for high-density development in a compact area with excellent pedestrian and bicycle infrastructure and transit service. The Specific Plan is estimated to generate about 40 percent fewer automobile trips during a typical weekday than same uses in a more suburban setting. The high usage of non-auto modes is due to the Specific Plan locating a variety of uses within a tight grid system of two lane streets and in proximity to the Coliseum/Airport BART Station. By providing a mix of uses in a dense walkable urban environment with quality pedestrian, bicycle, and transit infrastructure and a limited parking supply, the Specific Plan encourages the use of non-automobile transportation modes. The Specific Plan also includes Transportation Demand Management (TDM) strategies, which are consistent with the City of Oakland's SCA Trans-3, Parking and Transportation Demand Management, and would encourage more residents, employees and visitors to shift from driving alone to other modes of travel. The Specific Plan includes a number of changes to the public right-of-way that would encourage pedestrian activity by creating a safer and more attractive pedestrian environment. The Specific Plan includes policies, such as minimizing driveways on pedestrian thoroughfares, widening sidewalks, and providing pedestrian scale lighting, that further encourage pedestrian activity. Therefore, the Specific Plan is consistent with the City's Pedestrian Master Plan by including infrastructure improvements, policies, and facilitating developments that would improve pedestrian safety and encourage and promote pedestrian activity.

62. **Trans-87** (Construction Period Impacts): Development under the proposed Project would result in a substantial, though temporary adverse effect on the circulation system during construction of the Project. However, application of SCA Trans-4: Construction Traffic Management Plan, which address construction-period traffic management, plus measures to further implement SCA Trans-4, including a set of comprehensive traffic control measures for motor vehicles, transit, bicycle, and

pedestrian access and circulation during each phase of construction, and a construction period parking management plan to ensure that parking demands for construction workers, site employees, and customers are accommodated during each phase of construction, would reduce the Project's potential construction-period traffic impacts to a less-than-significant level.

63. **Trans-88** (Air Traffic Patterns): Development under the proposed Project could result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. With implementation of Mitigation Land-7A, 7B and 7C, which require all structures that exceed 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, or which exceed 200 feet above the ground level of its site must be reviewed by the FAA and receive a finding that the structure is "not a hazard to air navigation" and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable instituting any alterations or curtailing of flight operations, or a conclusion by the ALUC that the proposed structure is acceptable with appropriate marking and lighting; that sellers or leasers of real property located within the Oakland Airport Influence Area (AIA) shall include a real estate disclosure notification that their property is situated within the AIA and may be subject to some of the annoyances or inconveniences associated with proximity to airport operations; and that an avigation easement shall be dedicated to the Port of Oakland as a condition for any discretionary approvals; would reduce this impact to a less than significant level.

Utilities

64. **Util-1A and -1B** (Water Demand): The water demand generated by new development within the Coliseum Site and pursuant to Plan Buildout will increase the average daily water demand over existing levels, but would not exceed water supplies currently available from existing entitlements and resources. Required implementation of SCA Util-3 would ensure compliance with the City's Green Building Ordinance; and SCA Util-4 would ensure compliance with the Green Building Ordinance for building and landscape projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist. All construction activity on-site, including construction of new water distribution lines, would be required to comply with City of Oakland standard conditions of approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1). With required implementation of these SCAs, the impact would be less than significant.

65. **Util-2A** (Wastewater Treatment): New development within the Coliseum Site and pursuant to Plan Buildout would not exceed the wastewater treatment requirements of the San Francisco Regional Water Quality Control Board or result in a determination that new or expanded wastewater treatment facilities would be required. All construction activity on-site, including construction of new sewer laterals, would be required to comply with City of Oakland Standard Conditions of Approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1). With required implementation of these SCAs, the impact would be less than significant.

66. **Util-3A and -3B** (Storm Drainage): New development at the Coliseum Site and pursuant to Plan Buildout would require construction of new stormwater drainage facilities and the potential expansion of existing facilities, the construction of which could cause significant environmental effects. Implementation of the City's SCA Hydro-6 will require preparation of post-construction

Stormwater Pollution Prevention Plans, and SCA Util-2: Stormwater and Sewer requires demonstrated capacity of conveyance facilities. Additionally, as with all construction activity on-site, construction of new storm drainage improvements would be required to comply with City of Oakland Standard Conditions of Approval regarding construction noise (SCA Noise-1 and SCA Noise-2), air quality and dust suppression (SCA Air-1 and SCA Air-2), erosion control (SCA Geo-1) and temporary construction traffic controls (SCA Trans-1). With required implementation of these SCAs, the impact would be less than significant.

67. **Util-4** (Solid Waste): Future development pursuant to the Specific Plan at the Coliseum Site and pursuant to Plan Buildout would not violate applicable federal, state, and local statutes or regulations related to solid waste; nor would it generate solid waste that would exceed the permitted capacity of the landfills serving the area. Required implementation of SCA Util-1: Waste Reduction and Recycling would minimize waste stream landfill to the extent reasonable and feasible, and the impact would be less than significant.

68. **Util-5** (Energy): New development resulting from implementation of the specific Plan both at the Coliseum Site and pursuant to Plan Buildout would not violate applicable federal, state and local statutes and regulations relating to energy standards; nor result in a determination by the energy provider which serves or may serve the area that it does not have adequate capacity to serve projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities. Required implementation of SCA Util-3 would ensure compliance with the City's Green Building Ordinance, and SCA Util-4 would ensure compliance with the Green Building Ordinance for building and landscape projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist. With required implementation of these SCAs, the impact would be less than significant. And

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures as set forth below.

Air Quality

69. **Air-5A and -5B** (Construction Period Emissions of Criteria Pollutants): During construction, subsequent development at the Coliseum District and pursuant to Plan Buildout will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust that. Even with implementation of City of Oakland SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions), and with new Mitigation Measure MM Air 6A-1: Reduced Construction Emissions, it cannot be certain that emissions of ROG and NOx can be reduced to below threshold levels, and larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance, even with the implementation of SCAs. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

70. **Air-7A and -7B** (Operational Emissions of Criteria Pollutants): New development at the Coliseum District and pursuant to Plan Buildout would result in operational average daily emissions of more than 54 pounds per day of ROG, NOX, or PM2.5 and 82 pounds per day of PM10; and would result in maximum annual emissions of 10 tons per year of ROG, NOX, of PM2.5 and 15 tons per year of

PM10. Implementation of SCA Trans-1: Transportation Demand Management (TDM) Program, which would reduce criteria air pollutants and ozone precursor emissions from subsequent development projects, may or may not be effective in reducing emissions to below threshold levels, and so the impact would be significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

71. **Air-11** (Odor, Cumulative): Odor sources are present in all high density areas throughout Oakland according to the 2007-2014 Housing Element EIR, and new development under the Coliseum Plan could be subject to cumulatively significant and unavoidable odor effects. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

72. **Air-11** (New Sources of Operational Toxic Air Contaminants, Cumulative): Development pursuant to the Specific Plan would include new light industrial, custom manufacturing and other similar land uses that could emit toxic emissions. Existing regulatory requirements would ensure that such emissions would not individually exceed established acceptable standards, but may contribute to cumulatively considerable effects, therefore this impact is deemed cumulatively significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

73. **Air-11** (New Sensitive Receptors to Substantial Levels of Toxic Air Contaminants, Cumulative): Implementation of the requirements for a project-specific health risk assessment pursuant to SCA-2 may not reduce total cumulative toxic air contaminant exposures for gaseous toxic air contaminants to acceptable levels, and the residual air pollution risk and hazard could have significant unavoidable cumulative impacts. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

Biology

74. **Bio-1B, Bio-2B and Bio-7** (Special Status Species, Wetlands/Riparian Habitat and Cumulative): Future development pursuant to Plan Buildout could have a substantial adverse effect directly, indirectly through habitat modifications, and cumulatively on candidate, sensitive or special status species. Construction activities pursuant to Plan Buildout could directly impact individuals of special status species and adversely affect the quality of their habitat through disturbance from noise, truck traffic, grading, and tree removal. There is potential for sediments to be released during construction that could introduce sediments or contaminants to the surrounding creeks and sloughs, marshes, or open water. Direct impacts to special status species and their habitat could also occur pursuant to the proposed creation of a new Bay inlet, and the proposal to fill the existing approximately 8 acres of Coastal and Valley freshwater marsh at the Edgewater Seasonal Wetland. Required implementation of SCA Bio-1 through SCA Bio-8 would substantially reduce indirect impacts on special status species that could occur from construction activity through disturbance from noise, truck traffic ground disturbance and tree removal. Implementation of SCA Bio-9 requiring preparation of an erosion and sedimentation control plan, SCA Bio-10 requiring implementation of best management practices for soil and groundwater hazards, and SCAs Bio-11, and Bio-13 through Bio-16 regarding permits and requirements related to City Creeks permits would substantially reduce impacts on special status species (fish, marine mammal species and mammal species which inhabit salt marshes) that could otherwise be adversely affected by downstream sedimentation and contamination. Additionally, work associated with creating a new Bay inlet and the fill and development of the existing Edgewater Seasonal Wetland will be subject to jurisdictional requirements of several agencies including the RWQCB, BCDC. California Fish and Wildlife, the US Army Corps of Engineers, the National Oceanic and Atmospheric Administration- Fisheries, and the US Fish and

Wildlife Service. Implementation of SCA Bio-12: Regulatory Permits and Authorizations will required compliance all applicable permits or authorizations from these regulatory agencies. In addition, Mitigation Measure Bio 1A-1 includes higher standards than typical City SCAs for pre-construction nesting bird surveys and buffers because of the special sensitivity and extended nesting and migratory period associated with species present in the area, Mitigation Measure Bio 1A-2 provides for restricted construction periods for an in-water work, and Mitigation Measure Bio 1A-3 requires buffers, protections and monitoring for all construction work in or near pickleweed-dominated salt marsh habitat within Damon Marsh and Arrowhead Marsh. Furthermore, Mitigation Measure Bio 1B-1 provides for a specific construction season for any in-Bay dredging operations intended to minimize open water turbidity during period of high sensitivity for fish and shore birds, and Mitigation Measure Bio 1B-2 requires preparation of a Seasonal Wetland Restoration Plan to replace impacted wetlands and associated habitat for special status species at the Edgewater Seasonal Wetland with replacement seasonal wetland and associated Coastal and Valley freshwater wetland habitat at a minimum ratio of 2:1. Impacts to special status species resulting from the majority of the Project's construction activity and operations will be reduced to a level of less than significant through implementation of City of Oakland SCAs and mitigation measures. However, the proposed Bay Inlet cut, and fill and development of the Edgewater Seasonal Wetland will be subject to subsequent, project-specific analysis, preparation of detailed restoration plans, and numerous subsequent permitting and regulatory requirements. Until such time as the details of a potential land exchange are known, the parties to such a potential exchange express an interest, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies are fully known, no determination can be made as to the efficacy of this mitigation strategy. Therefore, Project-specific and cumulative impacts to special status species and wetland habitat resulting from the proposed filling and development of Edgewater Seasonal Wetland are considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations, and in consideration of the requirements that only if a potential applicant were to invest the effort necessary to prepare a fully detailed and complete mitigation plan as required pursuant to MM Bio 1A-2, and all required steps (including agreements, agency permits and approvals) were obtained to the satisfaction of all responsible agencies, will any future development of the Edgewater Seasonal Wetland site be considered.

Cultural and Historic Resources

75. **Cultural-1A** (Oakland Coliseum and Arena Complex): Future development within the Coliseum District would result in ultimate demolition of the Oakland Coliseum and potentially the Arena, causing a substantial adverse change in the significance of the Oakland Coliseum and Arena Complex, a historical resource as defined in CEQA Guidelines Section 15064.5. The City would apply Oakland Planning Code Section 17.136.075 (B) requirements for Design Review approval prior to demolition or removal of historic structures ("Demolition Findings"). Mitigation Measures Cultural 1A-1: Site Recordation, MM Cultural 1A-2: Public Interpretation Program, MM Cultural 1A-3: Financial Contribution MM Cultural 1A-4: Oral Histories and MM Cultural 1A-5, as well as the City's Standard Conditions of Approval SCA Cultural-5: Comprehensive Written Documents are required, as is compliance with Policy 3.7 of the Oakland Historic Preservation Element, and SCA Cultural-6 Vibration to Adjacent Historic Structures. However, demolition of Oakland Coliseum is identified as the only feasible option to move forward with Specific Plan development within the Coliseum District. Unlike the Coliseum, demolition of the existing Arena is identified as only one of several potential development options pursuant to the Specific Plan. It is conservatively assumed that demolition of the Arena would also occur. No financial or other mitigation measures are reasonable and feasible to mitigate for the significant and unavoidable loss of either the Coliseum or the Arena, but the identified mitigation measures reduce these potential impacts to fullest extent feasible. These

significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

76. **Cultural-5** (Cumulative Historic Resources): Demolition of the existing Coliseum and potentially the demolition of the Arena would result in a significant loss of historic resources, and contribute to cumulatively significant impacts to historic resources throughout the City. As noted above, mitigation measures have been recommended to reduce this impact to the extent feasible, but the cumulative impact remains significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

Noise-2A (Operational Noise): Future development of new sports and special events venues in the Coliseum District would generate operational noise that would exceed the City of Oakland Noise Ordinance at new, on-site sensitive receivers. Even with application of SCA Noise-5: Operational Noise-General and Mitigation Measure Noise 2A-1 (Event Venue Noise Levels), there is no feasible mitigation to reduce game-day and special event noise from the new stadium and ballpark (assuming a non-roof design) at proposed new on-site sensitive receivers, making the impact significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

Traffic and Transportation:[2]

77. **Trans-1** (Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp): Development of the Coliseum District would add more than 10 peak-hour trips to the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp, which would meet peak hour signal warrant under Existing Plus Coliseum District conditions. Implementation of Mitigation Trans-1, including: signalizing the intersection providing actuated operations with permitted left-turns on east-west approaches and split phasing on north-south approaches; and coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

78. **Trans-2** (Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp): The development of the Coliseum District would add more than 10 peak-hour trips to the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp, which would meet peak hour signal warrant under Existing Plus Coliseum District conditions. Implementation of Mitigation Trans-2, including: restriping eastbound Seminary Avenue approach to provide one left-turn lane and one shared through/right lane; signalizing the intersection providing actuated operations, with split phasing on all approaches, and coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this

[2] In addition to the mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also reduce the potentially significant impacts, but not to less than significant.

intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

79. **Trans-3** (Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp): The development of the Coliseum District would add more than 10 peak-hour trips to the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp, which would meet peak hour signal warrant under Existing Plus Coliseum District conditions. Implementation of Mitigation Trans-3, including: signalizing the intersection providing actuated operations, with protected left turns on the westbound Seminary Avenue approach and split phasing on the north/south Overdale Avenue/Off-Ramp approaches; and coordinating the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

80. **Trans-5** (San Leandro Boulevard/Best Avenue/Park Street): Under Existing plus Coliseum District conditions, the development of the Coliseum District would cause an increase of more than 5 seconds in average delay on the worst approach for the unsignalized intersection San Leandro Boulevard/Best Avenue/Park Street intersection, which operates at LOS E or F under No Project conditions. Implementation of Mitigation Trans-5, including: signalize the intersection providing actuated operations; and coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of San Leandro and any equipment or facility upgrades must be approved by San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

81. **Trans-6** (San Leandro Boulevard/Marina Boulevard): The proposed Project would cause the San Leandro Boulevard/Marina Boulevard (intersection #69) to degrade from LOS D to LOS E during the PM peak hour under Existing Plus Coliseum District conditions. Implementation of Mitigation Trans-6, including: provide a second left-turn lane on northbound San Leandro Boulevard; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of San Leandro and any equipment or facility upgrades must be approved by San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

82. **Trans-7** (Coliseum Way/High Street): The development of the Coliseum District would degrade the Coliseum Way/High Street intersection from LOS D to LOS E, and increase total intersection average vehicle delay by four or more seconds during the AM peak hour, and increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour, during which the intersection would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-7, including: implement the planned 42nd

Avenue/High Street Access Improvements (which would include addition of a second left-turn lane on the eastbound High Street approach and a left-turn lane on the westbound High Street approach); restripe the northbound Coliseum Way approach to provide one shared left/through lane and one right-turn lane; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

83. **Trans-8** (Fernside Boulevard/High Street/Gibbons Drive): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday AM peak hour which would operate at LOS F under Existing Plus Coliseum District conditions at the Fernside Boulevard/High Street/Gibbons Drive intersection. Implementation of Mitigation Trans-8, including convert the left-turn movements on westbound High Street from protected operations to permitted operations during the AM and PM peak periods; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

84. **Trans-9** (Fernside Boulevard/Otis Drive): The development of the Coliseum District would increase the total intersection average delay by four seconds or more and increase the average delay for a critical movement by six or more seconds during the PM peak hour which would operate at LOS E under Existing Plus Coliseum District conditions at the Fernside Boulevard/Otis Drive. Implementation of Mitigation Trans-9, including removing the right turn island on the northbound Otis Drive approach, adding a dedicated right turn lane with approximately 50 feet of storage length, moving the northbound stop-bar upstream approximately 20 feet to accommodate the right turn lane storage length, and restriping Fernside Boulevard with two receiving lanes, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

85. **Trans-10** (Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard): The development of the Coliseum District would add more than 10 peak-hour trips to the Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard which would meet peak hour signal warrant under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-10, including signalizing the intersection providing actuated operations, with permitted phasing on all approaches, and coordinating the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be

approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

86. **Trans-11** (Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp): The development of the Coliseum District would add more than 10 peak-hour trips to the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp which would meet peak hour signal warrant under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-11, which is the implementation of Mitigation Trans-1 at the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

87. **Trans-12** (Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp): The development of the Coliseum District would add more than 10 peak-hour trips to the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp which would meet peak hour signal warrant under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-12, which is the implementation of Mitigation Trans-2 at the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

88. **Trans-13** (Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp): The development of the Coliseum District would add more than 10 peak-hour trips to the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp which would meet peak hour signal warrant under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-13, which is the implementation of Mitigation Trans-3 at the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off-Ramp intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

89. **Trans-15** (MacArthur Boulevard/Foothill Boulevard/73rd Avenue): The development of the Coliseum District would degrade the MacArthur Boulevard/ Foothill Boulevard/73rd Avenue from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

90. **Trans-16** (Foothill Boulevard/Fruitvale Avenue): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Foothill Boulevard/Fruitvale Avenue during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or demolition of existing pedestrian bulbouts, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

91. **Trans-17** (Foothill Boulevard/Coolidge Avenue): The development of the Coliseum District would contribute to LOS E operations at the Foothill Boulevard/Coolidge Avenue (Intersection #18), increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, removal of on-street parking, and/or demolition of existing pedestrian bulbouts, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

92. **Trans-21** (International Boulevard/High Street): The development of the Coliseum District would contribute to LOS E operations at the International Boulevard/High Street, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or removing the planned BRT bus lane, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.|

93. **Trans-22** (International Boulevard/Heavenscourt Boulevard): The development of the Coliseum District would contribute to LOS E operations at the International Boulevard/Heavenscourt Boulevard, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or removing the planned bicycle and BRT facilities, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

94. **Trans-23** (East 12th Street/Fruitvale Avenue): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at the East 12th Street/Fruitvale Avenue during the weekday AM peak hour, which would operate at LOS F under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

95. **Trans-24** (San Leandro Street/East 10th Street/Fruitvale Avenue): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at the San Leandro Street/East 10th Street/Fruitvale Avenue during the weekday PM peak hour which would operate at LOS F under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be

infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

96. **Trans-25** (San Leandro Street/66th Avenue): The development of the Coliseum District would degrade the San Leandro Street/66th Avenue from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the weekday AM peak hour which would operate at LOS E; the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-25, which is the implementation of Mitigation Trans-4 at the San Leandro Street/66th Avenue intersection, could reduce the magnitude of this impact but the intersection would continue to operate at LOS F during both weekday AM and PM peak hours. Further mitigation measures that would improve traffic operations at the intersection would require additional right-of-way, and are considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

97. **Trans-26** (San Leandro Street/Hegenberger Road Off-Ramp/75th Avenue): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at the San Leandro Street/Hegenberger Road Off-Ramp/75th Avenue during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-26 including: converting signal operations for the left-turn lane on southbound San Leandro Street from permitted to protected operations, optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection), and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce the magnitude of the impact. However, after implementation of Mitigation Trans-26, the intersection would continue to operate at LOS F and the increase in V/C ratio for a critical movement would remain more than 0.05. Further mitigation measures that would improve traffic operations at the intersection would require additional right-of-way, and are considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

98. **Trans-27** (San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street/Park Street): The development of the Coliseum District would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized intersections that operates at LOS E or F under No Project conditions at the San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street/Park Street under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-27 including: signalizing the intersection providing actuated operations and coordinate the signal timing at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of the City of San Leandro and any equipment or facility upgrades must be approved by the City of San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

99. **Trans-28** (San Leandro Boulevard/Best Avenue/Park Street): The development of the Coliseum District would cause the increase in average delay of more than 5 seconds on the worst approach for

unsignalized intersections that operates at LOS E or F under No Project conditions at the San Leandro Boulevard/Best Avenue/Park Street under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-28, which is the implementation of Mitigation Trans-5 at the San Leandro Boulevard/Best Avenue/Park Street intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of the City of San Leandro and any equipment or facility upgrades must be approved by the City of San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

100. **Trans-29** (San Leandro Boulevard/Davis Street): The development of the Coliseum District would increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour which would operate at LOS E under 2035 Plus Coliseum District conditions at the San Leandro Boulevard/Davis Street. Implementation of Mitigation Trans-29, restripe the northbound San Leandro Boulevard approach to add an exclusive right-turn lane at the San Leandro Boulevard/Davis Street intersection, which is consistent with the mitigation measure identified in the *AC Transit East Bay BRT Project Final EIS/EIR* (January 2012) at this intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of the City of San Leandro and any equipment or facility upgrades must be approved by the City of San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

101. **Trans-30** (Coliseum Way/I-880 Northbound Ramps/42nd Avenue): The development of the Coliseum District would degrade the intersection from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds at the Coliseum Way/I-880 Northbound Ramps/42nd Avenue during the weekday AM peak hour under 2035 Plus Coliseum District conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

102. **Trans-31** (Coliseum Way/High Street): The development of the Coliseum District would contribute to LOS E operations at the Coliseum Way/High Street during the AM peak hour and increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds; the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-31 including: restriping the northbound Coliseum Way approach to provide one shared left/through lane and one right-turn lane, optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection), and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could reduce the magnitude of the impact. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

103. **Trans-32** (Oakport Street/I-880 Southbound Ramps/High Street): The development of the Coliseum District would degrade the intersection from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds at the Oakport Street/I-880 Southbound Ramps/High Street during the weekday PM peak hour under 2035 Plus Coliseum District conditions. Implementation of Mitigation Trans-32 including: converting the southbound I-880 Southbound Off-Ramp approach to provide one left-turn lane, two through lanes, and one right-turn lane; optimizing signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection); and coordinating the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

104. **Trans-33** (Fernside Boulevard/High Street/Gibbons Drive): The development of the Coliseum District would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday AM peak hour which would operate at LOS F; and increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour which would operate at LOS E under 2035 Plus Coliseum District conditions at the Fernside Boulevard/High Street/Gibbons Drive intersection. Implementation of Mitigation Trans-33, which is the implementation of Mitigation Measure Trans-8 at the Fernside Boulevard/High Street/ Gibbons Drive intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

105. **Trans-34** (Fernside Boulevard/Otis Drive): The development of the Coliseum District would increase the average delay for a critical movement by six or more seconds during the AM peak hour which would operate at LOS E under 2035 Plus Coliseum District conditions at the Fernside Boulevard/Otis Drive intersection. Implementation of Mitigation Trans-34, which is the implementation of Mitigation Measure Trans-9 at the Fernside Boulevard/Otis Drive intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

106. **Trans-35** (Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard): Plan Buildout would add more than 10 peak-hour trips to the Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard which would meet peak hour signal warrant under 2035 Plus Specific Plan Buildout conditions. Implementation of Mitigation Trans-35, which is the implementation of Mitigation Measure Trans-10 at the Frontage Road/SR 13 Northbound On-Ramp/Mountain Boulevard intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be

approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

107. **Trans-36** (Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp): Plan Buildout would add more than 10 peak-hour trips to the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp which would meet peak hour signal warrant under 2035 Plus Specific Plan Buildout conditions. Implementation of Mitigation Trans-36, which is the implementation of Mitigation Measure Trans-1 at the Kuhnle Avenue/Mountain Boulevard/I-580 Westbound Off-Ramp intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

108. **Trans-37** (Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp): Plan Buildout would add more than 10 peak-hour trips to the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp which would meet peak hour signal warrant under 2035 Plus Specific Plan Buildout conditions. Implementation of Mitigation Trans-37, which is the implementation of Mitigation Measure Trans-2 at the Sunnymere Avenue/Kuhnle Avenue/Seminary Avenue/I-580 Eastbound On-Ramp intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

109. **Trans-38** (Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp): Plan Buildout would add more than 10 peak-hour trips to the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound Off Ramp which would meet peak hour signal warrant under 2035 Plus Specific Plan Buildout conditions. Implementation of Mitigation Trans-38, which is the implementation of Mitigation Measure Trans-3 at the Seminary Avenue/Overdale Avenue/I-580 Eastbound/SR 13 Southbound off ramp intersection, could reduce this impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

110. **Trans-40** (MacArthur Boulevard/Foothill Boulevard/73rd Avenue): Plan Buildout would degrade the MacArthur Boulevard/ Foothill Boulevard/73rd Avenue from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

111. **Trans-41** (Foothill Boulevard/14th Avenue): Plan Buildout would degrade intersection operations from LOS C to LOS E and increase total intersection average vehicle delay by four or more seconds during the AM peak hour at the Foothill Boulevard/14th Avenue under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

112. **Trans-42** (Foothill Boulevard/Fruitvale Avenue): Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at Foothill Boulevard/Fruitvale Avenue during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or demolition of existing pedestrian bulbouts, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

113. **Trans-43** (Foothill Boulevard/Coolidge Avenue): Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds during the AM peak hour at the Foothill Boulevard/Coolidge Avenue, and contribute to LOS E operations, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, removing on-street parking, and/or demolition of existing pedestrian bulbouts, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

114. **Trans-47** (Bancroft Avenue / Havenscourt Boulevard): Plan Buildout would degrade intersection operations from LOS D to LOS E during the PM peak hour and increase total intersection average vehicle delay by four or more seconds at the Bancroft Avenue / Havenscourt Boulevard under 2035 conditions. The recommended mitigation measures would require additional right-of-way, removing planned Class 2 bicycle lanes, and/or removing on-street parking, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

115. **Trans-49** (International Boulevard/Fruitvale Avenue): Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds during the AM peak hour, and contribute to LOS E operations during the PM peak hour and increase the average delay for a critical movement by six or more seconds at the International Boulevard/Fruitvale Avenue intersection under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or removing the planned BRT bus lane, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

116. **Trans-50** (International Boulevard/High Street): Plan Buildout would contribute to LOS E operations at the International Boulevard/High Street, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or removing the planned BRT bus lane, which is considered to be

infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

117. **Trans-51** (International Boulevard/Heavenscourt Boulevard): Plan Buildout would contribute to LOS E operations at the International Boulevard/Heavenscourt Boulevard, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour under 2035 conditions. The recommended mitigation measures would require additional right-of-way, and/or removing the planned bicycle and BRT facilities, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

118. **Trans-52** (East 12th Street/Fruitvale Avenue): Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more at the East 12th Street/Fruitvale Avenue during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

119. **Trans-53** (San Leandro Street/East 10th Street/Fruitvale Avenue): Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds the San Leandro Street/East 10th Street/Fruitvale Avenue during the AM peak hour, and increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

120. **Trans-54** (San Leandro Street/High Street): Plan Buildout would degrade intersection operations from LOS C during the AM peak hour and LOS D during the PM peak hour to LOS E during both AM and PM peak hours and increase total intersection average vehicle delay by four or more seconds San Leandro Street/High Street under 2035 conditions. The recommended mitigation measures would require additional right-of-way, which is considered to be infeasible. This conclusion is consistent with the findings of the *Central Estuary Implementation Guide Supplemental EIR* (November 2012) at this intersection. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

121. **Trans-55** (San Leandro Street/66th Avenue): Plan Buildout would degrade the San Leandro Street/66th Avenue from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the weekday AM peak hour which would operate at LOS E; the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2035 Plus Specific Plan Buildout conditions. Implementation of Mitigation Trans-55, which is the implementation of Mitigation Trans-4 at the San Leandro Street/66th Avenue intersection, would reduce the magnitude of the impact. However, after implementation of this measure the intersection

would continue to operate at LOS F during both weekday AM and PM peak hours. Further mitigation measures that would improve traffic operations at the intersection would require additional right-of-way, and are considered to be infeasible. Therefore, this impact is considered significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

122. **Trans-56** (San Leandro Street/Hegenberger Road Off-Ramp/75th Avenue): Plan Buildout would degrade intersection operations from LOS C to LOS E and increase total intersection average vehicle delay by four or more seconds the San Leandro Street/Hegenberger Road Off-Ramp/75th Avenue during the AM peak hour, and increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-56 (which is implementation of Mitigation Trans-26 at the San Leandro Street/ Hegenberger Road Off-Ramp/75th Avenue intersection) will reduce the magnitude of the impact, but the intersection would continue to operate at LOS E during the AM peak hour and LOS F during the PM peak hour. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as third through lanes on northbound and/or southbound San Leandro Street. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

123. **Trans-57** (San Leandro Street/85th Avenue): Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds during the PM peak hour at the San Leandro Street/85th Avenue under 2035 conditions. Traffic operations at the intersection can be improved by providing additional automobile travel lanes, such as a third through lane on northbound or southbound San Leandro Street. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

124. **Trans-58** (San Leandro Street/98th Avenue): Plan Buildout would degrade intersection operations from LOS D to LOS E and increase total intersection average vehicle delay by four or more seconds during the PM peak hour at the San Leandro Street/98th Avenue under 2035 conditions. Traffic operations at the intersection can be improved by providing additional automobile travel lanes, such as a third through lane on eastbound or westbound High Street. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

125. **Trans-59** (San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street/Park Street): Plan Buildout would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized intersections that operates at LOS E or F under No Project conditions at the San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street/Park Street (Intersection #66) under 2035 Plus Specific Plan Buildout conditions. With implementation of Mitigation Trans-59 (which is implementation of Mitigation Trans-27 at the San Leandro Boulevard/West Broadmoor Boulevard/Apricot Street /Park Street intersection) the intersection would improve to LOS A during

both weekday AM and PM peak hours and reduce the impact to a less than significant level. Because this intersection is under the jurisdiction of San Leandro and any equipment or facility upgrades must be approved by San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

126. **Trans-60** (San Leandro Boulevard/Best Avenue/Park Street): Plan Buildout would cause the increase in average delay of more than 5 seconds on the worst approach for unsignalized intersections that operates at LOS E or F under No Project conditions at the San Leandro Boulevard/Best Avenue/Park Street under 2035 Plus Specific Plan Buildout conditions. With implementation of Mitigation Trans-60 (which is implementation of Mitigation Trans-5 at the San Leandro Boulevard/Best Avenue/Park Street intersection) the intersection would improve to LOS B during both weekday AM and PM peak hours and reduce the impact to a less than significant level. Because this intersection is under the jurisdiction of San Leandro and any equipment or facility upgrades must be approved by San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

127. **Trans-61** (San Leandro Boulevard/Davis Street): Plan Buildout would increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour which would operate at LOS E under 2035 Plus Specific Plan Buildout conditions at the San Leandro Boulevard/Davis Street. With implementation of Mitigation Trans-61 (which is implementation of Mitigation Trans-29 at the San Leandro Boulevard/Davis Street intersection) the intersection would continue to operate at LOS D during the AM peak hour and LOS E during the weekday PM peak hour, but would reduce the increase in total intersection delay to less than four seconds and the increase in delay for critical movements to less than six seconds, reducing the impact to a less than significant level. Because this intersection is under the jurisdiction of San Leandro and any equipment or facility upgrades must be approved by San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

128. **Trans-62** (San Leandro Boulevard/Marina Boulevard): Plan Buildout would cause the San Leandro Boulevard/Marina Boulevard to degrade from LOS D to LOS E during the PM peak hour under 2035 Plus Specific Plan Buildout conditions. In addition, Plan Buildout would increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour. Implementation of Mitigation Trans-62 (which is implementation of Mitigation Trans-6 at the San Leandro Boulevard/Marina Boulevard intersection) would improve operations to LOS D during both weekday AM and PM peak hours and reduce the impact to a less than significant level based on both San Leandro and Oakland's thresholds of significance. Because this intersection is under the jurisdiction of San Leandro and any equipment or facility upgrades must be approved by San Leandro, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

129. **Trans-63** (Coliseum Way/I-880 Northbound Ramps/42nd Avenue): Plan Buildout would degrade the intersection from LOS E to LOS F, increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds at the Coliseum Way/I-880 Northbound Ramps/42nd Avenue during the weekday AM peak hour under 2035 Plus Specific Plan Buildout conditions. Traffic operations at the intersection can be improved by providing additional automobile travel lanes, such as a third through lane on northbound Coliseum Way or eastbound 42nd Avenue. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

130. **Trans-64** (Coliseum Way/High Street): Plan Buildout would contribute to LOS E operations at the Coliseum Way/High Street during the AM peak hour and increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds; the development would also increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-64 (which is implementation of Mitigation Trans-31 at the Coliseum Way/High Street intersection) would improve operations to LOS D during the weekday AM peak hour and LOS F during the PM peak hour. The mitigation measure would reduce the increase in the total intersection V/C ratio to less than 0.03 and the increase in V/C ratio for a critical movement to less than 0.05 and therefore reduce the impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

131. **Trans-65** (Oakport Street/I-880 Southbound Ramps/High Street): Plan Buildout would degrade the intersection from LOS D to LOS E or LOS F, and increase total intersection average vehicle delay by four or more seconds at the Oakport Street/I-880 Southbound Ramps/High Street during both weekday AM and PM peak hours under 2035 Plus Specific Plan Buildout conditions. Implementation of Mitigation Trans-65 (which is implementation of Mitigation Trans-32 at the Oakport Street/I-880 Southbound Ramps/High Street intersection) would improve operations to LOS D during the weekday AM peak hour and LOS E during the PM peak hours. Traffic operations at the intersection can be further improved by providing additional automobile travel lanes, such as an additional through lane on eastbound or westbound High Street. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

132. **Trans-67** (Hegenberger Road/I-880 Southbound Off-Ramp): Plan Buildout would degrade intersection operations from LOS D to LOS F and increase total intersection average vehicle delay by four or more seconds during the AM peak hour at the Hegenberger Road/I-880 Southbound Off-Ramp under 2035 conditions. Implementation of Mitigation Trans-67, including restripe the southbound I-880 Off-Ramp approach from two exclusive right turn lanes and two exclusive left-turn lanes to two exclusive right turn lanes, one shared left/right-turn lane, and one exclusive left-turn

lane; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would improve operations to LOS D during the weekday AM peak hour and reduce the impact to a less than significant level. Because this intersection is under the jurisdiction of Caltrans and any equipment or facility upgrades must be approved by Caltrans, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

133. **Trans-68** (Fernside Boulevard / Blanding Avenue / Tilden Way): Plan Buildout would contribute to LOS F operations at the Fernside Boulevard/Blanding Avenue/Tilden Way and increase total intersection volume by three percent or more during the AM peak hour under 2035 conditions. In addition, Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during both weekday AM and PM peak hours which would operate at LOS F under 2035 conditions. Implementation of Mitigation Trans-68, including add a left-turn on the northbound Fernside Boulevard approach so that the approach would provide one left-turn lane, one through lane and one right-turn lane; add a left turn lane to provide on the southbound Blanding Avenue approach so that the approach would provide one left-turn lane, one through lane and one right-turn lane; update traffic signal equipment to convert northbound/southbound left-turn operations from split phasing to protected phasing; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could improve this intersection to LOS E during both weekday AM and PM peak hours and reduce the impact to a less than significant level based on both City of Alameda and City of Oakland thresholds of significance. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

134. **Trans-69** (Fernside Boulevard/High Street/Gibbons Drive): Plan Buildout would degrade operations from LOS E to LOS F at the Fernside Boulevard/ High Street/Gibbons Drive and increase total intersection volume by three percent or more during the PM peak hour under 2035 conditions. In addition, Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday AM peak hour which would operate at LOS F under 2035 conditions, and increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the PM peak hour. Even with implementation of Mitigation Trans-69 (which is implementation of Mitigation Trans-8 at the Fernside Boulevard/High Street/Gibbons Drive intersection), the intersection would continue to operate at LOS F during the AM peak hour and LOS E during the PM peak hour. However, intersection delay would be reduced to less than 2035 No Project levels, reducing the impact to a less than significant level based on both City of Alameda and City of Oakland thresholds of significance. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

135. **Trans-70** (Fernside Boulevard/Otis Drive): Plan Buildout would increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds during the AM peak hour which would operate at LOS E under 2035 conditions at the Fernside Boulevard/Otis Drive intersection. Implementation of Mitigation Trans-9 at the Fernside Boulevard/Otis Drive intersection would improve to LOS B during the weekday AM peak hour and LOS C during the weekday PM peak hour, and could reduce the impact to a less than significant level. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

136. **Trans-71** (Hegenberger Road/Hegenberger Court/Edgewater Drive): Plan Buildout would contribute to LOS E operations at the Hegenberger Road/Hegenberger Court/Edgewater Drive during the AM peak hour and increase the total intersection average delay by four seconds or more, and increase the average delay for a critical movement by six or more seconds; the development would also degrade intersection operations from LOS D to LOS F and increase total intersection average vehicle delay by four or more seconds during the PM peak hour under 2035 conditions. Implementation of Mitigation Trans-71, including add a right-turn lane on the southbound Edgewater Drive approach; restripe the northbound Hegenberger Court approach to provide one left-turn lane, and one shared through/right-turn lane; convert traffic operations on the north/south approaches from split phasing to protected phasing; optimize signal timing ; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group, could reduce this impact. However, even after implementation of this measure, the intersection would continue to operate at LOS F during both AM and PM peak hours. Traffic operations at the intersection can be improved by providing additional automobile travel lanes, such as a third left-turn lane on southbound Edgewater Drive, and a fifth through lane on westbound Hegenberger Road. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

137. **Trans-73** (Airport Access Road/98th Avenue): Plan Buildout would degrade intersection operations from LOS D to LOSE and increase total intersection average vehicle delay by four or more seconds during the PM peak hour at the Airport Access Road/98th Avenue under 2035 conditions. Traffic operations at the intersection can be improved by providing additional automobile travel lanes, such as a fourth through lane on eastbound or westbound 98th Avenue. However, these modifications cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

138. **Trans-74** (Island Drive/Otis Drive/Doolittle Drive): Plan Buildout would increase the total intersection V/C ratio by 0.03 or more and increase the V/C ratio for a critical movement by 0.05 or more during the weekday AM peak hour which would operate at LOS F under 2035 conditions at the Island Drive/Otis Drive/Doolittle Drive. Implementation of Mitigation Trans-74, including add a left-turn lane to the westbound Doolittle Drive approach so the approach would provide two left-turn lanes and two through lanes; optimize signal timing; and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group could

reduce this impact to a less than significant level.. Because this intersection is under the jurisdiction of the City of Alameda and any equipment or facility upgrades must be approved by the City of Alameda, the City of Oakland does not have jurisdiction at this intersection and the City cannot ensure its implementation. This impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

139. **Trans-75** (Freeway Impacts with Coliseum District Traffic): The proposed Coliseum District development would degrade from LOS E or better to LOS F, or increase the freeway volume by three percent more, for the following freeway segments operating at LOS F:

a) the weave section on northbound I-880 from 98th Avenue to Hegenberger Road during the PM peak hour under 2035 conditions;

b) the diverge section on southbound I-880 at 42nd Avenue/High Street Off-Ramp during the PM peak hour under 2035 conditions;

c) the merge section on southbound I-880 at eastbound 98th Avenue On-Ramp during the PM peak hour under 2035 conditions; and

d) the diverge section on southbound I-880 at Davis Street Off-Ramp during the PM peak hour under 2035 conditions.

The Coliseum Area Specific Plan includes policies and strategies that encourage walking, biking and transit that would reduce the Project vehicle trip generation and reduce the magnitude of the impact on freeway operations, but the effectiveness of these policies and strategies cannot be accurately estimated. No feasible mitigation measures are available that would mitigate the Project impacts at the adversely affected freeway segments. Operations at these freeway segments can be improved by providing additional automobile travel lanes. However, additional travel lanes cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way. In addition, all freeway segments are under the jurisdiction of Caltrans. City of Oakland, as lead agency, does not have jurisdiction on freeway segment. Thus, all mitigations would need to be approved and implemented by Caltrans. Therefore, the impact is considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

140. **Trans-76** (CMP Roadway Congestion with Coliseum District Traffic) : The proposed Coliseum District development would degrade from LOS E or better to LOS F or increase the V/C ratio by 0.03 or more for segments operating at LOS F on CMP or MTS roadway segments including:

a) northbound I-880 from Marina Boulevard to Hegenberger Road and from High Street to 29th Avenue in 2020, and from Marina Boulevard to 66th Avenue and from High Street to 29th Avenue in 2035;

b) southbound I-880 from 29th Avenue to 66th Avenue in 2020, and from 29th Avenue to High Street in 2035;

c) eastbound Hegenberger Road from I-880 Southbound Off-Ramp to Coliseum Way/ Edes Avenue in 2020, and from I-880 Southbound Off-Ramp to Coliseum Way/Edes Avenue and from San Leandro Street to International Boulevard in 2035;

d) westbound Hegenberger Road from I-880 Southbound Off-Ramp to Doolittle Drive in 2035; northbound San Leandro Street from 73rd Avenue to Seminary Avenue and from 50th Avenue to High Street in 2020, and from 81st Avenue to High Street in 2035; southbound San Leandro Street from Seminary Avenue to 73rd Avenue in 2020 and 2035;

e) northbound International Boulevard from 73rd Avenue to Heavenscourt Boulevard in 2020 and 2035; southbound International Boulevard from 42nd Avenue to High Street and from 66th Avenue to Heavenscourt Boulevard in 2020, and from 23rd Avenue to Fruitvale Avenue in 2035; and eastbound 98th Avenue between Edes Avenue and San Leandro Street in 2035.

Mitigation Measures Trans-4, Trans-26, Trans-68, Trans-72, and Trans-73 (which improve intersection operations) would reduce the magnitude of the identified impact such that traffic operations along some of the adversely affected roadway segments would improve, but would continue to operate at LOS F after implementation of these mitigation measures. Implementation of Specific Plan strategies that encourage walking, biking and transit, including a TDM program would also reduce the Project's vehicle trip generation and reduce the magnitude of this impact. However, no other feasible mitigation measures are available that would mitigate the Project impacts at the adversely affected roadway segments. The LOS at these roadway segments can be improved by providing additional automobile travel lanes on the affected roadway segments. However, additional travel lanes cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and/or loss of bicycle lanes, medians and/or on-street parking or narrowing of existing sidewalks, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

141. **Trans-77** (Freeway Impacts at Buildout): Development under Plan Buildout would degrade from LOS E or better to LOS F, or increase the freeway volume by three percent more, for several freeway segments on I-880 operating at LOS F. The Coliseum Area Specific Plan includes policies and strategies that encourage walking, biking and transit that would reduce the Project vehicle trip generation and reduce the magnitude of the impact on freeway operations, but the effectiveness of these policies and strategies cannot be accurately estimated. No feasible mitigation measures are available that would mitigate the Project impacts at the adversely affected freeway segments. Operations at these freeway segments can be improved by providing additional automobile travel lanes. However, additional travel lanes cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way. In addition, all freeway segments are under the jurisdiction of Caltrans. City of Oakland, as lead agency, does not have jurisdiction on freeway segment. Thus, all mitigations would need to be approved and implemented by Caltrans. Therefore, the impact is considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

142. **Trans-78** (CMP Roadway Congestion at Buildout): The development under the Specific Plan would degrade from LOS E or better to LOS F or increase the V/C ratio by 0.03 or more for segments operating at LOS F on CMP or MTS roadway segments including:

a) eastbound I-580 between Keller Avenue and Golf Links Road in 2020; northbound I-880 from Marina Boulevard to 29th Avenue in 2020 and 2035,

b) southbound I-880 from 29th Avenue to Hegenberger Road and from 98th Avenue to Davis Street in 2020 and 2035;

c) northbound Doolittle Drive (SR 61) from Davis Street to Harbor Bay Parkway in 2020 and 2035;

d) southbound Doolittle Drive (SR 61) from Airport Drive to Davis Street in 2020 and from Hegenberger Road to Davis Street in 2035;

e) eastbound Hegenberger Road from Airport Access Drive to Coliseum Way/Edes Avenue in 2020, and from Airport Access Drive to Coliseum Way/Edes Avenue and from San Leandro Street to Bancroft Avenue in 2035;

f) westbound Hegenberger Road from Edgewater Drive to Airport Access Drive in 2020, and from I-880 Southbound Off-Ramp to Doolittle Drive in 2035;

g) northbound San Leandro Street from 81st Avenue to Fruitvale Avenue in 2020, and from 85th Avenue to Fruitvale Avenue in 2035;

h) southbound San Leandro Street from Fruitvale Avenue to 73rd Avenue in 2020 and 2035;

i) northbound International Boulevard from 73rd Avenue to Heavenscourt Boulevard and from Fruitvale Avenue to 23rd Avenue in 2020, and from 73rd Avenue to Heavenscourt Boulevard, Seminary Avenue to High Street, and from 42nd Avenue to Fruitvale Avenue in 2035;

j) southbound International Boulevard from 42nd Avenue to 73rd Avenue and from Davis Street to Estudillo Avenue in 2020, and from 23rd Avenue to Fruitvale Avenue, from High Street to 73rd Avenue, and from Davis Street to Estudillo Avenue, in 2035;

k) eastbound 98th Avenue between Edes Avenue and San Leandro Street in 2035; and

l) westbound 98th Avenue between I-880 Northbound Ramps and Airport Access Drive in 2035.

Mitigation Measures Trans-4, Trans-26, Trans-48, Trans-67, Trans-71, and Trans-72 (which improve intersection operations) would reduce the magnitude of the identified impact such that traffic operations along some of the adversely affected roadway segments would improve, but would continue to operate at LOS F after implementation of these mitigation measures. Implementation of Specific Plan strategies that encourage walking, biking and transit, including a TDM program would also reduce the Project's vehicle trip generation and reduce the magnitude of this impact. However, no other feasible mitigation measures are available that would mitigate the Project impacts at the adversely affected roadway segments. The LOS at these roadway segments can be improved by providing additional automobile travel lanes on the affected roadway segments. However, additional travel lanes cannot be accommodated within the existing automobile right-of-way and would require additional right-of-way, and/or loss of bicycle lanes, medians and/or on-street parking or narrowing of existing sidewalks, and are considered to be infeasible. Therefore, the impact would remain significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

143. **Trans-80** (Special Event Traffic): Special events at the new sports venues may result in significant impacts on event days. SCA Trans-3: Parking and Transportation Demand Management would apply to any new sports venue built under the proposed Project, and will requires the project applicant to create an approved Transportation and Parking Demand Management Plan designed to reduce vehicle trips and parking demand, which will reduce impacts to the roadway network. Additionally, Mitigation Trans-81 requires implement a special Event Traffic Management Plan to reduce the automobile trips generated by special events and better manage the traffic traveling to and from the new venues. The Event Traffic Management Plan shall consider plans for roadway closures and manual control of traffic before and after the games, way-finding plans with changeable message signs, collaboration with transit providers in the area to expand transit service for special events, promotional material for special events that encourage the use of transit, carpooling and other non-automobile travel modes, encouraging employees and spectators for special events to use non-automobile travel modes, bundling parking pricing into the ticket price to maximize efficiencies at parking entrances, coordinate parking management within the Project Area to maximize the use of available parking spaces during special events, operating buses between the Project Area and major transit destinations, providing pre-paid and discounted transit passes with all event tickets to encourage transit use; offering valet bicycle parking on event days, and studying possible applications of parking and road congestion pricing plans to discourage driving to events. These strategies would reduce automobile trip generation and parking demand generated by special events, but their effectiveness cannot be accurately estimated at this time because the particular strategies and the implementation details are not known. Therefore, this impact is conservatively identified as significant and unavoidable.

144. **Trans-85** (Rail Crossings): Development under the proposed Project would generate substantial multi-modal traffic traveling across at-grade railroad crossings that cause or expose roadway users to a permanent and substantial transportation hazard. Implementation of SCA Trans-5: Railroad Crossings requires an analysis of potential queuing onto railroad tracks and requires application of measures to reduce potential adverse impacts. Implementation of Mitigation Trans-85A would require implementation of specific improvements rail crossing safety improvements along 66th Avenue (west side between Coliseum Way and San Leandro Street), at 66th Avenue/San Leandro Street, 69th Avenue/San Leandro Street, and 75th Avenue/San Leandro Street /Snell Street. Implementation of Mitigation Trans-85B requires measures to improve pedestrian safety along rail lines, including safety fencing and an additional open space buffer. However, any proposed improvements at rail crossings must be coordinated with California Public Utility Commission (CPUC) and affected railroads, and all necessary permits/approvals obtained. The installation of all identified safety mechanisms may not prove feasible, and approval by the CPUC or Railroad may not be obtained. Therefore, this impact is conservatively considered significant and unavoidable. This significant and unavoidable impacts is overridden as set forth below in the Statement of Overriding Considerations.

XI. FINDINGS REGARDING ALTERNATIVES

The Planning Commission finds that specific economic, social, environmental, technological, legal and/or other considerations make infeasible the alternatives to the Project described in the EIR, for the reasons stated below. Despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, Statement of Overriding Considerations.

The EIR evaluated a reasonable range of alternatives to the project that was described in the Draft EIR. Of the nine alternatives considered, five were not analyzed in detail as explained in the Draft EIR. The five alternatives that were not analyzed in detail in the Draft EIR include: a) the multiple alternative

Coliseum District site designs that were considered during the Master Plan process; b) a new Stadium but no additional development within the Coliseum District; c) retaining the existing Coliseum and Arena as is, with no additional development; d) alternative site locations; and e) a fully mitigated alternative. The Planning Commission adopts the EIR's analysis and conclusions eliminating these five alternatives from further consideration. Each reason given in the EIR for rejecting an alternative constitutes a separate and independent basis for finding that particular alternative infeasible, and, when the reasons are viewed collectively, provides an overall basis for rejecting an alternative as being infeasible.

The four potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project or provide decision makers with additional information. These alternatives include: Alternative #1, the No Project Alternative; Alternative #2, including several sub-variations on Fewer Sports and Entertainment Venues; Alternative #3, the Reduced Alternative; and Alternative #4, a Maximum Development Alternative.

The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the City's goals and objectives and the Project's benefits, as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The five potentially feasible alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

145. **Alternative 1: No Project:** Under the No Project Alternative, the Specific Plan would not be adopted, no changes in current General Plan land use designations, zoning or other regulatory measures would occur, and no overall redevelopment strategy would be put in place for the Coliseum District in a manner that entices and attracts the sports franchises to remain in Oakland. The expectations under the No Project Alternative are that all three professional sports teams will only remain within their existing venues until their individual leases expire and/or until they can identify alternative locations. Development that could be expected under the No Project Alternative would include a certain amount of regional-serving commercial development (consistent with the existing CR-1 zoning at the Coliseum District), development of as many as 1,645 housing units east of the Coliseum BART station (consistent with the existing S-15 transit-orient development zoning), and modest new development of light industrial, office and logistics uses west of the I-880 freeway. The No Project Alternative is rejected because it does not meet most of the basic Project objectives. The No Project Alternative would not:

a) retain the existing sports teams or maximize the economic value for Oakland and Alameda County from these sports facilities;

b) create a regionally significant employment district to expand Oakland's ability to attract new businesses and to participate in the Bay Area's dynamic 'innovation economy';

c) leverage or enhance existing transit and transportation infrastructure, or create a model transit-oriented development consistent with regional growth policies pursuant to SB 375 or AB 32;

d) create a vibrant urban mixed-use district or attract a significant community of new residential and commercial uses;

e) create new open space, Bay access, or natural habitat enhancement;

f) provide a stabilizing guide for future development if one or more of the sports teams were to leave Oakland;

g) increase the underlying land values within the Coliseum Area to stimulate investment interest and enhance the feasibility of economic development;

h) create new sports or entertainment venues that are more appealing and which provide a greater visitor experience for fans and event patrons, nor increase the number of events held in each venue or increase the overall average attendance at each event or game;

i) establish a comprehensive site management program that can provide a high quality, well managed, safe and secure urban place or encourage high value tenants to occupy the site;

j) improve the quality or capacity of available transit infrastructure, or capitalize on the improved transit availability to positively influence the location decisions made by new workplace and housing developers in favor of Oakland;

k) enhance the overall economic value of the area or creating a regional sports, entertainment and retail destination capable of accommodating and attracting in excess of six million sports fans and event patrons each year;

l) leverage any increase in sports and event attendance to further expand on-site retail and entertainment uses, or create a regionally significant urban place with opportunities for new housing, employment and economic investment;

m) create active urban streets, walkable pedestrian-scaled urban districts, or architectural forms that establish a clear identity for "Coliseum City" and the surrounding area; or establish an urban form that connects to the adjacent East Oakland neighborhoods;

n) increase the City of Oakland's ability to capture a greater share of the positive growth and economic development that is projected for the region over the next 20 years, or fulfill either the Priority Development Area (PDA) designation or Oakland General Plan Land Use and Transportation Element designation of the Coliseum area as a "showcase district".

The No Project Alternative would result in a reduced development program, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenue (sales, property and other taxes), and lessening economic development opportunities.

146. **Alternative #2: Fewer Sports and Entertainment Venues:** This Alternative and its sub-alternative variations assume that, irrespective of the multiple individual decisions made by the privately owned sport franchises, the City will move forward with adoption and implementation of the Coliseum Area Specific Plan. Under this Alternative, the City may elect to move forward with development scenarios for the Coliseum District that include all three new venues as proposed under the Project, or only 2 new venues, 1 new venue or even no new venues. The magnitude of residential,

retail, and science and technology development expected to occur within the Coliseum District and pursuant to Plan Buildout will be similar to that anticipated under the Project. Given the flexible nature of the Specific Plan and its "trip budget" basis for accounting of new development densities and intensities, each of these sub-alternative variations is fully consistent with the Specific Plan. However, these alternatives were included as EIR alternatives so that the City of Oakland could decide, independent of the private business decisions of the sports franchises, to support and/or approve only 1, 2 or even no new sports venues based on environmental, economic or other factors. Alternative #2 and it lesser sub-alternative variations is rejected because it is not capable of reducing or substantially avoiding the majority of environmental impacts as indicated for the Project, it lessens the City's ability to retain the maximum number of sports teams, and reduces the potential economic value that may accrue to Oakland and Alameda County derived from retaining all of the sports franchises.

147. **Alternative #3: Reduced Development.** The Reduced Alternative has a less strong vision of the site's development potential, possibly reflecting a lower demand, less costly development types, and/or a determination by the City to reduce development potential as a means of reducing potential environmental effects. New residential development pursuant to the Reduced Alternative would occur in the same locations as is proposed under the Project, but at lower overall densities and reflecting lower building heights. The total amount of non-residential development pursuant to the Reduced Alternative is primarily a function of reduced building heights (i.e., lower FARs) as compared to the proposed Project, but with new building space generally occurring in the same locations as proposed under the Project. The Reduced Development Alternative was rejected as infeasible because:

a) the reduction in commercial and industrial development would reduce the effectiveness of the Specific Plan's ability to create a regionally significant employment district and reduce Oakland's ability to attract new businesses and participate in the Bay Area's dynamic 'innovation economy';

b) the reduced development program would lessen the City's ability to leverage and enhance existing transit and transportation infrastructure and create a model transit-oriented development consistent with regional growth policies pursuant to SB 375 or AB 32; would lessen the potential to create a vibrant urban mixed-use district or attract a significant community of new residential and commercial uses; and would reduce increases in the underlying land values within the Coliseum Area that might stimulate investment interest and enhance the feasibility of economic development;

c) It would result in a reduced development program, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance; and

d) Even with the reduced development, a number of air quality, biological resources, land use, noise and transportation impacts still remain significant and unavoidable.

148. **Alternative 4: Maximum Buildout Alternative:** The Maximum Buildout Alternative explores the potential of a theoretical maximum buildout of the area under the same land use and development policies as proposed under the Specific Plan, but maximizing the development potential for each Sub-Area based on the upper limit of development intensities. Within the Coliseum District, this development potential is based on maximizing the mode split assumptions underlying the Plan's proposed Trip Budget, and the buildout assumptions are based on the highest development potential

possible within the surrounding areas. Based on 2010 Census data collected from Downtown Oakland and from Mission Bay in San Francisco, it is possible that substantial investments in transit improvements, coupled with an aggressive TDM program that might include parking reductions for on-site land uses, could achieve a much higher non-vehicle share of the overall transportation mode split – as high as 63% to 64% during the PM peak hour. To achieve this much more aggressive increase in non-vehicle mode split, all of non-vehicle mode split improvements identified in the Specific Plan would need to be implemented to maximizing the manner in which transportation modes interact to best serve the Coliseum District. Based on the Trip Budget of the Specific Plan, such an increased non-auto mode split could achieve a much greater level of development within the Coliseum District without exceeding the maximum PM peak hour trips permitted. The Project's definition of buildout for non-Coliseum District development already defines the Maximum Alternative. The potential for new redevelopment and growth within Sub-Areas B, C and D to exceed the amount of new building space as set forth in the Project is so highly unlikely, as be overly speculative. The Maximum Buildout Alternative is rejected as infeasible because a number of environmental impacts, including air quality, greenhouse gas emissions, growth inducement, public services and utilities, would be more severe than the Project. The maximum Buildout Alternative may be reconsidered at such time that substantial investments in transit improvements, coupled with an aggressive TDM program, can demonstrate achievement of a much higher non-vehicle share of the overall transportation mode split during the PM peak hour than was assumed for the Project.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above in Section X, and is an overriding consideration independently warranting approval. The remaining significant unavoidable adverse impacts identified above are acceptable in light of each of the overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

149. The Coliseum Area Specific Plan updates the goals and policies of the General Plan and provides more detailed guidance for specific areas within the Coliseum area.

150. The Coliseum Area Specific Plan is consistent with and further advances Oakland General Plan policies of the Land Use and Transportation Element; Open Space, Conservation and Recreation (OSCAR) Element, Historic Preservation Element, Safety Element, Housing Element; the Bicycle and Pedestrian Master Plan; the Estuary Policy Plan; and the Energy and Climate Action Plan.

151. The Coliseum Area Specific Plan builds upon prior Redevelopment Plan efforts and supports development of prospective desirable developments at the Coliseum BART Station.

152. The Coliseum Area Specific Plan increases the City of Oakland's ability to capture a greater share of the positive growth and economic development that is projected for the region over the next 20 years, consistent with broadly-defined regional growth policies as outlined in SB 375 and AB 32.

153. The Coliseum Area Specific Plan provides for the revitalization of existing land uses, and incentivizes prospective developments to enhance amenities in the East Oakland area. The Coliseum

Area Specific Plan recommends General Plan and zoning amendments that provide a contemporary regulatory framework to facilitate continued development of the area into an attractive location for traditional and modern entertainment venues, and commercial and industrial businesses.

154. The Coliseum Area Specific Plan increases underlying land values within the Coliseum Area to stimulate investment interest and enhance the economic feasibility of the Specific Plan.

155. The Coliseum Area Specific Plan would create employment opportunities, both short-term construction jobs as well as permanent jobs, and would increase sales, property and other tax revenues to the City of Oakland and Alameda County.

156. The Coliseum Area Specific Plan development program promotes increased densities of housing in close proximity to transit and employment generating land uses, supporting the City and regional objectives for achieving a jobs/housing balance and transit-oriented development.

157. The Coliseum Area Specific Plan provides the City's best potential to retain the existing sports teams, and to maximize the economic value for Oakland and Alameda County from these sports facilities.

158. The Coliseum Area Specific Plan anticipates creation of new sports and entertainment venues that are more appealing and which provide a greater visitor experience for fans and event patrons, thereby increasing the expected number of events held in each venue and increasing the overall average attendance at each event or game.

159. The Coliseum Area Specific Plan leverages the anticipated increase in sports and event attendance to further expand on-site retail and entertainment uses, creating a regionally significant urban place with opportunities for new housing, employment and economic investment.

160. The Coliseum Area Specific Plan provides a stabilizing guide for other future development of the Project Area should one or more sports franchises choose to relocate.

161. The Coliseum Area Specific Plan leverages and enhances the existing transit and transportation infrastructure, and creates a model transit-oriented development (TOD) consistent with regional growth policies of SB 375 and AB 32.

162. The Coliseum Area Specific Plan identifies important improvements in the quality and capacity of available transit infrastructure, and capitalizes on the improved transit availability to positively influence the location decisions made by new workplace and housing developers in favor of the Coliseum District.

163. The Coliseum Area Specific Plan provides guidelines for the creation of active urban streets, walkable pedestrian-scaled urban districts, and architectural forms that establish a clear identity for Coliseum City and the surrounding area. The overall urban strategy provides for the creation of an authentic sense of place and a quality of design, architecture, and landscape capable of redefining the area as a place where residents and tenants want to live and relocate.

164. The Coliseum Area Specific Plan includes policies and urban design guidelines which seek to better connect and link to the adjacent East Oakland neighborhoods, rather than creating an isolated 'island' of new development.

Coliseum Area Specific Plan and Related Actions Adoption Findings

In addition to the California Environmental Quality Act (CEQA) findings, there are additional findings which the Commission must make in recommending the *Coliseum Area Specific Plan (Coliseum Plan)* and Related Actions to the City Council, as detailed below.

The City Planning Commission finds and determines:

1. The Coliseum Area Specific Plan is consistent with Policy A3 of the Land Use and Transportation Element (LUTE) of the Oakland General Plan: "Develop General Plan amendment cycles and related procedures." Specifically:

    a. Policy A3 of the General Plan LUTE states that the City will amend its General Plan, up to four times per year per mandatory element, subject to specific findings including: a) how the amendment advances Plan implementation; b) how it is consistent with the policies in the Element; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals. As detailed below, the General Plan amendments proposed by the Coliseum Plan advance Policy A3 of the General Plan LUTE by amending the General Plan to be consistent with the Coliseum Plan Area.

    b. The *Coliseum Plan* and associated General Plan text and map amendments and zoning regulations (Related Actions) are consistent with and further advance the Oakland *General Plan* including the *LUTE*. By way of example and not by limitation, the following summary lists major goals and policies of the *LUTE* and discusses how the *Coliseum Plan* and Related Actions are consistent with these goals and policies:

        - As discussed in Chapter 4.9 of the Coliseum Plan EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein), the Coliseum Plan is consistent with the General Plan (LUTE) "Showcase Districts" objectives and policies. The LUTE defines a Showcase District as a dynamic area of regional importance in the City of Oakland targeted for continued growth. These places contain the facilities, transportation system, communication network and infrastructure to support far-reaching economic activities. The Coliseum Plan Area falls within the "Coliseum Area Showcase", and the "Airport/Gateway Showcase" in the LUTE. The "Coliseum Showcase" should promote expanded job generation and retail opportunities along the I-880 corridor, enhance regional entertainment and recreation activities already established in the area, while promoting revitalization of key industrial/manufacturing land and facilities. The "Airport/Gateway Showcase" capitalizes on the economic benefits of Oakland International Airport, and jobs created by its growth, devoted to the safe and efficient movement of people and cargo, through distribution businesses. The LUTE designates the Hegenberger Road frontage for regional commercial uses to capture the potential of the corridor to serve as an attractive gateway to the City. The Coliseum Plan fulfills the intent of the LUTE to meet the objectives and policies of the "Showcase District" strategy.

- As discussed in Chapter 4.9 of the Coliseum EIR, the General Plan LUTE sets forth a Policy Framework in five focus areas: Industry and Commerce, Transportation and Transit-Oriented Development and Neighborhoods. The LUTE also identifies a strategy objective of growth and change for most of the the Coliseum Plan area.

    - Industry and Commerce: The Coliseum Plan is consistent with the General Plan (LUTE) policies and objectives for industry and commerce: to provide expanded retail and employment training opportunities, and promote the use of industrial and commercial land. The General Plan's existing policy directions on industry and commerce would apply to future development under the Coliseum Plan, including, but not limited to: Policies I/C 1.1, 1.2, 1.3, 1.4, 1.8, 1.9, 1.10, 2.3, 3.1, 3.3, 4.1, 4.2.

    - Coliseum/Airport Transit-Oriented Development (TOD): The Coliseum Plan is consistent with the General Plan (LUTE) policies and objectives for Transit Oriented Development. The LUTE proposes that transit districts near BART stations consist of mixed-use developments in a pedestrian-oriented setting. These communities would house a variety of commercial and residential uses, have structured parking, encourage both day and night activities, provide additional public space, and strengthen surrounding neighborhoods. The Coliseum Plan maximizes the proximity to Coliseum BART, and fulfills the LUTE policy direction for the Coliseum/Airport TOD. The General Plan's existing policy directions on transportation and TOD would apply to future development under the Specific Plan, including, but not limited to: Policies T1.2, T1.4, T2.1, T2.2, T2.3, T2.4, T2.5, T3.5, T3.6, T4.1, T6.2, T6.3, as noted in Chapter 4.9 of the EIR.

    - The Coliseum Plan is consistent with the General Plan (LUTE) policies and objectives for neighborhoods, to ensure compatible development in terms of density, scale, design and existing or desired character of surrounding development; and to recognize and support the identification of distinct neighborhoods. The General Plan's existing policy directions on compatible land uses would apply to future development under the Specific Plan, including, but not limited to policies: N1.1, 1.2, 1.4, 1.5, 1.7, 3.1, 3.2, 3.5, 3.8, 3.10, 4.9, 5.2, 5.3, 6.1, 6.2, 7.4, 8.1, 8.2, 9.7, 10.1, and 11.6, 12.4.

The *Coliseum Plan* includes goals, policies and actions that promote the transformation of the Plan Area into an attractive, regional retail destination and a "complete" mixed-use neighborhood with higher density development that is walkable, bikeable and transit-friendly. The proposed General Plan and Planning Code amendments, applicable Standard Conditions of Approval and CEQA mitigation measures serve to implement the *Coliseum Plan's* goals, policies and actions by creating a regulatory framework that incentivizes new sports and entertainment facilities, higher-density residential development, new office and retail development at the Coliseum, and the surrounding Plan Area.

2. The Coliseum Plan and Related Actions are consistent with, and further advance the Oakland General Plan including the LUTE (as described above), Open Space, Conservation and Recreation (OSCAR), Historic Preservation, Safety, and Housing Elements, as well as the Bicycle and Pedestrian Master Plans. By way of example and not by limitation, the following summary lists the major goals

and policies of these elements of the General Plan, and discusses how the Coliseum Plan and Related Actions are consistent with these goals and policies.

a. The Coliseum Plan is consistent with the Oakland Bicycle Master Plan Update (2007) policies and actions for the provision of developing and improving Oakland's bikeway network; addressing bicycle safety and access in the design and maintenance of all streets; improving bicycle access to transit, bicycle parking at transit facilities, and bicycle access on transit vehicles. Chapter 5 (Transportation) of the Coliseum Plan, the proposed Planning Code amendments, as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the Plan include goals and policies and standards that support completing the bicycle network as envisioned in the Bicycle Master Plan and providing enhanced bicycle facilities and bicycle parking. The Coliseum Plan would be consistent with the Bicycle Master Plan policies 1A, 1B, 1C and 1D, and also with the LUTE policies T3.5, T3.6, T3.7 and T4.1.

b. The Coliseum Plan is consistent with the actions and policies of the Oakland Pedestrian Master Plan (2002), for crossing safety, traffic signals, sidewalk safety, route network, safe routes to transit, and land use; and also with the designation in the Oakland Pedestrian Route Network of Hegenberger Road and San Leandro Street as a "City Route", and 66th Avenue as a "District Route." Chapter 5 (Transportation) of the Coliseum Plan, the proposed Planning Code amendments, as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the Plan include goals and policies and standards that support and improve the pedestrian environment, inside the 800 acre Coliseum Plan Area, as well as on adjoining streets (e.g. crosswalks, wider sidewalks, bulbouts, pedestrian-scaled lighting and other streetscape amenities). The Coliseum Plan would be consistent with the Pedestrian Master Plan policies 1.1, 1.2. 1.3, 2.1, 2.3 and 3.2; and also with the LUTE policies T3.5, T3.6, T3.7 and T4.1.

c. The Coliseum Plan is consistent with the actions and policies of the Open Space Conservation and Recreation (OSCAR) Element of the General Plan, in the promotion and preservation and good design of open space, and the protection of natural resources to improve aesthetic quality in Oakland. The Plan is consistent with The OSCAR policies, objectives and actions to: protect open space; to eliminate blighted vacant lots; make gateway improvements; protect views; minimize adverse visual impacts, enhance Oakland's underutilized visual resources; create new civic open space; "green" Oakland's streets with tree planting; encourage land use patterns which promote air quality; to support coordinated Transportation Systems; to provide transportation systems management; to design development to minimize air quality impacts; to control dust emissions; to meet level of service standards[1]; to consider a range of factors when locating new parks or recreational facilities; and to use safety-oriented design. Applicable OSCAR-related policies, include, but are not limited to: CO-7.4; OS-4.4, OS-9.3; OS-10.1; OS-10.2; OS-10.3; OS-11.2; OS-11.3; OS-11.4; OS-12.1; OS-

1 Although the City has remained short of its stated goal of 4.0 acres of local-serving parkland per 1,000 residents standard since 1994, the City nevertheless exceeds the overall parkland standard of 10 total acres per 1,000 residents. The City exceeded this standard in 2012, with 15.2 acres of parkland per 1,000 residents.

12.2; OS-12.3; OS-12.4; OS-12.5; OS-12.6; OS-12.7; and also with LUTE policies N.12.1; N.12.2; N.12.5; and FI-2. These policies are listed in the Coliseum DEIR, chapters 4.1, 4.2, 4.13 (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 4 Community Design, of the Plan include goals and policies which support the OSCAR policies above. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the Coliseum Plan also support the OSCAR policies referenced above.

d. The Coliseum Plan is consistent with the policies of the Safety Element of the General Plan to reduce seismic hazards and hazards from seismically triggered phenomena; to reduce landslide and erosion hazards; to minimize seismically-related structural hazards from new and existing buildings; reduce potential damage from earthquakes to "lifeline" utility and transportation systems; to minimize the potential risks from hazardous materials; and to reduce the risks of storm-induced flooding. Applicable Safety Element policies include, but are not limited to, GE-1, GE-2, GE-3, GE-4, FL-1, FL-2, and FL-4. , These policies are listed in the Coliseum DEIR, chapters 4.5 and 4.8 (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 6 Public Services and Infrastructure of the Coliseum Plan, and the and the applicable Standard Conditions of Approval and CEQA mitigation measures for the Coliseum Plan include goals and policies and requirements that support the Safety Element policies referenced above.

e. The Coliseum plan is consistent with the goals and policies of the Housing Element[2]: to meet Oakland's regional housing needs (RHNA); to expand local funding sources for affordable housing (through the Jobs/Housing Impact Fee); to use flexible zoning standards (planned unit developments and parking); employ sustainable residential development programs; minimize energy consumption and other sustainable building practices. Chapter 3 Land Use of the Coliseum Plan, and Chapter 7 Implementation as well as the proposed Planning Code amendments include goals and policies and strategies to support and incentivize the provision of affordable housing in and around the Coliseum Plan Area. Applicable Housing Element policies include, but are not limited to: 1.7; 2.8.2, 3.2, 7.1, 7.2, 7.3, and 7.4. These policies are listed in the Coliseum DEIR, chapters 4.9 and 4.11 (hereby incorporated by reference throughout these findings, as if fully set forth herein).

f. The Coliseum Plan is consistent with the goals and policies of the Historic Preservation Element (HPE), with application of the required mitigations and standard conditions of approval, and demolition findings described in the EIR. The Plan is consistent with the HPE's policies: to avoid or minimize adverse historic preservation impacts related to discretionary city actions; to preserve City-owned properties; to use discretionary permit approvals with the demolition of historic resources; and to use special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas. Chapter 4 Land Use of the Coliseum Plan, as well as the proposed Planning Code amendments, include goals and policies and standards to preserve and

2 2007-2014 Oakland Housing Element was used during the production of the Coliseum Draft EIR, because the 2015-2023 Housing Element had not yet been adopted (adopted in December, 2014).

enhance existing buildings, including those that are not deemed to be a historic resource under CEQA. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the Coliseum Plan also support the HPE policies referenced below. The Coliseum Plan implements the Historic Preservation Element policies, including, but not limited to: 3.1, 3.2, 3.4, 3.5, 3.7, 3.8 and 4.1, as listed in Chapter 4.4 of the Coliseum Draft EIR.

3. There are no inconsistencies between the Coliseum Plan and the Oakland General Plan which need to be reconciled, and the Coliseum Plan is consistent with, and will further advance, achievement of citywide goals, as detailed herein and in the March 11, 2015 Staff Report to the City Planning Commission.

4. The Coliseum Plan and Related Actions are consistent with and further advance other related plans, including the *Coliseum Redevelopment Project Area Five Year Implementation Plan*, and the *Energy and Climate Action Plan*. By way of example and not by limitation, the following summary lists the major goals and policies the above-mentioned plans and discusses how the Coliseum Plan is consistent with them.

    a. The *Coliseum Redevelopment Plan Area* included goals related eliminate blighting influences and correcting environmental deficiencies; assembling land into parcels for sustainable, integrated development with improved pedestrian and vehicular circulation; and re-plan, redesign and develop undeveloped areas which are economically stagnant or improperly utilized, improve transportation, public facilities and infrastructure in residential, commercial and industrial areas. These goals are listed in Chapter 4.9 of the Coliseum Plan Draft EIR.

    b. The *Energy and Climate Action Plan* includes Priority Actions that apply to improving transportation and land use integration and promoting alternative energy use and green building, as well as adapting to sea-level rise. Applicable "Priority Actions" include, but are not limited to AD-1, AD-2, AD-6. These Priority Actions are listed in Chapter 4.8 of the Coliseum Plan Draft EIR.

    The Coliseum Plan and Related Actions provides a vision, policies, goals, actions and regulations to transform the Coliseum district, the Coliseum BART parking lots, and the Oakland Airport Business Park into a sports and entertainment district, a high-density transit-oriented development area, and a job growth center for the City and the Bay Area, consistent with the goals of the Coliseum Redevelopment Plan. Chapters 4 Community Design and 7 Implementation, and the applicable Standard Conditions of Approval and CEQA mitigation measures for the Coliseum Plan include goals, policies and requirements that are consistent with the ECAP's Priority Actions, regarding transportation and land use integration and promoting alternative energy use and green building, as well as adapting to sea level rise. .

5. Adoption of the *Coliseum Plan* meets the provisions of California Government Code Section 65351 et. seq., specifically:

a. The City provided "opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and at public workshops" (Government Code section 65351). Specifically, 7 community workshops were held between April, 2014 and February, 2015; the *Draft Coliseum Plan* was presented to the Landmarks Preservation Advisory Board, the Parks and Recreation Advisory Commission and the Bicyclist and Pedestrian Advisory Commission in September, 2014, as well as the Port Board of Commissioners; and to the Planning Commission on October 1, 2014. The Plan was revised based on public comment, and released in a final draft on January 30, 2015; proposed zoning was reviewed at the Zoning Update Committee in January, 2015; the Landmarks Preservation Advisory Board held two hearings to consider adoption of the Plan in February 2015, and the Planning Commission held three hearings to consider adoption and certification of the EIR in February and March, 2015.

b. In addition to providing newspaper notice in the Oakland *Tribune* of various public hearings, the City also provided notice of hearings in compliance with Government Code Section 65352 through: (1) the April 19, 2013, Notice of Preparation of the Environmental Impact Report; (2) the August 22, 2014 Notice of Availability/Notice of Release of the Draft EIR and Draft Coliseum Plan and Related Actions; and (3) the February 20, 2015 Notice of Availability/Notice of Release of the Final EIR and public hearings to consider adoption of the Coliseum Plan and Related Actions, which were sent to:
   - The neighboring cities of Alameda, Berkeley, Emeryville, Piedmont, San Francisco, San Leandro; the County of Alameda; the County of San Francisco; the Port of Oakland;
   - The Oakland Unified School District;
   - The Local Agency Formation Commission;
   - The Association of Bay Area Governments; the Metropolitan Transportation Commission; the Regional Water Quality Control Board;
   - East Bay Municipal Utility District, (which was consulted during the preparation of the Coliseum Area Specific Plan, and which has commented on the Draft EIR).
   - The East Bay Regional Parks District (which was consulted during the preparation of the Coliseum Area Specific Plan, and which has commented on the Draft EIR)
   - The Bay Area Air Quality District (which has commented on the Draft EIR);
   - San Francisco Bay Area Transit District (BART), which was consulted during the preparation of the Coliseum Area Specific Plan, and which has commented on the Draft EIR)
   - Property owners both within the Project area and beyond the legally-required 300 feet distance beyond the Project area boundaries;
   - Individuals who specifically requested to be notified about the project; and
   - There are no California Native American tribes with traditional lands in Oakland's jurisdiction; however, a notice to the Native American Heritage Commission was sent by staff. There are no Federal agencies with "operations or lands" that would be significantly affected by adopting the Coliseum Plan; There is no branch of the US Armed Forces that have military installations or airspace that could be affected by adopting the Coliseum Area Specific Plan.

6. That the Coliseum Area Specific Plan and related zoning regulations are adequate and promote the public interest and the existing zoning is inadequate and contrary to the public interest

because it does not implement various provisions of the LUTE and the *Coliseum Area Specific Plan* in part, for the reasons stated herein and in the March 11, 2015, Staff Report to the City Planning Commission.

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Attachment D to the March 11, 2015 Planning Commission

Letters received for the March 2, 2015 Planning Commission hearing

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

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Received
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Case # Coliseum

March 4, 2015

Devan Reiff
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Oakland, CA 94612
Email: dreiff@oaklandnet.com

Re: Coliseum Area Specific Plan, Final Environmental Impact Report (Case number ER130004) and Zoning and the Oakland Housing Equity Roadmap

Dear Mr. Reiff:

I am writing to share my comments regarding the public health and environmental impacts of the Coliseum Area Specific Plan (Plan), Zoning Changes and the Final Environmental Impact Report (FEIR). As the County Health Officer responsible for monitoring the health status of our communities and advising on the policies and practices that protect and promote health and well-being within our county, I recommend the following: 1) using higher air filtration standard and the Healthy Development Guidelines to reduce the potential negative public health impacts on residents by poor air quality and land use conflicts in the Plan; 2) require a displacement impact assessment as a pre-condition of approval for development projects including utilizing the Oakland Housing Equity Roadmap; 3) improve access to basic and daily needs and services to all residents and 4) develop a proposal for an ongoing community engagement process.

I recommend further strengthening the FEIR by having a higher air filtration standard and using the Healthy Development Guidelines to be more health protective of the air quality and address land use conflicts. As previously stated, there is a disproportionate burden from illness associated with air pollution in the Plan Area and current and future conditions in the Plan Area put existing and new residents, particularly vulnerable populations, at risk of poor health outcomes because of the proximity to sources of air pollution.[1] Of concern is diesel particulate matter and particulate matter 2.5 (PM 2.5). I am pleased that the FEIR clarifies that all projects must comply with both the Basic and Enhanced Construction Measures (SCA Air-2). However, I am concerned that using air filters with MERV-13 does not filter out PM 2.5, which can go deep into the lungs and enter the bloodstream. Thus, I recommend editing the language

[1] For Zip codes 94621 & 94603, the rate of asthma ED visits is 1,230 per 100,000 residents; the Alameda County rate is 553 per 100,000. The asthma ED visit rate for children is 2,048 per 100,000 (0-4 year-olds) compared to the Alameda County rate of 1,301 per 100,000. Asthma inpatient hospitalization rate is 339 per 100,000 residents; the county rate is 147 per 100,000. The childhood asthma hospitalization rate is 908 per 100,000; the county rate is 477 per 100,000. Source: ACPHD CAPE Unit with 2008-2010 data from California Office of Statewide Health Planning and Development (OSHPD).

[2] Bates, LK. (2013). *Gentrification and Displacement Study: Implementing an Equitable Inclusive Development Strategy in the Context of Gentrification*. Commissioned by City of Portland, Bureau of Planning and Sustainability. Available at:

to ensure installations of HEPA air filters better than MERV-13, which will filter out smoke and fine particles associated with diesel trucks and cars.

Also, given that the FEIR finds some potentially Significant and Unavoidable Impacts related to construction and transportation impacts, I recommend including language to utilize the Healthy Development Guidelines. This tool is designed to identify negative health impacts and to prescribe appropriate mitigations early on in the planning and development review process and includes protections for both new and existing residents. Using this tool will allow the City and the public to gain an understanding of the relative health impacts of a project. This help gives assurances that health risks and benefits are appropriately and adequately mitigated for new and existing residents.

In order to prevent and mitigate the above negative health impacts associated with displacement, I recommend the following improvements to the Specific Plan:

- *Displacement Impact Assessment*: Because the CEQA framework does not adequately capture the potential health and other impacts of indirect displacement on existing residents and surrounding communities, the City should require an independent assessment of potential displacement impacts as a pre-condition of approval for all development projects within the Plan Area. This assessment should address the impacts and estimated costs to existing communities of indirect and direct displacement, include mitigations for preventing displacement of existing residents in the Plan Area and surrounding communities and a public engagement process to create guidelines for the assessment methods involving stakeholders, including community organizations, the public health department and existing residents.
- *Oakland Housing Equity Roadmap*: In addition, ACPHD supports the Oakland Housing Equity Roadmap as an important document recommending viable policies and programs to ensure healthy and affordable housing opportunities for all Oaklanders, including long-time residents, to be able to remain and benefit from the city's growth.
- *Higher Thresholds for New Affordable Housing*: Establish housing affordability targets for all new projects built within the Plan Area to ensure that the new housing mix reflects the proportional needs of different income brackets identified in the Regional Housing Needs Assessment, particularly for extremely low, very low, and low income households. Include a minimum goal of 25% of total housing units to be set-aside for extremely low and very low-income households.
- *Land Banking*: Prioritize the use of public land, including land owned by the City, County, and BART, for affordable housing and other community uses before any other land use is considered.
- *Priorities for Local Residents*: Prioritize existing Oakland residents and residents previously displaced from Oakland neighborhoods for new affordable housing units constructed within the Plan Area.
- *Tenant Outreach and Enforcement*: Include and expand tenant outreach within the Plan Area and surrounding communities regarding rent stabilization, Just Cause eviction protections, and the newly passed Tenant Protection Ordinance to ensure existing residents are aware of their rights and opportunities under the law.
- *Condominium Conversation Regulations*: Recommend revisions to the City's existing Condominium Conversion Ordinance to limit the type of buildings that can convert and expand protections for existing residents.
- *Revenue generating tools for affordable housing*: Consider the use of development impact fees and other revenue generating policies to fund affordable housing and anti-displacement measures (such as tenant protection outreach and enforcement and relocation services) within the Plan Area

The scale and scope of this Plan has a very direct influence on the potential displacement of existing residents in surrounding communities, and should include adequate mitigations and protections against displacement if it is to contribute to a healthy and equitable future Oakland. The FEIR states that the Plan will not result in direct displacement of existing residents and that the pathway between the proposed development and future displacement is too

complicated to model within an EIR, thus requiring no analysis of and mitigations against displacement. However, the Plan's proposed influx of new investment (including new housing units, businesses, transit station improvements, and public parks and plazas) in an area of Oakland that has experienced very little publicly-subsidized investment over the last several decades creates a situation that many researchers have identified as triggering gentrification and displacement.[2] "Gentrification" is the process by which a historically disinvested urban neighborhood undergoes dramatic demographic and economic changes – including an increase in residents who are high income, highly educated, and white; an increase in for-sale and rental housing costs; and ultimately (if no policy interventions are made) the loss of renters, low-income people, and people of color.[3] This process is driven by the private sector and supported by government action – including policies, plans, and projects which facilitate and oftentimes subsidize development without adequately ensuring benefits for existing residents or protecting against the risks of displacement.

Based on an analysis of the extent and progression of gentrification within Oakland neighborhoods, we found that East Oakland neighborhoods are already in susceptible to middles stages of gentrification, meaning that the pre-conditions for displacement are already in place.[4] Gentrification and displacement have significant, negative health impacts on individuals and families who are displaced[5], including: increased likelihood of exposure to overcrowded and substandard housing conditions; loss of community services and institutions; financial distress and relocation costs; disruptions to health care and prescription medications; fragmentation of community support networks; loss of social support and cohesion; and direct impacts on mental and physiological wellbeing. Furthermore, we found that displacement may harm health for the whole region by increasing the likelihood that residents who are forced into more affordable areas of the County will need to drive to reach jobs, social activities, and essential services. Research has suggested that when residents are displaced out of central city areas due to unaffordable housing conditions, they are likely to end up in neighborhoods that have lower levels of public transit access and fewer social and community support services than their previous neighborhoods.[6] On the other hand, new residents moving into transit-oriented development projects are more likely to drive than previous residents, decreasing the potential public transit ridership benefits of these projects.[7] Thus, it is crucial for the city to prioritize strong anti-displacement measures in all new development as part of its broader commitment to increasing public transit use, reducing vehicle miles traveled and associated greenhouse gas emissions, and mitigating the impacts of climate change.

I also recommend the following to ensure inclusion and access to benefits by existing residents:

- *Job training, hiring, and benefits.* Include a minimum of least 50% of training and jobs for local residents, particularly from the adjacent East Oakland neighborhoods and residents displaced from Oakland

---

[2] Bates, LK. (2013). *Gentrification and Displacement Study: Implementing an Equitable Inclusive Development Strategy in the Context of Gentrification.* Commissioned by City of Portland, Bureau of Planning and Sustainability. Available at: www.portlandoregon.gov/bps/article/454027; Chapple K. (2009). *Mapping Susceptibility to Gentrification: The Early Warning Toolkit.* University of California Center for Community Innovation. Available at: http://communityinnovation.berkeley.edu/reports/Gentrification-Report.pdf.

[3] Causa Justa::Just Cause. 2014. Development Without Displacement: Resisting Gentrification in the Bay Area. Available at: http://www.acphd.org/media/343952/cjjc2014.pdf

[4] Ibid.

[5] Ibid.

[6] Garr, E. & Kneebone, E. (2010). *The Suburbanization of Poverty: Trends in Metropolitan America, 2000 to 2008.* Metropolitan Policy Program at Brookings; Raphael, S. & Stoll, M.A. (2010). *Job Sprawl and the Suburbanization of Poverty.* Metropolitan Policy Program at Brookings; Soursourian, M. (2012). *Community Development Research Brief: Suburbanization of Poverty in the Bay Area.* Federal Reserve Bank of San Francisco; International City/County Management Association. (2005). *Active Living and Social Equity: Creating Healthy Communities for All Residents: A Guide for Local Governments.* Available at: http://65.181.142.130/images/stories/rpt_icma_jan2005.pdf.

[7] Pollack S, Bluestone B, Billingham C. (2010). Maintaining Diversity in America's Transit-Rich Neighborhoods: Tools for Equitable Change. Dukakis Center for Urban and Regional Policy. Available at: www.northeastern.edu/dukakiscenter/wp-content/uploads/2011/12/TRN_Equity_final.pdf; Dominie W. (2012). Is Just Growth Smarter Growth: The Effects of Gentrification on Transit Ridership and Driving in Los Angeles' Transit Station Area Neighborhoods. Prepared for the Bus Riders' Union. Available at: www.thestrategycenter.org/sites/www.thestrategycenter.org/files/Dominie_Is_Just_Growth_Smarter_Growth_6-2-2012.pdf.

neighborhoods within the last 5 years. Reduce barriers to employment through "ban the box" policies, and ensure new jobs provide family-supporting wages.

- *Project labor agreements*. Require project labor agreements and labor peace agreements for all development projects receiving subsidy from the City or taking place on publicly owned land to ensure living wages and job training opportunities for local residents.
- *Improve local bus service*. Work with AC Transit to improve local bus service within the Plan Area and surrounding neighborhoods through new bus routes, increased frequency of service, and expanded service hours.
- *Discounted transit passes.* Provide discounted transit passes for low-income youth and adults, seniors, and people with disabilities residing and working adjacent to and within the Plan Area to ensure equitable access to the services and benefits of the Plan.
- *Ensure access to daily needs and services for all.* Conduct an assessment of the daily needs and services for all residents, particularly for transit dependent and low-income populations. The assessment should include access to: affordable and healthy foods, recreation centers and active open space, pharmacy, banks, affordable childcare and primary care clinics.

Zoning Changes

I recommend the following changes to the zoning code in order to encourage equitable development and establish development standards that promote and protect the health and wellbeing for new and existing residents.

- *Residential Activities*: All residential activities allowed in these district zones should be subject to Table 17.101H.01, Limitation 4, which sets criteria to ensure no health, environmental or cumulative risks burden new residents. Permit criteria for the D-CO-1, 2 and 4 zones should include buffering and trees and dense landscaping requirements adjacent to BART, roadways and 880 freeway. Projects should utilize Crime Prevention Through Environmental Design guidelines. Last, parking requirements should be relaxed to help promote the use of active modes of transportation over driving and make space available for affordable housing.
- *D-CO-4*: I am concerned about putting residential uses within D-CO-4. Given the existing access issues, existing residents will have difficulty accessing the new services that come along with the development especially if the elevated transit and pedestrian bridge is not built over the 880 freeway. The new residents will also be impacted by a lack of pedestrian and bicycle and transit access to daily needs and services, parks and recreational spaces and emergency vehicle access.
- *Height and Density Limits*: The zoning allows for height limits at 159 feet (approximately15 floors), which are the maximum limits before needing FAA approval. Staff have said in meetings that the BART transit oriented development project will be three to four stories high but other projects could be higher and that they would like to see higher heights further away from existing neighborhoods. I propose lowering the height limits and using height and density bonuses as a strategy to create more affordable housing in the Plan Area.
- *Warehousing, trucking and industrial operations*: A limitation should be added so that the commercial and industrial activities does not adversely affect the health, livability or development of abutting properties and the surrounding neighborhood in terms of traffic, noise, air and water pollution, hours of operation, odors and security. Furthermore, a buffering and landscaping requirement should be created for commercial or industrial lots abut to residential facilities. This should include requirements to plant and maintain dense landscaping, trees and installing decorative fencing. Commercial or industrial lots abut to residential lots should also be required to cleanup illegal dumping and trash surrounding their facility and abide and using lighting and other guidelines in Crime Prevention Through Environmental Design.
- *Urban Agriculture*: In Table 17.101H.01, Limitation 16, which requires a CUP for agriculture over 1 acre of land area, should be in alignment with the City's existing urban agriculture policies.

Lastly, I recommend convening an ongoing community engagement process with East Oakland residents, especially if there are significant project plan changes in the future. I appreciate the recent efforts and changes that have taken place. City Planning staff met with ACPHD and various stakeholders one-on-one and added more community meetings

to the approvals timeline. I am encouraged that staff and consultants have incorporated some input into the revisions of the documents. This engagement process should be the beginnings of ongoing community engagement of East Oakland residents as there is an expressed need to address land use conflicts in and outside the Plan Area. This could look like convening a stakeholder advisory body to monitor implementation, garner input on future projects and address issues that arise. I am also pleased that the response to comments clarified that future potential significant project plan changes will go through environmental review. I recommend clarifying that there will be full review with a public review process, not merely an Addendum. This ensures that the community that lives there at that time can be informed and engaged about the changes that may be coming.

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

Sincerely,

MD, MPH

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

March 4, 2015

Received
for
Planning Commission
Received March 4, 2015
Distributed March 4, 2015
Item # Coliseum

Devan Reiff
Planning & Building Department
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

SUBJ: Alameda County Airport Land Use Commission (ALUC) Comments on the Coliseum Area Specific Plan FEIR - Case # ER 130004

Dear Mr. Reiff,

Thank you for the opportunity to review and provide comments on this document. As you are aware, this project is scheduled for hearing at the March 18, 2015 Airport Land Use Commission (ALUC) regular meeting. The last day for comments on this FEIR is today, March 4, 2015. In addition to this letter, the ALUC may have additional comments after the March 18, 2015 meeting. I understand from our discussions that those comments, if any, will become part of the official record on this project. I also understand that this letter will be read into the record at tonight's Planning Commission Meeting in Oakland.

The Response to Comments section of the FEIR provides responses to the October 15, 2014 letter from the ALUC. Comment A7-1 proposes changes to the EIR reflective of concerns regarding FAA Part-77 airspace requirements and proposed project structures that would exceed those standards. However, the proposed language in the FEIR *still* does not adequately reflect ALUC concerns and requested new language as described in the October 15, 2015 ALUC comment letter. Therefore, we request the following revised language be applied as mitigation for MM Land 7-A:

MM Land 7-A

MM Land-7A: No structure that exceeds 159.3 feet above mean sea level, or otherwise exceeds the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives:

a) An FAA finding that the structure is "No Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and

b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

We appreciate the City's responsiveness to other elements of the prior (October 2014) ALUC comment letter, specifically, new mitigation measure MM Land 7-C addressing avigation easement requirements, and the city's stated commitment to providing the ALUC with a review process for consistency determinations for all subsequent projects within the Project Area that exceed 159 feet in length.

We look forward to continued collaboration on this exciting project! Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,

Cindy Horvath
Senior Transportation Planner

c: Members, Alameda County Airport Land Use Commission
Sean Charpentier, Aviation Project Manager, Port of Oakland
Albert Lopez, Alameda County Planning Director, ALUC Administrative Officer

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
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SCH# 2013042066

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

Dear Mr. Reiff:

Oakland Coliseum Area Specific Plan – Final Environmental Impact Report

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Final Environmental Impact Report (EIR) and have the following comments to offer.

Response to Comment A3-3
Given the project's impacts to Interstate (I-) 880 and nearby streets, the project should contribute fair share traffic impact fees towards I-880 projects identified in the 2014 Alameda County Transportation Expenditure Plan. These include the Northbound High Occupancy Vehicle Extension from A Street to Hegenberger Road, and the Local Access and Safety Interchange Improvements at 42nd /High Streets.

The proposed Coliseum District Development will degrade I-880 from Level-of-Service (LOS) E to LOS F on several segments identified in Impact Trans-75, 76 and 77 and degrade intersection LOS at the following intersections: Intersection #35 – International Boulevard/High Street, Intersection #61 – San Leandro Street/Hegenberger Road Off-Ramp/75th Avenue, Intersection #76 – Coliseum Way/I-880 Northbound Ramps/42nd Street.

Required mitigation measures for project impacts should include measures that require additional right of way and freeway ramp, interchange and mainline improvements, and fair share traffic fees should be collected from developers for future highway improvements. EIRs for local developments impacting State facilities are required to assess project impacts and provide mitigation. While the freeways may be under the jurisdiction of Caltrans, mitigation for project impacts are the responsibility of the development. The scheduling and costs associated with planned infrastructure improvements on Caltrans right-of-way (ROW) should be listed, in addition to identifying viable funding sources per General Plan Guidelines.

To validate the efficacy of Transportation Demand Management (TDM) measures, the EIR should provide additional details on the data collection for trip reducing TDM measures in the Coliseum Area Specific Plan. The TDM Program should include appropriate documentation for monitoring TDM measures, including annual reports to demonstrate the ongoing reduction of vehicle trips while continuing to survey the travel patterns of residents and employees within the project area.

Mitigation Monitoring
As the lead agency, the City of Oakland is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. The type of mitigation, specific location, implementation schedule for each transportation impact mitigation measure, and lead agency contact responsible for mitigation reporting should be identified. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy.

Should you have any questions regarding this letter, please contact Sherie George at 510-286-5535 or sherie.george@dot.ca.gov.

Sincerely,

Pat C

PATRICIA MAURICE
Acting District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

EAST BAY
MUNICIPAL UTILITY DISTRICT

Received at for
Planning Commission
Hearing Date March 4, 2015
Case # Coliseum
Item # 3

February 24, 2015

Devan Reiff, AICP
City of Oakland
Bureau of Planning
250 Frank H. Ogawa, Suite 3315
Oakland, CA 94612

Re: Coliseum Area Specific Plan
General Plan, Planning Code and Zoning Map Amendments
Planning Commission Public Hearing March 4, 2015

Dear Mr. Reiff:

Thank you for the opportunity to meet with you and Ed Manasse at our offices on February 9, following the February 4, 2015 Planning Commission meeting. We feel the meeting was productive in helping both the City and EBMUD to advance toward agreeable General Plan and zoning changes that support the Coliseum Area Specific Plan (CASP) and also allow for the critical functions that the Oakport Facility serves in EBMUD's public mission of serving high quality, reliable, and affordable drinking water and wastewater services within its service area, including the city of Oakland.

To accomplish its water service mission, EBMUD has several corporation yards, administration facilities and treatment plants that are strategically located throughout its service area from Richmond in the north to San Leandro in the south, and from Oakland in the west to Walnut Creek in the east. EBMUD has over 4,200 miles of pipe in its service area, of which 40%, or 1,800 miles, are in Oakland. In addition, EBMUD has one water treatment plant, 23 pumping plants, 36 reservoirs, and 41 regulator and rate control stations within the city of Oakland. EBMUD's main Administration Building is also located in downtown Oakland and the Adeline Maintenance Facility is located in west Oakland. In order to efficiently maintain and operate its facilities and in order to effectively respond to emergencies, EBMUD has strategically located its corporation yards close to its facilities on properties zoned for corporation yard uses, with good freeway access, and of sufficient size for current and future needs.

Originally, EBMUD's service yard that served the central, southern, and east Oakland areas was located at the Coliseum site. In 1964, EBMUD acquired the 127 acre Oakport property from the City of Oakland in exchange for the Coliseum service yard site. Since then, EBMUD has cooperatively worked with the City to develop the Oakport Facility. As an example, EBMUD sold a portion of the property to the City of Oakland for the Oakport Street realignment and the East Oakland Regional Sports Center. EBMUD has also worked collaboratively with the East

Bay Regional Park District by granting two leases for the Martin Luther King Jr. Shoreline Trail and adjacent open space. As a result, EBMUD now has only 48 acres remaining for its core maintenance functions, which represents 38% of its original space.

The Oakport site has unique qualities that cannot be readily found at other sites in the central, southern, and east Oakland area. The site is properly zoned, of sufficient size, with excellent freeway access to efficiently serve the area, buffered and away from residential areas, so that no truck traffic is routed through residential neighborhoods. This provides for traffic safety while minimizing community impacts. In the past, EBMUD has investigated consolidating corporation yard uses to reduce the number of sites. However, all other EBMUD properties on the west side of the Oakland hills are fully built-out, have little to no available space, and cannot accommodate the Oakport Facility functions. In addition, these sites do not have direct freeway proximity. EBMUD sites east of the hills are also fully built-out and have significantly greater travel times to the Oakland service area. In summary, without the Oakport site, EBMUD would be faced with greater travel times, which would result in longer response times, increased vehicle emissions, and increased environmental and community impacts overall.

EBMUD's Oakport Wet Weather Treatment Plant is also located at the site in a critical location along the gravity-flow South Interceptor and is designed to help prevent uncontrolled wet weather overflows into city streets and San Francisco Bay. Relocating this facility to another location along the interceptor is not possible as there is no known sufficient available space with the necessary hydraulics to operate the current and the potential future storage expansion.

As described in our previous letters to you, EBMUD is facing increased infrastructure maintenance needs in future years. In addition, ongoing service yard travel-time studies continue to indicate that EBMUD's Oakport facility is optimally located for its maintenance activities. This is not surprising, given that 40% of the District's pipelines are located in Oakland. As a result, EBMUD continues to have a strong need for the Oakport facility and envisions continuing its use, consistent with EBMUD's Oakport Master Plan that was provided to the City in 1998 and again as a result of our collaborative work on the Coliseum Area Specific Plan. As discussed, EBMUD will also increase use of the site as it begins to replace aging pipeline at an accelerated rate as part of its pipeline renewal program. As the program increases to the sustained maximum replacement rate, more and more of the available acreage will be used in accordance with the Master Plan.

Any specific development on the Oakport property would of course proceed under CEQA and following the City's processes. However, EBMUD is concerned that zoning change 25 and the L13 limitation for D-CO-6, as currently written, would further reduce the available space to less than 17 acres (13% of the original Oakport property) which is less than half of the needed acreage identified in the Oakport Master Plan. This level of reduction would severely impact

EBMUD's ability to support its charter to provide drinking water and wastewater treatment services to the community.

EBMUD is committed to developing its property in a sustainable and aesthetically pleasing way in harmony with the natural environment and with sensitivity to its neighbors. We understand the goals of the CASP and will continue to work with the City on the development of the property. EBMUD has a demonstrated history of working together with the City on Oakland's development plans in this area and looks forward to a mutual resolution of the General Plan Amendments and zoning changes that continue to support EBMUD's critical public mission.

Sincerely,

Elizabeth Z. Bialek
Engineering Manager

EZB:DAD

inspiring people to protect Bay Area birds since 1917

Received for Planning Commission
Received March 3, 2015
Distributed March 4, 2015
Case # COliseum

March 3, 2015

Via email and US Mail
Oakland Planning Commission
Oakland City Hall
One Frank Ogawa Plaza,
Oakland, CA 94612
Email pattillo@pgadesign.com

Re: Oakland Coliseum Final Environmental Impact Report January, 2015

Dear Chairwoman Patillo and Commissioners:

The Golden Gate Audubon Society appreciates the opportunity to comment on the above referenced FEIR. We welcome the City of Oakland's response to our concerns regarding the proposed development of the Edgewater Seasonal Wetland. Damon Slough and the Edgewater Seasonal Wetland should not be contemplated as part of any development plan. These areas are incredibly ecologically valuable and the seasonal wetland in particular, must be protected in perpetuity as a mitigation requirement.

We support the Staff Report language found in Section L4 of Attachment B that states that the project is not considered permitted until:
"3. .. the design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters."

The proposed project did not adequately provide for sea level rise and we acknowledge that there will now be a process required to address this issue before development permits are issued. We request to be notified and allowed to participate in what it means to "account for projected rise in sea levels..."

We also ask that the following clause be added to L.3:
"The design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters in a manner that protects both human infrastructure as well as the aquatic resources of San Leandro Bay."

Tidal marshes provide flood and erosion control, improve water quality, and form the basis of the aquatic food chain. People enjoy tidal marshes for their beauty from the ecological diversity they can observe there. An acre of tidal marsh vegetation produces as much oxygen as an acre of tropical forest. An acre of tidal marsh vegetation produces as much biomass as an acre of wheat. Marsh vegetation provides food for invertebrates which are food for fish, and they are food for birds, all of which may be food for humans.

San Leandro Bay is one of the Central Bay's richest aquatic areas in biodiversity and abundance. The historic presence of thousands of acres of tidal marsh has left San Leandro Bay a water body with a rich substrate supporting a wide variety of life from shell fish to fish to birds.

Arrowhead Marsh supports one of the largest concentrations of the federally and state listed as endangered bird, the Ridgway's rail (formerly called the Clapper rail). The mudflats of San Leandro Bay support tens of thousands of shorebirds. In fact, when San Francisco Bay was officially identified as the most important migratory stopover for shorebirds on the west coast the dedication ceremony was held at the Martin Luther King Regional Shoreline Park! Tens of thousands of waterfowl also depend on San Leandro Bay during their

GOLDEN GATE AUDUBON SOCIETY
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spring and fall migrations. Large populations of fish species inhabit San Leandro Bay and depend upon this as a vital fish nursery.

Tidal marshes help control flooding. Marsh vegetation acts as a drag on wave energy and thus reduces wave heights and wave energy. This lowers the height of storm surges and thus helps prevent flooding. By reducing wave energy it helps preserve shorelines from erosion. Every year there is greater recognition that tidal marshes play an essential role in addressing sea level rise. Billions of dollars are being spent on the Louisiana shoreline restoring wetlands in order to avoid another disaster like Hurricane Katrina.

Recent advances in relating tidal marsh restoration to sea level rise has resulted in the concept of the horizontal levee. This consists of creating a very gradual slope of bay mud on the bay side of a levee. This slow increase in elevation allows for the creation of tidal marshes on the outboard side of a levee and this in turn allows the tidal marshes to prevent the overtopping of the levees in storm events and also prolongs the life of levees by reducing wave energy.

We believe that a horizontal levee should be considered for the shoreline between Elmhurst Creek and Damon Slough when designs are created to address sea level rise. This will help preserve the rich aquatic values of the present San Leandro Bay into the future. This will also provide wonderful recreational opportunities including walking, jogging and bird watching.

For decades Golden Gate Audubon has partnered with the East Bay Regional Park District on habitat restoration with the community at the MLK Jr. Shoreline Park in Oakland. Staff led volunteer efforts engage the community in shoreline cleanups and planting or tending to native plants. These native wetland plants provide habitat for birds and cleanse the water that flows into the Bay. This site is used as an outdoor classroom for third grade students from Title One schools in Oakland. Other volunteers lead free field trips to this park to see the birds that reside in or migrate through this area each year. Citizen scientists have used a tool called e-bird and identified this as a hotspot for viewing birds.

We also suggest that L.5 be revised to read: "That measures that minimize adverse impacts to the surrounding community have been incorporated into the project."

Thank you for your attention to our concerns,

Cindy Margulis
Executive Director

Al Minard

1201 Valdez Way

Fremont, CA 94539

March 4, 2015

RE: Coliseum City FEIR

Dear Planning Commissioners,

I am a member of the Alameda County Parks, Recreation and Historic Commission. We have been looking at this project for a couple of months.

Here are my thoughts on this project:

1. The Oakland Alameda County Coliseum, under whatever name it is using today, is a historic building. All of the proposals except the "No Project" would include demolishing this building. This is more than a large baseball/football stadium it is a reference point along the freeway and from BART, it is also visible from the air which makes it an important building for more than just the residents of Oakland. I think in spite of the desire on my part as a historian to preserve this building that it will be demolished which sets up lots of mitigation to compensate the City of Oakland and Alameda County for the loss of a historic building.

2. Regarding mitigation The largest glaring error in this proposal is the introduction of approximately 10,000 new people under the age of 21, who will be living in high rise buildings with little or no access to playgrounds. This is East Oakland, which has a reputation of being an undesirable place to live because of all of the crime. When I look at the amount and location of playgrounds in this area I find that there is very few and that they are grossly overused now even before all of these new young people move into the area. Kids will be kids, if they are not engaged in acceptable behavior they will get into mischief, which includes graffiti, drugs, and other crimes. This is unacceptable, this project should put in about 1,000 acres of playgrounds to compensate for the lack of existing playgrounds in the area and to compensate for the new young people who will move in to this area. This should be one of the required mitigations for demolishing the historic building.

3. Also regarding mitigation, the developers have cleverly included existing and proposed wetlands as "parks", while this is in fact a broad interpretation of park land, it does not address the need for young people to have a place to play in organized and even un-organized sports. Then the developer talks about trading wetlands for wetland owned and used by other agencies, and I assume that they will then include this into the acreage for "parks" that this project needs. Wetlands is a "look but don't touch" type of park and it is great that it will be available for the residents to enjoy, but it is not suitable for children to play on or in.

4. Also regarding mitigation, While there is no law that I am aware of for forcing the developer to put in parks, even when there is, they generally find a cop-out, that include putting money into a fund to purchase land in another part of the City for a park. As responsible citizens of this planet, Earth, we are becoming more aware of our carbon footprint, and having a park that someone would have to take a bus or drive to is not a solution to the park situation in this area.

I respectfully submit these comments and trust that you will take them seriously, because I have found that when one person writes to a council member or Planning Commissioner, which generally indicates that there are about 99 more people who support that position but are unwilling to write or speak on it.

Thank you Very much for reading this letter.

Al Minard

March 2, 2015

City of Oakland
City Planning Commission
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: **Recommendations for the Final Draft Coliseum Area Specific Plan and Proposed Planning Code Amendments**

Dear Commissioners Pattillo, Moore, Bonilla, Coleman, Myres, Nagraj, and Weinstein:

We are a coalition of Oakland residents, workers, faith leaders, youth, unions, and community organizations from various sectors invested in the health and economy of Oakland. Collectively, we represent tens of thousands of individuals who believe that if done right, the Coliseum City project has the potential to transform East Oakland by creating good jobs, affordable housing, safe and healthy communities, and cleaner air.

While we are pleased with many of the changes that staff has made to the Draft Coliseum Area Specific Plan since the previous draft, ***we call on the Planning Commission to make targeted improvements to the Specific Plan and related Planning Code changes at its March 4th meeting***. These additional modifications are needed to ensure that the Specific Plan and Planning Code promote a Coliseum City that respects the diversity, culture, deep roots, and urgent needs of the current community while welcoming more local residents. The result will be a more equitable, environmentally sound, and economically successful project.[1]

Specifically, we urge the Commission to add new policies to and strengthen existing policies in the Specific Plan, and to revise the proposed Planning Code amendments related to the following priorities:

- **Community and economic benefits**, including an emphasis on *good* jobs, targeted hiring of displaced residents, the use of project labor agreements, pathways for formerly incarcerated individuals, community health, and promoting youth services;
- **Affordable and family housing**, including a meaningful density bonus, a target for 3-4 bedroom units, a higher percentage of affordable housing, more deeply affordable housing, land banking and use of public land, preference for local and displaced residents for affordable units, and eliminating conditional use permit requirements for permanent housing that includes supportive services;
- **Anti-displacement protections**, including stronger rent stabilization, just cause, and condo conversion regulations; education about tenants' rights; and more robust relocation assistance;
- **Environmental health**, sustainability, public transit, buffers against air pollution and

noise, indoor air quality improvements, and transportation and freight safety; and

- **Transit that is accessible and affordable** to low income residents and workers, youth, seniors, and individuals with disabilities, including discounted transit passes, expanded bus service.

East Oakland is an established community of hard-working people who have been living, working, shopping, worshiping, and raising their families there for generations. After decades of neglect, the City has the opportunity to encourage investment and development that will help these residents and local businesses thrive. We strongly urge you to direct the Planning Department to include the recommendations below before you approve the Specific Plan and Planning Code changes. (Suggested deletions are in ~~strikethrough~~, and additions are in underline.) The Specific Plan must integrate the plan areas with the larger East Oakland community, rather than establishing a separated and insulated neighborhood; it should be coordinated and harmonized with existing communities and their needs. Without the critical changes proposed here, the Coliseum City plan will fail East Oakland residents and the environment.

I. Specific Plan

A. Community and Economic Benefits

We are grateful for the addition of the section on community and economic benefits and appreciate that staff have attempted to address community concerns. Nevertheless, we suggest the following changes to further strengthen this section and ensure that the adjacent community truly benefits from the planned investments:

1. ***Good jobs:*** Revise Goal 2 (pp.4, 58) to emphasize *good* jobs and to read: "Create a regionally significant jobs and employment area that can expand Oakland's ability to attract new businesses and employers, and support existing businesses, given the area's available land and its prime transit-oriented and airport-adjacent location. Participate in the Bay Area's dynamic 'innovation economy', and attract new ~~businesses and~~ jobs accessible to local residents and retain existing jobs with family-supporting wages and benefits in ~~opportunities to~~ the surrounding East Oakland area."
2. ***Targeted hiring of displaced residents:*** Revise LU Policy 3-41 (p.74) to include residents who were displaced from Oakland to read: "The City supports and encourages local hiring and training of Oakland residents, including residents from the adjacent East Oakland neighborhoods and those displaced within the previous 5 years, for the new jobs envisioned in the Plan."

   Those who experience displacement as a result of increased housing prices spurred by demand in the area around Coliseum City should be first in line for jobs that can help them afford to return to their community.
3. ***Project labor agreements:*** Strengthen LU Policy 3-44 (p.74) to read: "Require ~~Consider~~ Project Labor Agreements (PLAs) and labor peace agreements for developments in the

Plan Area which include City of Oakland subsidy, benefit from City infrastructure investments, or are located on publicly owned land, and where the City is a market participant in the development project."

PLAs are an important tool for protecting the City's proprietary interests through ensuring that developments in the Plan Area pay good wages, provide adequate job training and apprenticeship opportunities for local residents, and ensure efficient completion of the project construction.

4. ***Pathways for formerly incarcerated individuals:*** Add a policy to section 3.11 (pp.74-75) that reads: "Increase public safety, community health, and economic development by creating pathways into good jobs for those with criminal records through "ban the box" policies and other similar means."

   Local hire cannot be fully implemented for our entire community without ensuring pathways into jobs that would prevent employers from asking about criminal records on the front end of the job application process and enable job seekers to get a foot in the door.

5. ***Youth services:*** Strengthen LU Policy 3-45 (p.74) to read: "~~The Plan can s~~Support healthy recreation and the social lives of neighborhood youth of all ages and create safe neighborhoods and opportunities, ~~with the inclusion of~~ by including a youth/teen center, or other innovative spaces that ~~could~~ should be programmed by local youth and providers in or near the Plan Area; also, by the improvement of existing recreation facilities."

   East Oakland is a community of families in great need of recreational and educational resources for youth.

6. ***Community health:*** Strengthen LU Policy 3-48 (p.75) to read: "~~Consider i~~Include~~ing~~ a health center (such as a YMCA) in, or near, the Plan Area to support the health and fitness of the East Oakland community and new residents...."

B. Affordable Housing and Family Housing

We are pleased that the draft Specific Plan now contains a more robust discussion of housing and displacement; however, it still fails to meaningfully respond to the housing needs of nearby existing and future lower-income households. For example, the Specific Plan envisions household sizes and affordability levels that do not reflect those in the surrounding communities. Therefore, we strongly recommend the following changes:

1. ***Equity goal:*** Revise Land Use Core Goal 4 (pp.4, 60) to read: "Create a vibrant and socio-economically diverse urban mixed-use district, attracting a significant community of residential and commercial uses...."
2. ***Meaningful density bonus:*** Revise LU Policy 3-12 (p.59) to read: "Development should emphasize moderate to higher density uses that make best use of the Plan Area's transit and transportation facilities while making effective use of density bonus and other incentives to encourage integration of affordable housing, and position the Plan Area as

an asset for the City of Oakland and surrounding region."

While mechanisms such as parking incentives and density bonuses mentioned in section 7.7 (p.169) are useful in some contexts, they are unlikely to be utilized if land is over-zoned to allow all developers to build the maximum desirable density and height without accessing these incentives. We are concerned that the proposed rezoning will render ineffective the voluntary bonus and incentives program for producing affordable housing referenced in LU Policy 3-20 (p.60). Due to over-zoning in other parts of Oakland, density bonus incentives are rarely utilized, because zoning and development standards already permit and exceed the types of development that the market will support. This mistake should not be repeated in Coliseum City.

3. ***Family housing:*** Revise LU Policy 3-50 (p.77) to specifically encourage new housing units for large families (3-4 bedrooms) to ensure that the housing mix reflects the needs of families with children in the surrounding community.

   While the Specific Plan envisions small units averaging 1.74 to 2.50 people per household[2], which will not meet the needs of families with children, as the current median household size in the surrounding neighborhoods is approximately 3.62.[3]

4. ***Higher percentage and depth of affordable housing:*** Strengthen LU Policy 3-51 (p.77) to read: "~~Encourage at least 15 percent of~~ Establish housing affordability targets for all new units built in the Plan Area ~~be affordable to low and moderate income households~~ to ensure that the housing mix is at least equivalent to the Regional Housing Needs Allocation for extremely low-, very low-, and low-income households described in the City's adopted Housing Element, through a combination of ~~in~~-mixed income ~~developments, as well as in developments that are~~ and 100 percent affordable housing developments ~~units~~. ~~According to the Coliseum Specific Plan EIR, the Plan Area is projected to add between 4,000 and 5,750 new housing units over the next 20-25 years; so of the total number of units, the affordable housing target will be 600 to 860 units.~~"[4]

   The City has already established targets for affordable housing needs in its Housing Element. The large scale of this project, its location on public land, and the needs of the surrounding community make it particularly important in helping Oakland meet the goals adopted in its Housing Element. More than 50% of Oakland households qualify as extremely low-, very low- or low-income[5], and many live in overcrowded, unhealthy, and unaffordable conditions due to the lack of adequate affordable housing opportunities. In the 94621 zip code, where Coliseum City will be located, the median household income is $31,082, nearly 70% of households are renters, and nearly 70% of those renters are rent-burdened (paying more than 30% of their income for rent).

5. ***Land banking:*** Strengthen LU Policy 3-53 (p.77) to read: "~~Consider the creation of a land banking program for the Coliseum Plan Area, should funding become available, that would set aside money, or dedicate~~ Prioritize the use of public land~~,~~ for sites for affordable housing and other community uses, and evaluate which parcels would be most appropriate for land banking, including land owned by the County, the Port of Oakland, and BART, before any public land is disposed of for other purposes."

   Setting aside public land is an essential strategy for serving community needs and for

achieving a mixed-income neighborhood, especially given the City's very limited affordable housing funds. Disposition of public land should be aligned with the City's recently passed on ordinance governing all public land, both surplus and otherwise.

6. ***Preference for local and displaced residents:***
    a. Add a policy to section 3.12 (pp.75-77) as follows: "Prioritize Oakland residents and those who have been displaced within the previous 5 years for new affordable housing units constructed in the Plan Area."
    b. Revise LU Policy 3-59 (p.79) to read: "Strengthen local relocation policies to ensure that any Oakland resident displaced as a result of a no-fault eviction, including building closure due to uninhabitable conditions, or publicly funded development, receives just compensation, priority for new affordable units, and comprehensive relocation assistance."

    Those experiencing displacement as a result of increased demand spurred by the development of Coliseum City should be first in line to return to their community.

7. ***"Workforce housing":*** Reframe the discussion of "workforce housing" in Section 7.7.2 (p.168) to acknowledge the reality of low-wage retail, service, and hospitality jobs created by this plan by defining it as serving those making between *30%* and 120% of area median income (AMI), or approximately $27,600 to $110,400 per year for a family of four.

    Most households between 25-60% AMI are part of the workforce. The section currently limits the term "workforce housing" to those earning more than 60% of AMI, or $55,200, but many hard-working Oaklanders earn far less than this. Those earning Oakland's new minimum wage, for example, bring home only $25,000 per year, and nearly half of the new jobs created by the Plan will pay less than $20 per hour.[6]

C. Anti-Displacement Protections

The addition of section 3.13 on addressing "indirect residential displacement" is a significant improvement over the previous draft, and appropriately acknowledges the vulnerability of East Oakland residents. It is important, however, that this section not only recognize the risks but include policies and commitments to address those risks and improve opportunities for the families who already live there.

1. ***Rent stabilization and just cause outreach and enforcement:*** Strengthen LU Policy 3-56 (p.78) to read: "~~Continue and consider expanding~~ Expand Rent Adjustment outreach to tenants~~,~~ and enforcement of Rent Adjustment regulations regarding rent increases and Just Cause eviction regulations."
2. ***Condominium conversion improvements:*** Strengthen LU Policy 3-58 (p.78) to include other possible revisions to the Condominium Conversion Ordinance to ensure real replacement units get built and tenants are protected from displacement if their building converts, such as limiting conversion rights to new permanent rental housing and expanding tenant protections to provide security of tenure and limited rent

increases.

3. ***Landlord harassment of tenants outreach and enforcement:*** Add a policy to section 3.13 (pp.77-79) to enforce the recently passed Tenant Protection Ordinance (TPO): "Expand outreach to tenants regarding their rights under the Tenant Protection Ordinance and other protections, and ensure effective enforcement of such policies."

   Attachment I to the previous draft Specific Plan (Oct. 1, 2014, p.6) included LU Policy 3-58 regarding advising tenants about landlord anti-harassment policies. However, this particular policy somehow did not make it into the final draft. With the adoption of the TPO, it is especially critical that tenants know their rights and that the TPO is effectively enforced.

D. Environmental Health

While the Specific Plan contains laudable ambitions concerning design of new development, we remain concerned that the Specific Plan fails to identify specific environmental health goals and objectives. East Oakland residents in the areas surrounding the project already face a disproportionate amount of air pollution and health disparities. Residents of East Oakland experience more than twice the rate of asthma emergency department visits than Alameda County at large.[7] As currently drafted, the Specific Plan and zoning changes are inadequate to address the air pollution and environmental health impacts that increased traffic and construction will have on existing and future East Oakland.

The Community Design provisions of the Specific Plan should be amended as follows:

1. ***Sustainability goal:*** Revise the Goal under section 4.6 (p.96) to read: "Integrate sustainable and environmentally sensitive buildings, landscapes, and infrastructure into Plan Area development and surrounding areas."
2. ***Health equity:*** Apply the Healthy Development Guidelines Tool and Healthy Equity Policy Agenda to the Plan Area. These tools guide developers and the City to put health equity at the center of their projects.
3. ***Public transit improvements:*** Strengthen CD Policy 4-30 (p.96) to read: "Projects should be designed to make best use of, and improve upon, existing infrastructure and ~~take full advantage of the site's close link to~~ work with BART and other public transit ~~options~~ providers to improve upon existing public transit service both within and outside the Plan Area."
4. ***Cumulative impacts:*** East Oakland bears cumulative impacts of many environmental stressors, due in part to "checkerboard" zoning. While this Specific Plan alone cannot address all historic and existing cumulative impacts, specific measures should be taken to prevent exacerbation of these impacts. We have concerns related to environmental health and safety that are not currently addressed in the Specific Plan:
   a. ***Buffers to advance multiple goals:*** The Specific Plan will vastly increase traffic, reducing local air quality and increasing noise and circulation hazards. The

Specific Plan section on Transportation (pp.99-119) should be amended to provide for installation of buffers that provide maximum protection from pollution-generating receptors, including: industrial uses, truck routes and highways. Buffers should help filter air pollutants and be visually integrated (i.e., tree canopies, not walls). Such buffers should be required along vehicle routes that are anticipated to see increased vehicle traffic, not only within the Plan Area, but at a minimum within a mile radius of the Plan Area.

b. ***Indoor air quality improvements to both new and existing structures:*** We support the Specific Plan Community Design provisions described above. The increase in traffic, however, will contribute to poor existing air quality in local building stock. The area includes many sensitive receptors, such as schools, senior centers and libraries. The Specific Plan's new building standards conveying benefits such as energy efficiency retrofits and state of the art air filtration should be directed at a minimum, to sensitive receptors and homes within a mile radius of the Plan Area.

c. ***Transportation and freight safety***: As noted above, the Specific Plan contemplates a significant increase in area residents. In addition, the Specific Plan anticipates attracting people from outside the project area to use "enhanced open space" (see Goal 5) in addition to fans coming to sporting events. However, Section 2.2.6 (p.28) correctly observes that "[n]o hospitals or major medical centers are located nearby – the closest are in downtown Oakland and San Leandro;...." Moreover, although the area hosts a fire station, staffed by eight highly qualified fire fighters, in the event of a serious accident, whether on the Union Pacific shared rail line or on Interstate 880, these emergency health services will not compensate for the lack of any nearby hospital.

   Risk of explosion is not remote, unfortunately. Oakland has seen spectacular tanker truck explosions on Interstate 880, including the "Maze Meltdown" in 2007. Fortunately, the community has not had train derailments, like the Lac Megantic catastrophe in 2013, or the very recent West Virginia fiery disaster, in which rail cars that were built to current federal specifications exploded in flame, but the Specific Plan should anticipate and plan for these potential disasters.

   The Specific Plan should be amended to address three critical public safety elements:

   i. Crude by rail – the Union Pacific rail lines, which are shared by Amtrak and run through the Coliseum area, are slated to transport crude oil by rail.

   ii. Crude by truck – large trucks are prohibited on Interstate 580, so all transport of oil tanker trucks bisects the project area.

   iii. Truck routes – once they exit Interstate 880, trucks carrying all manner of freight travel the streets of East Oakland.

   The Specific Plan should also be amended to include at least one map that

overlays the most recent truck route map, and at least one map that overlays the vehicular emergency egress routes in the event of explosion, as well as natural events, such as extremely foreseeable earthquakes and floods. While circulation within the Plan Area is important, the safe evacuation of both local residents and visitors to the area is even more critical and should be specified.

Finally, Chapter 7.6.2 (p.159) provides numerous suggestions for funding sources that could address both rail and truck safety, were the Specific Plan deliberately to bundle the two.

E. Transit

The Specific Plan provides detailed plans for transportation and public transit. However, in order to maximize outcomes for the environment and to ensure that residents and workers in and around the Plan Area have meaningful access to their jobs, schools, shopping, and other activities, it is critical that public transit is accessible and affordable to transit-dependent populations, including low-income residents, seniors, youth, and individuals with disabilities. We strongly urge you to include the following changes to the Specific Plan to reflect these priorities:

1. ***Transit access and affordability goals***:
    a. Revise Core Goal 3 (p.4) to read: "Improve the area's existing investments in transit and transportation infrastructure; ensure that transit is accessible and affordable to transit-dependent populations, including low-income residents and workers, seniors, youth, and individuals with disabilities; create a Transit Oriented Development (TOD)...."
    b. Revise the Goal under section 5.1 (p.99) to read: "Provide a balanced and complete circulation network that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and accessible and affordable transit while continuing to serve automobile traffic."
2. ***Expanded bus service:*** Revise TR Policy 5-44 (p.115) to read: "Collaborate with AC Transit to improve bus service to the Plan Area and in surrounding neighborhoods by ~~either~~ providing new routes, ~~or~~ altering existing routes, increasing headways, and expanding service hours...."

    Common challenge faced by transit riders in under-served communities include long waits at bus stops and the inability to get to work during early or late shifts.
3. ***Discounted transit passes:*** Revise TR Policy 5-49 (p.117) to read: "Provision of a transit subsidy to employees and residents, particularly low-income residents and workers, seniors, youth, and individuals with disabilities, by the project applicant...."

    On top of increasing housing costs, the cost of public transportation can be burdensome for vulnerable populations, especially those who depend on transit to access jobs and services.

II. Planning Code Amendments

While the Specific Plan articulates important goals and policies, the Planning Code provides concrete rules about what can be built where. As a result, the Planning Code Amendments that the Commission approves are critical determinants of how much affordable housing the Plan Area can actually support given the allowable density, location and amount of publicly owned land, and other regulations. The actual Code language will also determine the environmental protections offered to existing residents from impacts of the new project. In order to ensure that the City has all the tools at its disposal, we strongly urge the Commission to incorporate the following recommendations:

1. ***Publicly owned land for affordable housing:*** Provide detailed information about which sites in the Plan Area are publicly owned and zoned for residential or mixed-use development, which entity owns the land (including the City, County, and the Port), and what efforts will be made to preserve the land for affordable housing.
2. ***Supportive housing by right:*** Allow supportive housing for people with disabilities by right. Currently, "service-enriched permanent housing," or supportive housing for people with disabilities, is allowed only as a conditional use in the portions of the Plan Area zoned residential or mixed use (p.4). Even where permitted as of right, service-enriched housing cannot be located closer than 300 feet from any other such activity (Attachment C, p.12).

   Although the same is true for the zoning throughout the city, Coliseum City presents an opportunity to be more inclusive, particularly as a transit-oriented development project intended to provide greater access to jobs, services, amenities, and transit that people with disabilities sorely need. Not only is it the right thing to do, but both California statutory law[8] and recent federal case law[9] interpreting federal and state fair housing and disability rights statutes prohibit this type of discrimination, even if unintentional.
3. ***Meaningful density bonus:*** Ensure that the allowable density does not preclude density bonuses for affordable housing and other benefits.

   As discussed above, Oakland's density bonus program, contained in Planning Code Chapter 17.107 and mandated by California Government Code 65915, is not an effective incentive for affordable housing because the allowable density in Oakland – and likely in the Coliseum Area Plan – exceeds what the market will permit.

The Planning Commission has a unique opportunity and important responsibility to ensure that development in Oakland promotes opportunity for everyone. The Coliseum City Plan represents a transformative moment for East Oakland with the potential to bring great opportunity to Oakland residents and workers. Without the right policies, however, East Oakland residents, who are disproportionately low-income and people of color who have waited generations for meaningful investment in their communities, will be excluded from the benefits that Coliseum City brings. We hope you will ensure that the Specific Plan includes these residents in a meaningful way before you vote to recommend approval to the City Council.

Sincerely,

Anthony Panarese
Alliance of Californians for Community Empowerment (ACCE)

Andreas Ferreira Cluver
Building & Construction Trades Council of Alameda County

Robbie Clark
Causa Justa :: Just Cause

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East Bay Housing Organizations (EBHO)

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Notes

[1] Moreover, as the State has recognized, ensuring that low-income households are included in the plan and preventing the displacement of existing residents has clear environmental benefits, as low-income residents both use transit the most and are most likely to give up their cars when they live near transit, thus reducing vehicle miles traveled and greenhouse gas emissions. *See* TransForm and California Housing Partnership Corporation, Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy (May 2014), available at http://www.chpc.net/dnld/AffordableTODResearch051514.pdf.

[2] City of Oakland, Coliseum Area Specific Plan Final Draft (Jan. 2015) (pp.36, 77). The plan will add around 10,000 new residents and between 4,000 and 5,750 new housing units.

[3] City of Oakland, Draft Environmental Impact Report for the Coliseum Area Specific Plan, Vol. II (Aug. 22, 2014) (pp.4.11-6, 4.11-8).

[4] Association of Bay Area Governments, Regional Housing Need Plan, San Francisco Bay Area 2014-2022 (p.21), available at http://www.abag.ca.gov/files/ABAG_Final_RHNA_Publication.pdf; City of Oakland Housing Element (p.223) (the City "assumed that half of the very low income need is for extremely low income families).

[5] City of Oakland Housing Element 2015-2023 (Adopted Dec. 9, 2014) (p.117), available at http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak050615.pdf.

[6] City of Oakland, Coliseum Area Specific Plan Final Environmental Impact Report (pp.7-15, 7-16, 7-17), available at http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak051712.pdf.

[7] For Zip codes 94621 & 94603, the rate of asthma emergency department (ED) visits is 1,230 per 100,000 residents; the Alameda County rate is 553 per 100,000. The asthma ED visit rate for children is 2,048 per 100,000 (0-4 year-olds) compared to the Alameda County rate of 1,301 per 100,000. Asthma inpatient hospitalization rate is 339 per 100,000 residents; the county rate is 147 per 100,000. The childhood asthma hospitalization rate is 908 per 100,000; the county rate is 477 per 100,000. ACPHD CAPE Unit with 2008-2010 data from California Office of Statewide Health Planning and Development (OSHPD).

[8] *See* California Government Code section 65583(a)(5), which includes the following: "Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone."

[9] *See Pacific Shores Properties, LLC v. City of Newport Beach*, 730 F.3d 1142 (9th Cir. 2013) (finding substantial evidence that an ordinance that required group homes for people recovering from alcohol and drug addiction to undergo a permit process which considered, among other things, the number of similar facilities in the neighborhood, violated the Fair Housing Act, the Americans with Disabilities Act, and the Fair Employment and Housing Act); *Bay Area Addiction Research and Treatment, Inc. v. City of Antioch*, 179 F.3d at 725 (9th Cir. 1999) (holding that an ordinance prohibiting methadone recovery clinics from operating within 500 feet of any residential property was discriminatory). See generally Disability Rights California, Everyone's Neighborhood: Addressing "Not in My Backyard Opposition to Supportive Housing for People with Mental Health Disabilities" (Sept. 2014), available at http://www.disabilityrightsca.org/pubs/CM5301.pdf.

OAKLAND HERITAGE ALLIANCE

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Dear Coliseum Plan staff and consultant:

We thank you for reconfiguring the mitigations for potential demolition of the Coliseum and or Arena, following the Landmarks Board resolutions, and as reflected in the March 4 staff report, pages 9–12. We'd like to make one small editing request, as below. In our view, all the mitigations are tacitly "to the maximum extent feasible" in the real world negotiations that will ensue, so there is no need to weaken and confuse the language by adding the phrase. Otherwise, the language seems much improved and we are grateful.

MM Cultural 1A-3: . . . . Mitigation shall be provided as financial and/or cultural enhancement. Such contribution shall be commensurate with the cultural value of the Coliseum. The level of contribution shall be, ~~to the maximum extent feasible,~~ based upon financial information to be provided by the applicant (such as pro forma information or other comparable information), the City and upon other relevant factors determined by the City; the dollar amount of the financial contribution shall be based, as applicable, on mitigations from other similar historic demolitions in the City of Oakland, after a survey is done of comparable projects, and the amount of those mitigations is determined; the HABS mitigations as specified in the EIR are to be completed; the City and/or developer(s) to conduct community outreach to capture cultural significance, under Criteria 1 and 2 per Preservation Bulletin 22, and publically disseminate the results (see MM 1-4 and 1-5, above).

Again, we thank you for your responsiveness and care in shepherding this complicated documentation and planning effort through its course.

Sincerely,

Alison Finlay

Naomi Schiff

Alison Finlay, President

Naomi Schiff, Preservation Committee

Cc: Landmarks Preservation Advisory Board

PORT OF OAKLAND

March 3, 2015

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

Subject: Comments on the Final Environmental Impact Report and Oakland Coliseum Area Specific Plan

Dear Mr. Reiff:

The Port of Oakland (Port) appreciates the opportunity to provide comments on the City of Oakland's (City) Final Environmental Impact Report (FEIR) for the proposed 800-acre Oakland Coliseum Area Specific Plan (Specific Plan).

Project Description and Purpose

As stated in the project description in the FEIR, the City has subdivided the Specific Plan area into Sub-Areas A through E: Sub-Area A will be for transit and sports mixed-use, which includes up to 4,000 new residential units; Sub-Area B will be for waterfront mixed-use, which includes up to 1,750 new residential units; Sub-Area C will be for manufacturing/research & development mixed-use; Sub-Area D will be for airport and logistics related use; and Sub-Area E will be for public utility and open space use.

The purpose of the Specific Plan is to provide a vision for up to three new venues for the City's professional sports teams, and to provide a 25-year planning document for land use policy, regulatory requirements and public and private investment that coordinates future development. The City has identified the Coliseum Area as one of the largest under-developed, urban, transit-served opportunities in California.

CEQA: Port as Responsible Agency

The Port understands that the City will consider certifying the FEIR at an Oakland Planning Commission meeting on March 4, 2015. The Port shares the City's interest in retaining and attracting sports teams in Oakland and in increasing the economic vitality of the City and the region. The Port offers these comments as a property owner in the 400-acre Airport Business Park (ABP), the owner and operator of Oakland International Airport (OAK), and as a Responsible Agency for the Specific Plan project given the Port's land use jurisdiction authority in the ABP.

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Comments on FEIR

The Port provided comments to the City on the Notice of Preparation of the Draft EIR on August 22, 2013 and on the Draft EIR on October 17, 2014. The Port has reviewed the FEIR, which includes the City's responses to the Port's comments on the Draft EIR.

Our comments in this letter focus on the following areas:

- Airport Operations and Safety and
- Aircraft Noise

Airport Operations and Safety

Comment #1. Mitigation Measure (MM) Land-7A(FEIR Page 7-13): MM Land 7-A is designed to ensure that proposed new buildings do not create a hazard to air navigation, do not result in modifications to flight operations at OAK, and receive a consistency determination from the Airport Land Use Commission (ALUC). In order to provide consolidated comments to the City, the Port has coordinated these comments with the ALUC staff. Please make the following changes to MM Land-7A.

MM Land-7A: No structures that exceeds 159.3 feet above mean sea level, or otherwise exceeds the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, ~~and/or which exceed 200 feet above the ground level of its site,~~ will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives ~~either~~:

~~a) an FAA finding that the structure is "not a hazard to navigation" and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable; or~~

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

a) an FAA finding that the structure is "No Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and

b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

Comment# 2. New Mitigation Measure (MM) Land-7C (FEIR 7-13): The Port appreciates the inclusion of Avigation Easements in new MM Land-7C and the discussion in Chapter 4.9 of the FEIR that any discretionary approvals of future residential and non-residential development within the Project Area will include an avigation easement. Port staff have closely reviewed the new MM Land-7C and recommend the following revisions:

First, a standard Port avigation easement, real estate disclosure, and grant notice are attached to this letter. Please include these with the response to the FEIR and add them as an appendix to the FEIR.

Second, it is the view of Port staff that the avigation easement is not the appropriate instrument by which to require sponsors of fireworks displays at Coliseum Area events to coordinate the fireworks with the FAA. Note that in DEIR Comment A13-4, the Port requested that event sponsors coordinate fireworks and other aerial releases in advance with the FAA. Instead, coordination with the FAA should be required as part of the standard City permitting process for special events involving fireworks or aerial releases within the Specific Plan area. Please remove subsection (f) and add the following separate condition:

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

Third, avigation easements also include a damage release and legal protections for the Airport. Please add the following subsection to the description of the Avigation Easement:

> Release the Port from any damages arising from the imposition of the easement, and prohibit the grantor from bringing legal claims associated with the easement and airport operations.

Aircraft Noise

Comment #3. Chapter 4.10 Noise, Recommendation Noise-9: In DEIR Comment A13-7, the Port requested a mitigation measure that would require any development of residential uses in the Mixed Use Waterfront Residential District to conduct noise studies for four specific flight procedures at OAK that have the potential for individual noise events that might adversely affect future residents in the Coliseum Area Specific Plan area.

Performing the noise studies during the design process could identify structural enhancements (e.g. specific types of noise-abatement windows and doors) that could mitigate the potential significant individual noise impacts.

The Port appreciates the inclusion of the recommendation for these noise studies. However, the Port requests that the noise studies be a requirement of development rather than a recommendation:

~~Recommendation~~ Requirement Noise-9: The developer of residential uses in the Waterfront Mixed Use District within Sub Area B ~~should consider~~ shall conduct~~ing~~ noise studies to determine if overflight noise may warrant sound insulation and other design measures for new homes in Sub-Area B to reduce outdoor aircraft noise levels associated with the following flight patterns. :

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

Conclusion

Thank you again for the opportunity to comment on the FEIR. The Port greatly appreciates the collaboration with the City throughout the planning and CEQA process for the project. The Port looks forward to the implementation of the vision that supports sports venues, improves the economic vibrancy in the area, avoids negative impacts at Oakland International Airport, and generates demand for passenger and cargo traffic at Oakland International Airport. If you have any questions, please contact Diane Heinze, Environmental Assessment Supervisor at 510-627-1759 or dheinze@portoakland.com or me at 510-627-1182 or rsinkoff@portoakland.com.

Sincerely,

Richard Sinkoff
Director of Environmental Programs and Planning

Encl: Oakland International Airport Overflight Avigation Easement, Deed Notice, and Real Estate Disclosure Documents

Cc:
Deborah Ale Flint, Port of Oakland, Director of Aviation
Sean Charpentier, Port of Oakland, PM, Aviation Planning and Development
Pamela Kershaw, Port of Oakland, Director of Commercial Real Estate
Diane Heinze, Port of Oakland, Environmental Assessment Supervisor
Colleen Liang, Port of Oakland, Port Associate Environmental Scientist

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hard copy to follow

March 3, 2015
CIWQS Place ID No. 809687

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

Attn.: Devan Reiff (dreiff@oaklandnet.com)

Subject: The Coliseum Area Specific Plan, City of Oakland, Alameda County, Final Environmental Impact Report

Dear Mr. Reiff:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff has reviewed the *Final Environmental Impact Report* (FEIR) for the Coliseum Area Specific Plan. We are concerned that the proposed Specific Plan contains elements that will face significant permitting challenges at the Water Board. We are writing to urge the City to revise two elements in the Specific Plan's preferred alternative, as follows:

- We urge the City to propose to retain or enhance Elmhurst Creek as an amenity for the Plan area, consistent with the City's excellent creek restoration projects elsewhere, such as the nearby Lion Creek restoration project and the work around Lake Merritt. Currently, the preferred alternative would fill 1,500 linear feet of Elmhurst Creek, putting the creek into an underground culvert. In at least the past decade, the Water Board has not permitted the culverting of 1,500 feet of a perennial creek. It is unlikely that the Water Board would approve such a proposal.
- The Specific Plan should recognize the Edgewater Seasonal Wetland and immediately adjacent area as open space. This successful wetland mitigation project provides important waterfowl breeding habitat in a part of the Bay where the vast majority of that type of habitat has been removed. Additionally, we would support maintaining the existing adjacent industrial land uses rather than changing them to residential. Residential use is likely to significantly increase harassment and predation of wildlife by domestic pets, including dogs and cats, thus diminishing the functions and values of this key resource. At present, the preferred alternative proposes filling the Edgewater Seasonal Wetland and changing the nearby zoning to residential. Further, we note that this wetland was a mitigation requirement for wetland fill at Oakland International Airport and is required to be preserved in perpetuity. As such, proposals to fill it are not likely to be approved by the Water Board and other State and federal permitting agencies.

We have previously provided this information in meetings with the development team behind the current proposal, in an October 6, 2014, comment letter on the Specific Plan's Draft Environmental Impact Report, in testimony at the recent Planning Commission meeting, and in a recent meeting with you. Additionally, the attachment provides a more-detailed discussion of the above points.

In recent decades, the City of Oakland has made great strides in environmental stewardship, including the adoption of its creek ordinance and implementation of significant measures to improve habitat and water quality in the Lake Merritt watershed. The proposed culverting of 1,500 linear feet of Elmhurst Creek and filling of the Edgewater Seasonal Wetland represents a significant step backward from that progress. We encourage the City to not take that step.

Please contact Brian Wines of my staff at (510) 622-5680 or brian.wines@waterboards.ca.gov if you have any questions.

Sincerely,

Digitally signed by Bruce H. Wolfe
DN: cn=Bruce H. Wolfe, o=SWRCB, ou=Region 2, email=bwolfe@waterboards.ca.gov, c=US
Date: 2015.03.03 18:20:25 -08'00'

Bruce H. Wolfe
Executive Officer

Attachment

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

Attachment

Detailed Discussion of Recommended Changes to Specific Plan's Preferred Alternative

The Coliseum Area Specific Plan FEIR includes the City of Oakland's (City's) responses to the Water Board's October 6, 2014, comment letter on *Draft Environmental Impact Report for the Coliseum Area Specific Plan, City of Oakland, Alameda County* (DEIR). The DEIR assessed potential impacts associated with implementing the Coliseum Area Specific Plan (Plan). The Plan will be a 25-year planning document that would guide redevelopment of the Oakland Coliseum complex, the area around the Coliseum BART station, and the adjacent lands stretching toward the Oakland International Airport, located between San Leandro Bay and Hegenberger Road. The Plan provides a comprehensive vision for the Plan area with goals, policies, and development regulations. This development vision will require coordination with the Port of Oakland, the Bay Conservation and Development Commission, and the Federal Aviation Administration, among other outside agencies.

The Plan calls for up to three new sports venues (a new football stadium, baseball park, basketball arena and multi-purpose events center), an intermodal transit hub adjacent to the current Coliseum BART station, an elevated pedestrian concourse that runs from the BART station to the sports-related entertainment district (with retail, restaurants, and hotels) and mixed-use residential neighborhood, and a residential transit-oriented development to the east of San Leandro Road. The remainder of the Plan area (the "Plan Buildout Area") is envisioned to be developed over the longer term and could include a residential mixed-use district; a science and technology district; a possible new bay inlet along the waterfront; and a potential transit link from the Coliseum BART station.

Based on our review of the responses to Water Board comments in the FEIR, Water Board staff are concerned that the City has not fully understood the significance of some of the Water Board's comments on the DEIR.

Comment 1 on the FEIR

In the Water Board comment that the City has labelled A6-3, the Water Board pointed out that the proposed use of marsh creation as mitigation for the fill of 1,500 linear feet of Elmhurst Creek would not be acceptable to the Water Board.

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

new creek channel, the actual linear feet of mitigation is likely to be significantly greater than 1,500 linear feet.

The preferred alternative proposes to culvert 1,500 linear feet of Elmhurst Creek that currently consists of a vegetated earthen channel. In addition to providing aquatic habitat, Elmhurst Creek provides treatment of contaminants associated with urban runoff via filtering of runoff in the channel's vegetation and through biological processes that occur in both shallow water and the root zone of the earthen channel banks. Any proposed mitigation for culverting the creek should compensate for lost stream channel habitat and the lost treatment capabilities of the creek channel. In the unlikely situation that culverting of the channel were accepted by the agencies, appropriate mitigation would probably be expensive and require a minimum of 10 to 20 years of post-creation maintenance and monitoring.

The City's response to Comment A6-3 does not acknowledge the text quoted above from the Water Board's October 6, 2014, letter. Rather than addressing the Water Board's clear concerns, the City's response reiterates the intention to provide mitigation in the form of tidal wetlands along Damon Slough. Despite the Water Board's explanation that the proposed mitigation consists of out-of-kind mitigation, the City's response makes the scientifically-unsound assertion that the use of a marsh to provide mitigation for the fill of a creek represents in-kind mitigation. This assertion is not true, and the City has not addressed the Water Board's concerns by making such an inaccurate assertion.

The City's response also recounts the many impairments that past development within the Elmhurst Creek watershed has inflicted on the creek channel. This history is well known to the Water Board and was included in the DEIR. Therefore, it should be clear to the City that past impairments to Elmhurst Creek are not relevant to the Water Board's permitting process with respect to either allowing the fill of the creek channel or the amount and type of mitigation that the Water Board would require in the extremely unlikely event that the Water Board were to allow the culverting of 1,500 linear feet of creek channel.

If the Water Board were to require less mitigation for creek systems that had been previously impacted by development, we would be unintentionally rewarding poor stewardship of these creeks. When we assess impacts to creeks, or other jurisdictional waters, we assess both the current condition of the creek and the potential for creek restoration and enhancement that would be foreclosed if the creek were allowed to be culverted. Creeks are one of the most difficult types of jurisdictional waters to replicate in a mitigation project. Self-sustaining creeks require a unique combination of hydrology and topography. Attempts to create creeks are usually unsuccessful. Therefore, it is important to retain the creeks that currently exist and to restore and enhance them to maximize both their habitat value and water treatment services. As the Water Board noted in the October 6, 2014, letter, chemical and biological processes in creek channels help to reduce pollutant loads in the creeks before they discharge to San Francisco Bay.

We would also like to point out that, in at least the last decade, the Water Board has not permitted the fill of 1,500 linear feet of a perennial creek channel. In those cases in which the Water Board has permitted the culverting of significantly shorter lengths of creek channels, we have not accepted mitigation that consisted entirely of out-of-kind wetland creation. The mitigation proposal for Elmhurst Creek in the FEIR remains unacceptable. Therefore, the FEIR

has failed to demonstrate that the proposed impacts to Elmhurst Creek can be mitigated to less than significant levels, and this aspect of the FEIR remains inadequate.

Comment 2 on the FEIR

While we are encouraged that the City appears to be aware that the fill of the Edgewater Seasonal Wetland mitigation site is not likely to be approved by the resource agencies or the current land owner, we are concerned that the City continues to make the unfounded assertion that a 2:1 mitigation ratio would be adequate if the mitigation wetland were to be filled.

It is extremely rare for the Water Board to authorize the fill of, or any other impacts to, a mitigation site. When a mitigation site is preserved in perpetuity, it is our clear expectation that the mitigation site will not be impacted by a future project. In addition, the Edgewater Seasonal Wetland is one of the most successful wetland mitigation sites in the San Francisco Bay Region, which makes it even less likely that the Water Board would allow it to be filled.

If the Water Board were to allow the fill of the mitigation wetland, the mitigation ratio would have to be much greater than 2:1. Based on past permits issued by the Water Board, a 2:1 ratio might be a sufficient amount of mitigation to account for temporal losses and wetland creation uncertainty, if the mitigation site were in close proximity to the impacted wetland and the impacted wetland were not a mitigation site that was required to be preserved in perpetuity. Since the Edgewater Seasonal Wetland is a mitigation site that is preserved under a conservation easement, the Water Board would not accept a mitigation ratio as low as 2:1.

As we noted in the October 6, 2014, comment letter, for planning purposes, the City should assume that fill of the 8 acres of wetlands at the Edgewater Seasonal Wetland would require between 40 and 80 acres of mitigation wetlands in the immediate vicinity of the filled wetlands, which would have to be fully functional as habitat before the Edgewater Seasonal Wetland could be filled. The FEIR does not identify available land for mitigation wetland creation on this scale. Therefore, the FEIR fails to demonstrate that impacts to the Edgewater Seasonal Wetland can be reduced to a less than significant level.

Finally, we encourage the City to either maintain the industrial zoning adjacent to the Edgewater Seasonal Wetland or zone those properties as open space, rather than zoning the adjacent properties for residential development. The Edgewater Seasonal Wetland provides habitat for waterfowl breeding. Residential development increases predation pressure on bird breeding sites by introducing two types of predators to a neighborhood: domestic pets and scavengers. Domestic pets, such as dogs and cats, are successful predators of birds, and young birds are especially vulnerable to predation by pets. The domestic waste associated with residences (e.g., trash cans and dumpsters) attract scavenging animals, such as raccoons and crows. These scavengers also prey on eggs and chicks.

SIERRA CLUB
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San Francisco Bay Chapter
Serving Alameda, Contra Costa, Marin and San Francisco Counties

March 3, 2015

City of Oakland
City Planning Commission
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Recommendations for the Final Draft Coliseum Area Specific Plan and FEIR

Dear Chairwoman Patillo and Commissioners,

The San Francisco Bay Chapter of the Sierra Club appreciates the opportunity to comment on the Coliseum Specific Plan and associated FEIR.

1. Comments on the FEIR

We greatly appreciate the City's response to our concerns regarding the proposed development of the Edgewater Seasonal Wetland. The removal of this part of the project from the FEIR is appropriate and recognizes the ecological importance of this water body, as well as respecting a mitigation obligation that was made "in perpetuity".

We are also appreciative of the language found in Section L4 of Attachment B of the staff report that states that the project is not considered permitted until,

"3. That the design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters."

Whether or not this was in response to our stated concerns that the proposed project did not adequately provide for sea level rise, we are appreciative that there will now be a process required to address this issue before development permits are issued. We ask that we be notified and allowed to take part in the discussion on what it means to "account for projected rise in sea levels".

We suggest the following revision to L.3.:

"3. That the design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters." in a manner that protects both human infrastructure as well as the natural aquatic resources of San Leandro Bay".

Why?

Tidal marshes form the basis of the aquatic food chain. An acre of tidal marsh vegetation produces as much oxygen as an acre of tropical forest. An acre of tidal marsh vegetation produces as much biomass as an acre of wheat. Marsh vegetation when it degrades provides food for invertebrates, which in turn are food for fish, and they are in turn food for birds and all are food for humans.

San Leandro Bay is one of the Central Bay's richest aquatic areas in biodiversity and abundance. The historic presence of thousands of acres of tidal marsh has left San Leandro Bay a water body with a rich substrate that supports a wide variety of life from shell fish to fish to birds.

Arrowhead Marsh supports one of the largest concentrations of the federally and state listed as endangered bird, the California clapper rail (now called the Ridgway's rail). The mudflats of San Leandro Bay support tens of thousands of shorebirds. In fact, when San Francisco Bay was officially identified as the most important migratory stopover for shorebirds on the west coast the dedication ceremony was held at the Martin Luther King Regional Shoreline Park. Tens of thousands of waterfowl also depend on San Leandro Bay during their yearly migrations. Large populations of fish species inhabit San Leandro Bay.

Tidal marshes help control flooding. Marsh vegetation acts as a drag on wave energy and thus reduces wave heights and wave energy. This lowers the height of storm surges and thus helps prevent flooding. By reducing wave energy marsh vegetation helps to preserve shorelines from erosion. Every year there is greater recognition that tidal marshes can play an essential role in addressing sea level rise. Billions of dollars are being spent on the Louisiana shoreline restoring wetlands in order to avoid another Katrina.

Recent advances in tidal marsh restoration have identified a new natural mechanism to address sea level rise. This consists of creating a very gradual slope of bay mud on the bay side of a levee. This is called a "horizontal levee". This slow increase in elevation allows for the creation of tidal marshes on the outboard side of a levee and this in turn allows the tidal marshes to prevent the overtopping of the levees in storm events and also prolongs the life of levees by reducing wave energy.

We believe that a horizontal levee should be considered for the shoreline between Elmhurst Creek and Damon Slough when designs are created to address sea level rise. This will help preserve the rich aquatic values of the present San Leandro Bay into the future. And it will also provide wonderful recreational opportunities.

In addition, we would like to suggest the following changes in L.5.:

"5. That measures that minimize adverse impacts to the surrounding ~~activities~~ communities have been incorporated into the project."

2. Comments on the Specific Plan and Proposed Planning Code Amendments

The Sierra Club advocates for smart development that minimizes impacts on the existing community and limits greenhouse gas emissions. We support the recommendations to the Planning Commission detailed in the March 2nd, 2015 coalition letter from Communities for a Better Environment et al. These recommendations include adding new policies to, as well as strengthen, existing policies in the Specific Plan. It also suggests revisions to the proposed Planning Code amendments related to economic and community benefits, affordable and family housing, anti-displacement protections, environmental health, and transit (encouraging transit that is accessible and affordable).

Thank you very much for your consideration of our comments,

Arthur Feinstein
Conservation Committee Chair
Sierra Club San Francisco Bay Chapter

TransForm

Our communities. Our transportation. Our future.

March 4, 2015

Oakland Planning Commission
Oakland City Hall
One H. Frank Ogawa Plaza
Oakland, CA. 94612-1932

Received for Planning Commission
Received 3/3/15
Distributed 3/4/15
Case # Coliseum

Re: Comments on the Final Coliseum Area Specific Plan

Dear Oakland Planning Commission Chairperson Pattillo and Commissioners,

Thank you for seeking TransForm's input on the Coliseum Area Specific Plan. We have appreciated the City of Oakland and this commission welcoming us to participate and comment on the plan since before formal planning efforts were underway.

TransForm is a nonprofit organization that promotes walkable communities with excellent transportation choices that offer housing to people of all incomes and addresses the climate crisis. With diverse partners, we engage communities in planning, run innovative programs and win policy change at the local, regional and state levels.

This letter will highlight equity and sustainability based transportation and circulation related policies that TransForm and community stakeholders have been calling for and are already included, should be modified or still need to be added within the plan.

Policies we feel need to be amended or eliminated:

TR Policy 5-34 (p. 112)
Replace: "Consider excluding..." with "Exclude..."
Requiring less parking for new units in the planning area allows for the best use of space within a transit-rich environment. Most East Oakland residents will simply have less of a need for a privately-owned car in the transit-rich area with progressive Transportation Demand Management (TDM) strategies (see link below). Lowering parking requirements will also make projects more financially feasible by reducing construction costs and allowing for more on-site space for housing (thereby also increasing the revenues of a project) which would be especially important for residents who live in "below-market-rate" or "affordable housing", whom studies show higher

transit use, in comparison to residents of luxury or even market-rate housing.[1] In addition to the financial benefits of lowering parking ratios, TransForm feels that from a public health perspective, excluding parking minimum requirements will encourage a healthier community by residents using transit and bicycles.

To demonstrate a true commitment to address community stakeholders' concerns with the effect this plan will have on rising rents in the community, we strongly encourage you to replace the term "*Consider excluding...*" with "*Exclude*...parking minimum requirements..." in the plan. Excluding (as opposed to simply "Consider excluding") the parking minimum would still allow developers to build parking as they feel is necessary, but it will not compel the developer to build parking on account of a City required minimum.

TR Policy 5-49, 6th sub bullet or dash (-) (p. 117)
Replace: "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)" with "Provide free transit passes (purchased in bulk at a discounted rate by the developer as a TDM strategy) in conjunction with development cost savings from eliminating parking requirements." By eliminating parking requirements the developer can use development cost savings for the purchase of transit passes (purchased in bulk at discounted rates) to be offered to residents. In this transit rich area where options such as BART and AC Transit are available, TransForm feels that transit passes that could come with apartments in-lieu of parking spaces will incentivize residents to use these transit options as an avenue for transportation and as an alternative to vehicle ownership.

TR Policy 5-38: Replace: "Encourage" with "Require" Unbundled Parking
TR Policy 5-38 (p. 113) states, "Encourage residential developments to unbundle the cost of parking from the cost of housing, for example, by reserving parking spaces for sale or lease separately from the cost of housing." With the area's transit options and in conjunction with the new, world-class East Bay Bus Rapid Transit (BRT) project on the horizon (winter, 2017) in the surrounding area (International Blvd.), we support the plan's direction to unbundle parking in new housing units and to allow any newly constructed parking spaces to be leased separate from the cost of rent for housing. In this way, those who do not need parking can have lower housing costs, freeing up income for other wants and needs. Requiring the cost of parking to be separate can make rents more affordable for those looking to save money or who have no need for a private parking space.

Without stricter language in this plan, a future development project manager would be less inclined to go through the process of leasing out parking spaces separate from new housing units, and would likely take the easier route of simply including the price of parking within the cost of

[1] **See "Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy" by TransForm and the California Housing Partnership Corporation.**

rents. Of course, on-site tenants should be given the first right of refusal of unbundled parking spaces. Requiring the unbundling of parking would also allow for the most efficient use of future parking spaces (allowing the space to be available to truly auto-dependent users) and not simply as storage space for a rarely used car in a transit-oriented community where space is highly competitive.

With the proposed amendments above, and once a development impact fee policy (that the City is working on) is developed, the Coliseum Area Specific Plan will provide a vision that will lead to a safer, more walkable, transit and bike friendly community that will dramatically improve the quality of life for current and future residents, workers, and visitors in the planning area, all while reducing vehicle miles traveled.

TR Policy 5-49, 11th sub bullet or (-) (p. 118) Insert the word "Include" at the beginning of the sentence "Free designated parking spaces for on-site car-sharing programs (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants." For access to cars when transit is not appropriate, too inconvenient or impossible; the developer should locate car share pods on or near any new housing that residents would be able to access when needed.

In conclusion, with the adoption of this plan and a future impact fee mechanism, we will look forward to joining other community stakeholders who will be eager to continue working with the city to implement this vision, and to create a safer, healthier, more livable East Oakland Area where current and future residents, workers and visitors can live, work, play, and enjoy all the benefits of a thriving community so close to so much transit.

Again, thank you for inviting our comments and for considering our policy recommendations.

With gratitude,

Geoffrey Johnson
Community Planner

CC:

Mayor Libby Schaaf
Oakland City Councilmembers
Oakland City Planning Staff
BART Directors Rayburn and Saltzman and relevant Planning Staff

Attachment E to the March 11, 2015 Planning Commission

Text changes made to Coliseum Area Specific Plan (Final Review Draft, January 30, 2015).

CHAPTER 1

VISION & SUMMARY

1.1 VISION FOR THE FUTURE

The Coliseum Area Specific Plan (Specific Plan) provides the guiding framework for reinventing the City of Oakland's Coliseum area as a major center for sports, entertainment, residential mixed use, and economic growth.

Consisting of approximately 800 acres along Interstate 880 (I-880) and Hegenberger Road in Oakland, California, the Coliseum Specific Plan Area (Plan Area) possesses important existing assets to support the creation of a thriving new urban district over the next 20 to 25 years. These include a key location at the center of the Bay Area region, access to multiple transit and freeway facilities, proximity to Oakland International Airport, a fifty-year reputation as a major sports center, unique natural resources such as the Martin Luther King Regional Shoreline, and access to waters of the San Leandro Bay.

The Specific Plan builds on these existing assets by establishing the basis for land use and regulatory policies and public and private investment that will coordinate phased development over the next 20 to 25 years. This new vision for the Coliseum Plan Area will revitalize what is currently one of California's largest underdeveloped inner-urban, transit-served areas and create significant long-term value for Oakland and Alameda County, joint owners of the Coliseum complex.

The Specific Plan's Vision for the Coliseum Plan Area encompasses these key outcomes:

Create a state-of-the-art sports and entertainment district that reinvents the sports experience in the Bay Area.

Create a regionally significant jobs and employment area that expands Oakland's ability to attract new jobs accessible to local residents, ~~businesses,~~ supports existing businesses, and spur economic vitality in the surrounding East Oakland area and a new generation of opportunity for Oakland's science and technology innovation economy.

Build a vibrant, 21st century, pedestrian-oriented mixed-use community offering diverse uses, attractions and activities.

Create a new residential neighborhood with an array of housing options, featuring inviting public spaces, attractive streets, distinctive shops and eateries, exciting entertainment venues, restored open spaces, and buildings which are constructed with the latest resource-preserving architecture.

Provide contemporary space for businesses and residents who require proximity to the Oakland International Airport.

Accommodate the future population, including residents of all incomes and households and families of all sizes.

In the Specific Plan's Vision, sports facilities will serve as multi-functional venues for multiple entertainment, clubs, food-and-beverage options, and comparison retail offerings. The adaptable configuration of these new venues will foster a high ratio of non-game events, leading to 24/7 activity and significant opportunities for revitalization of the neighboring East Oakland area.

In addition, major airports such as Oakland International have become key nodes in global production. Airports are powerful engines of local economic development, offering speed, agility, and connectivity that attract

A new elevated pedestrian concourse that connects from the Coliseum BART Station to the new sports entertainment zone. The concourse could potentially extend over I-880 and link BART to the bay (Sub-Area A and possibly Sub-Area B).

Development of a new waterfront residential district. The Coliseum City Master Plan includes a potential new shoreline residential district that would allow for direct waterfront access and views to the bay (part of Sub-Area B). Figures 1.2 and 1.3 show alternative shoreline configurations.

Intensification of the existing Oakland Airport Business Park over time to accommodate new uses that supplement, support, and supply business activities in the new Science and Technology District nearby (Sub-Area C).

Additional retail/dining and office uses along the Hegenberger Corridor over time (Sub-Areas C and D).

Continuation and growth of logistics/distribution business activities in proximity to Oakland International Airport and the I-880 freeway (Sub-Area D).

1.3.3 Land Use Plan

The Specific Plan establishes an appropriate mix, density and orientation of development uses to improve the business environment and provide opportunities to live, work, and play in the Coliseum Plan Area. It outlines land use and urban design policies to cultivate a physically attractive, economically healthy and socially animated district, where one does not currently exist.

To implement the Specific Plan's Vision, the Specific Plan provides strategies that will be able to adapt to future decisions regarding the sports franchises and respond to changes in market conditions. In particular, the Specific Plan allows for a variety of alternative development scenarios within the limits of available and future infrastructure. If one or more of the new sports venues is not constructed, for example, the Specific Plan's allowable development program could be built at a lower Floor Area Ratio (FAR), resulting in non-sports uses, such as Science and Technology, housed within buildings of lower height. See Figure 1.4 for the mix of land uses. Figure 1.5 shows a hypothetical buildout of the site.

1.4 SPECIFIC PLAN ORGANIZATION

The Coliseum Area Specific Plan document is organized as follows:

Chapter One: Vision & Summary – The Specific Plan's Vision and Core Goals and Objectives that are the foundation for the Specific Plan. It also summarizes key development and land use proposals.

Chapter Two: Background – A more detailed introduction to Specific Plan purpose, planning process and context, and characteristics of the Plan Area including regional context, existing land use and ownership, community resources, and existing conditions within each Sub-Area.

Chapter Three: Land Use – An explanation of the infrastructure capacity basis for the Specific Plan's flexible land use/transportation framework, land use goals and policies, and land use development program and plans for each Sub-Area.

Chapter Four: Community Design – Urban design principles for the Plan Area, including overall community design structure, streets and connections, open space and habitat, building massing and character, sustainability and health, and consistency with City design standards.

Chapter Five: Transportation – Transportation objectives and provisions for vehicular circulation, pedestrian and bicycle facilities, parking, transit, and travel demand management.

Chapter Six: Public Infrastructure and Services – Provisions for storm drainage, potable and non-potable water, wastewater, energy and telecommunications, and public safety.

Chapter Seven: Implementation and Administration – Provisions for phasing, development, General Plan and zoning consistency, subsequent project entitlements, fiscal and financial analyses, and environmental review.

~~**Appendices to the Specific Plan** include additional technical reports. The Coliseum Area Specific Plan Environmental Impact Report (EIR) provides additional in-depth information on existing conditions, impacts and mitigations.~~

CHAPTER 2

BACKGROUND

2.1 OVERVIEW

2.1.1 Purpose

The Coliseum Area Specific Plan (Specific Plan) provides a flexible, 20- to 25-year framework for guiding guide land use and infrastructure improvements, coordinating investments, facilitating development, and supporting successful long-term, phased revitalization of the Specific Plan Area (Plan Area). The Specific Plan ensures consistency with the City of Oakland General Plan and provides the basis for the Coliseum Area Specific Plan Environmental Impact Report (EIR) and subsequent entitlements.

The Plan Area consists of approximately 800 acres, and is roughly bound by 66th Avenue to the north; San Leandro Street and Hawley Street to the east; Hegenberger Road to the south; and San Leandro Bay and the Oakland International Airport to the west. It includes the existing Oakland-Alameda County Coliseum and Arena, and the Oakland Airport Business Park. Figure 2.1 shows the Plan Area location and boundaries.

This area offers a unique level of transit facilities and service, including the Coliseum BART station, the Amtrak Capitol Corridor Coliseum Station, and AC Transit bus service, as well as access from two I-880 freeway interchanges. With the completion of the elevated rail shuttle (Oakland Airport Connector) to the Coliseum BART station in fall 2014, the Plan Area holds potential for creation of an airport-related hub of development where travelers and local workers and residents can conduct business, shop, eat, sleep, and be entertained without traveling more than 15 minutes from the airport. For pedestrians and bicyclists, the Plan Area also provides the unusual feature of a non-vehicular link between a BART station and public recreational access to the San Francisco Bay.

However, in order for the Plan Area to become a more viable future economic asset for the City of Oakland and County of Alameda, there is a need for significant redevelopment of the existing Coliseum sports facilities and nearby business areas.

To address this challenge, the Specific Plan serves to consolidate goals, coordinate development and provide the basis for future entitlements and environmental review. As described below, the Specific Plan is designed to adapt to future decisions related to professional sports franchises and venues while also facilitating near-term development opportunities.

2.1.2 "Coliseum City" Master Plan

The Specific Plan builds on the recommendations of the Coliseum City Innovation Gateway Draft Master Plan (Coliseum City Master Plan), prepared in 2013 by a design team led by JRDV Urban International under contract with the City of Oakland.

The Coliseum City Master Plan presents an illustrative massing and land use model for future development in the Plan Area. It advances a preferred vision for development and economic revitalization of the area, including near-term redevelopment of the Coliseum District and long-term development plans for the surrounding area. Graphics from the Coliseum City Master Plan have been utilized in this Specific Plan, with notes as to source, in order to illustrate a possible approach to implementation of the Specific Plan's Vision.

The Coliseum City Master Plan concept, however, represents only one of a number of different development scenarios for the Plan Area that is possible under the provisions of this Specific Plan. Currently, there are no actual development applications submitted to the City pursuant to the Coliseum City Master Plan's vision.

2.2.1 Regional Context

The Plan Area is located in the heart of Alameda County and the East Bay, between Downtown Oakland and Oakland International Airport (See Figure 2.1: Regional Context). Oakland is a major West Coast port city and the busiest port for San Francisco Bay and all of Northern California. It is the third largest city in the San Francisco Bay Area, the eighth-largest city in the state, and the 47th-largest city in the U.S. with a population at the 2010 U.S. Census of 390,724.

Incorporated in 1852, Oakland is the county seat of Alameda County. It serves as a major transportation hub and trade center for the entire region and is also the principal city of the Bay Area Region known as the East Bay. The city is situated directly across the bay from San Francisco.

Within this context, the Plan Area is easily reachable by BART and car by millions of people from all over the Bay Area. The Coliseum Area itself is a well-known and popular destination that is uniquely served by regional transit, including the Coliseum BART station, Capitol Corridor Amtrak station, AC transit bus service and the future Oakland Airport Connector, as well as two I-880 freeway interchanges.

In addition, with the completion of the elevated tram connector to the Coliseum BART station in fall 2014, the Oakland International Airport is positioned to become a more powerful engine of local economic development, attracting businesses of all types to the Plan Area seeking speed, agility, and connectivity.

Given these characteristics, the Coliseum project holds potential for being a catalyst for transformative change not only in the City of Oakland but the greater region. In addition, the project supports the goal of retaining Oakland's professional sports teams by accommodating up to three new sports and entertainment venues and an accompanying mixed-use residential, retail, and hotel district, plus a science and technology district that transitions to airport-related uses.

2.2.2 Surrounding Land Uses

The Plan Area has been divided into five Sub-Areas (Figure 2.2). Existing land uses surrounding the Plan Area are described below and shown on Figure 2.3. Beginning north of the Plan Area and preceding clockwise, the predominant existing surrounding land uses include the following:

North of 66th Avenue is Coliseum Way, made up of warehouses and light industrial companies, and the West Wind Coliseum Public Market.

The east side to the south of 66th Avenue and north of Hegenberger Road is largely composed of residential uses, both multi-family and single-family homes, fronting the Plan Area along Hawley Street.

The area south of Hegenberger Road and east of the railroad tracks mainly has a mix of light and heavy industrial uses.

The surrounding land uses south of Hegenberger Road, stretching from the railroad tracks to Doolittle Drive, consist of a mix of non-residential uses including light industrial, offices, hotels, and some retail and local restaurants. To the south of Doolittle Drive is the Oakland International Airport and related uses.

The southernmost portion of the Plan Area includes a section of the Martin Luther King Jr. Regional Shoreline ~~is~~ located on a small peninsula, the tip of which is Arrowhead Marsh. ~~a section of the Martin Luther King Jr. Regional Shoreline.~~

The west side is bound by San Leandro Bay, which separates the Plan Area from the City of Alameda (Bay Farm Island and Alameda Island). San Leandro Bay connects to San Francisco Bay to the west and the Oakland Estuary and the Port of Oakland to the north.

2.2.3 Plan Area Land Use and Sub-Area Descriptions

As shown by Figure 2.3 and Table 2.1, land uses within the Plan Area itself include a broad mix of commercial and public land uses, with no residential uses.

Table 2.2 shows the amount of existing building space within the Plan Area. These uses include approximately 1 million square feet of office uses, 1.7 million square feet of light industrial and logistics uses, 2 million square feet of science and technology uses (including related office and light industrial uses), 450,000 square feet of hotel, 470,000 square feet of auto-related, retail and restaurant uses, and 150,000 square feet of public and institutional uses.

CHAPTER 3
LAND USE

3.1 INTRODUCTION

This chapter establishes the land use objectives, plans and policies to achieve the Specific Plan's goals and describes possible development scenarios. These land use provisions incorporate a comprehensive analysis of the Plan Area's physical, social and economic context. They also present the illustrative massing and land use model for future development from the Coliseum City Master Plan as a representation of one of many possible scenarios for design and development that are possible under the provisions of this Specific Plan.

Many of the Coliseum City Master Plan graphics are used in this Specific Plan, with notes as to source, in order to illustrate a possible land use approach to implementation of the Specific Plan's Vision and goals.

The Specific Plan is designed to be a long-term development template that is flexible and can be phased and adapted to market conditions as they evolve over time. It is also intended to allow the City to proceed with actual development projects despite uncertainties related to sports and entertainment venues and other land uses. To that end, the Specific Plan describes Sub-Area A in a greater level of detail, since this area is anticipated to undergo the first phase of redevelopment.

To insure a consistently attractive and enduring level of quality, the Specific Plan also provides overall community design principles for public realm areas, such as streets, open spaces, and gathering areas (see Chapter Four: Community Design).

3.1.1 Development Factors and Strategies

The impetus for this Specific Plan stems from the regional attraction of major sports venues and opportunities to support job growth and create additional demand for hotels, retail entertainment (sales tax revenue), and varied types of housing. The site location offers synergy with the nearby Oakland Airport and Coliseum BART station, increasing prospects for job creation and an enlivened, 24/7 mixed use urban destination.

The Specific Plan will facilitate the creation of up to three new multi-functional sports venues with multiple entertainment, food-and-beverage options, and comparison retail offerings. The adaptable configuration of these new venues will foster a high ratio of non-game events, leading to 24/7 activity and significant opportunities for revitalization of the neighboring East Oakland area. The Specific Plan also allows for development of up to 5,750 ~~5,170~~ housing units and almost 12 million square feet of net new commercial and business uses. Overall, the Coliseum Plan Area could have around 10,000 new residents and 21,000 new jobs by the time of project buildout in the year 2035.

Key strategies to achieve the Specific Plan's land use Vision and Goals are as follows.

Revitalization and Value Creation. The Coliseum District is currently an economically challenged area. To overcome development barriers and realize the full potential of this complex development district, the City of Oakland, Port of Oakland, and County of Alameda will need to integrate land use policy with public and private investment.

Coordinated Planning. The City will achieve value by coordinating development uses, site locations, and site infrastructure. This is especially critical for Sub-Areas A and B, which represent the highest allowed density uses and is envisioned to become the development anchor for sustained economic growth in the larger urban area.

LU Policy 3-2: Retail commercial uses should consist primarily of regional entertainment destinations associated with the sports venues, high-profile comparison goods retail, and neighborhood-serving commercial uses to serve residents and on onsite workers.

LU Policy 3-3: Develop with a mix of retail/entertainment uses surrounding the sports venues to attract more people to the area, lengthen the time they spend in the area, and increase the revenue generated by sales, services and goods, so as to better capitalize on the attraction value of the sports franchises.

Core Goal 2: Create a regionally significant jobs and employment area that can expands Oakland's ability to attract new businesses and employers, and support existing businesses, given the area's available land and its prime transit-oriented and airport-adjacent location. Participate in the Bay Area's dynamic "innovation economy", and attract new ~~businesses and jobs opportunities~~ accessible to residents in the surrounding East Oakland area.

Land Use Policies

LU Policy 3-4: To spur job creation and establish the importance of the Plan Area (Sub-Areas A, B, C and D) as a regional jobs-based land resource, development in Sub-Area A should strive for a balance between jobs and housing. This goal establishes the buildout priority of jobs-based development as an intended consequence of and prerequisite to housing development.

LU Policy 3-5: Development projects within Sub-Areas B and C should also emphasize creation of jobs, particularly in the science and technology sector.

LU Policy 3-6: The City supports and encourages local hiring and training of Oakland residents, including residents from the adjacent East Oakland neighborhoods, for the new jobs envisioned in the Plan: in project construction, at the new sports facilities, at the new science and technology businesses, and in the future hotel and retail establishments.

LU Policy 3-7: Projects within Sub-Areas B and C should be located and designed to take advantage of site assets including visibility from freeways, transit and airport areas, and views of and proximity to the adjacent shoreline and Bay.

LU Policy 3-8: The area between Interstate 880 and the waterfront (Sub-Area B) should include a high level of amenities including dining, retail, open space and recreational features that will attract and support successful job-generating businesses.

LU Policy 3-9: Development of Sub-Area B as shown in the land use program relies on an effective and frequent transit connection to the Coliseum BART station, possibly via a crossing over I-880. If such transit connections are not available, the development program should be modified to reflect available transportation options and impacts.

LU Policy 3-10: Science and technology businesses in Sub-Area C should support complementary development within Sub-Area B by providing larger floor plate, lower intensity spaces as described below.

Core Goal 3: Improve the area's existing investments in transit and transportation infrastructure; ensure that is accessible and affordable to transit-dependent populations, including low-income residents and workers, seniors, youth, and individuals with disabilities; create a Transit Oriented Development (TOD) of new housing and commercial uses which advances regional and state growth policies; increase Oakland's ability to leverage its central position in the Bay Area, and capture a larger share of regional housing growth, job growth and economic investment.

Land Use Policies

LU Policy 3-11: Residential development is encouraged in Sub-Area A and may be considered in a portion of Subarea B.

LU Policy 3-12: Development should emphasize moderate to higher density uses that make best use of the Plan Area's transit and transportation facilities while making effective use of density bonuses and other incentives to encourage integration of community benefits, and position the Plan Area as an asset for the City of Oakland and surrounding region.

LU Policy 3-13: Development should incorporate continuous pedestrian sidewalks and safe bike travel routes throughout the entire Plan Area, providing connections to adjacent neighborhoods, between destinations including local commercial services, and within development projects.

LU Policy 3-14: Development of the Coliseum Area should be located and designed to enable residents and workers to safely walk and bike to and from the Coliseum BART station.

LU Policy 3-15: The connection between housing and transit should be enhanced by providing moderately priced housing at moderate densities in areas nearest to existing neighborhoods, and transitioning to higher densities at the BART station itself. Uses more internal to Sub Area A should include a mix of both origin and destination land uses at densities and intensities high enough to create a Transit-Oriented Development (TOD) consistent with Bay Area regional growth policies and California state law as provided for under SB 375 and AB 32.

See Chapter Five: Transportation for additional policies.

Core Goal 4: Create a vibrant and socio-economically diverse urban mixed-use district, attracting a significant community of residential and commercial uses. The Coliseum area will feature active streets and public spaces that provide an enhanced pedestrian experience, site security and innovative urban place-making.

Land Use Policies

LU Policy 3-16: Residential development should be configured and designed to provide 24/7 activity and security. Principles of Crime Prevention through Environmental Design (CPTED) should be incorporated into new street designs and new residential, commercial and Sports/Entertainment development.

LU Policy 3-17: Residential development should be urban in character. The Specific Plan has considered a housing program that includes a maximum of 4,000 dwelling units within Sub-Area A and a maximum of 1,750 dwelling units within Sub-Area B. These development targets do not necessarily represent an upper limit on the potential number of new residential units that may ultimately be developed. More intensive housing programs should be analyzed using the Trip Capacity Budget and Land Use Equivalency method described in Section 3.2, above.

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

LU Policy 3-19: New housing which is affordable to low- and moderate-income households should be included in the Plan Area, financed through all available options.

LU Policy 3-20: New residential development in the Plan Area should take advantage of the State-mandated bonus and incentive program for the production of housing which is affordable to a range of incomes.

LU Policy 3-21: The City of Oakland will advocate for increases to federal/state/local funding for affordable housing, to support affordable housing development and for new sources of funding at the federal/state/local level. .

LU Policy 3-22: Residential development should be sited away from the noise influence of I-880 (see the Specific Plan EIR) and served with convenient walking and bicycle routes to and from the BART station.

See Chapter Four: Community Design for additional policies.

Core Goal 5: Create enhanced open space, Bay access, and natural habitat opportunities that will restore natural habitat, and create public educational and Bay accessibility opportunities for Oakland and Bay Area residents.

LU Policy 3-23: Parks and open space should be located to be easily accessible for residents, workers, and the surrounding neighborhoods, and should be of adequate size and superior design, in order to create livable and attractive urban neighborhoods and workplaces.

LU Policy 3-37: Development within the existing City Corporation Yard area in Sub-Area B is subject to the Port's land use jurisdiction, and is dependent upon the successful relocation of the City's current activities on the site, and sale or lease of the site from the Port to a development entity, or to the City.

LU Policy 3-38: Development within Sub-Area D should emphasize airport-related development, including provision of locations and facilities for businesses that require and benefit from proximity to the airport and the I-880 freeway. These uses include large logistics and distribution businesses, as well as hotel and retail/eating uses along Hegenberger Road.

LU Policy 3-39: ~~A little more than half of Sub-Area E is owned and used by the East Bay Municipal Utility District (EBMUD), with an operating water treatment facility, open storage and a corporation yard.~~ The existing vacant lots owned by EBMUD should be utilized in a manner that ~~creates and maintains an attractive frontage along Oakport Street, and is also~~ compatible with the nearby open space and trail uses, and will create and maintain an attractive frontage along Oakport Street and along the San Leandro Bay waterfront. ~~The City of Oakland owns the remaining parcels in this Sub-Area, which are primarily used as a soccer facility and unprogrammed open space.~~ The open space and natural habitat areas of this Sub-Area should be designed to enhance the environmental quality of the estuary and the bay waterfront.

3.6 SUB-AREA A: TRANSIT MIXED USE & SPORTS MIXED USE

Development of the approximately 230-acre Sub-Area A will form the heart of the Coliseum revitalization through creation of a high density mixed use district offering sports entertainment venues, urban housing and workplaces supported by pedestrian and transit-oriented infrastructure and public spaces.

Sub-Area A currently consists primarily of the Coliseum sports complex, including the existing Arena venue for NBA basketball and special events (Oracle Arena), the Coliseum venue for NFL football, Major League baseball and special events (O.co Coliseum), and their associated surface parking lots. These properties are principally owned by the City of Oakland and the County of Alameda. Sub-Area A also includes City-owned land, additional private properties to the east along both sides of San Leandro Street, and the existing Coliseum BART Station.

The preferred approach to Sub-Area A entails the redevelopment of all existing development. While much of the land is publicly owned by the City and County, other non-publicly owned parcels may need to be acquired.

3.6.1 Sub-Area A Proposed Land Uses

The land use designations for Sub-Area A are Transit-Oriented Mixed Use and Sports mixed use. These will support construction of new sports facilities, retail, dining, entertainment, hotels, residences, and a science and technology business park.

Sports: The priority for Sub-Area A is the development of new, modern, state-of-the-arts sports facilities that assist in the retention of the current Oakland sport franchises (the Oakland A's, Raiders, and Golden State Warriors). A variety of sports team scenarios are feasible under the provisions of this Specific Plan, including retention of three, two, one or no teams at the site. Since the sports facilities and teams will be the primary engines for revitalization, the three team scenario is the ideal and most viable preferred option. Figures 3.4 to 3.7 illustrate a range of possible sports facilities configurations to support future sports and entertainment activities.

Retail and Entertainment: A mix of retail/dining/entertainment uses in central areas around sports facilities will increase the variety of activities and the amount of time that people spend on the site. In addition to creating a more vibrant urban area, these uses capitalize on the value of the sports facilities and attract additional patrons to the site. The resulting revenue will benefit the city and help finance the new development.

Hotels: Hotel demand is likely to result from these new attractions and from the science and technology business park development. Increased market for hotels, combined with opportunities for hotels associated with sites near the new airport connector, which will also allow for easy access to the Oakland Airport as well as to downtown Oakland via BART, will support development of mid-range and upper-end hotels. Revenue from these hotels could help finance the development of the site.

Housing: The increased vibrancy of Sub-Area A is likely to attract people who want to live in the area. In turn, new residents will patronize the retail, dining, and entertainment establishments and activate the area

Transit Connectivity. The Specific Plan proposes that a concourse level connection continue from Sub-Area A across I-880. This connector will accommodate both pedestrian, bike, and transit modes. The concourse connection will enable transit connectivity from the San Leandro Bay waterfront to the Coliseum BART station and the proposed new intermodal transit hub.

Shoreline Access. The Specific Plan proposes to create and restore a waterfront that is publicly accessible, and which serves as an amenity to the Plan Area and to the entire City.

Retention of existing businesses. There are a number of long-established companies in the Oakland Airport Business Park which should benefit from the addition of new science and technology businesses envisioned in the Specific Plan.

3.8 SUB-AREA C: MANUFACTURING/R&D MIXED USE

The Specific Plan identifies Sub-Area C as a support district for the Science and Technology district.

3.8.1 Sub-Area C Proposed Land Uses

It is anticipated that, as the adjacent Sub-Area B develops with higher intensity business developments, there will be spillover into Sub-Area C for lower- density, lower-cost facilities and development that supplements, supports, and supplies the science and technology activities in Sub-Area B. Examples include manufacturing, repair and services, small offices, and R&D/test product development. Over time, it is anticipated that Sub-Area C will intensify through new development, and more intensive use of existing facilities.

Figure 3.18 and Table 3.5 describe the proposed land uses for Sub-Area C.

3.8.2 Sub-Area C Land Use Scenario

As proposed by the Coliseum City Master Plan and illustrated by Figures 3.18 and 3.19, the intent for Sub-Area C is to transition the area over time into an updated Science and Technology center. Changes in this Sub-Area are anticipated to include lower-cost, lower-density, flexible development that complement the proposed Science and Technology District in Sub-Area B.

As that area becomes more established, Sub-Area C is anticipated to integrate related uses that could include advanced technology and other manufacturing; R & D and test product design and development activities; and sales, marketing, professional service, and finance uses supporting technology businesses. Smaller, science/technology/green-clean companies seeking less costly space could also locate in Sub-Area C.

The development scenario for Sub-Area C assumes an overall area increase in land use intensity and building space, without allocating those increases to specific parcels.

3.9 SUB-AREA D: AIRPORT-RELATED LOGISTICS

To foster job creation and avoid impact on the Port of Oakland, Sub-Area D development will emphasize airport-related employment uses.

3.9.1 Sub-Area D Proposed Land Uses

Sub-Area D is effectively built out, with one new logistics/distribution facility recently opened. There is potential for a small amount of additional office, retail, and restaurant use. The existing uses that leverage their proximity to the Airport and I-880 freeway access include distribution and logistics (UPS, FedEX, US Post Office, new logistics center) and hotels (Holiday Inn and Hilton). This Sub Area is expected to retain its current mix of existing airport-related uses, pertaining to logistics and distribution, in addition to general commercial uses. Adjacency to the new economic uses anticipated in Sub-Areas A, B and C is expected to have a long-term positive impact on the quality of tenants that will seek to locate along both sides of the Hegenberger Road corridor. .

The development scenario for Sub-Area D assumes a modest overall area increase in building space, without allocating those increases to specific parcels.

3.10 SUB-AREA E: SHORELINE LIGHT INDUSTRY, COMMERCIAL & OPEN SPACE

Sub-Area E consists primarily of utility and open space uses north of the Oakland Airport Business Park, on the western, or water-side, of I-880. A little more than half of this Sub-Area is owned and used by the East Bay Municipal Utility District (EBMUD), with an operating water treatment facility, open storage and a corporation

services are publicized in a manner that accessible to East Oakland residents, such as in an "East Oakland Training Center"

- LU Policy 3-44: Encourage local businesses to offer internship, mentoring, and apprenticeship programs to high school and college students.
- **LU Policy 3-454:** Encourage consideration of ~~Consider~~ Project Labor Agreements (PLAs) for projects that involve ~~developments in the Plan which include~~ City of Oakland subsidy, above certain thresholds.
- **LU Policy 3-465:** ~~The Plan can s~~Support healthy recreation and the social lives of neighborhood youth of all ages and create safe neighborhoods and opportunities, by including ~~with the inclusion of~~ a youth/ teen center, or other innovative spaces that could be programmed by local youth and providers in or near the Plan Area; also, by the improvement of existing recreation facilities.
- **LU Policy 3-476:** To accommodate the educational needs of children in the Plan Area and in the surrounding neighborhoods, allow for a new school or education facility in or near the Plan Area; also, support the improvement of existing neighborhood schools.
- **LU Policy 3-487:** Encourage future development of a full-service grocery store in or near the Plan area to meet the needs of East Oakland residents.
- **LU Policy 3-498:** Encourage inclusion of ~~Consider including~~ a health center (such as a YMCA) in or near the Plan Area to support the health and fitness of the East Oakland community and new residents. Similarly, encourage ~~the Plan supports the~~ inclusion of a new medical facility in or near the Plan Area.

3.12 AFFORDABLE HOUSING GOALS AND POLICIES

The Plan envisions the creation of "complete" neighborhoods around the Coliseum BART station, adjacent to the new sports facilities, and near a portion of the waterfront. A "complete" neighborhood depends on a diversity of housing types, population, and vibrant streets that enhance the character of the area. The Plan envisions a variety of urban-style residential buildings (i.e. townhomes, stacked flats, multi-family towers), sizes of units (ranging from studios to family-sized), different tenure options (including fee simple ownership, condominium ownership, and rental housing), and units affordable to a range of income levels and household size.

Affordable housing is generally defined by the U.S. Department of Housing and Urban Development as a household who pays no more than 30 percent of its annual income on housing. Families who pay more than 30 percent of their incomes on housing are considered "Cost burdened" and may have difficulties affording necessities such as food, clothing, transportation and medical care.

Affordable rental units typically are for households earning between 30 - 60 percent of the Area Median Income (AMI)[1], with housing costs limited to 30 percent of the target income level. In addition, households with even lower incomes may be served if Section 8 assistance is available[2]. Affordable ownership developments typically serve households earning between 80-120 percent AMI.

As of 2014, the median household income in the East Oakland neighborhoods adjacent to the Coliseum Plan Area census tracts was $44,420 (for the average two- person household)[3], significantly below the Alameda County area median income of $88,500 per household[4] The area median income often is used to determine relative housing affordability for different income ranges and household sizes. The majority of current residents who live near the Coliseum Plan Area are considered cost-burdened, and may have trouble affording basic necessities after paying rent. It is imperative that a strategy to ensure affordable housing is available to all existing and future residents, especially since having affordable rents targeted to 30 percent of household income both stabilizes low income residents, and provides these households with expendable income for other

[1] Area Median Income includes the areas of Alameda and Contra Costa Counties, combined

[2] Section 8 is either project- or tenant-based, in which tenants pay 30 percent of their income, and the Oakland Housing Authority subsidizes the remainder of the unit's rent.

[3] This is the median income according to the 2012 American Community Survey 5-year estimate. The margin of error for the different census tracts vary from +/-$8,158 to +/-$64,931.

[4] See HUDuser.org statistics for FY 2014 Oakland-Fremont, CA HUD Metro FMR Area, which contains the following areas: Alameda County, CA; and Contra Costa County, CA.

Median Income (100 %AMI): $93,500

Moderate Income (120% AMI): $110,400

Target Number of Affordable Units in the Planning Area

In addition to state law mandating that the City identify sites to accommodate its Regional Housing Needs Allocation, state Redevelopment Law requires that 15 percent of new units built in a redevelopment project area be made affordable to low and moderate income households. At the time the Oakland Redevelopment Agency was terminated in 2012, the redevelopment project area encompassing the Plan Area (Coliseum Redevelopment Project Area), was in compliance with state Redevelopment Law. It is uncertain whether the 15 percent Redevelopment Law requirement will remain in effect following the dissolution of redevelopment agencies and the tax increment financing mechanisms previously dedicated to implementing those requirements. Despite the uncertainty surrounding Redevelopment Law affordable housing mandates, the Plan will encourage that at least 15 percent of all new units built in the Plan Area be for low-and moderate-income households. According to the Coliseum Specific Plan EIR, the Plan Area is projected to add between 4,000 and 5,750 new housing units over the next 20-25 years; so of the total number of units, the affordable housing target will be **600** to **860** units.

Coliseum Plan Area Affordable Housing Goals and Land Use Policies

- **LU Policy 3-5049:** Encourage a diversity of housing types, including a mixture of both rental and ownership housing.
- **LU Policy 3-510:** Encourage the development housing that addresses the needs of a diverse population, including individuals and households of all ages, sizes and income levels.
- **LU Policy 3-521:** Encourage at least 15 percent of all new units built in the Plan Area be affordable to extremely low-, very low-, low-, and moderate-income households in mixed income developments, as well as in developments that are 100 percent affordable housing units. ~~According to the Coliseum Specific Plan EIR, the Plan Area is projected to add between 4,000 and 5,750 new housing units over the next 20-25 years; so of the total number of units, the affordable housing target will be **600** to **860** units.~~
- **LU Policy 3-532:** Encourage the development of family housing (i.e. units which are three or more ~~larger than two~~ bedrooms).
- **LU Policy 3-543:** Consider the creation of a land banking program for the Coliseum Plan Area, should funding become available, that would set aside money, or dedicate public land, for sites for affordable housing.
- **LU Policy 3-554:** Continue to explore, in coordination with affordable housing stakeholders, innovative and creative ways to support the production of new housing that is affordable to low- and moderate-income households within the Plan Area. In addition, the City of Oakland will advocate for increases to federal/state/local funding for affordable housing, to support affordable housing development and for new sources of funding at the federal/state/local level, including funding the completion of the City's nexus study and the consideration of a housing impact fee on new development.

3.13 ADDRESSING THE POTENTIAL FOR INDIRECT RESIDENTIAL DISPLACEMENT

There are currently no residents who live within the 800-acre Coliseum Plan Area, so the Plan poses no threat of individual residents being directly displaced from their homes. However, as development proceeds in accordance with the Plan, there is likely to be renewed interest in investment in the surrounding East Oakland neighborhoods. As a result, property prices will be expected to rise. While existing East Oakland property owners could benefit from such an outcome, renters and prospective new homebuyers could face challenges.

The displacement of low income and/or minority residents as an unintended outcome following new investment in their communities is often referred to as "secondary" or "indirect" displacement. This type of displacement is different from the broad-scale displacement of communities that was commonly associated with the redevelopment projects of the 1960's. Therefore, because it is likely to be more incremental and dispersed in nature, "secondary" displacement associated with Plan improvements may be difficult to track and counteract. Displacement of this type might occur due to an increase in rent or home prices, or a building owner choosing to convert a property to condominiums that had previously been rental.

Anti-displacement Strategies

Diligent enforcement of the City's Rent Adjustment and Just Cause for Eviction ordinances will help existing renters remain in their units with modest rent increases, should the East Oakland housing market change, due to development in the Coliseum Plan Area.

Preservation of the existing rental housing stock in the Plan Area can be achieved through various regulatory tools, such as the City's Condominium Conversion regulations. The City's Condominium Conversion Ordinance addresses the conversion of rental units to ownership condominiums. The Condominium Conversion "Area of Secondary Impact" could be mapped to include the East Oakland neighborhoods surrounding the Coliseum Plan Area, which would require rental housing that is converted to condos to be replaced (in the area). Currently, the law only requires replacement rental units for conversions from rental to condominium of five or more units, and those replacement rental units can be created Citywide. Revisions to this law could help to ensure a balance between rental and ownership housing in the Plan Area where renters comprise the majority of residents. Limitations on condominium conversions will help preserve existing rental housing and prevent displacement.

The City's Condominium Conversion Ordinance outlines tenant protections which are paraphrased as follows (see Oakland Municipal Code (OMC) Section 16.36 for the full ordinance): the right to terminate lease upon notification of intent to convert; the right to continue occupancy for a period after conversion is approved; limits on rent increases; limits on construction work to occupied units; exclusive right to purchase a unit in the building; and relocation assistance. Additionally, tenants 62 years of age and older must be offered lifetime leases, and there are limitations on base rent and monthly rent increases.

First Time Homebuyers can use the City, County, and State programs (some identified below) to purchase homes in the community. Credit counseling programs can be used to help improve the credit of potential homebuyers.

Existing low- to moderate- income homeowners can use the City's programs for rehabilitating units, take classes on budgeting and maintenance, and if needed, seek out assistance to avoid foreclosure in the event of financial crisis.

Seniors can use the City's residential lending programs for assess improvements and local health care referrals to age in place to the greatest extent possible.

Land Use Policies

- **LU Policy 3-5~~6~~5:** The City will use all existing housing programs to attempt to minimize secondary displacement in East Oakland, with programs such as: Housing rehabilitation programs; first-time home buyer programs; housing development programs to construct or rehabilitate affordable housing; programs to provide assistance to Oakland's homeless; and funds that assist non-profit service providers and housing developers to support Oakland residents in a variety of housing related activities.
- **LU Policy 3-5~~7~~6:** Continue and ~~consider~~ expand ing Rent Adjustment outreach to tenants and , enforcement of Rent Adjustment regulations regarding rent increases, and Just Cause eviction regulations.
- **LU Policy 3-5~~8~~7:** Ensure access to home improvement/blight reduction programs for existing small properties by exploring ways to preserve and expand funding to existing Residential Rehabilitation programs to provide funds for low- to moderate-income homebuyers.
- **LU Policy 3-5~~9~~8:** Review the Condominium Conversion Ordinance for possibilities to strengthen protections for renters, including a potential requirement for replacement rental units for conversions in buildings with 2-4 units.
- **LU Policy 3-~~6~~059:** Strengthen local relocation policies to ensure that any resident displaced as a result of a no-fault eviction, including building closure due to uninhabitable conditions, or publicly funded development activity, receives just compensation and comprehensive relocation assistance.
- **LU Policy 3-6~~1~~0:** Continue to promote and fund the City's loan programs to assist with the rehabilitation of owner-occupied and rental housing for very low- and low-income households and assist senior citizen and disabled population with housing rehabilitation so that they may remain in their homes.
- **LU Policy 3-6~~2~~1:** Expand opportunities for homeownership by low- to moderate-income homebuyers by seeking expanded funding for the First-Time Homebuyers Mortgage Assistance program, "sweat equity" housing programs (e.g. Habitat for Humanity), and Limited Housing Equity Cooperatives.

CHAPTER 4
COMMUNITY DESIGN

4.1 INTRODUCTION

4.1.1 Intent

This chapter sets forth overall design principles to shape and facilitate new development in the Plan Area, consistent with the Specific Plan's Vision and Goals and the land use provisions described above. The intent is to create an exciting fusion of sports, entertainment, retail uses, residential development, and recreational destinations that builds on the regional visibility of the Plan Area, its access to the airport and regional transit, and supports the economic vitality of the City of Oakland.

These principles focus on the public realm including streets, trails, plazas, and open space. While the Specific Plan's land use programming is flexible, as described in Chapter Three, these public realm elements will serve to unify distinct areas and phases into a cohesive and attractive community that encompasses workplace, home, commerce, and destinations for entertainment and sports.

The diagrams and images included in this chapter are focused primarily on the Coliseum District, which encompasses all of Sub-Area A and a portion of Sub-Area B, and are based primarily on the Coliseum City Master Plan. Future designs may vary from the illustration shown here as more detailed proposals are prepared and evaluated as part of the City's development review process.

4.2 URBAN DESIGN CHARACTER

Goal: Create an attractive and cohesive public realm that promotes a strong sense of community and provides an appealing setting for Plan Area development.

Policies

CD Policy 4-1: Plan Area projects should be designed to promote a sense of neighborhood through the intentional and thoughtful creation of a welcoming public realm.

CD Policy 4-2: Projects should orient building uses toward public streets and plazas and ensure a safe mix of vehicular, pedestrian, and bicycle traffic establishes inviting spaces.

CD Policy 4-3: Sub-Area A projects should be designed to create a pedestrian-oriented core with the majority of vehicular traffic directed to the site periphery.

CD Policy 4-4: For Sub-Areas A and B, project designs should establish mixed-use districts with distinct character, urban form and boundaries. These neighborhoods should be planned around activated streets to ensure that the public spaces create a safe and secure neighborhood environment.

CD Policy 4-5: Views of Sub-Area A from across 66th Avenue and from the surrounding residential neighborhoods should be predominantly of vegetation and buildings with windowed facades, rather than parking lots, transportation infrastructure, or blank walls.

CD Policy 4-6: A program of public art including, but not limited to, public and civic spaces should be included in new development in the Plan Area.

CD Policy 4-18: Public open spaces within Sub-Area A and B, if it is developed with an Arena and residential uses, should be incorporated and designed to create a consistent character and environment conducive to entertainment and urban activities.

CD Policy 4-19: The proposed Elmhurst Creek open space corridor should be configured and designed to enhance ecologic and hydrologic functions, while also providing public open space and recreational amenities for visitors and future residents and workers.

CD Policy 4-20: Designs for the potential re-routing of Elmhurst Creek into Damon Slough should include habitat enhancement to compensate for the loss of the existing waterway.

CD Policy 4-21: Projects should be configured and designed to increase public access to the Bay, enhance natural habitat values (particularly along Damon Slough), and provide public educational opportunities about the Bay ecosystem for Oakland and Bay Area residents. Current and new residents should be encouraged to become stewards of the new parks, open spaces and restored habitat areas.

CD Policy 4-22: Development within the Coliseum Plan Area should support the ongoing efforts of the City of Oakland and the City of San Leandro and their public agency and community partners to build out the San Leandro Creek Trail Master Plan, which is intended to create and restore a six-mile multi-use trail along San Leandro Creek (including the portions of the Creek which are in Sub Area D).

4.5 BUILDING MASSING AND CHARACTER

Goal: Establish a strong architectural character for the Plan Area, with a variety of heights and massing to accommodate proposed development, attract users, insure compatibility with adjacent areas, and create attractive urban neighborhoods.

Policies

CD Policy 4-23: Building heights and massing in Sub-Area A should be configured as indicated by Figure 4.11. Highest density/tallest buildings should generally be located in the core of the site along the elevated pedestrian concourse. The largest scale sports facilities should also be generally located alongside this core, with lower density buildings and parking toward the periphery of the site.

CD Policy 4-24: Buildings up to the FAA height limit (159 feet) will be allowed within Sub-Areas A, B, and C, ~~and D~~. Taller buildings may only occur in Sub-Areas A, B, and C, ~~and D~~ subject to FAA review.

CD Policy 4-25: Building height and design in the portion of Sub-Area B along Elmhurst Creek should relate to expected development in Sub-Area C.

CD Policy 4-26: Important street intersections should be highlighted with attractive and distinctive landmark buildings or gateway elements to support the identity of the Plan Area. Such buildings should exhibit thoughtful, imaginative architectural design to welcome visitors and promote a pedestrian-oriented character.

CD Policy 4-27: Buildings should reflect the vibrant, urban mixed-use nature envisioned for the Plan Area, supporting the pedestrian character of streets and contributing to an overall identity for a high density urban place.

CD Policy 4-28: Building frontages should contribute to an active street life by providing ample seating, gathering places, and exterior protection from sun and rain in the form of recessed walkways, awnings, canopies, or trellises along primary pedestrian traffic areas.

4.6 SUSTAINABILITY AND HEALTH

Goal: Integrate sustainable and environmentally sensitive buildings, landscapes, and infrastructure into Plan Area development.

General Policies

CD Policy 4-29: Project implementation should result in compact, walkable, mixed-use neighborhoods with efficient transportation options, open space, and strong connections to destinations inside and outside the Plan Area.

CD Policy 4-30: Projects should be designed to make best use of, and improve upon, existing infrastructure, and ~~take full advantage of the site's close link to~~ should work with BART and other public transit ~~options~~ providers to improve upon existing public transit service both within and outside the Plan area.

Resource Efficiency Policies

CD Policy 4-31: All new buildings in the Plan Area should be designed to achieve CalGreen Tier One standards, in order to reduce or avoid air quality and GHG emissions impacts and reduce operational costs.

CD Policy 4-32: Project designs should incorporate aspects of national guidelines and standards for sustainability, including the U.S. -Green Building Council Leadership in Energy & Environmental Design (LEED) rating system, the, Sustainable Sites Initiative (SSI), and local measures such as the City of Oakland's Green Building Ordinance.

CD Policy 4-33: If the Coliseum and/or Arena are demolished, their physical structures should be crushed and used for fill or aggregate onsite if feasible. If the crushing or filling operation does not take place onsite, the project may need to provide mitigation for air quality and GHG emissions impacts caused by additional material trucking to and from the Plan Area.

All demolition will follow the City's Construction and Demolition Recycling Ordinance, which requires projects to prepare a Waste Reduction and Recycling Plan showing how the project will salvage or recycle 100% of all Asphalt & Concrete materials, and 65% of all other materials.

In addition, the ordinance requires a Construction and Demolition Summary Report that documents the actual salvage, recycling and disposal activity for the completed project will be prepared by the project applicants.

CD Policy 4-34: New development in Sub-Area A should reduce energy use; explore the viability of reducing building energy demand, a district heating and cooling system, and on-site energy generation.

CD Policy 4-35: Residents in adjacent East Oakland neighborhoods and the future residents of the Plan Area have limited access to fresh and healthy food choices; to remedy this, in Sub Area A, allow for potential grocery stores and other food businesses into the retail square footage of new development.

CD Policy 4-36: To encourage the local growing of food for East Oakland residents (and the future residents of the Coliseum Plan), provide designated areas for community gardens where feasible, and support the existing network of community gardens in the adjacent neighborhoods.

4.7 CONSISTENCY WITH CITY OF OAKLAND GENERAL PLAN AND STANDARDS

Following CA Government Code 65451(b), the Coliseum Area Specific Plan is consistent with the City's General Plan, particularly the Land Use and Transportation Element (LUTE). The Plan realizes the LUTE's concept of the Coliseum as a "Showcase" district (see Figure 2.14 of the Specific Plan). The LUTE's "Industry and Commerce Policy Framework" for the Coliseum Area Showcase recognizes this area's unique combination of sports events and proximity to the Oakland Airport; and supports increasing the Coliseum area's appeal to visitors by providing shopping, dining, and recreation. The Plan goes further than the LUTE's description of the Coliseum Showcase, in that it envisions a new residential uses on the Coliseum District, and on the BART parking lot.

In addition to the provisions of this Specific Plan, development within the Plan Area is subject to the City of Oakland's Standard Conditions of Approval.

CHAPTER 5
TRANSPORTATION

5.1 OVERALL TRANSPORTATION GOAL AND OBJECTIVES

This chapter addresses proposed circulation and transportation improvements for the Plan Area, with a focus on Sub-Area A in order to address efficient and safe movements in the highest density, earlier phase development zone. The Coliseum City Master Plan is utilized as an example to illustrate possible configurations for vehicular, pedestrian and bicycle circulation.

Goal: Provide a balanced and complete circulation network that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and accessible and affordable transit while continuing to serve automobile traffic.

The Plan Area will accommodate a mix of uses in a pedestrian-oriented urban environment that is well-served by transit. This requires seamless integration of transportation and land use to create a strong public realm and encourage use of non-auto travel modes. To achieve this, the Specific Plan integrates transportation and land use elements according to the following.

Objectives

Diverse Land Uses in a Compact Neighborhood

People chose to walk when diverse destinations (e.g., work, shopping, recreation) are located in close proximity and/or are accessible along a tight grid system of streets that prioritize pedestrians.

Proximity to Quality Transit Service

Development in Sub-Area A will be within convenient walking distance (generally less than a half-mile) from the Coliseum/Oakland Airport BART Station, the Oakland Airport Connector, Amtrak Station, and numerous AC Transit bus routes that serve the area with the replacement of the existing pedestrian bridge with an proposed new elevated concourse between Sub-Area A and the BART Station. These transit options result in a well-connected network to areas throughout the East Bay, the major urban centers in the Bay Area, and locales beyond via the Oakland International Airport and Amtrak.

Pedestrian- and Bicycle-Friendly Design

People tend to walk and bike more when the quality of the pedestrian and bicycle experience lowers user stress. The Plan Area provides street designs that enhance the quality of the pedestrian and bicycle experience stress by designing for low traffic speeds, regular and frequent pedestrian crossings, and more attractive and ample pedestrian zones and bike lanes and intersection treatments.

Park Once Strategy

The "park once" strategy allows workers, shoppers and visitors who choose to drive to the Plan Area to park once and walk or use transit to visit multiple destinations within the Plan Area. The high-density neighborhood will have structured parking within each street block and each will access multiple streets to facilitate access to parking while minimizing excess driving while searching for available parking. Street design will include adequate sidewalks, or specially designed walkways, safe for pedestrian travel to and from the structured parking areas.

"Complete Streets"

The City of Oakland is committed to creating and maintaining "Complete Streets" that provide safe, comfortable and convenient travel along and across streets (including streets, roads, highways, bridges and

Parking should be designed to be shared by all commercial and employment uses, as well as residential uses, where feasible. An example of shared parking is offices with high parking demand during the day sharing with a restaurant whose patrons use the same spaces in the evening.

TR Policy 5-33: Develop and utilize centralized parking facilities without assigning parking spaces to specific uses in order to encourage a "park once" strategy.

The majority of parking spaces will likely be provided in parking garages at various locations within the Plan Area. This will allow users visiting multiple sites to park once and walk to the various destinations within the Plan Area, reducing the number of parking spaces needed to serve the Plan Area and reducing excessive circulation.

TR Policy 5-34: ~~Consider e~~Exclude ~~ing~~ parking minimum requirements for the majority of uses allowed in the Plan Area, particularly in Sub-Area A.

The existing zoning districts in the Oakland Planning Code includes parking minimums, which require a minimum exclusive parking supply for each development type. In contrast, the new Coliseum area zoning districts are not envisioned to include a parking minimum for a majority of uses allowed in the Plan Area. ~~New zoning districts for the Plan Area which do not require parking minimums would allow~~ thereby freeing development to optimize the parking supply based on market considerations and expected demand.

TR Policy 5-35: Provide structured parking at various locations within the Plan Area and provide access to the parking via the lower volume parallel streets.

Dispersing structured parking both by location and access will serve to balance the traffic demands across multiple streets, minimizing the need for multiple lanes of vehicle traffic and the interruption to automobile flow on the primary streets distributing traffic within the site.

TR Policy 5-36: Parking structures should also provide bicycle parking and spaces for electric vehicles, including the installation of chargers.

5.4.2 Parking Operations

Policies

TR Policy 5-37: Consider creation of a Transportation and Parking Management Agency (TPMA), potentially within a Community Benefit District (CBD) to manage the on-street and off-street parking supply and use the parking revenue to fund parking operations and maintenance and improve transportation facilities in the Plan Area.

The proposed CBD should be funded through assessments of both residential and non-residential developments in the Plan Area, to provide services, such as security and maintenance, in the Plan Area. The duties of the proposed TMPA should be to manage the parking supply in the Plan Area where the parking revenue generated from on-street meters, on-street parking permits, and/or off-street parking facilities. The TMPA should also be responsible for establishing prices for parking, collecting the revenue, and using revenues to fund improvements such as new parking facilities, pedestrian, bicycle, transit, and streetscape improvements recommended in this Specific Plan, and/or maintenance, beautification and security in the Plan Area.

TR Policy 5-38: Require ~~Encourage~~ residential developments to unbundle the cost of parking from the cost of housing, for example, by reserving parking spaces for sale or lease separately from the cost of housing.

When parking is bundled (a parking space is included in an apartment rent or is sold with a condominium) into apartment tenant leases or condominium prices, the true cost of parking is hidden. However, if the parking spaces were unbundled, the rent for the apartment and for the parking space is separated. Unbundled parking would help tenants understand the cost of parking, and can also make housing more affordable by not forcing residents who do not own a car to pay for parking.

TR Policy 5-39: Consider implementation of an area-wide real-time parking information system that includes parking facilities open to the public.

Through the proposed TMPA, a real-time parking information system could be incorporated into the overall design of major parking facilities, especially those serving employees, customers and visitors. The system could include electronic changeable message signs installed at parking entrances, within larger parking

facilities, along the proposed Loop Road and "E" Street providing access in the area, as well as the internet, to inform drivers of the location and number of available parking spaces.

TR Policy 5-40: Design structured parking in a way to allow efficient use of parking levels for attendant parking during special events.

The envisioned sport/entertainment activities will attract many visitors beyond that for a typical weekday or weekend in the Plan Area. It is unrealistic to assume that sufficient parking spaces will be provided for all event attendees because of the substantial capital and operating cost of structured parking. Parking structure design considerations should be employed so that portions of or entire parking facilities can be attendant parked during these events; thereby, reducing the impact on the employment, commercial, and residential uses in the Plan Area.

TR Policy 5-41: Consider implementation of a parking pricing strategy that encourages Plan Area employees to walk, bike, or use transit to travel to and from work.

The effectiveness of pricing strategies on parking demand varies depending on the parking fee and the cost and availability of parking in the surrounding area. Parking pricing must account for the different user groups i.e., pricing long-term parking at a higher rate than for those who park and shop for one or two hours. Parking charges can also vary by time of day such as increased during peak periods when parking demand and traffic congestion would be highest and transit service most frequent in order to discourage driving and encourage transit use.

TR Policy 5-42: Promote regular turnover of on-street parking in the Plan Area to accommodate the visitor who stays one to two hours.

Providing metered on-street parking throughout the Plan Area and pricing the on-street parking at a higher rate than the off-street price will promote regular parking turnover of on-street spaces so that visitors to the Plan Area are able to find a convenient parking space to conduct their business.

TR Policy 5-43: Monitor parking demand in the Plan Area and adjust parking pricing to optimize parking utilization.

The proposed Transportation and Parking Management Agency (TPMA) will monitor parking demand in the parking facilities and adjust pricing to balance the parking demand across the Plan Area i.e., pricing under-utilized parking facilities at a lower rate than facilities with high-utilization.

5.5 TRANSIT AND ONSITE CIRCULATOR

The Specific Plan proposes an integrated system of internal circulation connections that encourages shared use, walking, bicycling and transit. The configuration of roads, entries and parking is intended to facilitate efficient access to destinations, with attractive streets defined by buildings.

Figure 5.8 illustrates key features relating to transit infrastructure as envisioned by the Coliseum City Master Plan.

Goal: Enhanced efficiency and effectiveness of transit in the Plan Area.

Policies

AC Transit

TR Policy 5-44: Collaborate with AC Transit to improve bus service to the Plan Area and the surrounding neighborhoods by ~~either~~ providing new routes, ~~or~~ altering existing routes, increasing headways, and expanding service hours. Although all streets in the Plan Area can accommodate bus service, encourage provision of regular bus service along the proposed "E" Street and the incorporation of additional features into the bus network around and through the Plan Area, including locating bus stops on the far-side of intersections and improving bus stop facilities (shelters, benches, real-time transit arrival displays, route maps/schedules, trash receptacles, etc.)

TR Policy 5-45: Consider the realignment of San Leandro Street, shifting the road up to 10 feet to the west, between Hegenberger Road and 66th Avenue to expand the pedestrian boarding areas for AC Transit buses.

These proposed changes, consistent with City of Oakland's "Transit First" policy, would enhance the transit experience in the Plan Area by providing more comfortable and convenient bus stops and reducing bus travel times in the area by improving service times and reduce bus/ auto conflicts at intersections.

BART

TR Policy 5-46: Coordinate revitalization efforts in the Plan Area with additional efforts by BART to enhance the Coliseum/Oakland Airport BART Station, providing a seamless and welcoming pedestrian connection to and from the BART Station including:

- Capacity improvements to the station. One potential capacity improvement would include addition of a new side platform to provide additional area for waiting passengers. The platform could be located to the west over the San Leandro Street sidewalk serving southbound passengers, or if the Union Pacific Right-of-Way (ROW) were to be acquired, could be located to the east serving northbound passengers. Other more modest capacity improvements may include a new full platform canopy, redistributed vertical circulation from concourse to platform, and/or platform screen doors.
- ~~A potential extension of the existing Coliseum BART platforms about 300 feet to the north so that northbound and southbound BART trains can be staggered (or off-set) at the platform, increasing the platform capacity. Alternatively or in addition, an extended platform for southbound passengers could be built over the San Leandro Street sidewalk, which would provide two platforms for waiting passengers instead of the single one shared by riders going either direction.~~
- At-street station improvements could be built so both non-BART patrons and BART patrons can cross between San Leandro Street and Snell Street (requires coordination with railroad for crossing railroad right-of-way).
- The proposed elevated concourse from the Plan Area to the Coliseum BART Station could be constructed near the middle of the BART platform for balanced distribution of passengers, or toward the south end of the BART platform with an upper ~~and the~~ concourse extended over the BART platform 200 to 300 feet to provide multiple vertical circulation opportunities between the BART platform(s) and the elevated concourse.
- A direct visual link between the proposed elevated concourse and the street-level access to BART should be provided so special event patrons will use both the proposed elevated concourse and the street level access to get to/from BART.

BART connects the Plan Area to the larger Bay Area region, and therefore has the potential to serve a significant mode share to the Plan Area since the station is within one-half of a mile from development in the Plan Area.

Urban Circulator

TR Policy 5-47: Ensure that initial development of Sub-Area A and Sub-Area B will not preclude the possibility of an urban circulator service through the Plan Area connecting the Coliseum/Airport BART Station to Edgewater Drive and potentially, the Hegenberger Road corridor.

The Coliseum City Master Plan envisions an urban circulator alignment along the proposed elevated concourse connecting the Coliseum BART station on the east side of the Plan Area with the Edgewater Drive corridor west of the freeway through Sub-Area B and Sub-Area C. An urban circulator such as a streetcar would make the Plan Areas west of the freeway between Damon Slough and Hegenberger Road transit accessible with a short transit link to the Coliseum BART station.

5.6 TRAVEL DEMAND MANAGEMENT (TDM)

Goal: Incentives that encourage walking, biking, and transit and discourage driving for Plan Area residents, workers, shoppers, and visitors.

Policies

TR Policy 5-48: Sports teams should be encouraged to provide ad hoc transit between the game venues and other transit stations, in order to avoid congestion at maximum event times.

TR Policy 5-49: All Travel Demand Management (TDM) efforts are to be coordinated through the proposed Transportation and Parking Management Agency (TPMA). Examples of TDM efforts include:

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in Chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of

the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.

- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, onsite signage and bike lane striping.
- Installation of 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.
- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Encourage or require the provision of free transit passes ~~Direct on-site sales of transit passes~~ (purchased in bulk at a discounted rate ~~and sold at a bulk group rate~~ (through programs such as AC Transit Easy Pass or a similar program through another transit agency) in conjunction with development cost savings from eliminating minimum parking requirements.
- Provision of a transit subsidy to employees and residents, determined by the project applicant and subject to review by the City, particularly low-income residents and workers, seniors, youth, and individuals with disabilities, if the employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: (1) Contribution to AC Transit bus service; (2) Contribution to an existing area shuttle service; and (3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service.
- Guaranteed ride home program for employees, either through 511.org<http://511.org> or through a separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Include Ffree 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.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Ensuring tenants provide opportunities and the ability to work off-site.
- Allow employees or residents 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).
- Ensure tenants provide employees with opportunities 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.
- Parking spaces designated for electric vehicle parking including charging capabilities.
- Bicycle support facilities such as attendant bicycle parking/bike stations, and/or bike sharing/rental program for short trips within the Plan Area.
- Provide transit validation for visitors and those who attend special events and use transit to travel to the Plan Area.

CHAPTER 7

IMPLEMENTATION AND ADMINISTRATION

7.1 INTRODUCTION

This chapter sets forth the implementation strategies and actions to be undertaken by the City, other responsible agencies and private developers (including a Master Developer, but potentially also including individual developers of separate components of the Plan) in order to achieve the development envisioned in the Specific Plan.

7.2 PHASING

Phasing plays a key role in the programming and physical development of this long-term, multi-use Project. Each phase must be flexible yet stand on its own, while accommodating future expansion and intensification of development activities.

~~The Specific Plan envisions that initial phasing could involve either: assumes~~

A) ~~Initial phasing would involve o~~One or more new sports venues, ~~as well as and that construction will be able to be completed by the applicable 2019 sport season. This initial phase would also require an initial increment of development which includes retail, hotel and residential along the concourse pedestrian connector. It is also envisioned that significant improvements to the transit hub would be a critical element of the success of this first phase of development. Subsequent phases of development under this scenario are envisioned to continue the expansion of the Sports and Entertainment District to create a mixed-use community that includes primarily retail, residential and hotel use. This development would support both the expanded fan experience during game days, and establish a viable new urban district that is critical for the private finance of the new venues; or~~

~~)~~B) One or more new Transit Oriented Development (TOD) projects at or near the Coliseum BART station that could include an initial increment of residential, office, retail, and/or hotel. Subsequent phases of development under this scenario are envisioned to expand the TOD District to create a mixed-use community on the Coliseum site that includes office, light industrial, retail, residential, and hotel use. This development would support establishment of a viable new urban district in the Coliseum area.

~~Subsequent phases of development would continue the expansion of the~~ Sports and Entertainment District to create a ~~mixed-use community that includes primarily retail, residential and hotel use. This development supports both the expanded fan experience during game days, and establishes a viable new urban district that is critical for the private finance of the new venues.~~

Figure 7.5 illustrate the potential phasing for full buildout potential land use scenarios.

7.2.1 Phasing Goals and Policies

Goal: Provide project phasing that establishes a strong initial character for the project, maximizes opportunities for retention of sports teams, and supports logical and cost-effective infrastructure investments.

Policies

Early phase projects should be configured and designed to establish a strong and appealing sense of place and to provide a high level of amenity features.

To the extent possible, the first phase should be concentrated within Sub-Area A in order to establish a "critical mass" that facilities opportunities for new sports/entertainment venues and makes best use of transit access.

Project phasing should allow for logical and cost-effective construction and extension of infrastructure. Phasing should coordinate levels of development intensity with required infrastructure including improvements to transportation, utilities, and services.

Development within each Sub-Area may be phased independently, allowing infrastructure improvements to be implemented over time, based on market growth and demand.

To the extent feasible, phasing should allow the existing Coliseum to remain operational during the construction phase.

The first phase of retail entertainment should be an integral part of the elevated concourse pedestrian connector.

The development of the Sports and Entertainment District should be concurrent with the development of the new sports venues. This may require the existing Coliseum be removed as the new venues are being built. Mixed-use element of the program surrounding the event plaza linking the new stadium and new ballpark should be phased as an integral part of the retail/entertainment zone.

The phasing plans shown in Figures 7.1 - 7.5 are intended to guide efficient staging of development. However, phasing may be modified to respond to changing market conditions and development opportunities, provided that adequate onsite and offsite infrastructure improvements are made available to accommodate the pace of development, and the impacts of the project do not exceed the levels analyzed by the EIR.

Development of the Plan Area in excess of thresholds identified by the Specific Plan and EIR would be subject to the appropriate additional environmental review and certification, including any required mitigation measures.

Parking facilities and parking management/transportation management strategies should be phased to serve the needs of development areas within the Plan Area and the nearby major entertainment uses. Phasing of parking is addressed further in Section 5.4.

7.2.2 Proposed Phasing

The Plan Area's framework of parcels (see Figures 7.1 - 7.4) allows flexible development of the site over time. Each phase proposes a level of development that can be accommodated by the associated onsite and offsite infrastructure capacity. The intent of proposed phasing is to establish the ability to intensify land uses over time through structured parking and transit solutions that allow for urban densities and transit-driven development.

Phasing is ~~contemplated according to the following approximate timeline, which is~~ subject to change depending on market conditions and development opportunities. ~~The above f~~Figures 7.4 summarizes one potential scenario for the phasing of development uses and related infrastructure. The information in this chapter may be subject to change as more detailed plans and specifications are developed as part of the design and Development process.

7.2.3 Proposed Phasing

The Plan Area's framework of parcels (see Figures 7.1 - 7.5) allows flexible development of the site over time. Each phase proposes a level of development that can be accommodated by the associated onsite and offsite infrastructure capacity. The intent of proposed phasing is to establish the ability to intensify land uses over time through structured parking and transit solutions that allow for urban densities and transit-driven development.

Phasing is contemplated according to the following approximate timeline, which is subject to change depending on market conditions and development opportunities. The above figures summarize phasing of

and development types. The new D-CO-6 zone would replace the existing Industrial (M-40) zoning that applies. This zone would not permit residential activities.

Port of Oakland Land Use and Development Code Adjustments

Under the City of Oakland Charter, the Oakland Airport Business Park (most of Sub-Area B and all of Sub-Areas C and D) is under the independent land use jurisdiction of the Port of Oakland (a department of the City of Oakland, acting by and through its Board of Port Commissioners). Because of its independent jurisdiction, changes to the Port's regulatory Land Use and Development Code (LUDC) cannot be unilaterally made by the City of Oakland, nor does the Oakland Planning Code apply to land use decisions in the majority of the Airport Business Park. Throughout the planning process for this Specific Plan, City staff has coordinated with Port staff, and has requested that they consider a number of changes to their LUDC that would permit and enable development consistent with this Specific Plan. These proposed recommended changes include:

1. Expanding the existing "Commercial Corridor" designation in the LUDC to include properties between Oakport Street and Edgewater Drive, and between Damon Slough and Elmhurst Creek[4]; this change would conditionally permit the proposed sports/special events Arena as a unique use ("Group Assembly") within a portion of the Airport Business Park. An alternative approach to Plan implementation in this area could involve the Port agreeing to a transfer of land use jurisdiction to the City of Oakland of the few remaining properties that are not currently subject to City of Oakland land use regulation between Oakport Street and Edgewater Drive, and between Damon Slough and Elmhurst Creek.
2. Transferring land use jurisdiction to the City of Oakland of the waterfront sites between Edgewater Drive and San Leandro Bay, and between Damon Slough and Elmhurst Creek - in which case the City's proposed new D-CO-4 zone would apply to development in this area. The specific waterfront sites include property the City of Oakland currently leases from the Port of Oakland for its Public Works Agency corporation yard, and a privately-owned office and warehouse property. In general, land use regulations for Sub-Area B are intended to support commercial and employment uses. However, the Specific Plan proposes that a limited number of waterfront sites potentially be made available for mixed-use residential and/or hotel purposes as conditionally permitted uses, but only if such mixed-use development provides essential economic support for other public or private investments in the comprehensive redevelopment of the larger Coliseum District, including, but not limited to, economic support for the construction of new stadiums and other infrastructure elements of the larger Planning area.
3. Allowing design review authority and permitting of new buildings to be administered by the City of Oakland, under the City's design review standards.
4. Amending "Section 3. Development Standards" in the LUDC to reflect similar standards that currently apply in the City of Oakland's Commercial Zones.

Ultimately, the Port Board of Commissioners will need to make the decision as to whether these changes are acceptable and desirable, and will need to weigh the effect of these decisions against the compatibility of these new uses with the operation and safety requirements of the Airport Business Park and the Oakland International Airport. If the Port Board decides not to take any action to either cede land use authority to the City of Oakland in selected areas of the Business Park, or amend the Port's LUDC as recommended, then the proposed new Arena, and the proposed new waterfront residential mixed-use development would directly conflict with the LUDC, and those elements of the Coliseum Plan could not move forward.

7.4 SUBSEQUENT PRIVATE DEVELOPMENT PROCESSES AND PERMITS

Once the City and Port of Oakland have enacted the policy and regulatory planning actions described under Section 7.3 above, the City's ability to further implement this Specific Plan shifts into a partnership role with private development interests. A strong and effective public/ private partnership is essential to further implementing this Plan's expectations of new ~~sports venues for the City's current professional sports franchises, as well as all of the accompanying~~ development envisioned under the Coliseum City Master Plan. The subsequent steps associated with this public/private partnership are summarized and described below. For the most part, these subsequent agreements, approvals and permits must be sought by private development interests, with the City potentially serving as co-applicant in certain cases.

7.4.1 Development and Disposition Agreement

In March 2012, the City entered into an Exclusive Negotiating Agreement (ENA) with a group of private development interests including JRDV Urban International, HKS Architects and Forest City Real Estate Services. The ENA was later amended which removed Forest City and added Bay Investment Group, LLC. Finally, the ENA has been most recently amended again to include New City Development, LLC as the lead master developer. The purpose of the ENA was to prepare the Coliseum City Master Plan, and the City committed up to $1.6 million in pre-development funding for this effort. The Coliseum City Master Plan and the other pre-development deliverables agreed to under the ENA have been substantially completed. The final remaining items relating to operational management plans and additional financing plans have been agreed to be provided under an extended ENA period. Additionally, the ENA team has been modified to include a new investor/partner entity, New City Development, LLC.

The City is negotiating with this ENA team (as now configured or may be re-configured in the future) with the intention that, based on their financing and operational/management plans, they intend to continue with on-going negotiation efforts, and reach terms acceptable to all parties for a Development and Disposition Agreement (DDA) with the City of Oakland and Alameda County, which jointly owns and controls the Oakland Coliseum, the Arena and the underlying property, governed by the Oakland Alameda County Coliseum Authority (known as the "Joint Powers Authority" or "JPA"). Approval of any such DDA requires an affirmative vote of the Oakland City Council, the Oakland-Alameda County Coliseum Authority, and the Alameda County Board of Supervisors. Execution of such a DDA would give the development group rights to build on City property, and/or City and County-owned or controlled parcels, and could also include agreements related to cooperative funding of development costs and purchase or lease of City property and/or City and County-owned property. The DDA could also include, among other matters, agreements regarding the construction of a new Stadium, Ballpark and/or Arena, assuming that any or all of the current professional sports franchises chose to become party to such an agreement, and agreements regarding a program of community benefits.

Ultimately, realization of the Coliseum Area Specific Plan (particularly including the new sports venues) is dependent upon the feasibility of both public and private financing options. The terms and options under which either public or private investments may occur are expected to be included in the DDA, but have not yet been negotiated or agreed upon, as of publication of the final Specific Plan.

7.4.2 Land Assembly

New Stadium and/or Ballpark

The City of Oakland and Alameda County jointly own the land on which the current Oakland Coliseum stadium, the Arena and their parking lots are located, governed by the Coliseum Authority (known as the "JPA"). This Oakland-Alameda County owned property includes approximately 112 acres. The City of Oakland also owns other properties within the Coliseum District in the immediate vicinity of the Coliseum. Part of the negotiated DDA (see 7.4.1, above) will seek to resolve whether any City-owned or Oakland-Alameda County Coliseum Authority-owned lands will be acquired by the Development team, or if they will be leased to the Development team and/or one or more of the professional sports franchises. The transfer of any property (should property transfer be negotiated) would be conditioned on the developer demonstrating financial and legal ability to construct and operate a multi-purpose football stadium, a baseball facility, and/or other ancillary commercial and/or residential development.

Certain privately-owned properties within the Coliseum District may also need to be acquired, depending upon the resolution of design decisions between the Development team, the Raiders, and the A's, and with input from the City and the County. The methods of any necessary property acquisition for the Stadium are expected to be a combination of private sales to the Developer team, and willing sales to the City and/or the JPA with funds provided by the Developer team. Some of these parcels may only require easements or temporary occupancy during construction. The Development team is continuing its due diligence pursuant to its land acquisition strategy, and the identification of properties to be acquired and the timing of acquisition is the subject of confidential negotiations.

Coliseum BART TOD

The Bay Area Rapid Transit District (BART) owns the parking lots to the east of the Coliseum BART station. BART has already entered into a separate Exclusive Negotiating Agreement (ENA) with a developer to construct a portion of the Coliseum BART TOD project on a portion of its parking lots, but other BART properties remain available for additional development. Further development of the remainder of the Coliseum

~~BART TOD on non-BART property (such as on San Leandro Street) is envisioned on several private properties not under the ownership or control of the City, BART or the Development team. To the extent that development of these as part of the Coliseum BART TOD proceeds, acquisition would likely occur only through willing private sale.~~

~~Port-Owned Lands~~

~~The mixed-use waterfront residential project envisioned for the San Leandro Bay shoreline within Sub-Area B and other new development within portions of Sub-Areas B, C and D are proposed to occur, in part, on properties currently owned by the Port of Oakland. Lands owned by the Port (even if leased to other operating entities) are subject to state Tidelands Trust requirements. Future sale or development of Port-owned land for uses inconsistent with the Tidelands Trust (including the proposed waterfront residential site) would be inconsistent with Tidelands Trust obligations. To remove conflicts with Tidelands Trust obligations and requirements, the developer of any future project that proposes to use land that is owned by the Port of Oakland must either:~~

~~Enter into an agreement with the Port of Oakland to ground lease and develop such project for uses deemed by the Port Board as consistent with the Public Trust, or~~

~~Enter into an agreement with the Port of Oakland to buy the underlying land from the Port, subject to the Board of Port Commissioners' finding that the property is no longer needed or required for the promotion of the Public Trust, with the proceeds of the land sale to be used by the Port for public trust purposes, or~~

~~Arrange for an authorized exchange of Port-owned land, subject to the Board of Port Commissioners' finding that the land is no longer needed or required for the promotion of the Public Trust, for other lands not now subject to the Public Trust. Such an exchange would also be subject to the approval of specific State legislation authorizing such an exchange, and pursuant to subsequent approval of an Exchange Agreement between the State Lands Commission and Port of Oakland.~~

~~Privately-owned Properties~~

~~Although there is a large amount of land within the Planning Area that is owned by public entities (i.e., the Oakland-Alameda County Coliseum Authority, the City of Oakland, the Port of Oakland or BART), the remainder of land within the Planning Area is under private ownership. The Specific Plan proposes a new vision for these lands, but does not compel property owners to share this vision, nor does it require them to participate in its implementation. To the extent that private property owners see a benefit to selling (or trading) their land to better enable development of this Plan to occur, any such sale (or trade) would only occur with the willing participation of the underlying owner.~~

7.4.~~13~~ ~~Planned Unit~~ Development Permits

The Specific Plan is intentionally flexible and visionary in its development requirements, guidelines and policy direction. This flexibility is intended to permit a range of potential development programs, ~~specifically for the Coliseum District,~~ depending upon the development interests of the investor/developer team ultimately ready to move forward with a project. It is the City's expectation that greater clarity and specificity of the development program, particularly for the Coliseum District, will be achieved during the review development applications, which may involve the City's Planned Unit Development (PUD) permit process pursuant to Chapters 17.140 and 17.142 of the Oakland Planning Code. According to the Planning Code, a Planned Unit Development is, "a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way."[7]

~~Preliminary Development Plan~~

~~The first step in the City's PUD permit process is submittal of a Preliminary Development Plan (PDP) of the entire portion of the site for which a developer intends to entitle and develop. It is possible that the Coliseum City Master Plan, as may be modified or amended to conform to an actual development proposal, may be used for much of the PDP requirements. The requirements of the PDP include a preliminary development plan of the entire development showing:~~

~~Streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;~~

~~Location and approximate dimensions of structures and the utilization of structures, including activities and the number of living units and estimated population;~~

Reservations for public uses, including schools, parks, playgrounds, and other open spaces;

Major landscaping features;

Relevant operational data;

Drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces, including a tabulation of the land area to be devoted to various uses, a tabulation of gross floor area to be devoted to various uses, and a calculation of the average residential density per net acre and per net residential acre; and

A development staging plan demonstrating that the developer intends to commence construction within one year after the approval of the Final Development Plan (FDP) and will proceed diligently to completion; unless FDPs are to be submitted in stages, in which case a schedule for submission of FDPs is required.

An application for a Planned Unit Development (PUD) permit would be considered by the City Planning Commission at a public hearing, and their decisions may be appealable to the City Council. The Planning Commission would determine whether the proposal conforms to the City's PUD permit criteria and regulations. Because the Planning Commission's decision on the PUD permit is discretionary, the Commission will also need to have considered the potential environmental consequences associated with the proposed development. Assuming that the PDP is in general conformance with his Specific Plan, the City intends to utilize the EIR prepared for this Specific Plan to the maximum extent practical and feasible for this purpose.

Final Development Plans

Within one year after approval of the PDP (although it may file concurrently for the first phase), the developer/applicant must file a Final Development Plan (FDP) for the first phase development. The FDP must be sufficiently detailed to indicate the ultimate operation and appearance of the development. The FDP must conform in major respects with the approved PDP and must also include the following information:

The location of water, sewerage, and drainage facilities (including a City Engineer's report regarding the acceptability of public improvements, including streets, sewers, and drainages);

Detailed building and landscaping plans and elevations;

The character and location of signs;

Plans for street improvements; and

Grading or earth-moving plans.

The Planning Commission must hold a public hearing before taking action on the FDP, and must determine whether each FDP conforms to all applicable criteria and standards, and whether it conforms in substantial respect to the previously approved PDP. Their decisions may be appealed to the City Council. Pursuant to consideration of the FDP, the City may also consider and act upon any additional Conditional Use Permits (CUP) as may be needed for the development pursuant to Chapter 17.134 of the Oakland Planning Code, and Design Review considerations pursuant to Chapter 17.136 of the Oakland Planning Code.

Development PUDs within the Airport Business Park

As envisioned under this Specific Plan, the Airport Business Park would be privately developed as a new center for science and technology, providing new space for future research and development, institutional and corporate campus-type uses. This type of development is expected to be large in scale, would likely be phased-in over time, and would be highly dependent upon transportation and transit enhancements. New campus-style development that may ultimately be proposed within the Airport Business Park could potentially benefit from the provisions of the City's Planned Unit Development (PUD) process, which is specifically intended to facilitate development of comprehensively planned, high amenity, urban campus sites.

However, not all future development within the Business Park (and likely, no new development within Sub-Area D) will consist of urban campus-style development. One of the objectives for development of the Business Park is to encourage and promote the co-location of smaller partner businesses in immediate proximity to the larger institutional and corporate campuses. Rather than adding additional regulatory and permit processes to these smaller, individual business developments, this Specific Plan assumes that these types of development will be process through the Port of Oakland's regular development permit process, but that their necessary

environmental review may be streamlined by reliance on the EIR prepared for this Specific Plan, to the greatest extent practical.

7.4.24 City Zoning Consistency Determinations and Port Development Permits

For future new development projects that are consistent with this Specific Plan and its accompanying General Plan amendments and new zoning, but which neither qualify (based on size and other criteria) for a Planned Unit Development, nor see the benefits of the PUD approach, the standard City of Oakland or Port of Oakland practices for determining zoning consistency will apply. These standard practices also include making determinations regarding the need for Conditional Use Permits (CUPs), ~~City~~ Design Review ~~process~~, and other potentially required discretionary actions ~~by the City~~ prior to development approval.

For new development that is proposed within the Port of Oakland's land use jurisdiction, the Port's development permit procedures pursuant to its Land Use Development Code will continue to apply, as may be amended by the Port Board of Commissioners.

7.4.35 City Creek Permit and Other Related Agency Permits

In order to provide adequate room to accommodate construction of a proposed new Stadium, it may be necessary to move and/or culvert the existing segment of Elmhurst Creek that currently runs through an open engineered channel in the Coliseum parking lot. If the culverting proves necessary, an underground culvert would be constructed capable of conveying 100-year storm flows from upstream Elmhurst Creek to the existing outfall at San Leandro Bay. The underground culvert would be planned as a concrete box section designed to ACFC&WCD standards, contained within an easement that may be located south of the existing Elmhurst Creek alignment or even parallel to or within the Hegenberger Road right-of-way. The underground culvert would outfall to the existing drainage ditch between Coliseum Way and I-880, which outfalls to Elmhurst Creek just upstream of the I-880 undercrossing and eventually flows into San Leandro Bay.

Any such realignment and/or culverting of Elmhurst Creek will be dependent upon obtaining a City of Oakland Creek Protection Permit in addition to other regulatory permits, and to comply with City of Oakland Standard Conditions of Approval pertinent to Creek Permits. The City anticipates that review of this Creek permit would be accompanied by a commensurate restoration and enhancement plan to increase the habitat and storm-water filtration value of the other on-site channel at Damon Slough. Assuming the inclusion of satisfactory improvements to Damon Slough, the City is also prepared to assist and facilitate in the filing for and acquisition of numerous other subsequent permits required from other agencies, including:

United States Army Corps of Engineers Clean Water Act Section 404 permit;

California Department of Fish and Wildlife Section 1602 Streambed Alteration permits;

SF Regional Water Quality Control Board Clean Water Act Section 401 permits;

San Francisco Bay Conservation and Development Commission permits for any portion of Damon Slough located within their jurisdiction; and

Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permits.

7.4.46 Overhead Electrical Line Relocation Approval and Permits

There is currently a dual 115 KV overhead electrical power lines running through the south end of the Coliseum District site. These lines run in a path that interferes with the site location of the proposed new Stadium, and need to be relocated in order to facilitate planned development. To accomplish relocation, PGE will need to authorize a temporary line relocation to move the line less than 100' to the south, within an area owned by the City. The long-term strategy will be to underground the PGE line along the original alignment, which runs from the 66th Avenue bridge to Coliseum Way at Hegenberger. Although the two-phased plan allows time to work with PGE to plan, approve and design this solution, permits and approvals for this relocation have not been initiated.

7.4.57 Alameda County Airport Land Use Commission (ALUCP) and FAA Review

Federal Aviation Administration (FAA) Regulations, Part 77 (FAA Part 77) establishes a set of airspace surfaces around airports that provide guidance for the height of objects (including buildings) that may affect normal aviation operations. FAA review is required for any proposed structure more than 200 feet above the ground level of its site and for proposed structures which exceed the applicable Part 77 surface area criteria. Additions

or adjustment to these Part 77 surfaces may also take into account more complex restrictions pertaining to instrument approach (TERPS) surfaces. Objects that deviate from the Part 77 standards must be evaluated by the FAA and may require mitigation actions. Nearly all of the Coliseum District that is west of San Leandro Street falls within a Part 77 horizontal surface plane established under the Airport Land Use Compatibility Plan (ALUCP) at an elevation of 159.3 feet above mean sea level. The easterly portion of the Coliseum District (east of San Leandro Street) is outside of this horizontal surface plane, and building heights can exceed 159.3 feet at a 20:1 slope.

Based on initial proposals suggested as part of the Coliseum City Master Plan, there are several tall buildings (including the preliminary designs for the new Stadium and other tall residential towers) that would exceed the Part 77 horizontal surface plane. Prior to approval of any new development that exceeds the elevation of a Part 77 surfaces area, the City of Oakland is required to refer project proponents to the Alameda County Airport Land Use Commission (ALUC) for determination of consistency with the ALUCP prior to their approval. Any project submitted to the ALUC for airport land use compatibility review for reasons of height issues must also include a copy of an FAA Part 77 notification and the results of the FAA's analysis.

To clarify the City's position regarding consistency with ALUCP criteria for the maintenance of airport operations and avoidance of aircraft safety hazards, the Coliseum Plan EIR includes a mitigation measure indicating that no structure that exceeds 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, or which exceed 200 feet above the ground level of its site, will be approved by the City, unless such a structure has been also reviewed by the FAA in accordance with FAA Part 77 and receives either:

- ~~An FAA finding that the structure is "not a hazard to air navigation" and would not result in the FAA instituting any alterations or curtailing of flight operations, or~~
- ~~A conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.~~
- An FAA finding that the structure is "No Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and
- b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

Real estate disclosures and avigation easements dedicated to the Port of Oakland will be a condition for any discretionary approvals for future residential, or non-residential development within the Plan area.

~~7.4.8 Edgewater Freshwater Marsh~~

~~The Edgewater Freshwater Marsh (or "Seasonal Wetland") is located at the intersection of Damon Slough and Edgewater Drive. Edgewater is the site of a prior Port of Oakland wetlands mitigation requirement for an airport runway rehabilitation project. It was created as a joint project between the Port of Oakland, East Bay Regional Parks District (EBRPD), Golden Gate Audubon Society, BCDC, Save the Bay, the U.S. Army Corps of Engineers (USACE), the City of Oakland, the RWQCB, and the FAA. The mitigation included creating and enhancing wetland features on the approximately 8 acre site, and the transfer of the site to the EBRPD for long-term management for wildlife habitat preservation, resource enhancement, wetland preservation, creation and enhancement and public access.~~

~~The Specific Plan EIR studied the potential for new construction at the Seasonal Wetland, resulting in the loss and permanent fill of this Marsh. The EIR analyzed the potential compensation of the loss of this wetland by the creation of an approximately 15 acre freshwater seasonal wetland and associated Coastal and Valley freshwater wetland habitat in Sub-Area E, north of Damon Slough. The newly created wetland, located on lands currently owned by EBMUD and the City of Oakland, would be adjacent to brackish water habitat, salt marsh and San Leandro Bay.~~

~~Any implementation of this proposal will require additional CEQA analysis and permitting, and authorization from a number of public agencies, as detailed in the Final EIR for the Coliseum Area Specific Plan.~~

implementation of the Plan. These costs will be significantly refined as the development project plan is refined for Area A and Area B. These costs are also envisioned to be phased as appropriate over the life of the development project.

The cost estimates presented below are for major improvements identified in the Specific Plan that are applicable to new development particular to the Coliseum District (primarily Sub-Area A) and to Sub-Area B, only. Costs are not presented for Sub-Areas C and D, as there are no major transportation and infrastructure improvements expected there, given the reduced level of redevelopment anticipated to occur in these areas (as compared to the changes proposed for the Coliseum District).

The Plan supports the ongoing improvements of the entire Business Park, ***such as installation of fiber optic cabling, that would enhance the business capacity of the area.*** ~~, but there are not major infrastructure changes proposed for Areas C and D.~~ Sub-Area E is envisioned for continued operation of EBMUD, as well as for enhanced open space and shoreline habitat.

7.5.1 Coliseum District Infrastructure and Transportation Costs

Table 7.3 indicates the approximate costs attributable to the transportation and infrastructure improvements needed to support new development within the Coliseum District, including development of a new Stadium, Ballpark, creek improvements, and the ancillary commercial and residential development planned within the Coliseum District of the Specific Plan. These costs are not to be considered final, but are "best guess" estimates, and will be phased in over time as required by the development. The assignment of these costs between the developer, the City, the JPA, and any other entity are subject to on-going negotiations, so have not yet been determined.

An additional infrastructure cost, not yet estimated nor shown in Table 7.3, is the cost for the transit circulator podium concourse right of way. This is a critical element of the overall transit system. However, due to the fact that the concourse right of way would be jointly used by private entities and the public transit system, developing a cost estimate is complex. An estimate for this cost will be determined at a later date.

7.5.2 Sub-Area B Infrastructure and Transportation Costs

Table 7.4 indicates the approximate costs attributable to the transportation and infrastructure improvements needed to support new development within Sub-Area B, including development of a potential new Arena as well as a new Science and Technology District and a mixed-use waterfront residential area near the San Leandro Bay, pursuant to the Specific Plan. As with Table 7.3, these costs are not to be considered final, but are "best guess" estimates , and will be phased in over time as required by the development. The assignment of these costs between the developer, the City, the JPA, and any other entity are subject to on-going negotiations, so have not yet been determined.

7.6 Public & Private Financing Strategies

7.6.1 Overall Funding Strategy

The following discussion outlines a conceptual program for the financing of public infrastructure required for development of the Coliseum City Master Plan scenario pursuant to this Specific Plan, including the infrastructure necessary to support new development within the Coliseum District and Sub-Area B, as outlined in Section 7.5 (above).

City/Local Government Funding

The primary resource that the City of Oakland and the County of Alameda (through the Coliseum JPA) have to contribute toward implementation of the Specific Plan is their land resource. Together, the City and County currently owns the land on which the Coliseum stadium and Arena and their associated parking lots are located. This City and County property covers around 112 acres within the Coliseum District. Additionally, the City of

Measure B funds are distributed through a formula to cities. These funds are spent on transportation operations and capital projects wherever possible; most projects consist of paving and sidewalk repair, traffic signal replacement, and other basic transportation infrastructure that has already significantly outlived its useful life. The City of Oakland has received Measure B funding in 2013; the next cycle for application will be in 2016. Measure B funding is passed-through to the City until 2020, and is often the only source of local match funds for the City when applying for grants from other funding entities.

Alameda County Transportation Commission Sales Tax, Measure BB, adopted in November 2014, implemented a 30-year Transportation Expenditure Plan. Measure BB renewed the 0.5 percent transportation sales tax approved in 2000 through Measure B, and increased the tax by 0.5 percent. This resulted in a 1 percent sales tax in the county dedicated to transportation expenses alone, which is set to expire in 2045 without voter renewal. The tax revenue from this tax will be controlled by the Alameda County Transportation Commission (ACTC). Measure BB will generate nearly $8 billion over 30 years for essential transportation improvements in every city throughout Alameda County.

Alameda County Transportation Commission Vehicle Registration Fees

Alameda County Vehicle Registration Fee (VRF) Program was approved by the voters in November 2010. The fee generates about $10 million per year by a $10 per year vehicle registration fee. The goal of the VRF program is to sustain the County's transportation network and reduce traffic congestion and vehicle related pollution.

In 2013/2014, ACTC distributed $1.7m in these funds to the City of Oakland. Funds are distributed according to a yearly Allocation Plan, adopted by ACTC.

7.7 AFFORDABLE HOUSING STRATEGIES

To continue Oakland's long-standing commitment to providing affordable housing for its residents, the affordable housing goals of the Specific Plan are for at least 15 percent of all new units built in the Plan Area to be affordable for extremely low-, very low-, low-, and moderate-income households.

City policies promote the use of transit and seek to reduce private automotive vehicle trips, particular emphasis should be placed on providing workforce housing that is affordable to those who are employed in the Coliseum area's sports facilities, hotels and restaurants, and in its commercial and industrial businesses.

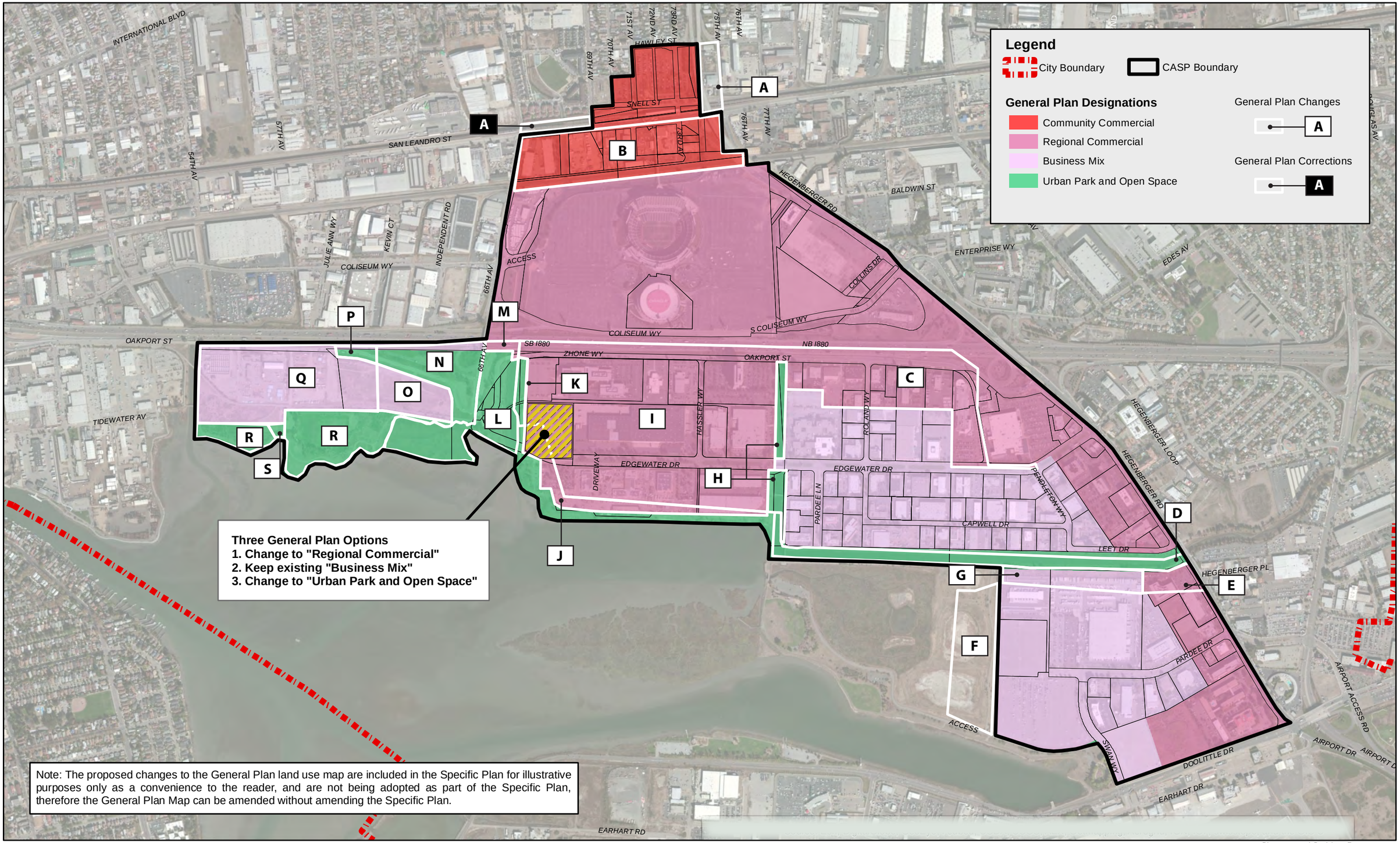
7.7.1 FUNDING CONTEXT

Most affordable housing in the Plan Area is expected to be funded with a mix of local and non-local sources, including Low Income Housing Tax Credits (LIHTC), Federal HOME funds, mortgage revenue bonds, and Federal Housing and Urban Development (HUD) funds, "boomerang funds" (a portion of City property taxes that used to be allocated to Redevelopment tax increment financing), the City's existing Jobs Housing Impact Fee, and any other affordable housing impact fee that the City may adopt in the future. With few exceptions, non-local subsidy sources are not adequate, even in combination, to fully subsidize the cost differential to make new housing development affordable to low and moderate income households. It is anticipated, however, that the City will continue its collaboration with the Oakland Housing Authority to provide project based vouchers that subsidize rents to market level, while sustaining affordability for residents.

Up until the dissolution of the City's Redevelopment Agency (ORA) on February 1, 2012, redevelopment-generated tax increment was the most important local source of funding for affordable housing. Prior to the loss of Redevelopment, Oakland dedicated 25 percent of its tax increment funds to affordable housing (10 percent more than required by state law). In the years prior to the Redevelopment Agency dissolution, up to approximately $23 million was available for affordable housing development annually. With the loss of redevelopment and cuts to Federal funds, approximately $7-$10 million is available per year. The estimated local financing gap for affordable units is $100,000 to $141,000 per unit. Due to this gap, a menu of creative strategies is required to meet the affordable housing needs for the Plan Area. These affordable housing strategies are presented below.

Attachment F to the March 11, 2015 Planning Commission

Revised General Plan and Proposed zoning maps

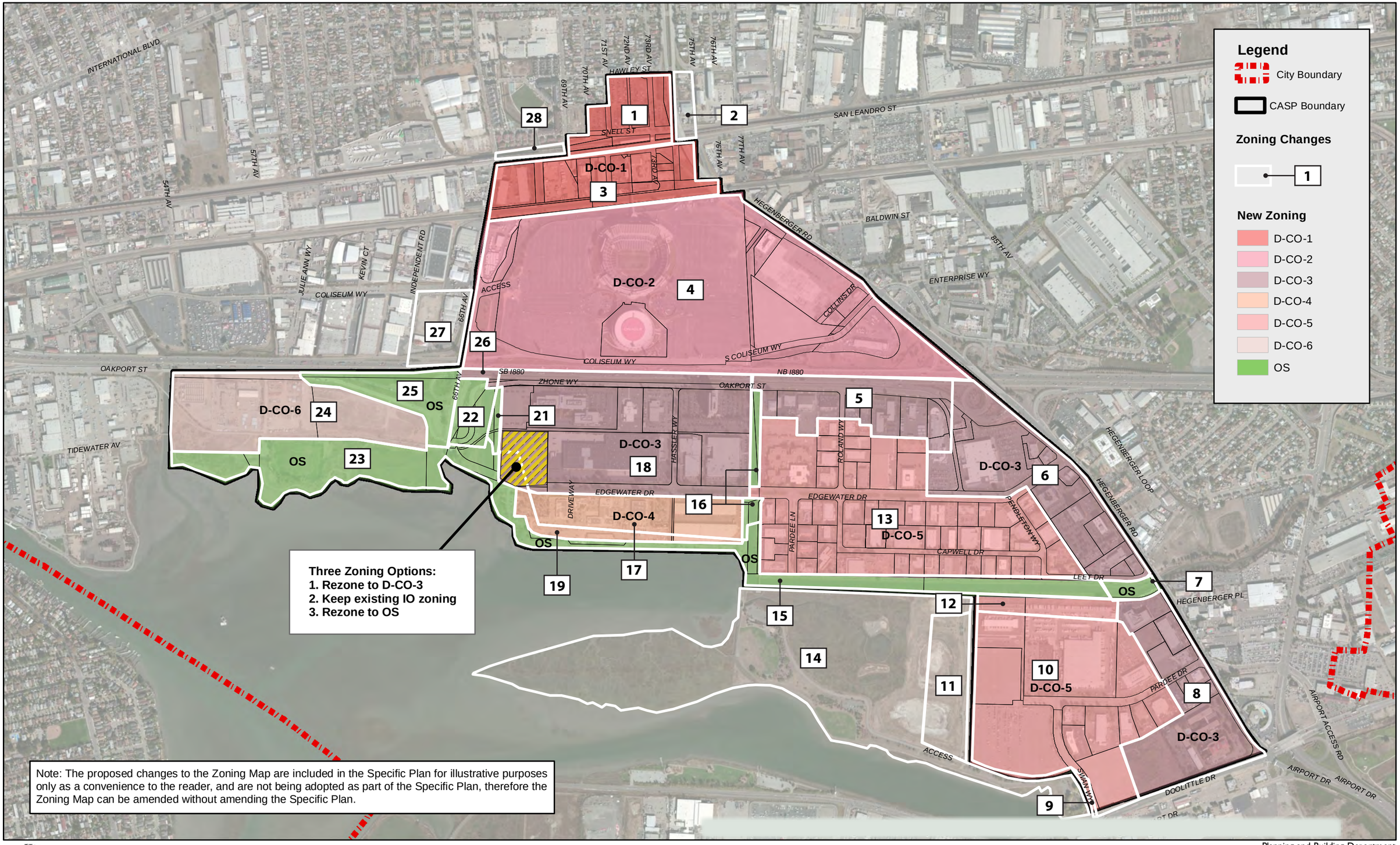


CITY OF OAKLAND

COLISEUM AREA SPECIFIC PLAN

Figure 4.9-6: Proposed General Plan Amendments

ADMINISTRATIVE DRAFT NOT FOR PUBLIC REVIEW



COLISEUM SPECIFIC AREA PLAN

Figure 4.9-7: Proposed Zoning Code Amendments

ADMINISTRATIVE DRAFT NOT FOR PUBLIC REVIEW

0 ¼ ½ Mile

Planning and Building Department
March 2015