APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND WATERFRONT BALLPARK DISTRICT PROJECT (ER 18-016), AS RECOMMENDED BY THE PLANNING COMMISSION; (B) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS ON IMPACTS AND MITIGATION MEASURES FOR THE PROPOSED PROJECT WITH GRADE SEPARATION ALTERNATIVE (ALTERNATIVE 3), AND REJECTION OF OTHER ALTERNATIVES AND CERTAIN MITIGATION MEASURES AS INFEASIBLE; (C) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (D) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the Oakland Athletics Investment Group, LLC ("Oakland Athletics") have proposed to build a new major league ballpark, together with residential and mixed-use development, including retail, commercial, office, cultural, entertainment, hotel, and recreational uses known as the Oakland Waterfront Ballpark District Project ("Project"), located on and adjacent to the Howard Terminal along the Inner Harbor of the Oakland-Alameda Estuary and consisting of approximately 55 acres of real property; and

WHEREAS, as proposed by the Oakland Athletics, the Project would construct: a new open-air waterfront multi-purpose Major League Baseball (MLB) ballpark with a capacity of up to 35,000-persons ("Ballpark"); mixed use development including up to 3,000 residential units, up to 1.5 million square feet of office (which could include a range of commercial uses, such as general administrative and professional office and life sciences/research), and up to approximately 270,000 square feet of retail uses; an approximately 50,000 square-foot indoor performance venue with capacity of up to 3,500 persons; up to approximately 280,000 square-feet of hotel space including up to 400 rooms in one or more buildings and supportive conference facilities; a network of approximately 18.3 acres of publicly-accessible open spaces; and a maximum of approximately 8,900 total parking spaces at full buildout; and

WHEREAS, the City issued a Notice of Availability/Notice of Completion of the Draft EIR for the Project on February 26, 2021, announcing the availability of the Draft EIR for public

review and comment (DEIR or Draft EIR) for a 45-day public review and comment period, which was subsequently extended an additional 15 days to April 27, 2021; and

WHEREAS, the City prepared a Responses to Comments/Final EIR that was released to the public, including commenting agencies, on December 18, 2021 which responded to all comments received on the Draft EIR during the comment period; and

WHEREAS, the Environmental Impact Report (SCH #22018112070) (EIR) consisting of the Draft EIR and Responses to Comments/Final EIR has been prepared pursuant to the California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) to analyze the environmental effects of the project; and

WHEREAS, CEQA, Section 15000 et. seq. of Title 14 of the California Code of Regulations (CEQA Guidelines) and the City CEQA Procedure and Guidelines (Chapter 17.158 of the Oakland Municipal Code), which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, on January 19, 2022, the Planning Commission held a public meeting to receive comments regarding the adequacy of the EIR and consider a recommendation to the City Council to certify the EIR under CEQA; and

WHEREAS, on January 19, 2022, the Planning Commission voted unanimously to recommend that the City Council certify the EIR as adequate under CEQA; and

WHEREAS, the City Council has reviewed the EIR prepared for the Project, the staff reports pertaining to the EIR, the Planning Commission hearing minutes and reports, all evidence received by the Planning Commission and at the City Council hearings, and the record of proceedings as a whole, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

WHEREAS, the EIR identified certain significant and potentially significant adverse effects on the environment caused by the project; and

WHEREAS, the City Council specifically finds that where more than one reason for approving the project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Council would have made its decision on the basis of any one of those reasons; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justify the occurrence of those impacts; and

WHEREAS, the City Council is required, pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can

substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, CEQA (Guidelines Section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effects (Guidelines Section 15091) and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project (Guidelines Section 15093).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakland as follows:

Section 1. **Exhibit 1** (CEQA Findings, Including Certification of the EIR as Recommended by the Planning Commission, Adopting Findings on Impacts and Mitigation Measures, Rejection of Certain Alternatives and Mitigation Measures as Infeasible, and Adopting a Statement of Overriding Considerations), and **Exhibit 2** (Mitigation Monitoring and Reporting Plan) of this Resolution, provide findings required under and satisfy the requirements of Section 15090, 15091, 15092 and 15093 of the CEQA Guidelines. The City Council hereby adopts these various findings of fact attached hereto as **Exhibit 1** and the Mitigation Monitoring and Reporting Plan attached hereto as **Exhibit 2**.

Section 2. **Exhibit 1** of this Resolution provides the findings required under Section 15090 of the CEQA Guidelines relating to certification of the EIR. The City Council hereby certifies the EIR in accordance with the requirements of CEQA as recommended by the Planning Commission.

Section 3. **Exhibit 1** of this Resolution, provides the findings required under Section 15091 of the CEQA Guidelines related to the significant environmental impacts of the Project and mitigation measures. The City Council hereby adopts these various findings of fact attached hereto as **Exhibit 1**.

Section 4. **Exhibit 1** of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the project to be "acceptable." The City Council hereby adopts the Statement of Overriding Considerations contained within **Exhibit 1**.

Section 5. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that, pursuant to Section 15092 of the CEQA Guidelines, approval of the project will result in significant effects on the environment; however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable

under Section 15093. The City Council has considered alternatives to the Project and finds based on substantial evidence in the record that the Proposed Project with Grade Separation Alternative (Alternative 3) is the best alternative that can be feasibly implemented in light of relevant economic, legal, social, technological, and other reasons, as discussed herein. The City Council hereby selects the Proposed Project with Grade Separation Alternative (Alternative 3) and rejects all other alternatives, and combinations and variations, thereof. Therefore, the CEQA Findings in **Exhibit 1** relate to the approval of the Proposed Project with Grade Separation Alternative (Alternative 3). The City Council hereby adopts these various findings of fact attached hereto as **Exhibit 1**.

Section 6. These findings made by the City Council are supported by substantial evidence in the record as a whole, which is summarized herein.

Section 7. Pursuant to Section 15091 of the CEQA Guidelines, the Mitigation Monitoring and Reporting Plan attached hereto as **Exhibit 2** (Mitigation Monitoring and Reporting Plan) is hereby adopted to ensure implementation of feasible mitigation measures identified in the EIR. The City Council finds that these mitigation measures include all reasonably feasible mitigation measures, are fully enforceable as conditions on the Project and shall be binding upon the City and affected parties by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring and Reporting Plan in **Exhibit 2** of this Resolution.

Section 8. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Alameda County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

Section 9. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 1 Frank H Ogawa Plaza, 1st and 2nd Floors, Oakland, CA 94612, or at cityclerk@oaklandca.gov. The City Clerk is the custodian of records for all matters before the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

5055134.1

EXHIBIT 1

CALIFORNIA ENVIRONMENTAL QUALITY (CEQA) ACT FINDINGS ON (A) CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE OAKLAND WATERFRONT BALLPARK DISTRICT PROJECT (ER 18-016); (B) IMPACTS AND MITIGATION MEASURES FOR THE PROPOSED PROJECT WITH GRADE SEPARATION ALTERNATIVE (ALTERNATIVE 3), SELECTION OF ALTERNATIVE 3 AS PROJECT AND REJECTION OF OTHER ALTERNATIVES AND CERTAIN MITIGATION MEASURES AS INFEASIBLE; (C) STATEMENT OF OVERRIDING CONSIDERATIONS; AND (D) MITIGATION MONITORING AND REPORTING PROGRAM.

I. INTRODUCTION

These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq (CEQA)), the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) and the City CEQA Procedure and Guidelines (Chapter 17.158 of the Oakland Municipal Code) by the City of Oakland City Council in connection with the Environmental Impact Report (EIR) prepared for the Oakland A's Waterfront Ballpark District at Howard Terminal at 1 Market Street (Case File Number ER18016), SCH# 2018112070. The EIR includes the Draft EIR and Response to Comments/Final EIR. The Response to Comments/Final EIR is referred to herein as the "Final EIR or FEIR".

These CEQA findings are included as part of this Exhibit 1 and attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project. The Mitigation Monitoring and Reporting Program (MMRP) for the Project is attached as Exhibit 2 to the CEQA Resolution for the Project. All Exhibits and attachments are incorporated by reference into each other and into the ordinance or resolution to which the Exhibits are attached.

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, PROJECT OBJECTIVES AND ALTERNATIVES

1. PROJECT DESCRIPTION AND SELECTION OF PROPOSED PROJECT WITH GRADE SEPARATION ALTERNATIVE (ALTERNATIVE 3) AS PROJECT.

These finding address the Project with the Grade Separation Alternative (Alternative 3) without either of the Peaker Plant Variant and Aerial Gondola Variant as described in Chapter 5, *Project Variants*, in the Draft EIR (collectively, "Variants".) Therefore, the impacts of the Variants are not addressed in these findings. The Oakland Waterfront Ballpark District Project, which would include construction and operation of: a new open-air waterfront multi-purpose Major League Baseball (MLB) ballpark with a capacity of up to 35,000-persons; mixed use development including up to 3,000 residential units, up to 1.5 million square feet of office, and up to approximately 270,000 square feet of retail uses; an approximately 50,000 square-foot indoor performance center with capacity of up to 3,500 individuals; an approximately 280,000 square-foot, 400 hotel rooms; and a network of approximately 18.3 acres of publicly-accessible open spaces. A full description of the proposed Project analyzed in the EIR is included in Chapter 3 of the Draft EIR with additional information provided in the Final EIR, including Chapter 2, Updated Project Information, all of which are incorporated herein by reference.

The Proposed Project with the Grade Separation - Alternative 3 ("Alternative 3" or "Project") is described in Chapter 6 of the Draft EIR and consists of the proposed Project with the construction of a single grade-

separation crossing over the railroad tracks for vehicles accessing the site. There are two potential locations for the grade-separation vehicular overcrossing under Alternative 3, one at Market Street and one at Brush Street. In both options, this the grade crossing would be for vehicles only (i.e., no pedestrian or bicycle use) and, is based on preliminary design as shown in Chapter 6 of the Draft EIR which is subject to change in final design plans. In addition to the construction of the grade crossing structure, Alternative 3 generally would involve additional excavation for utility relocation and construction, would require private and public property acquisition, and would block access to some driveways.

The grade-separated crossing would alter circulation patterns in the blocks immediately north of the Project site and may affect a number of parcels and businesses in the area. The new overcrossing is located in a fully developed area. The impacts on adjacent parcels may include: overhead encroachment, modification of existing intersections, acquisition of right-of-way, elimination of existing property access (ex. driveways), utility relocation, and acquisition of property. In some cases, the driveways affected by each alignment represent a second means of access/egress to a large parcel, or could be relocated to another street frontage.

The City Council finds that Alternative 3 The Proposed Project with the Grade Separation Alternative provides the best balance between the Project sponsor's objectives, the City's goals and objectives, overall type and amount of impacts, the Project's benefits and provides public benefits, as described in the Agenda Report, related City/Port Legislation and in these Findings and the record as a whole. The City Council finds Alternative 3 to be feasible and would meet the underlying purpose and all of the Project objectives. As compared to the Proposed Project without the grade separation alternative, this alternative would better satisfy Project Objective 8 by further minimizing interference with the Port of Oakland's existing or reasonably anticipated use, operation and development of Port facilities, or the health and safety of Port tenants and workers, and facilitate the continued operation and future growth of the Port of Oakland. The Port of Oakland has stated support for this alternative because it would promote and enhance vehicular safety, pedestrian safety and freight efficiency. (Port of Oakland Letter, dated December 16, 2021.) The alternative would also provide significant public and safety benefits that would not be provided by the Proposed Project or the other alternatives. It would allow for the waterfront to be connected to the City street grid in the area with a grade separation crossing where none currently exists. With the grade separation, the Project will provide a crucial connection between the City street grid and the waterfront, improving access from the surrounding neighborhood and regional transportation networks to the Howard Terminal property and the entire waterfront. It will facilitate the access to the proposed sports stadium and public open space along the waterfront. It will reduce existing vehicle conflicts with the adjacent rail line. The vehicle overcrossing also will help the proposed Waterfront Ballpark District integrate with and revitalize the adjacent Jack London Square area. Based on a review of the EIR it is determined that the impacts of Alternative 3 were analyzed in the EIR in sufficient detail to analyze the reasonably foreseeable impacts of Alternative 3, as discussed Sections VIII, IX and X below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures identified in the EIR mitigate these impacts to the extent feasible. All mitigation measures in the MMRP will be imposed on Alternative 3. The other alternatives, including the environmentally superior alternative, evaluated in the EIR are rejected for the reasons stated in Section XI below. The City Council further finds that Alternative 3 The Proposed Project with the Grade Separation Alternative is selected as the Project, and that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, based on a Statement of Overriding Considerations.

For purposes of these findings, the CEQA project, evaluated in these CEQA Findings and Statement of Overriding Considerations, (referred to herein as, "the Project" or "Alternative 3"), shall refer to the proposed Project with a single vehicle grade separation overcrossing of the railroad tracks as described in Alternative 3: the Proposed Project with Grade Separation Alternative in Chapter 6 of the Draft EIR. The

"Proposed Project" refers to the proposed project without a vehicle grade separation crossing as described in the EIR since the Project Sponsor did not include a vehicle grade separation as part of their proposed Project.

2. PROJECT OBJECTIVES

The objectives of the Proposed Project are as follows:

1. Construct a state-of-the-art, multi-purpose waterfront ballpark and event center in Oakland that meets Major League Baseball (MLB) requirements for sports facilities, can be used year-round for sporting events and entertainment and convention purposes with events ranging in capacity up to 35,000, and expands opportunities for the City's tourist, hotel and convention business.
2. Provide sufficiently dense, complementary mixed-use development with a range of flexible uses, including residential, office/commercial, retail, and entertainment, to create a vibrant local and regional visitor-serving waterfront destination that is active year round, complements the waterfront ballpark, expands tourism and visitor activity and interest even when the ballpark is not in use, increases housing at a range of affordability levels, and provides increased business and employment opportunities.
3. Construct a new ballpark for the Oakland Athletics on Oakland's waterfront, designed and sited to respond to local conditions, including wind and sun and thermal conditions, while maximizing water views, with the goal of optimizing player and fan experiences of the ballpark, the waterfront and the project site.
4. Create a lively, continuous waterfront district with strong connections to Jack London Square, West Oakland, and Downtown Oakland by extending and improving existing streets, sidewalks, bicycle facilities and multi-use trails through and near the project site to maximize pedestrian and nonmotorized mobility and minimize physical barriers and division with nearby neighborhoods.
5. Complete construction of the new ballpark, together with any infrastructure required to serve the ballpark, within a desirable timeframe and to maintain the Oakland Athletics' competitive position within Major League Baseball.
6. Construct high-quality housing with enough density to contribute to year-round active uses on the project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents and to assist Oakland in meeting its housing demand.
7. Develop a financially feasible project that is responsive to market demands; has the ability to attract sources of public and private investment in an amount sufficient to fund all costs of the proposed project, including the construction and long term maintenance of required infrastructure; provide a market rate return on investment; and supports a comprehensive package of benefits, which may include local employment and job training programs, local business and small business policies, public access and open space, affordable housing, transportation infrastructure, increased frequency of public transit and transit accessibility, and sustainable and healthy development measures for the surrounding community.
8. Design a project that minimizes interference with the Port of Oakland's existing or reasonably anticipated use, operation and development of Port facilities, or the health and safety of Port tenants and workers, and is consistent with the continued operation and future growth of the Port of Oakland.
9. Increase public use and enjoyment of the waterfront by opening the south and southwestern shores of the project site to the public with a major new waterfront park and inviting waterfront promenade featuring multiple public open spaces that are usable and welcoming in all seasons, extending access to the Oakland waterfront from Jack London Square, West Oakland and Downtown Oakland through design of a bicycle, pedestrian, and transit-oriented community with well-designed parks, pedestrian-friendly streets, walkable blocks, and links to open spaces, taking advantage of the project site's unique proximity to Jack London Square, the waterfront and downtown.

10. Construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited green building design and construction practices, walkability features, and sea level rise adaptability standards.
11. Optimize opportunities for sustainable transportation by encouraging walking, bicycling, and transit use, and discouraging automobile use.

3. EIR Alternatives.

The EIR describes and evaluated the environmental impacts of the following alternatives in the EIR: (1) No Project Alternative, (2) The Off-Site (Coliseum Area) Alternative, (3) The Proposed Project with Grade Separation Alternative, and (4) The Reduced Project Alternative. These are described and analyzed in Chapter 6 of the Draft EIR and are briefly described below.

Alternative 1: No Project Alternative: The No Project Alternative assumes that the Project site conditions and uses would remain in their current state. The existing conditions are characterized in the Project Description Chapter of the EIR. Under the No Project Alternative, the Oakland A's would not relocate to Howard Terminal, which would not be redeveloped with a mix of new uses and would remain in use by the Port for maritime uses. For the foreseeable future, uses and activities at Howard Terminal would continue to include truck parking, loaded and empty container storage and staging, longshoreperson training facilities, and occasional berthing of vessels for repair or storage. There would continue to be no public access to the Bay from Howard Terminal, and on- and off-site park and open space improvements proposed as part of the Project would not be constructed. No changes would be made to the regulatory documents governing site uses and maintenance given hazardous materials in the soil and groundwater; no changes would be made to address stormwater runoff; and there would be no increased demand for potable water, wastewater treatment, or public services. The turning basin could be expanded if desired and permitted in the future as a separate Port project independent from the Project. Neither of the Project variants would be implemented, and the Peaker Power Plant, located in the historic Pacific Gas and Electric Company (PG&E) Station C facility on the northern portion of the Project site, would continue operation as a jet fuel power generation facility in accordance with the Reliability Must Run designation by the California Independent System Operator (ISO). Under this alternative, the Oakland A's would continue to use the Oakland–Alameda County Coliseum (Oakland Coliseum) until the end of their current lease in 2024. In the longer term, the A's would likely have to build a new ballpark, either in Oakland or in some other location.

Alternative 2: The Off-Site (Coliseum Area) Alternative: Under this alternative, Howard Terminal would remain in its current use, and the Oakland A's would construct a new ballpark and their proposed mixed-use development at the site of the Oakland Coliseum. No physical changes would occur at Howard Terminal, which would remain in use by the Port for maritime uses. Uses and activities at Howard Terminal would continue to include truck parking, loaded and empty container storage and staging, longshoreperson training facilities, and occasional berthing of vessels for repair or storage. There would continue to be no public access to the Bay from Howard Terminal, and on-site park and open space improvements proposed as part of the Project would not be constructed. No changes would be made to the regulatory documents governing site uses and maintenance given hazardous materials in the soil and groundwater, no changes would be made to stormwater runoff, and there would be no increased demand for potable water, wastewater treatment, or public services. Neither of the Project variants analyzed in Chapter 5, Project Variants, would be implemented with the Off-site (Coliseum Area) Alternative, and the Peaker Power Plant, located in the historic PG&E Station C facility on the northern portion of the Howard Terminal site, would continue operation as a jet fuel power generation facility in accordance with the Reliability Must Run designation by the California ISO. At the Oakland Coliseum site, this alternative would remove the existing Coliseum building and replace it with a new ballpark, retain the existing Oakland Arena, and develop the same mix and density of uses that are proposed with the Project. This

mix and density of uses would be slightly different than anticipated in the City's adopted Coliseum Area Specific Plan (CASP), for which an EIR was prepared and certified in 2015. As a result, a CASP amendment would be required. Characteristics of the Off-Site (Coliseum Area) Alternative would be most similar to those analyzed for the Coliseum District in the CASP EIR Alternative 2C, which included construction of a new stadium and retention of the existing arena, although the Off-Site Alternative would occur on a smaller site than the 253-acre "Coliseum District" analyzed in CASP EIR Alternative 2C.

Alternative 3: The Proposed Project with Grade Separation Alternative: Alternative 3 would construct the proposed Project at the Project site and include the construction of a grade-separated crossing over the railroad tracks for vehicles accessing the site. This alternative would also include the pedestrian and bicycle overcrossing and other off-site improvements required as mitigation in Section 4.15, Transportation and Circulation, to address safety of at-grade railroad crossings. There are two potential locations for the grade-separated vehicular overcrossing under this alternative, one at Market Street and one at Brush Street. With both the Market Street and Brush Street alignments, Alternative 3 would primarily be located within the public right-of-way and the railroad corridor; however, in each case property acquisition(s) would be required. Examples of acquisition needed would be where the alignment would intrude onto a privately-owned parcel or publicly owned parcel. The Brush Street alignment could also require real property acquisitions to accommodate termination of 2nd Street in a cul-de-sac (rather than a T-intersection with Brush Street). These alignments are discussed in Chapter 6 of the EIR. In both overcrossing options, this alternative assumes that the grade crossing would be for vehicles only (i.e., no pedestrian or bicycle use) and would utilize a 9 percent vertical profile (slope), a 250-foot horizontal radius for the roadway curve, and 4-foot-wide shoulders, which would require certain variances. With both the Market Street and Brush Street alignments, Alternative 3 would also restrict existing driveway access to some parcels where the roadway rises to go over the railroad tracks. In these instances, the Project sponsor would work with affected property owners to relocate driveways and potentially reconfigure vehicle, bicycle, and pedestrian access and parking. Substantial utility relocations also would be required for both options.

Alternative 4 – Reduced Density Alternative: Alternative 4, the Reduced Project Alternative, would include site preparation and phased construction of a new ballpark and other uses; however, commercial and residential development would be at lower densities than with the proposed Project. The site plan for Alternative 4 would be the same as for the proposed Project, with commercial, residential, and mixed-use development. However, only the ballpark and the hotel(s) would be taller than 100 feet tall and both the amount of construction and the intensity of use of the site would be less than with the proposed Project. Table 6-3 in the Draft EIR provides a summary of development under Alternative 4 compared to the proposed Project. In summary, the Reduced Density Alternative would include the following development: a new open-air waterfront multi-purpose Major League Baseball (MLB) ballpark with a capacity of up to 35,000-persons; mixed-use development including up to 700 residential units, up to 350,000 square feet of office, and up to approximately 63,000 square feet of retail uses; an approximately 50,000 square-foot indoor performance center with capacity of up to 3,500 individuals; an approximately 280,000 square-foot, 400-room hotel; and a network of approximately 18.3 acres of privately owned, publicly accessible open spaces. Alternative 4 would provide the same amount of open space as the proposed Project, and parking would be provided within parking structures, on street, and within mixed-use buildings, as envisioned with buildout of the proposed Project. The Maritime Reservation Scenario and one or both of the Project variants could also be implemented in conjunction with the Reduced Project Alternative. Figure 6-5 and Figure 6-6 in the Draft EIR illustrate development phasing and overall building densities associated with the Reduced Project Alternative with and without the Maritime Reservation Scenario.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

Pursuant to CEQA and the CEQA Guidelines, the City published a Notice of Preparation (NOP) on November 30, 2018, pursuant to State CEQA Guidelines Section 15082 (Notice of Preparation and Determination of Scope of EIR), indicating that an EIR would be prepared for the Oakland Waterfront Ballpark District Project and inviting comments on the scope of the Draft EIR. A 45-day public scoping period for the Draft EIR ended on January 14, 2019. Public scoping sessions were conducted by the Oakland Landmarks Preservation Advisory Board (LPAB) on Monday, December 17, 2018, and the Oakland Planning Commission on Wednesday, December 19, 2018. The NOP was sent to property owners within 300 feet of the Project site, responsible and trustee agencies, organizations, and other interested parties. A notice was published in the newspaper, and a copy of the NOP was sent to the State Clearinghouse to solicit statewide agency participation in determining the scope of the EIR, and to the County Clerk, who posted the NOP for public notice. All comments received on the NOP are included in Appendix NOP of the DEIR.

The City issued a Notice of Availability/Notice of Completion (NOA/NOC) of the Draft EIR on February 26, 2021, announcing the availability of the Draft EIR for public review and comment (DEIR or Draft EIR). The NOA/NOC noticed a 45-day public review and comment period on the Draft EIR, starting February 26, 2021, and ending April 12, 2021, and the City subsequently extended the period an additional 15 days to April 27, 2021.

During the public review and comment period on the Draft EIR, the City conducted an informational workshop on Saturday, March 6, 2021, pursuant to California Assembly Bill (AB) 734 (discussed below). A public meeting on the Draft EIR was also held by the Oakland Landmarks Preservation Advisory Board (LPAB) on Monday, March 22, 2021, and a public hearing at the Oakland City Planning Commission was held on Wednesday, April 7, 2021. The date of the public hearing was set in compliance with AB 734, which requires that a public hearing on the Draft EIR occur within the last 10 days of the comment period. Consistent with Alameda County's Shelter in Place Orders and guidance from the Governor's Office of Planning and Research, the Draft EIR was made available in digital form and public hearings on the Draft EIR were held remotely.

The City encouraged agencies and interested parties to submit written comments on the Draft EIR electronically via the following link: https://comment-tracker.esassoc.com/oaklandsportseir/index.html. Written comments could also be submitted to the City of Oakland Bureau of Planning by email or by fax. The City received some letters by U.S. mail, and in most cases, the commenter also submitted its correspondence electronically.

By the end of the (extended) comment period, the City received oral or written comments from a total of 498 commenters (including commenters who commented multiple times). A list of the commenters is provided in Chapter 3, Roster of Commenters, of the Final EIR.

The City has prepared written responses to comments received during the public review and comment period for the Draft EIR. These comments and the "Response to Comments" are provided in the Final EIR. Chapter 4 of the Final EIR provides "Consolidated Responses" that respond collectively to comments received from many commenters. Chapter 5 of the Final EIR provides all written comments (submitted by email, via the electronic comment tracker, by mail, or by hand) together with individual responses to comments not addressed in Chapter 4. Chapter 6 of the Final EIR provides all oral comments received at the meeting of the Landmarks Preservation Advisory Board and at the hearing conducted by the Oakland City Planning Commission.

In addition to providing the comments and responses to comments on the Draft EIR, the Final EIR includes necessary updates and other modifications and clarifications to the text and exhibits in the Draft EIR in

Chapter 7, City-Initiated Updates and Errata to the Draft EIR. Due to the large volume of text contained in the Draft EIR and its appendices, the Final EIR does not contain the full text of the Draft EIR, which remains available in a separate volume. Both the Draft EIR and Final EIR are incorporated herein by reference.

The Draft EIR and Final EIR, and all supporting technical documents under City of Oakland Case ER#18-016, and all of the documents submitted to or relied on by the City in preparation of the Draft EIR and Final EIR (i.e., Record of Proceedings), can be found at https://www.waterfrontballparkdistrict.com, consistent with the requirements of AB 734. Project-related documents are also available to view at the City of Oakland's website:

https://www.oaklandca.gov/topics/oakland-waterfront-ballpark-district, and https://www.oaklandca.gov/documents/oakland-as-waterfront-ballpark-district-at-howard-terminal-environmental-impact-report-documents-case-file-number-er18-016.

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097 (Mitigation Monitoring or Reporting) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to an EIR. Accordingly, as Lead Agency, the City has prepared a Mitigation Monitoring and Reporting Program (MMRP) for the Project; the Draft MMRP is included as Appendix 02 to the Final EIR. The intent of the MMRP is to track and successfully implement the mitigation measures identified within the EIR and is adopted as part of the Project to avoid or mitigate significant effects on the environment. The MMRP is designed to ensure compliance with the mitigation measures during and after Project implementation.

Notice of and access to the Final EIR was provided to those state and local agencies who commented on the NOP and Draft EIR, submitted electronically to the State Clearinghouse CEQAnet web portal, posted on the Project site, mailed to property owners within 300 feet of the Project site, and mailed to individuals who have requested to specifically be notified of official City actions on the Project. Notice of and access to the Final EIR was also provided to City officials, including the Planning Commission and Landmarks Preservation Advisory Board, and made available for public review on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments on the Draft EIR have been published and made available to all commenting agencies at least 10 days prior to the final certification hearing. The City Council 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 Project.

On January 19, 2022, the Planning Commission held a public hearing to consider certification of the EIR. After the public hearing and consideration of testimony and all information in the record, the Planning Commission unanimously recommended that the City Council adopt the findings to certify the EIR.

The Project impacts which are less than-significant after the implementation of mitigation measures are addressed in Section IX. The Project impacts which are significant and unavoidable, even with all feasible mitigation measures required and implemented include addressed in Section X.

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 Landmarks Preservation Advisory Board, Planning Commission and City Council relating to the EIR, the approvals, and the Project.

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

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 applications, letters, testimony, reports, studies, memoranda, maps, and presentations presented by the Project sponsor and its consultants to the City in connection with the Project.

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

g. 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, all documents referenced in and relied upon in such environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The MMRP for the Project.

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

The City has relied on all of the documents listed above in reaching its decisions on the Project even if not every document was formally presented to City decision-making bodies or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City decision-making bodies were aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City decision-making bodies for the Project. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866.).

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 City Planning, Department of Planning and Building, Bureau of Planning, or his/her designee. Consistent with the procedural requirements of Section 21168.6.7, the EIR and all other documents submitted to or relied upon by the City in the preparation of the EIR can be accessed and downloaded from the following website: https://waterfrontballparkdistrict.com/**.** Project-related documents are also available to view at located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612 and the City of Oakland's website:

https://www.oaklandca.gov/topics/oakland-waterfront-ballpark-district, and
https://www.oaklandca.gov/documents/oakland-as-waterfront-ballpark-district-at-howard-terminal-environmental-impact-report-documents-case-file-number-er18-016.

V. NO RECIRCULATION REQUIRED DUE TO ABSENCE OF SIGNIFICANT NEW INFORMATION

The City Council 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 City Council has reviewed and considered the Final EIR and all of this information. The new information added in the Final EIR merely clarifies and makes insignificant changes to an adequate DEIR, and does not add significant new information to the DEIR 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 Project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.

The City Council finds that the changes and modifications made to the EIR after the DEIR 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 CEQA Guidelines section 15088.5 – see Consolidated Response 4.3 in Chapter 4 of Final EIR.

VI. CERTIFICATION OF THE EIR

On January 19, 2022, the Planning Commission adopted findings recommending that the City Council certify the EIR. In accordance with CEQA, the City Council certifies the EIR based on the following findings:

1. The EIR has been completed in compliance with CEQA, the CEQA guidelines, and the City's CEQA procedures.
2. The City Council has independently reviewed and considered the record and the EIR prior to making its decision to certify the EIR and taking any action to approve the Project.
3. The EIR represents the independent judgment, review and analysis of the City and the City Council.
4. The EIR provides information to the decision-makers and the public on the environmental consequences of the Project.
5. The EIR adequately discusses the potential adverse environmental effects, ways in which such effects might be mitigated, and alternatives to the project which would reduce or avoid such adverse effects.

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

The City Council certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations necessary for approval of the Project. The City Council certifies that the EIR is adequate to support approval of the Project, with or without the variants described in the EIR, approval of any alternatives to the Project, and any minor modifications to the Project, variants or alternatives described in the EIR.

VII. MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring and reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The MMRP is attached as Exhibit 2 to the CEQA Resolution for the

Project and incorporated by reference and will be included in the conditions of approval for the Project approval actions. The MMRP satisfies the requirements of CEQA.

The mitigation measures set forth in the MMRP 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 mitigation measures define performance standards to ensure no significant environmental impacts will result. The MMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted mitigation measures. Note that the Implementing Party identified in the MMRP for some mitigations relating to off-site public or other improvements relating to the Project may be modified in future Project approvals and, therefore, may be revised based on actions and findings adopted at the time of those future Project approvals.

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

The mitigation measures to be 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 mitigation measure recommended in the EIR has been inadvertently omitted from the MMRP, that mitigation measure is adopted and incorporated from the EIR into the MMRP by reference and shall be imposed 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 City Council adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR and summarized in the MMRP, which are incorporated herein by reference. These findings are summaries of conclusions regarding impacts and mitigation measures that are set forth in the EIR. They do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City Council ratifies, adopts, and incorporates, as though fully set forth herein, the analysis, explanations, findings, responses to comments and conclusions of the EIR. The City Council adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the Project sponsor as may be modified by these findings.

In adopting the mitigation measures referenced and briefly described below, the City intends to adopt each of the mitigation measures recommended in the certified EIR and the full language of each mitigation measure. Accordingly, in the event that a mitigation measure recommended in the certified EIR has been inadvertently omitted from these findings, that mitigation measure is hereby adopted and incorporated by reference in the findings. Additionally, in the event that the description of mitigation measures set forth below fails to completely and accurately to capture the substance of a given mitigation measure due to a clerical error (as distinct from specific and express modification by the City through these findings), the language of the mitigation measure as set forth in the certified EIR shall govern.

With respect to mitigation measures that were suggested in comments by the public or other public agencies but not recommended in the certified EIR, the responses to comments explained that the suggested mitigation measures either are already part of the Proposed Project and/or included in the EIR and MMRP are infeasible or ineffectual and thus not recommended for adoption for the reasons outlined in the responses to comments. The City hereby adopts and incorporates by reference the reasons stated in the responses to

comments in the certified EIR and elsewhere in the EIR or record as a whole as the basis for finding the suggested mitigation measures are not necessary or appropriate for inclusion as Project requirements.

The City Council 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 City Council acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The City Council 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 City Council 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 substantial evidence as defined in CEQA Guidelines section 15384, and 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 stated above in Section II, the "Project" or "Alternative 3" referred to in these findings is the proposed Project with a single vehicle grade separation crossing of the railroad tracks as described in Alternative 3: the Proposed Project with Grade Separation Alternative in Chapter 6 of the Draft EIR. Therefore, to the extent the addition of the grade separation crossing results in additional impacts than those presented by the Proposed Project, those are reflected in the detailed findings for each impact area below. In summary, the addition of the grade separation will result in greater impacts in the following areas: (1) emissions of pollutants affecting air quality would be greater due to the construction of the grade separation. Criteria pollutant emissions from construction would increase compared to the Proposed Project. The construction mitigations for the Project with the grade separation would be the same as the Proposed Project without the grade separation and the significance determinations for impacts would remain the same. Toxic Air Contaminant (TAC) emissions would also be greater during construction. The resulting health risks would be higher due to these increased TAC emissions and the proximity of off-site receptors to the proposed alignments and result in a new significant unavoidable impact for the Project as compared to the Proposed Project. The Project's contribution to cumulative health risks would also be higher than with the Proposed Project due to the increase in construction emissions. Mitigations for the Project would be the same as with the Proposed Project and the significance determinations for the cumulative impact would remain the same; (2) on cultural resources impacts, the introduction of a grade-separated crossing on the Market Street or Brush Street alignment would alter the context of the Southern Pacific Railroad API historic resource which could no longer be easily appreciated as a grouping, and the line of sight along the railroad tracks would be impeded. While this impact could be reduced with a sensitive design for the overcrossing that is both industrial in character and as transparent as possible, the impact of the Project on the historic resource would be a new significant and unavoidable as compared to the Proposed Project. All other cultural resources impacts would be similar to the Proposed Project with the mitigation included in the EIR; (3) greenhouse gas emissions would be greater due to the construction of the grade separation. However, the impact will remain less than significant with Mitigation Measure GHG-1 which requires no new additional emissions from the Project as a whole; (4) additional impacts due to additional hazards materials through construction of grade separation crossing which will remain less than significant with Mitigation Measures HAZ-1a, HAZ-1b, and HAZ 1c; (5) Due to greater noise and vibration during construction and at least one sensitive receptor being located just east of Brush Street north of the railroad tracks, the severity of three significant and unavoidable noise and vibration impacts resulting from the Proposed Project would potentially increase under this alternative: Impact NOI-1, temporary or periodic increases in noise from construction; Impact NOI-2, groundborne vibration during construction; and Impact NOI-1.CU, contribution to cumulative temporary or periodic increases in noise levels due to construction. However, the Project would be subject to the same mitigation measures and the impact would remain significant and unavoidable, the same as the Proposed Project; and (6) additional impacts to public utility and services since construction of grade separation would require additional excavation and construction which would include relocation of existing utilities. While there would be more potential conflicts and relocations of existing utilities due to grade

separation crossing than with the Proposed Project, the application of existing laws and regulations would ensure that impacts would be reduced to less than significant, similar to those with the Proposed Project. Note that the addition of the vehicle grade separation crossing in the Project would reduce the severity of Impact TRANS-3 and TRANS-3.CU relating to transportation hazards at railroad at-grade crossings as compared to the Proposed Project but those impacts would remain significant and unavoidable with mitigation and are also subject to the jurisdiction, control and approval authority of other agencies than the City.

IX. POTENTIALLY 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 MMRP, and mitigation measures, the City Council finds that changes or alterations have been required in, or incorporated into, the Project that mitigate to a less than significant level or avoid the Project's potentially significant effects on the environment as identified in the EIR, except where expressly stated in Section X below. These changes and/or alterations required in, or incorporated into, the Project are discussed below in Sections IX and X.

The following potentially significant impacts of the Project will be reduced to a less-than-significant level through the implementation of Project mitigation measures, as set forth in the EIR and MMRP. In the case of a conflict between the language in the EIR and the MMRP, the language in the MMRP controls. Note that the EIR contains some references to the City's Recommended Conditions of Approval and Necessary Improvement Measures that are not CEQA-related and are not required to address CEQA impacts. However, the EIR provides these additional referenced conditions or measures to provide additional information to the decision-makers and public:

A. AIR QUALITY

Impact AIR-5: Toxic Air Contaminants - Proposed Future On-Site Sensitive Receptors. Construction and operation of the Project could expose proposed future on-site sensitive receptors to substantial levels of toxic air contaminants (TACs). The HRA for the Project was conducted to assess increased cancer risk, non-cancer chronic health effects, and localized annual average PM2.5 concentrations from both construction and operational sources. New on-site sensitive receptors in the HRA include all new on-site sensitive receptors located at the Project site and were assumed to be present at each non-ballpark building. The net total Project cancer risk from construction and operational sources combined, including accounting for the health risk associated with the potential relocation of truck parking from Howard Terminal to the Roundhouse and implementation of shuttle bus service, would exceed the City's threshold of 10 per million. (See Table 142 in Appendix AIR.1 of Draft EIR) In addition, the annual average PM2.5 concentrations for the unmitigated Project at the on-site MEIR would exceed the City's threshold of 0.3 µg/m3. (See Table 142 in Appendix AIR.1 of Draft EIR). Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), AIR-4a (Install MERV16 Filtration Systems), and AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), as set forth in the EIR and MMRP, would address impacts of Project-related TAC emissions on proposed future on-site sensitive receptors. The effectiveness of Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, and AIR-3 for reducing DPM and PM2.5 emissions, as applicable, are discussed in Section X below. Mitigation Measure AIR-4a would reduce the exposure of new on-site sensitive receptors to DPM and PM2.5 emissions associated with Project construction and operations and Mitigation Measure AIR-4b which requires that the Project sponsor install air filtration systems, locate new sensitive receptors as far from TAC emission sources as feasible, and plant vegetative buffers to trap particulate matter would also reduce the exposure of new on-

site sensitive receptors to TAC emissions associated with Project construction and operations. With implementation of Mitigation Measures AIR-1c, AIR-2c, and AIR-4a, the excess lifetime cancer risk at the on-site MEIR, the non-cancer chronic health impacts for all on-site receptors, and the annual average PM2.5 concentrations would be reduced below the thresholds of significance, and the impact would be less than significant with mitigation. The Project with the grade separated crossing would result in the same less than significant impact with mitigation.

B. BIOLOGICAL RESOURCES

As discussed in the EIR (DEIR Chapter 4.3 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact BIO-1, Impact BIO-2, Impact BIO-3, Impact BIO-5 and Impact BIO-1.CU.

The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The new overcrossing would be located in a fully developed area, with no natural vegetation. For this reason, less-than-significant impacts with mitigation of Alternative 3 would be similar to those with the Proposed Project. Measures that would be relevant to the grade-separated crossing itself include those related to tree removal during nesting bird season (Mitigation Measure BIO-1a) and bird collision reduction measures related to lighting (within Mitigation Measure BIO-1b).

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact BIO-1: Special-Status, Resident and Migratory Birds. The Project could have a substantial adverse effect, either directly or through habitat modifications on resident and/or migratory birds and/or on bird species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). The bulk of the Project site is developed and is subject to industrial uses that are not conducive to bird nesting, however, vegetation suitable for nesting birds exists on street trees and a few landscaping shrubs adjacent to the site. Existing buildings and other structures (e.g., container cranes) also provide suitable habitat to support bird nesting, including the American peregrine falcon, nesting osprey and double-crested cormorant. Project construction activities are expected to generate noise and visual disturbances that could adversely affect bird breeding and nesting behaviors at the Project site and nearby. Project construction activities such as vegetation removal, tree trimming or removal, ground disturbing activities (excavation and grading), and pile driving for building foundations could result in direct impacts to nesting birds. Noise, visual disturbance, and a general increase in human activity associated with construction could indirectly affect nesting efforts at the Project site and surrounding vicinity. The loss of an active nest occupied by a bird species protected by the federal MBTA or California Fish and Game Code would be considered a significant impact under CEQA. Potential nest abandonment, mortality to eggs and chicks, as well as stress from loss of foraging areas would also be considered potentially significant impacts. In addition, many bird collisions are induced by artificial night lighting. The type of special-purpose lighting often used around stadiums and to highlight special events during project operations (e.g., architectural feature lighting and spotlights) could attract birds in flight during migration, increasing the potential for avian collisions with glass or reflective surfaces used in the proposed buildings which could result in mortality, and could be a significant impact under CEQA. Noise and visual disturbance associated with firework displays could result in adverse effects on nearby birds during the nesting season should fireworks cause adults to abandon an active nest or flush from the nest for an extended amount of time. Peregrine falcons have nested on the easternmost crane on the Project

waterfront since approximately 2015 and can be sensitive to human disturbance in some situations. Peregrine falcon is fully protected by CDFW and considered a bird species of conservation concern by USFWS, and take of eggs or young as a result of Project operation would be a significant impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures BIO-1a (Disturbance of Birds during Nesting Season), BIO-1b (Bird Collision Reduction Measures), and BIO-1c (Peregrine Falcon Firework Display Surveys, Buffer, and Monitoring), as set forth in the EIR and MMRP, would address Project-related impacts on special-status, resident and migratory birds. Mitigation Measure BIO-1a would avoid direct and indirect impacts to nesting birds associated with tree removal, and additionally protects birds that may be nesting on the ground or non-tree structures in the Project area. Mitigation Measure BIO-1b would avoid or minimize avian collisions with buildings or other Project features through incorporating specific design elements into the development and adapting landscaping schemes. Mitigation Measure BIO-1c would reduce potential impacts on nesting peregrine falcons within the Project site associated with ballpark firework displays during the breeding season by providing a survey for active peregrine falcon nesting sites on the Project site, establishing a 500-foot buffer between the fireworks detonation area and nest sites, and requiring focused surveys to monitor peregrine nest behavior prior to and immediately after firework displays. With implementation of Mitigation Measures BIO-1a, BIO-1b and BIO-1c, potential impacts on special-status, resident and migratory birds would be reduced and the impact would be less than significant with mitigation.

Impact BIO-2: Special-Status and Otherwise Protected Bats. The Project could have a substantial adverse effect, either directly or through habitat modifications on bats identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USWFS. While bat roosting has not been confirmed on the Project site, pallid bat, a California species of special concern, and common Mexican free-tailed bat have the potential to roost in existing vacant or underutilized buildings, and other human-made structures on or near the site. Destruction of an occupied, non-breeding bat roost, resulting in the death of bats; disturbance that causes the loss of a maternity colony of bats (resulting in the death of young); or destruction of hibernacula would be considered a significant impact. Construction of the Project would involve demolition of buildings or structures that could host roosting bats. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure BIO-2 (Pre-Construction Assessments and Protection Measures for Bats), as set forth in the EIR and MMRP, would address Project-related impacts on special-status and otherwise protected bats. Mitigation Measure BIO-2 would reduce potential impacts on special-status bats and common bat maternity roosts by requiring preconstruction surveys and implementing avoidance measures if potential roosting habitat or active roosts are located. With implementation of Mitigation Measure BIO-2, potential impacts on special-status and otherwise protected bats would be reduced and the impact would be less than significant with mitigation.

Impact BIO-3: Special-Status Marine Species. The Project could have a substantial adverse effect, either directly or through habitat modification, on marine species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the CDFW, USFWS, or National Oceanic and Atmospheric Administration (NOAA). While no endangered or threatened marine mammals occur within the San Francisco Bay, multiple species protected under the Marine Mammal Protection Act (MMPA) are either permanent inhabitants or frequent visitors to bay waters and there is the potential for significant impacts to a range of protected marine resources to occur during Project construction in and adjacent to the San Francisco Bay. Any disturbance to special-status fish species that results in altered swimming, foraging, movement along a migration corridor, or any other altered normal behavior would be considered harassment under the Endangered Species Act (ESA) and a significant impact under CEQA. The Project proposes to install steel sheet piling. Installing steel sheet piling by a pile driver can be expected to generate underwater water noise levels that exceed 183 or 187 dB and has the potential to impact special-status fish species, including, Magnuson-Stevens Act managed fish species, longfin smelt,

green sturgeon, and salmon, as well as multiple marine mammal species, including harbor seals and California sea lions. Based on the potential for underwater noise generated from vibratory hammer installation of steel piles, the potential impact to special-status fish species as well as multiple marine mammal species could result in a significant impact. In addition, near-shore construction activities could pose a short-term and temporary risk of exposing resident marine taxa to toxic contaminants. Demolition, grading and building foundation construction activities at the Project site could also result in extensive ground disturbance and increased surface run-off through existing stormwater drains to the San Francisco Bay, resulting in increased sedimentation and organic and inorganic contaminant loading to San Francisco Bay waters and low-level exposure to protected species. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures BIO-3 (Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals), HYD-1a (Creek Protection Plan) and HYD-1b (NPDES Stormwater Requirements), as set forth in the EIR and MMRP, would address Project-related impacts on special-status marine species. Mitigation Measure BIO-3 would reduce the potential impact by avoiding periods when the most sensitive special-status fish (e.g., salmonids and Pacific herring) are present in the Project area, and employing noise attenuation measures to minimize aquatic impacts, such as the use of vibratory pile installation, working at low tides, and use of blocks to reduce underwater noise levels to acceptable levels. Implementation of standard construction and demolition best management practices (BMPs) and Mitigation Measure HYD-1a would ensure a less than significant impact on water quality during construction. Mitigation Measure HYD-1b would ensure a less-than-significant impact on water quality during operation, by requiring on-site Project stormwater to discharge into the City stormwater mains within the Project site. With implementation of Mitigation Measures BIO-3, HYD-1a and HYD-1b, potential impacts on special-status marine species would be reduced and the impact would be less than significant with mitigation.

Impact BIO-5: Wetlands and Waters. The Project could have a substantial adverse effect on federally protected wetlands or other waters (as defined by section 404 of the Clean Water Act) or state protected wetlands or waters, through direct removal, filling, hydrological interruption, or other means. Although wetlands do not occur on the terrestrial or marine portions of the Project site, portions of the Project may occur within Clean Water Act (CWA) Sections 401 and 404, Rivers and Harbors Act Section 10, and McAteer-Petris Act jurisdiction. The Project includes components that could result in placement of temporary fill for construction within jurisdictional waters of the San Francisco Bay. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures BIO-4 (Compensation for Fill of Jurisdictional Waters) and HYD-1a (Creek Protection Plan), as set forth in the EIR and MMRP, would address impacts of Project-related impacts on wetlands and water. Aside from the potential limited addition of in-water piles beneath the waterfront decking to support the wharf, improvements, and the cranes in overwater areas (wharf), no other placement of permanent fill in the San Francisco Bay is proposed for this Project. Mitigation Measure BIO-4 would reduce potential Project-related impacts on the Bay by requiring a mitigation ratio consistent with the "no net loss" policy for the functions and values of impacted wetlands and waters and Mitigation Measure HYD-1a would require a Creek Protection Plan to ensure a less than significant impact on water quality during construction. With implementation of Mitigation Measures BIO-4 and HYD-1a, the construction impacts of the Project on wetlands and waters would be less than significant with mitigation.

Impact BIO-1.CU: Cumulative Impacts on Biological Resources. The Project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and around the Project area, could have a considerable contribution to any cumulative impacts related to biological resources. For biological resources, the geographic scope of analysis is based on species distribution and landforms surrounding the Project site and the natural boundaries of the resource affected (generally San Francisco Bay or on the Oakland-Alameda Estuary waterfront), rather than jurisdictional boundaries. As with the Project, many of the cumulative projects considered would generate noise and visual disturbance above baseline conditions during construction or operation and some of the projects would require tree

and/or vegetation removal in areas that seasonally support nesting birds. These combined effects, of the Project and the cumulative projects considered that offer similar nesting opportunity for birds, would result in a potentially significant cumulative impact. In addition, the potential for avian collisions with glass or reflective surfaces used in the proposed buildings could result in mortality, and could be a significant impact under CEQA. Operation of the Project has potential to impact peregrine falcon nesting on structures of the Project site during ballpark firework displays in breeding bird season due to increased noise levels that could cause adult peregrines to flush from or abandon an active nest. Further, the Project and many of the cumulative projects would include demolition and/or construction activities that generate noise and increase human activity above baseline conditions during construction. These activities could have a substantial adverse effect on special-status bats and/or maternal roosts, if present, which in combination would be a significant cumulative impact. The installation of steel pipe piles, if used to support the wharf, improvements, and the crane in overwater areas (wharf), would create underwater noise that could have significant impacts on special-status fish and marine mammals. Similar to the Project, other cumulative projects may cause temporary alterations to existing subtidal and intertidal habitat and impacts to water quality associated with the relocation of the stormwater outfalls, and/or fill the Estuary through construction of new utilities, new vessel docking facilities, and shoreline protection activities, which in combination with the Project would result in a significant cumulative impact on marine biological resources. Finally, operational impacts on marine biological resources were identified under Impact BIO-3 (Special-Status Marine Species) associated with water quality impairment. Consequently, the cumulative impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures BIO-1a, BIO-1c.1, BIO-1c.2, and BIO-2, and state and federal regulations protecting nesting birds, special-status bats and maternal bat roosts would reduce potential adverse effects to nesting birds and special-status bats or maternal roosts which could occur under the Project or the cumulative projects. Through compliance with the Mitigation Measure BIO-1b, the cumulative impacts to birds related to collisions would be less than significant. Mitigation Measure BIO-3 (Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals) would reduce Project impacts from in-water noise associated with the placement in-water piles. Similar protective measure for these resources for cumulative projects would be required due to the regulatory environment. Implementation of Mitigation Measure HYD-1a (Creek Protection Plan) and BIO-4 (Compensation for Fill of Jurisdictional Waters) would reduce the Project's incremental contribution to cumulative impacts on marine biological resources associated with runoff and the placement of fill. Other cumulative projects that may result in the placement of fill would also be required to implement project-specific compensatory measures. Further, other cumulative projects along the Oakland-Alameda Estuary would be required to comply with the City of Oakland Standard Conditions of Approval (projects within the City of Oakland) or similar mitigation measures (Mitigation Measure HYD-1b) protecting water quality from stormwater runoff and pollution. With implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-2, BIO-3, BIO-4, HYD-1a and HYD-1b, potential cumulative impacts resulting from impacts to biological resources during construction and operation would be less than significant (not cumulatively considerable) with mitigation.

C. CULTURAL AND TRIBAL CULTURAL RESOURCES

As discussed in the EIR (DEIR Chapter 4.4 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact CUL-1, Impact CUL-3, Impact CUL-5, Impact CUL-6, Impact CUL-7, and Impact CUL.2.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. For these reasons, the less-than-significant

impacts with mitigation of Alternative 3 relating to Archaeological Resources, Human Remains, Tribal Cultural Resources and Vibration Impacts on Historic Structures and related cumulative impacts due to ground disturbance and construction activities would be similar to those with the Proposed Project. However, the grade separation itself would not result in impacts relating to Impact CUL-1: Maritime Resources because the overcrossing is not located adjacent to those in-water resources.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact CUL-1: Maritime Resources. The Project could result in significant impacts to maritime resources (USS Potomac and the Lightship Relief) within the Study Area. Two historic vessels are located adjacent to the Project site and within the Study Area, the USS Potomac and the Lightship Relief. Should circumstances arise that require waterside access to the Project site, there could be potential for construction-related vessels to be in proximity to one or more identified maritime resources. Also, landside access to the resources could be interrupted as a result of construction at the eastern end of the Project site, indirectly affecting their maintenance and use. Thus, there exists the potential for direct and indirect impacts to occur on the maritime resources as a result of construction activities. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure CUL-1 (Maritime Resources Treatment Plan), as set forth in the EIR and MMRP, would address Project-related impacts on maritime resources. Mitigation Measure CUL-1, which requires a Treatment Plan for the protection of and continued access to the USS Potomac and the Lightship Relief if any construction-related work is to occur within 100 feet of the ships, would reduce potential impacts. With implementation of Mitigation Measure CUL-1, potential impacts on marine resources would be reduced and the impact would be less than significant with mitigation.

Impact CUL-3: Construction-related Vibration Impacts on Historic Structures. The Project could result in significant impacts to the Southern Pacific Railroad Industrial Landscape District API and the PG&E Station C API resulting from construction-related vibrations. Construction in the vicinity of the Southern Pacific Railroad Industrial Landscape District API and the PG&E Station C API would introduce new temporary sources of vibration associated with construction activities. Historic masonry structures can be particularly sensitive to ground vibrations resulting in material damage to the historic fabric. Thus, there exists the potential for direct and indirect impacts to occur on the historic resources as a result of construction activities. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure CUL-2 (Vibration Analysis for Historic Structures), as set forth in the EIR and MMRP, which requires a Vibration Analysis that establishes preconstruction baseline conditions and threshold levels of vibration that could damage the structures and means and methods to not exceed the thresholds prior to any vibratory construction within 150 feet of a historic resource, would reduce potential impacts. With implementation of Mitigation Measure CUL-2, potential vibration impacts on historic resources would be reduced and the impact would be less than significant with mitigation.

Impact CUL-5: Archaeological Resources. Activities undertaken during construction of the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Although there are no previously recorded prehistoric archaeological resources in the Project site and the Project site has a low potential to uncover previously undiscovered prehistoric archaeological resources, the discovery of historic-era archaeological materials and features in the Project site, if not appropriately evaluated following discovery, would be a potentially significant impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction) and CUL-4b (Archaeologically Sensitive Areas – Pre-Construction Measures), as set forth in the EIR and MMRP, would reduce impacts to archaeological resources by

requiring archaeological monitoring in areas of historic-era archaeological sensitivity and that work halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist. With implementation of Mitigation Measures CUL-4a and CUL-4b, potential impacts on archaeological resources would be reduced and the impact would be less than significant with mitigation.

Impact CUL-6: Human Remains. Activities undertaken during construction of the Project could disturb human remains, including those interred outside of formal cemeteries. Although there are no previously recorded human remains in the Project site and the Project site has a low potential to uncover previously undiscovered human remains because purposeful fill, such as that in the Project site, is not conducive to contain prehistoric human remains, the inadvertent discovery of human remains would be a potentially significant impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure CUL-5 (Human Remains – Discovery During Construction), as set forth in the EIR and MMRP, would reduce impacts to human remains by requiring that work halt in the vicinity of a find, notification of the County Coroner, and specific procedures be followed with respect to the find. With implementation of Mitigation Measure CUL-5, potential impacts on human remains would be reduced and the impact would be less than significant with mitigation.

Impact CUL-7: Tribal Cultural Resources. The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. Although there are no previously recorded archaeological resources that could be considered tribal cultural resources in the Project site and purposeful fill, such as that in the Project site, is not conducive to contain previously unrecorded archaeological resource that could be considered tribal cultural resources, the inadvertent discovery of tribal cultural resources would be a potentially significant impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction) and CUL-4b (Archaeologically Sensitive Areas – Pre-Construction Measures), as set forth in the EIR and MMRP, would reduce impacts to tribal cultural resources by requiring archaeological monitoring in areas of historic-era archaeological sensitivity and that work halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist and a Native American representative. With implementation of Mitigation Measures CUL-4a and CUL-4b, potential impacts on tribal cultural resources would be reduced and the impact would be less than significant with mitigation.

Impact CUL-2.CU: Cumulative Adverse Impacts on Archaeological Resources, Human Remains, and Tribal Cultural Resources. The Project, combined with cumulative development in the Project vicinity and citywide, could contribute to cumulative adverse impacts on archaeological resources, human remains, and tribal cultural resources. Similar to the Project, cumulative projects in the vicinity could have a significant impact on previously undiscovered archaeological resources, including human remains, as well as archaeological resources that are considered tribal cultural resources during ground-disturbing activities. The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on buried archaeological resources, human remains, or tribal cultural resources. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction), CUL-4b (Archaeologically Sensitive Areas – Pre-Construction Measures) and CUL-5 (Human Remains – Discovery During Construction), as set forth in the EIR and MMRP, would reduce impacts to buried archaeological resources and tribal cultural resources by requiring archaeological monitoring in areas of historic-era archaeological sensitivity, that work halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist and/or a Native American representative, and in the case of the inadvertent discovery of human remains, evaluation by the County Coroner. With implementation of Mitigation Measures CUL-4a, CUL-4b and CUL-5, potential cumulative impacts on buried

archaeological resources, human remains, or tribal cultural resources would be reduced and the impact would be less than significant with mitigation.

D. ENERGY

As discussed in the EIR (DEIR Chapter 4.5 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact ENE-1, Impact ENE-2, and Impact ENE-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project that would involve energy use, but include additional construction-related activities and excavation for utility relocation which would require additional energy use. The operation of the overcrossing also would involve energy use from vehicle trips similar to the Proposed Project. As discussed further under the Transportation impact findings below, traffic patterns could change on the site and in the vicinity with the introduction of a grade-separated crossing. However, the changes would be localized and there would be no shift in modes (i.e., no more or less people driving) or substantial lessening of congestion because the railroad crossings are not the primary capacity constraint for drivers accessing the site. For these reasons, transportation related energy use would not appreciably differ from energy use associated with the Proposed Project. For these reasons, the less-than-significant impacts with mitigation of Alternative 3 relating to energy impacts due to construction and operation activities would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact ENE-1: Wasteful, Inefficient, and/or Unnecessary Use of Energy. Construction and operation of the Project could result in potentially significant environmental impacts due to the wasteful, inefficient, and/ or unnecessary use of energy. Construction of the Project would require the use of fuels (primarily gasoline and diesel) for the operation of construction equipment and vehicles to perform a variety of activities, including excavation, hauling, paving, and vehicle travel. Energy in the form of electricity may also be consumed by some pieces of construction equipment, such as welding machines, power tools, lighting, etc. In addition, Project operations would require long-term consumption of energy in the form of electricity, natural gas, gasoline, and diesel fuel. Due to the construction and operation of the Project, as described in the EIR, there could be a potential for the Project to result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of fuel or energy. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), Mitigation Measure AIR-2c (Diesel Backup Generator Specifications), Mitigation Measure AIR-2d (Diesel Truck Emission Reduction), Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures), Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan), Mitigation Measure TRANS-1a (Transportation Demand Management Plan), Mitigation Measure TRANS-1b (Transportation Management Plan), Mitigation Measure TRANS-1c (Implement a Transportation Hub on 2nd Street), Mitigation Measure TRANS-1d (Implement Bus-Only Lanes on Broadway), Mitigation Measure TRANS-1e (Implement Pedestrian Improvements), Mitigation Measure TRANS-2a (Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), Mitigation Measure TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street), Mitigation Measure TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), Mitigation Measure TRANS-3a (At-grade railroad corridor and crossing improvements), and Mitigation Measure Trans-3b (Pedestrian and Bicycle Overcrossing), as set forth in the EIR and MMRP, would address potential

impacts related to wasteful, inefficient, or unnecessary consumption of fuel or energy by requiring, among other things, that equipment be well maintained, that idling of commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower be limited, restricting generator testing to 20 hours per year, reducing diesel fuel use, reducing truck idling and requiring electric hook-ups for loading docks, incorporation of emission reduction measures into the Project design prior to the start of construction, features which promote bicycle use and pedestrian access, and reduction of the Project's electricity and natural demand through restrictions on natural gas heating and cooking and implementation of other electricity use reduction measures. With implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, GHG-1, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b, including the 20 percent vehicle trip reduction (VTR) requirement of AB 734, potential impacts on wasteful, inefficient, or unnecessary consumption of fuel or energy would be reduced and the impact would be less than significant with mitigation.

Impact ENE-2: Adopted Energy Conservation Plans and Energy Efficiency Standards. Construction and operation of the Project could conflict with or obstruct adopted energy conservation plans or violate energy efficiency standards. While the Project would be designed, constructed and operated to comply with existing energy standards, including State and local standards designed to minimize use of fuel in passenger and construction vehicles, ensure that buildings employ strict energy efficiency techniques, and operate comprehensive transportation demand management programs, the potential for the Project to conflict with adopted energy conservation plans or violate energy standards could result in a significant impact. Through construction and operation of the Project, as described in the EIR, there could be a potential for the Project to result in a potentially significant environmental impact due to a conflict with adopted energy conservation plans or violate energy standards. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), Mitigation Measure AIR-2c (Diesel Backup Generator Specifications), Mitigation Measure AIR-2d (Diesel Truck Emission Reduction), Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan), Mitigation Measure TRANS-1a (Transportation Demand Management Plan), Mitigation Measure TRANS-1b (Transportation Management Plan), Mitigation Measure TRANS-1c (Implement a Transportation Hub on 2nd Street), Mitigation Measure TRANS-1d (Implement Bus-Only Lanes on Broadway), Mitigation Measure TRANS-1e (Implement Pedestrian Improvements), Mitigation Measure TRANS-2a (Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), Mitigation Measure TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street), Mitigation Measure TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), Mitigation Measure TRANS-3a (At-grade railroad corridor and crossing improvements), and Mitigation Measure Trans-3b (Pedestrian and Bicycle Overcrossing), as set forth in the EIR and MMRP, would address potential impacts related to conflicts with or obstruction of adopted energy conservation plans or violation of energy efficiency standards by requiring, among other things, that equipment be well maintained, that idling of commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower be limited, restricting generator testing to 20 hours per year, reducing diesel fuel use, reducing truck idling and requiring electric hook-ups for loading docks, incorporation of emission reduction measures into the Project design prior to the start of construction, features which promote bicycle use and pedestrian access, and reduction of the Project's electricity and natural demand through restrictions on natural gas heating and cooking and implementation of other electricity use reduction measures. With implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, GHG-1, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b, including the 20 percent vehicle trip reduction (VTR) requirement of AB 734, potential impacts related to conflicts with or obstruction of an adopted energy conservation plans or violation of energy efficiency standards would be reduced and the impact would be less than significant with mitigation.

IMPACT ENE-1.CU: Cumulative Energy Impacts. The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative energy impacts. The cumulative projects listed in Appendix DEV could require increased peak and base energy demands and, therefore, could cause or contribute to adverse cumulative conditions. Accordingly, potential energy-related impacts that would result from construction and operation of development of the Project could have a cumulatively considerable contribution to a cumulative impact. Consequently, the cumulative impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), Mitigation Measure AIR-2c (Diesel Backup Generator Specifications), Mitigation Measure AIR-2d (Diesel Truck Emission Reduction), Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures), Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan), Mitigation Measure TRANS-1a (Transportation Demand Management Plan), Mitigation Measure TRANS-1b (Transportation Management Plan), Mitigation Measure TRANS-1c (Implement a Transportation Hub on 2nd Street), Mitigation Measure TRANS-1d (Implement Bus-Only Lanes on Broadway), Mitigation Measure TRANS-1e (Implement Pedestrian Improvements), Mitigation Measure TRANS-2a (Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), Mitigation Measure TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street), Mitigation Measure TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), Mitigation Measure TRANS-3a (At-grade railroad corridor and crossing improvements), and Mitigation Measure Trans-3b (Pedestrian and Bicycle Overcrossing), as set forth in the EIR and MMRP, would address potential cumulative impacts on energy by requiring, among other things, that equipment be well maintained, that idling of commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower be limited, restricting generator testing to 20 hours per year, reducing diesel fuel use, reducing truck idling and requiring electric hook-ups for loading docks, incorporation of emission reduction measures into the Project design prior to the start of construction, features which promote bicycle use and pedestrian access, and reduction of the Project's electricity and natural demand through restrictions on natural gas heating and cooking and implementation of other electricity use reduction measures. With implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, GHG-1, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, and TRANS-3b, including the 20 percent vehicle trip reduction (VTR) requirement of AB 734, potential cumulative impacts on energy would be reduced and the impact would be less than significant with mitigation.

E. GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

As discussed in the EIR (DEIR Chapter 4.6 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact GEO-1, Impact GEO-2, Impact GEO-3, Impact GEO-6, and Impact GEO 1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. Both potential grade crossing alignments locations are north of the 1877 mapped shoreline, and subsurface materials are likely to resemble those along the northern perimeter of the Project site and expected to consist of the following soil types: (1) 5–10 feet of Non-Engineered Fill; (2) 2–5 feet of Young Bay Mud; (3) about 10 feet of Merritt Sand; and (4) San Antonio Formation. Portions of the alignments are located in a mapped liquefaction hazard zone and may be susceptible to liquefaction. Design and construction of the overcrossing would be subject to

review and approval by regulatory agencies ensuring compliance with applicable codes and requirements. The overpass would be supported on deep foundations or shallow foundations on ground improvement, including possible use of drilled or driven piles. Therefore, the less-than-significant impacts with mitigation of Alternative 3 relating to the geological impacts due to ground disturbance and construction activities would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact GEO-1: Seismic Hazards. The Project could expose people or structures to seismic hazards such as ground shaking and seismic-related ground failure such as liquefaction, differential settlement, collapse, or lateral spreading. The Project site is located in a seismically active region that contains a number of active faults. The Project would be required to comply with all standards, requirements, and conditions contained in construction related codes (e.g., the Oakland Building Code [which incorporates by reference the California Building Code] and the Oakland Grading Regulations), which would ensure structural integrity and safe construction. Design review and code enforcement to meet current seismic standards is the primary mitigation strategy to avoid or reduce damage from an earthquake. Due to construction and operation of the Project, as described in the EIR, there could be a potential for the Project to result in a potentially significant environmental impact due to seismic hazards. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure GEO-1 (Site-Specific Final Geotechnical Report), as set forth in the EIR and MMRP, requires preparation of site-specific final geotechnical report and implementation of the recommendations contained in the approved geotechnical report during Project design and construction and would reduce the Project's potential impacts. With implementation of Mitigation Measure GEO-1, potential geological impacts related to seismic hazards would be reduced and the impact would be less than significant with mitigation.

Impact GEO-2: Substantial Soil Erosion or Loss of Topsoil. The Project could result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways. The entire Project site is covered with hardscape, beneath which is fill material. There is no topsoil at the Project site. The Project would include ground-disturbing construction activities, including grading, removal of existing asphalt covering site, excavation for certain utilities, and installation of piles for building foundations, which could increase the risk of erosion or sediment transport. Construction would have the potential to result in soil erosion during excavation and grading. The Project would import some soil to the site to support new areas of landscaping and open space areas, however, would not provide any large open areas of soil that would be subject to erosion from wind and rain. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures HYD-1a (Creek Protection Plan), which requires the Project to comply with the provisions of the Creek Protection Ordinance, and prepare a Creek Protection Plan, incorporating erosion, sedimentation, and debris control BMPs to protect the Estuary during construction, and HYD-1b (NPDES Stormwater Requirements), which would ensure that the Project would comply with the requirements of the City's municipal regional stormwater permit (MRP) for post-construction stormwater management on the Project site, as set forth in the EIR and MMRP, would reduce impacts related to substantial soil erosion or loss of topsoil. With implementation of Mitigation Measures HYD-1a and HYD-1b, potential geological and soil impacts related substantial soil erosion or loss of topsoil would be reduced and the impact would be less than significant with mitigation.

Impact GEO-3: Expansive Soil and Corrosive Soil. The Project could be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016, as it may be revised), or corrosive soil, creating substantial risks to life or property. The existing artificial fill beneath the Project site has a thickness ranging from 5 to 40 feet, depending on location. The artificial fill is not considered to be an

expansive soil. Although there is a lack of expansive soils at the site, the potential for soil corrosion remains a potential impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure GEO-1 (Site-Specific Final Geotechnical Report), as set forth in the EIR and MMRP, requires preparation of site-specific final geotechnical report and implementation of the recommendations, related to the corrosive soil, contained in the approved geotechnical report, during Project design and construction and would reduce the Project's potential impacts. With implementation of Mitigation Measure GEO-1, potential geological impacts related to soil corrosion would be reduced and the impact would be less than significant with mitigation.

Impact GEO-6: Paleontological Resources. The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Geologic units beneath the artificial fill and Bay Mud (i.e., Merritt Sand and San Antonio Formation) on the Project site have the potential for containing paleontological resources. Although there would be limited potential for return of any undisturbed soil materials or intact deposits, the potential for inadvertent discovery of paleontological resources remains a potential impact. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure GEO-2 (Inadvertent Discovery of Paleontological Resources During Construction), as set forth in the EIR and MMRP, would address potential impacts related to the paleontological resources. Mitigation Measure GEO-2 requires a work halt within 50 feet of a find until it is evaluated by a qualified paleontologist and would reduce the Project's potential impacts. With implementation of Mitigation Measure GEO-2, potential paleontological resources impacts would be reduced and the impact would be less than significant with mitigation.

Impact GEO-1.CU: Cumulative Geology, Soils, Seismicity, or Paleontology Impacts. The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative impacts to geology, soils, seismicity, or paleontology. Other cumulative projects that would be near or adjacent to the Project that could be constructed at the same time, could result in cumulative erosion effects. In addition, seismically induced groundshaking, liquefaction and lateral spreading, and expansive and corrosive soils could cause structural damage or ruptures during construction of cumulative projects. Further, during operation, seismically induced groundshaking, liquefaction and lateral spreading, and expansive soils could cause structural damage or pipeline leaks or ruptures. Consequently, the cumulative impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures GEO-1 (Site-Specific Final Geotechnical Report; See Impact GEO-1), GEO-2 (Inadvertent Discovery of Paleontological Resources During Construction; See Impact GEO-6), HYD-1a (Creek Protection Plan; See Impact GEO-2), and HYD-1b (NPDES Stormwater Requirements; See Impact GEO-2), as set forth above and in the EIR and MMRP, would reduce the Project's potential cumulative impact and potential exposure to geological and soils hazards, and impacts to paleontological resources, resulting from construction and operation of development of the Project. The Project would not have a cumulatively considerable contribution to a cumulative impact. With implementation of Mitigation Measures GEO-1, GEO-2, HYD-1a and HYD-1b, potential cumulative impacts related to geology, soils, seismicity, or paleontological resources would be reduced and the impact would be less than significant with mitigation.

F. GREENHOUSE GAS EMISSIONS

As discussed in the EIR (DEIR Chapter 4.7 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact GHG-1 and, Impact GHG-2. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. These additional construction activities would result in

additional GHG emissions amortized over 30 years, resulting somewhat higher annual emissions (53,022 MT CO2e as opposed to 52,957 MT CO2e), as shown in Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Impacts in Chapter 6 of the Draft EIR. With regard to impacts from operations of the overcrossing, for the reasons described in the Energy and Transportation sections in this Section IX respectively, operational GHG emissions from transportation sources associated with Alternative 3 would not appreciably differ from those with the Proposed Project. Other sources of operational emissions would be the same as with the Proposed Project because the amount of development would be the same. The Project with the grade separation crossing would be subject to the same mitigation measure requiring no net additional GHG emissions (including Mitigation Measure GHG-1). For these reasons, the less-than-significant impacts with mitigation of Alternative 3 relating to GHG emissions due to construction and operation activities would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact GHG-1: GHG Emissions. The Project could generate "net additional" GHG emissions, either directly or indirectly, from its construction and operation. The evaluation of GHG emissions that may result from the construction and long-term operations of the Project considers GHG emissions resulting from Project-related incremental (net) increases in the use of on road vehicles, electricity, and natural gas compared to existing conditions. This includes construction activities associated with the Project such as demolition, hauling, and construction worker trips. Operation of the Project would result in GHG emissions from a variety of emissions sources, including on-site stationary sources (emergency generators), energy sources (e.g., natural gas combustion for space and water heating, indirect emissions from electricity consumption), on-site area sources (landscape maintenance), and mobile on-road sources. The Project's net additional annual GHG emissions for full buildout, is estimated to be 53,022 MTCO2e per year which is slightly more than the 52,957 MTCO2e from the Proposed Project due to increased construction activities for the grade separated crossing. By the end of 30 years, annual net additional emissions would be substantially lower per year, due to anticipated mandated improvements in vehicle fuel efficiency and a lower GHG intensity of the electricity supply provided by PG&E. The Project's net additional emissions, accounting for implementation of Mitigation Measures AIR-1c (Diesel Particulate Matter Controls) and AIR-2c (Diesel Backup Generator Specifications), and including the 20 percent vehicle trip reduction required by AB 734, would exceed the City's significance threshold of zero net additional emissions for all years from the start of operations through the end of the 30 year period, with maximum net additional emissions occurring during the first full year of Project operations at full buildout at 53,022 MTCO2e. Consequently, the impact of the Project would be significant, and mitigation would be required. Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan), which requires implementation of GHG emission reduction measures to meet the "no net additional" threshold at each phase or sub-phase, and to continually demonstrate Project-wide compliance with the "no net additional" CEQA significance threshold over the 30-year life of the Project, Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), Mitigation Measure AIR-2c (Diesel Backup Generator Specifications), Mitigation Measure AIR-2d (Diesel Truck Emission Reduction), Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures), Mitigation Measure TRANS-1a (Transportation Demand Management Plan), and Mitigation Measure TRANS-1b (Transportation Management Plan), as described in herein and set forth in the EIR and MMRP, would reduce greenhouse gas emissions and the Project would result in no net additional GHG emissions. With implementation of Mitigation Measures GHG-1, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, TRANS-1a, and TRANS-1b, and with the 20 percent vehicle trip reduction (VTR) requirement of AB 734, "net additional" greenhouse gas emissions would be reduced, the Project would result in no net additional GHG emissions and the impact would be less than significant with mitigation.

Impact GHG-2: Conflict with Applicable Plans, Policies or Regulations. The Project could generate GHG emissions, either directly or indirectly, that result in a conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Consequently, the impact of the Project would be significant, and mitigation would be required. Mitigation Measure GHG-1 (Preparation and Implementation of a GHG Reduction Plan), Mitigation Measure AIR-1b (Criteria Air Pollutant Controls), Mitigation Measure AIR-1c (Diesel Particulate Matter Controls), Mitigation Measure AIR-2c (Diesel Backup Generator Specifications), Mitigation Measure AIR-2d (Diesel Truck Emission Reduction), Mitigation Measure AIR-2e (Additional Criteria Pollutant Reduction Measures; See Section 4.2, Air Quality), Mitigation Measure TRANS-1a (Transportation Demand Management Plan), Mitigation Measure TRANS-1b (Transportation Management Plan), Mitigation Measure TRANS-1c (Implement a Transportation Hub on 2nd Street), Mitigation Measure TRANS-1d (Implement Bus-Only Lanes on Broadway), Mitigation Measure TRANS-1e (Implement Pedestrian Improvements), Mitigation Measure TRANS-2a (Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), Mitigation Measure TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street), Mitigation Measure TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), Mitigation Measure TRANS-3a (At-grade railroad corridor and crossing improvements), Mitigation Measure Trans-3b (Pedestrian and Bicycle Overcrossing) and Mitigation Measure UTIL-3 (Recycling Collection and Storage Space), as set forth herein and in the EIR and MMRP, would reduce impacts involving a conflict with a plan, policy, or regulation adopted to reduce GHGs. Implementation of Mitigation Measure GHG-1, as well as Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, HYD-1a, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, TRANS-3b and UTIL-3 would directly support the Project's alignment with the goals, policies, and regulations in these plans aimed at reducing GHGs and the Project would not conflict with attainment of near-term and long-term plans, policies and regulations created to achieve GHG reductions in Oakland, including City Council Resolution 88268, the Bay Area, and the State of California. Potential impacts related to a conflict with a plan, policy, or regulation adopted to reduce GHGs would be reduced and the impact would be less than significant with mitigation.

G. HAZARDS AND HAZARDOUS MATERIALS

As discussed in the EIR (DEIR Chapter 4.8 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact HAZ-1, Impact HAZ-2, Impact HAZ-3, and Impact HAZ-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. Excavation for the overcrossing may encounter contaminants of concern due to the proximity of both possible alignments to several sites with subsurface impacts, including the Gas Load Center on the Project site, and 715 4th Street (E-D Coat), 655 3rd Street, 205 Brush Street, and 209 Brush Street. Should soil classified as hazardous waste be encountered as anticipated, it would be managed as hazardous waste pursuant to California Code of Regulations (CCR) Title 22, Division 4.5. Specifically, excavation would be performed by Occupational Safety and Health Administration (OSHA)-certified personnel as needed and required by law; soil would remain on-site until characterization is complete unless disposed of as hazardous waste; breathing zones would be monitored for dust control; haul trucks would be covered; and impacted soil would be stockpiled and protected/secured to prevent dust or runoff. Construction of the grade-separated crossings would necessitate additional coordination with DTSC regarding the handling of contaminated soils and

groundwater. A Soil Management Plan, Groundwater Management Plan, and site-specific Health and Safety Plans would be required. Regulatory requirements could be met by expanding the Remedial Action Plan (RAP), land use controls (LUCs), and associated plans associated with the Proposed Project, or could be the subject of separate plans and consultation. As with the Proposed Project, mitigation measures would be required to ensure compliance with regulatory requirements (See Mitigation Measures set forth below.) With application of existing laws and regulations and Mitigation Measures set forth below, impacts from hazards and hazardous materials associated with Alternative 3 would be less than significant.

For these reasons, the less-than-significant impacts with mitigation of Alternative 3 relating to Hazardous and Hazardous Materials and related cumulative impacts due to ground disturbance, excavation and construction activities would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact HAZ-1: Routine Transport, Use, Disposal, or Accidental Release of Hazardous Materials. The Project could create a significant hazard to the public or the environment through the routine transport, use, disposal, or accidental release of hazardous materials. The proposed ballpark, and residential, office, retail, cultural and civic uses would use and store chemicals associated with their particular use that would include fuels, oils and lubricants, solvents and cleaners, and paints and thinners, which are all commonly used in the proposed land uses. The routine operational use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect workers, the public, and the environment. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-1b (NPDES Stormwater Requirements), as set forth in the EIR and MMRP, which requires the Project complies with the requirements of the City's MRP for post-construction stormwater management on the Project site, would reduce the Project's potential impacts. With implementation of Mitigation Measure HYD-1b and the numerous laws and regulations, such as the California Fire Code and the State Hazardous Materials Management Program, as discussed in Section 4.8, Hazards and Hazardous Materials, that govern the transportation, use, handling, and disposal of hazardous materials, the Project would limit the potential for creation of hazardous conditions due to the use or accidental release of hazardous materials, and this impact would be less than significant with mitigation.

Impact HAZ-2: Listed Hazardous Materials Site. The Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and could create a significant hazard to the public or the environment. The Project site has a long history of industrial use that has resulted in the contamination of fill, soil, and groundwater and thus the Project Site is a listed hazardous materials site. The Project site is currently capped, preventing contact with the underlying contaminants in fill, soil, and groundwater. Project construction would remove all of the existing cap on the Project site as construction proceeds with the exception of a portion of the Peaker Power Plant site, where the existing cap would be retained in place, pending future plans for the Peaker Power Plant. Depending on the specific proposed land use and location of the use within the Project site, some areas would have a new hardscape cap installed, some areas may have an engineered equivalent installed, and some areas may not require a cap. Given the presence of chemicals above regulatory standards in fill, soil, and groundwater, and the presence of free-phase petroleum hydrocarbons on groundwater, some of the excavated materials and dewatering fluids will require handling and disposal as hazardous waste. In particular, as described in the EIR, Section 4.8.2, Regulatory Setting, Land Use Covenants, the Project site is subject to existing Land Use Covenants (LUCs), with their associated plans (O&M Agreements, SGMPs, and RMPs) enforced by the California Department of Toxic Substances Control (DTSC). These LUCs and their associated plans (RMPs, O&M Agreements, and SGMPs) are

expected to be replaced and consolidated before commencement of construction to account for the changes to the Project site. The substantive requirements of these replacement documents would be similar to those in the existing documents, but would be specifically tailored to ensure protections appropriate for the type of anticipated construction activity and the type of anticipated uses, including allowing residential use (which is currently prohibited) under specified conditions. In addition, most existing structures and all buildings present on the Howard Terminal portion of the Project site would be removed, and given the pre-1980s age of some of the structures, the structures may include hazardous building materials, such as asbestos-containing materials (ACM) and/or lead-based paint (LBP). Construction workers removing these structures could be exposed to the hazardous building materials. The required compliance with the numerous laws and regulations, and in particular with the requirements of the consolidated Remedial Action Plan (RAP), LUCs, and associated plans and agreements described above and in the EIR, would control and manage those hazardous materials, and would render this impact less than significant. However, because details of the consolidated RAP, LUCs, and associated plans are not known at this time, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-1a (Creek Protection Plan), as set forth in the EIR and MMRP, which requires the Project to comply with the provisions of the City's Creek Protection Ordinance, and prepare a Creek Protection Plan, would reduce potential discharges of hazardous materials into waterways. In addition, Mitigation Measure HAZ-1a (Preparation and Approval of Consolidated RAP, LUCs and Associated Plans), Mitigation Measure HAZ-1b (Compliance with Approved RAP, LUCs and Associated Plans), Mitigation Measure HAZ-1c (Health and Safety Plan), and Mitigation Measure HAZ-1d (Hazardous Building Materials), as set forth in the EIR and MMRP, would reduce potential impacts by ensuring the Project complies with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of construction workers, the public, future users and residents of the Project site, and the environment. Once constructed, the maintenance of the cap and engineering equivalent controls would prevent the public and workers at the ballpark, commercial outlets, and residences from encountering the hazardous materials beneath the cap and its engineered equivalents, as required by the previously-described LUCs and associated plans and agreements required by Mitigation Measures HAZ-1a and HAZ-1b. With implementation of Mitigation Measure HYD-1a and Mitigation Measures HAZ-1a through HAZ-1d, required compliance with the numerous laws and regulations, all as set forth in the EIR and MMRP, and in particular with the requirements of the proposed (consolidated) RAP, LUCs, and associated plans and agreements described above, the Project would reduce impacts due to hazards and hazardous materials, in particular, preventing contact with the buried hazardous materials, and this impact would be less than significant with mitigation.

Impact HAZ-3: Emergency Access and Emergency Response Plan or Emergency Evacuation Plan. The Project would provide adequate emergency access but could fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. During the construction phase, the great majority of construction activities would occur within the Project site, with the exception of certain offsite transportation, public amenity, and utility improvements on nearby streets. However, the temporary increases in construction traffic and potential temporary closures of nearby roads during construction of the Project could interfere with emergency vehicle access in the Project vicinity. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure TRANS-4 (Construction Management Plan), as set forth in the EIR and MMRP, would address this potential impact by requiring the preparation and implementation of a construction traffic plan, which would manage the movement of vehicles, including those transporting hazardous materials, on roads. With the implementation of the Mitigation Measure TRANS-4, the volume and timing of construction traffic would be managed so as not to adversely affect the level of service on nearby roads and the impact relative to emergency response or evacuation plans, potential impacts related to adequate emergency access would be reduced and the impact would be less than significant with mitigation.

Impact HAZ-1.CU: Cumulative Impacts Relative to Hazards and Hazardous Materials. The Project, combined with cumulative development in the Project vicinity, could result in significant cumulative impacts relative to hazards and hazardous materials. Hazardous materials events with the Project and other past, present, and reasonably foreseeable future projects could only be cumulative if two or more hazardous materials releases occurred over the same time period before cleanup is completed, as well as overlapping the same location. Significant construction-related cumulative impacts related to hazards and hazardous materials could occur if the incremental impacts of the Project combined with the incremental impacts of one or more cumulative projects to substantially increase risk that people or the environment would be exposed to hazards and hazardous materials. Significant cumulative impacts related to operational hazards could occur if the incremental impacts of the project combined with those of one or more cumulative projects were to cause a substantial increase in risk that people or the environment would be exposed to hazardous materials used or encountered during the operations phase. Although cumulative projects would be subject to the same regulatory requirements discussed for the Project, including the implementation of health and safety plans and soil management plans, it is possible that the Project and cumulative projects could result in releases of hazardous materials at the same time and in overlapping locations. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures HAZ-1a through HAZ-1d, and HYD-1a, as set forth in the EIR and MMRP, would ensure that with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of construction workers, the public, future users and residents of the Project site, and the environment. Once constructed, the maintenance of the cap and engineering equivalent controls would prevent the public and workers at the ballpark, commercial outlets, and residences from encountering the hazardous materials beneath the cap and its engineered equivalents, as required by the previously-described LUCs and associated plans and agreements required by Mitigation Measures HAZ-1a and HAZ-1b. Mitigation Measure TRANS-4, as set forth in the EIR and MMRP, would require implementation of a construction management plan for the Project, which would ensure the provision of adequate emergency access during construction. Similarly, other cumulative construction projects would be required to provide appropriate traffic control and emergency access for their projects. Further, compliance with the laws and regulations regarding the safe transport, use, storage, and disposal of hazardous materials would reduce the Project-specific incremental impacts. The residual less-than-significant effects of the Project that would remain after mitigation, remediation and compliance with regulatory requirements would not combine with the potential residual effects of cumulative projects to cause a potential significant cumulative impact because residual impacts would be highly site-specific, and in the case of the Project, are and will be either removed or capped (i.e., encapsulated) at the Project site.

With implementation of Mitigation Measure HYD-1a, Mitigation Measures HAZ-1a through HAZ-1d, Mitigation Measure TRANS-4, and required compliance with the numerous laws and regulations, as set forth in the EIR and MMRP, and in particular with the requirements of the proposed (consolidated) RAP, LUCs, and associated plans and agreements described above, the Project would not have a cumulatively considerable contribution to any potential cumulative impact, and this impact would be less than significant with mitigation.

H. HYDROLOGY AND WATER QUALITY

As discussed in the EIR (DEIR Chapter 4.9 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact HYD-1, Impact HYD-3, Impact HYD-4, Impact HYD-5, and Impact HYD-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the

Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. Consultation with DTSC, application of existing laws and regulations and implementation of the mitigation measures set forth below would be required to address impacts. As a result, the less-than-significant impacts with mitigation of Alternative 3 relating to Hydrology and Water Quality and related cumulative impacts due to ground disturbance, construction and operation activities would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact HYD-1: Surface Water and Groundwater Quality. The Project could violate surface water and groundwater quality standards, result in erosion or siltation on or offsite that could affect receiving water quality, and/or substantially degrade surface water and groundwater quality, conflict with implementation of a water quality control plan, or fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16). Construction of the Project would include earthmoving activities such as excavation, trenching, grading, importation of fill, and in-water activities. Aside from the Estuary, which is considered a waterway under the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16), no traditional creeks occur on the Project site or in the larger Project study area. The City's ordinance is intended to address potential water quality impacts from stormwater and other discharges into identified waterways. This ordinance is not applicable to lands under Port permitting authority; however, the City and the Port are cooperating to establish a shared regulatory framework under which the City will apply all relevant provisions of the Oakland Municipal Code. Operation of the Project would include urban uses of pesticides, cleaners, and other common household products that could enter stormwater runoff. In addition, the use of vehicles on the Project site could result in the release of minor amounts of oil, grease, and other mechanical compounds that could enter stormwater runoff. The impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-1a (Creek Protection Plan), as set forth in the EIR and MMRP, requires the Project to comply with the provisions of the Creek Protection Ordinance and prepare a Creek Protection Plan to reduce fundamental conflicts with the City's Creek Protection Ordinance during construction. Mitigation Measure HYD-1b (NPDES Stormwater Requirements), as set forth in the EIR and MMRP, would ensure that the Project would comply with the requirements of the City's MRP Permit for post-construction stormwater management on the Project site by reducing pollutant load from the site into the stormwater system and receiving waters. In addition, Mitigation Measure HAZ-1a (Preparation and Approval of Consolidated RAP, LUCs and Associated Plans) summarizes contents of the updated RAP and other plans that are required to address potential impacts related to hazardous materials during construction of the Project. This measure, along with Mitigation Measure HAZ-1b (Compliance with Approved RAP, LUCs and Associated Plans) and Mitigation Measure HAZ-1c (Health and Safety Plan) ensure requirements to redevelop the Project site in a manner that is protective of construction workers, the public, and the environment, including the preparation of an operations and maintenance plan for treatment of contaminated groundwater prior to disposal. Implementation of Mitigation Measures HYD-1a, HYD-1b, HAZ-1a through HAZ-1c and required compliance with the numerous laws and regulations and City ordinances discussed previously that govern the water quality would limit the potential surface water and groundwater quality impacts from construction and operation of the Project to less than significant with mitigation.

Impact HYD-3: Substantial Flooding and Runoff. Construction of the Project would include earthmoving activities such as excavation, trenching, grading, and importation of fill. Construction of the Project site would include removal of existing impervious surfaces and importation of fill to raise the elevation of the Project site for adaptation to future sea level rise. Installation of a new stormwater drainage system would occur prior to, during, and after importation of fill and final grading. Design and final grading of the

Project site would result in capture of all site runoff into the newly installed stormwater drainage system once the site has been resurfaced and structures begin construction. However, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-1a (Creek Protection Plan), as set forth in the EIR and MMRP, which would limit the potential impacts from construction on stormwater runoff, HYD-1b (NPDES Stormwater Requirements), as set forth in the EIR and MMRP, which requires the Project be designed to meet the City's MRP NPDES Permit for post-project requirements of reducing pollutant load from the site into the stormwater system and receiving waters, and the required compliance with the numerous laws and regulations that govern surface water and groundwater quality would limit the potential flooding impacts from construction and operation of the Project. With implementation of Mitigation Measures HYD-1a and HYD-1b and required compliance with the numerous laws and regulations that govern surface water and groundwater quality, the potential impacts related to flooding would be reduced and the impact would be less than significant with mitigation.

Impact HYD-4: Placement of Structures Within a 100-Year Flood Hazard Zone. The Project would place structures, including potential housing, within a 100-year flood hazard area, which could impede or redirect flood flows, exposing people or structures to a significant risk of loss, injury or death involving flooding. The majority of the Project site is not located in a designated 100-year or other flood zone, a floodplain, or a floodway and would not impede or otherwise redirect any flood flows to other areas. However, a small portion at the northeast corner of the Project site is within a portion of the Special Flood Hazard Area (SFHA) Flood Zone AE (elevation 10 feet, NAVD 88 datum) as shown in the most recent FEMA FIRM. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-2 (Structures in a Flood Zone), as set forth in the EIR and MMRP, would address potential impacts and require that the Project's final grading plans for development within the SFHA show finished site grades and floor elevations above the base flood elevation (BFE). With implementation of Mitigation Measure HYD-2, the Project would not place structures within flood hazard area that would impede or redirect flood flows, exposing people or structures to a significant risk of loss, injury or death involving flooding, and impacts would be less than significant with mitigation.

Impact HYD-5: Exposure of People or Structures to a Significant Risk of Loss, Injury or Death involving Flooding. The Project could expose people or structures to a significant risk of loss, injury or death involving flooding. Existing grades at the Project site range from around 3.6 feet City of Oakland datum (COD) to 8 feet COD, depending on location. The Project's proposed grading plan calls for the addition of soil throughout much of the Project site to raise the ground surface elevations such that proposed grades include an allowance for sea level rise. AB 1191 requires that plans for the Project account for the medium-high risk aversion for the high-risk emissions scenario through 2100. As described above, the Project grades vary across the site from elevations that allow for sea level rise through 2090 to elevations that match existing grades of adjacent properties. Therefore, adaptations would be required in the future to keep up with rising sea levels. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-3 (Sea Level Rise Final Adaptive Management and Contingency Plan), as set forth in the EIR and MMRP, would ensure that adaptation strategies are implemented and enforced as necessary to address the medium-high risk aversion scenario through 2100 pursuant to AB 1191. With approval of a trust exchange agreement pursuant to AB 1191, the Project would be required to incorporate an adaptive management approach to sea-level rise. In addition, the Project has considered and identified certain adaptation strategies to address the extreme risk aversion scenario in the event it actually occurs and adaptation strategies are needed to address impacts. If the California State Lands Commission finds that the exchange does not meet the conditions related to sea-level rise, the Project could not proceed. With the implementation of Mitigation Measure HYD-3, the Project would reduce the significant effect due to exposing people or structures to a

substantial risk of loss, injury or death due to sea level rise related flooding under the medium-high risk aversion scenario through 2100 and the impact would be less than significant with mitigation.

Impact HYD-1.CU: Cumulative Hydrology and Water Quality Impacts. The Project, combined with cumulative development in the Project vicinity and citywide, could result in significant cumulative impacts on surface water or groundwater quality. The cumulative context for groundwater is the East Bay Basin Plan boundary. The Project, in combination with other past, present, and future development in the Basin Plan watersheds would continue to contribute runoff and discharges to the Bay that contain constituents from agriculture, industrial, and urban land uses that would continue to potentially impact water quality in the Basin Plan area resulting in the need for continual updates to water quality control plans like the Basin Plan, as described in the EIR, and water quality regulations. Development under the Project would include construction and operation activities that could result in the degradation of surface water and groundwater quality, resulting in a potentially significant contribution to the cumulative impact. In addition, although the Remedial Action Plan (RAP), LUCs, and associated plans and agreements described in Section 4.8, Hazards and Hazardous Materials, would remediate and reduce the impact of hazardous materials on water quality, and would render contribution to the cumulative impact to a less-than-considerable level, because details of the consolidated RAP, LUCs, and associated plans are not known at this time, the impact would be conservatively considered potentially significant. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures HYD-1a (Creek Protection Plan) and HYD-1b (NPDES Stormwater Requirements), as set forth above and in the EIR and MMRP, compliance with the current and future Basin Plan, and other water quality regulations would serve to capture all onsite stormwater within a new onsite stormwater system meeting stormwater quality design specifications would reduce the Project's incremental contribution to the cumulative impact to a less-than-considerable level. Mitigation Measures HAZ-1a through HAZ-1c, as set forth above and in the EIR and MMRP, are provided to ensure that with regulatory requirements and review and approval by DTSC, redevelopment and use of the Project site occurs in a manner that is protective of water quality, the environment, and construction workers, the public, future users and residents of the Project site, specifically, Mitigation Measure HAZ-1a (Preparation and Approval of Consolidated RAP, LUCs and Associated Plans); Mitigation Measure HAZ-1b (Compliance with Approved RAP, LUCs and Associated Plans); and Mitigation Measure HAZ-1c (Health and Safety Plan). Mitigation Measure HYD-2 (Structures in a Flood Zone), as set forth in the EIR and MMRP, would require that the Project's final grading plans for development within the SFHA show finished site grades and floor elevations above the BFE. Mitigation Measure HYD-3 (Sea Level Rise Final Adaptive Management and Contingency Plan), as set forth in the EIR and MMRP, would require the Project sponsor to meet conditions related to sea-level rise pursuant to AB 1191, including adaptive management and contingency plans. With implementation of HYD-1a, HYD-1b, HYD-2, HYD-3 and HAZ-1a through HAZ-1c, the construction and operation of the Project would not have a cumulatively considerable contribution to a cumulative impact on surface water and groundwater quality, groundwater supplies or flooding and therefore, the Project cumulative impact on surface water and groundwater quality, groundwater supplies or flooding would be less than significant with mitigation.

I. LAND USE, PLANS, AND POLICIES

As discussed in the EIR (DEIR Chapter 4.10 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact LUP-2 and Impact LUP-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area. The grade separated crossing would alter circulation patterns in the blocks immediately north of the

Project site and may affect parcels and businesses in the area. The impacts on adjacent parcels may include: overhead encroachment, modification of existing intersections, acquisition of right-of-way, elimination of existing property access (ex. driveways), utility relocation, and acquisition of property. Land uses potentially affected include a PG&E facility, a data center, a Sprint Communications facility, and a home decor store. While some adjacent land uses could be encroached upon or affected by construction of a grade separated crossing, no residential neighborhood or "community" would be separated or divided by construction of an overpass in the proposed alignment(s). The addition of a grade-separated crossing largely within existing rights-of-way would facilitate access, rather than constitute or facilitate a fundamental conflict between adjacent uses. For these reasons, the grade separation itself would not result in a new significant land use impact as compared to the Proposed Project.

For the reasons stated above, the land use impacts for the Project would be the same as the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact LUP-2: Land Use Compatibility. The Project could result in a fundamental conflict with adjacent or nearby land or water-based uses. While fundamental land use conflicts are no longer included in the State CEQA Guidelines Appendix G checklist, this topic remains an adopted CEQA significance threshold for the City of Oakland. A fundamental conflict with adjacent or nearby land uses means that the character of activities associated with one land use is in fundamental conflict with the uses of adjacent land, or the characteristics of one land use disrupts or degrades adjacent land uses to such a degree that the functional use of the adjacent land for its existing or planned purpose is imperiled. The Project would generate increased vehicular, bike, and pedestrian activity in the Project vicinity that would mix with Seaport traffic by road or rail. Seaport operations are sensitive to traffic and truck delays, and a level of traffic congestion or vehicular delay that might be acceptable to typical residential or commercial development may result in a significant disruption to Seaport operations. A significant disruption could result in loss of business and imperil Seaport functioning. The Project, which includes off-site improvements, would result in some increases in vehicular delay on both non-game days and game days. The Project would also introduce additional pedestrian, bicycle, and vehicle traffic at the existing at-grade railroad crossings and potentially at the uncontrolled areas between the at-grade crossings. While the Project does not propose facilities for recreational watercraft or direct water access, the ballpark and Waterfront Park could indirectly create a new demand for recreational watercraft users adjacent to the Project site. If recreational boaters increase activity, including congregating or anchoring during ballgames, in the channel and turning basin, this could result in a fundamental conflict between the Project and adjacent or nearby water-based uses, including maritime navigation and ferry transit. Further, Project buildings other than the ballpark under Phase 1 and Buildout could create new sources of daytime glare. During evening and nighttime hours, Project lighting and signage associated with project operations would result in brightly illuminated surfaces that would be visible from vessels using the Inner Harbor. In addition, potential land use conflicts could arise due to the introduction of residential and open space (park) uses on the Project site adjacent to Port, industrial, and railroad uses. To the extent that noise exposures exceed what would be expected by persons choosing to live in a mixed-use industrial area or near a railroad corridor, they could indicate a conflict with adjacent or nearby land uses. Finally, residential and office/commercial uses proposed by the Project near the Port uses (which includes many pollutant sources including heavy-duty trucks, diesel locomotives, off-road equipment, stationary sources, and water borne vessels), industrial uses (Schnitzer Steel and other stationary pollutant sources), and railroads would be exposed to sources of diesel exhaust emissions and other toxic air contaminants (TACs). To the extent that air pollutant emissions would expose new residents to substantial health risks, this could also indicate a fundamental conflict with nearby or adjacent land uses and the need for mitigation. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures LUP-1a (Boating and Recreational Water Safety Plan and Requirements), LUP-1b (Implement Improvement Measure AES-2 [Design Lighting Features to

Minimize Light Pollution]), LUP-1c (Land Use Siting and Buffers, AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures Mitigation Plan), AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), AIR-4a (Install MERV16 Filtration Systems), AIR-4b (Exposure to Air Pollution – Toxic Air Contaminants), AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan), BIO-1b (Bird Collision Reduction Measures), NOI-3 (Noise Reduction Plan for Exposure to Community Noise), TRANS-1a (Transportation and Parking Demand Management Plan), TRANS-1b (Transportation Management Plan), and Improvement Measure LUP-1 (Statement of Disclosure), as set forth herein and in the EIR and MMRP, would address impacts of Project-related impacts on land use compatibility. With the Project-specific boating and recreational water safety protocol and specific requirements called for in Mitigation Measure LUP-1a, the Project would not result in a fundamental conflict with maritime navigation or water-based uses, and impacts would be less than significant with mitigation incorporated. Mitigation Measure TRANS-1a requires development and implementation of a Transportation and Parking Demand Management Plan for non-ballpark development to reduce vehicle traffic generated by the Project by 20 percent. Mitigation Measure TRANS-1b requires development and implementation of a Transportation Management Plan (TMP) to specifically address ballpark event transportation that could affect Seaport operations, including signage and traffic management at key intersections to protect Seaport access on Adeline Street. Mitigation Measure LUP-1a would require the Project sponsor to place signs along the wharf informing those in the water that anchoring of recreational boats adjacent to the Project site is prohibited, and would provide for regular enforcement by the U.S. Coast Guard and/or Oakland Police Department, which is authorized to enforce boating rules by the U.S. Coast Guard. The potential for substantial new daytime glare from the building facades would be minimized through implementation of Mitigation Measure BIO-1b, as described above, which would reduce the amount of reflective glass and polished surfaces on proposed buildings. Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution is included as Mitigation Measure LUP-1b to reduce the potential effects of lighting on adjacent or nearby water-based uses, including maritime and ferry navigation. With regard to residential uses, Mitigation Measure NOI-3 ensures the noise exposure of proposed residential uses would be compatible with the City's land use noise environment guidelines, and would not expose Project residents to existing noise levels in excess of the City's Land Use Compatibility Guidelines such that a fundamental land use conflict would occur. Mitigation Measure LUP-1c would impose siting limitations to physically separate sensitive land uses and strategies to buffer sensitive Project uses from nearby Port, rail, and industrial operations. Mitigation Measures AIR-1c, Diesel Particulate Matter Controls; AIR-2c, Diesel Backup Generator Specifications; AIR-2d, Diesel Truck Emission Reduction; AIR-2e, Criteria Pollutant Mitigation Plan; AIR-3, Truck-Related Risk Reduction Measures – Toxic Air Contaminants; AIR-4a, Install MERV16 Filtration Systems; and AIR-4b, Exposure to Air Pollution – Toxic Air Contaminants, would reduce Project-related air quality impacts to less than significant levels. However, high background (existing) levels of pollutants and TACs at the Project site pose health risks to proposed on-site sensitive receptors, and while Project-related impacts related to the exposure of proposed on-site sensitive receptors to substantial levels of TACs can be mitigated to less than significant levels, under cumulative conditions, impacts to on-site sensitive receptors would be significant and unavoidable. Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU (Implement Applicable Strategies from the West Oakland Community Action Plan), as set for in the EIR and MMRP, are identified to reduce air quality impacts under cumulative conditions to the extent feasible. Buffering strategies included in Mitigation Measure LUP-1c that would promote air flow and pollutant dispersion, combined with Mitigation Measures AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, and AIR-2.CU would reduce air quality impacts to sensitive receptors on-site. While potential land and water-based use conflicts could arise due to the introduction of new residential and office/commercial uses on the Project site adjacent to Port, industrial, and railroad uses, with the implementation of Mitigation Measures LUP-1a, LUP-1b, LUP-1c, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2.CU,

BIO-1b, NOI-3, TRANS-1a, and TRANS-1b, the Project would not result in a fundamental conflict with nearby uses. This potential impact would be less than significant with mitigation.

Impact LUP-1.CU: Cumulative Land Use Impacts. The cumulative geographic context for land use, plans and policy considerations for the development of the Project consists of the Project site in addition to the surrounding areas including the Oakland Inner Harbor, Jack London Square, the Port of Oakland, Downtown Oakland, West Oakland, and the north shore of Alameda. Cumulative development could result in a cumulative impact if it would create a new division between the Port's maritime activities. Cumulative residential development in proximity to Port and industrial operations, including under the Downtown Oakland Specific Plan and the West Oakland BART Redevelopment Project, in combination with the Project could result in potential conflicts with nearby Port and industrial-related uses if they collectively impede road and rail access to the Port or result in other physical impacts that collectively impair the Port's operation. Cumulative development in the vicinity could increase the potential for recreational watercraft in the Inner Harbor that could be attracted to the Project site, causing potential conflicts with water-based uses, such as maritime navigation. As discussed under Impact LUP-2 and as set forth herein and in the EIR and MMRP, Mitigation Measures LUP-1a, LUP-1b, LUP-1c, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2.CU, BIO-1b, NOI-3, TRANS-1a, and TRANS-1b, would address impacts of Project-related land use compatibility impacts such that the Project's contribution to any conflicts with water-based uses such as maritime navigation arising as a result of cumulative development would be less than significant. Additionally, all other cumulative development has been, or will be, subject to development guidance contained within the General Plan, prescribed by zoning, and other applicable land use plans to avoid conflicting with plans adopted to avoid or mitigate environmental effects. With implementation of Mitigation Measures LUP-1a, LUP-1b, LUP-1c, AIR-1b, AIR-1c, AIR-2c, AIR-2d, AIR-2e, AIR-3, AIR-4a, AIR-4b, AIR-2.CU, BIO-1b, NOI-3, TRANS-1a, and TRANS-1b, the Project would not result in a fundamental conflict with adjacent or nearby land or water-based uses, including Port and industrial operations, would not make a cumulatively considerable contribution to potential cumulative land use impacts, would not combine with other cumulative development to result in any significant adverse cumulative land use and planning impacts, and cumulative impacts would be less than significant with mitigation.

J. NOISE AND VIBRATION

As discussed in the EIR (DEIR Chapter 4.11 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impact which is less than significant with mitigation: Impact NOI-4 - exposure to noise in excess of General Plan Land Use Compatibility Guidelines. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. With the Proposed Project, parks, retail and residential uses could be exposed to noise levels that conflict with the land use compatibility guidelines of the Oakland General Plan. The grade separation overcrossing could contribute to the noise environment and interior noise levels could exceed land use compatibility guidelines, requiring mitigation, similar to the Proposed Project. Therefore, the less-than-significant impact with mitigation of Alternative 3 relating to noise under Impact NOI-2 would be similar to that with the Proposed Project.

For the reasons stated above, the impacts for the Project under Impact NOI-2 would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact NOI-4: Conflict with Land Use Compatibility Guidelines of the Oakland General Plans. The Project could propose land uses in conflict with the land use compatibility guidelines of the Oakland

General Plan. The development of the Project could expose future occupants of the Project to existing sources of noise. However, CEQA does not require that potential effects of the environment on the Project be analyzed or mitigated, except where the Project impacts exacerbate the existing conditions. The Project impacts will exacerbate some existing noise conditions. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure NOI-3 (Noise Reduction Plan for Exposure to Community Noise) would address impacts and require the Project sponsor to submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that identifies specific noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level of 45DNL within the interior space of residential buildings. The Project proposes retail, commercial retail and parks/open space uses, all of which would be developed in areas where required standard conditions of approval (SCAs) could ensure they would be consistent with the General Plan's noise compatibility guidelines. With implementation of Mitigation Measure NOI-3 and required SCAs, the noise exposure for proposed commercial uses and residential uses would be reduced, would be compatible with the land use noise environment guidelines and the impact is less than significant with mitigation.

K. PUBLIC SERVICES

As discussed in the EIR (DEIR Chapter 4.4 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact PUB-1, Impact PUB-2, Impact PUB-5, and Impact PUB-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. Because the amount of development under Alternative 3 would be identical to the Proposed Project, the less-than-significant impacts with mitigation of Alternative 3 relating to Public Services and related cumulative impacts would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact PUB-1: Fire Protection and Emergency Medical Response. The Project could result in an increase in demand for fire protection and emergency medical response services that would require new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. The presence of construction workers on-site could result in an incremental, temporary increase in demand for fire protection and emergency medical response services. This incremental, temporary increase in demand for services during construction could be accommodated by existing fire protection and emergency medical response services, including from Fire Station 2 located on the Project site. However, the Oakland Fire Department (OFD) has indicated that a retrofit of the station would be necessary in the future. The Project proposes to retain Fire Station 2 on the Project site, which re-opened in 2020 to serve as a temporary station during planned fire station remodels and construction projects in the City, although the station may be removed in the future and the EIR analyzed its potential demolition. The replacement fire station, if Fire Station 2 is demolished, would likely be located within the Project's development envelope. The physical impacts related to demolition and construction of this facility are addressed as part of the Project and are included within the analyses in the appropriate environmental resource topic sections of the EIR. (If retrofit of the existing fire station, impacts related to this construction would be less than those associated with demolition and replacement.) If Fire Station 2 is

removed from use as an active fire station (either temporarily due to retrofit or permanently due to demolition), this could result in reduced levels of fire protection and emergency services due to displacement of firefighters and equipment. Thus, a retrofit of Fire Station 2 or the construction of a new fire station and, if necessary, development of a temporary station would be required to enable OFD to maintain acceptable levels of fire protection and emergency medical response services in the vicinity of the Project site as well as citywide. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Necessary Improvement Measure PUB-1 (Fire Station 2 Retrofit or Replacement) would require the Project sponsor to retrofit and make improvements to Fire Station 2 and/or construct a replacement fire station if the current station is demolished in coordination with OFD to maintain or improve existing service levels during Project construction. This improvement measure would be required and implemented as a condition of approval for the Project for this non-CEQA impact. The physical impacts of constructing a replacement fire station facility are subsumed in the analysis of impacts of constructing the Project. Mitigation measures are identified to reduce construction-related impacts (including those caused by construction of fire facilities) to air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. The following mitigation measures, as set forth in the EIR and MMRP, are applied collectively to this impact as Mitigation Measure PUB-1. These include Mitigation Measures AIR-1a (Dust Controls); AIR-1b (Criteria Air Pollutant Controls); AIR-1c (Diesel Particulate Matter Controls); AIR-1d (Super-Compliant VOC Architectural Coatings during Construction); BIO-1a (Disturbance of Birds during Nesting Season); BIO-2 (Pre-Construction Assessments and Protection Measures for Bats); BIO-3 (Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals); BIO-4 (Compensation for Fill of Jurisdictional Waters); CUL-1 (Maritime Resources Treatment Plan); CUL-2 (Vibration Analysis for Historic Structures); CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction); CUL-4b (Archaeologically Sensitive Areas – Pre-Construction Measures); CUL-5 (Human Remains – Discovery During Construction); GEO-1 (Site-Specific Final Geotechnical Report); GEO-2 (Inadvertent Discovery of Paleontological Resources During Construction); HAZ-1a (Preparation and Approval of Consolidated RAP, LUCs and Associated Plans); HAZ-1b (Compliance with Approved RAP, LUCs and Associated Plans); HAZ-1c (Health and Safety Plan); HAZ-1d (Hazardous Building Materials); HYD-1 (Creek Protection Plan); NOI-1a (Construction Days/Hours); NOI-1b (Construction Noise Reduction); NOI-1c (Extreme Construction Noise Measures); NOI-1d (Project-Specific Construction Noise Reduction Measures); NOI-1e (Construction Noise Complaints); NOI-1f (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors); and TRANS-4 (Construction Management Plan). While the Project could result in the temporary loss of acceptable fire protection and emergency medical response services due to the retrofit or potential demolition of Fire Station 2, with implementation of Necessary Improvement Measure PUB-1, which requires the Project to retrofit and make improvements to Fire Station 2 and/or construct a replacement fire station and temporary fire facilities, as needed. If the replacement station is located within the Project's development envelope, the physical impacts are addressed through other mitigation measures in the Draft EIR, as indicated in Mitigation Measure PUB-1 and impacts related to fire protection and emergency services would be less than significant with mitigation.

Impact PUB-2: Police Protection. The Project could result in an increase in demand for police services that would require new or physically altered police facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. The Project uses would increase the daily population at the Project site, adding a new permanent residential population associated with the proposed onsite residential uses. The daily population will also increase due to daily employment and visitors of the proposed office, retail, and entertainment uses, in addition to employees and patrons of games and events at the proposed ballpark. In order to adequately serve the proposed ballpark, Oakland Police Department (OPD) would require police office space and a command post within the ballpark. Necessary Improvement Measure PUB-2 (Ballpark

Law Enforcement Facilities) requires the Project sponsor to provide police office space including an area within the development to be utilized for event day briefings, report writing space, and holding cells to accommodate arrests, as well as a command post within the ballpark that would be utilized by all agencies involved in event and security operations, as discussed further under Impact PUB-5, Maritime Emergency Services and Law Enforcement. This improvement measure would be required and implemented as a condition of approval for the Project for a non-CEQA impact. With implementation of Necessary Improvement Measure PUB-2, the Project would provide the facilities to adequately provide police services to the ballpark. As these new facilities would be located within an otherwise-planned structure, they would generate no further impacts beyond those identified in this EIR for the Project. Mitigation measures are identified to reduce construction-related impacts (including to police facilities) to air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. As discussed under Impact PUB-1 above, these mitigation measures are applied collectively as Mitigation Measure PUB-1, as set forth in the EIR and MMRP. Therefore, the Project's impact related to police protection for the ballpark would be less than significant with mitigation.

Impact PUB-5: Maritime Emergency Services and Law Enforcement. The Project could indirectly result in an increase in demand for maritime emergency services and law enforcement at a level that would require new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives, construction of which could have significant physical environmental impacts. While the Project does not propose facilities for recreational watercraft, the ballpark and waterfront park could indirectly create a new demand for recreational watercraft users using existing facilities in the Project vicinity, which could result in demand for maritime emergency services and law enforcement. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure LUP-1a (Boating and Recreational Water Safety Plan), as set forth in the EIR and MMRP, would address potential impacts and require development of a Project-specific boating and recreational water safety protocol. The boating and recreational water safety protocol outlined in Mitigation Measure LUP-1a would reduce conflicts between vessels using the Inner Harbor Channel and include procedures for responding to water-related emergencies adjacent to the Project site in coordination with OPD, the U.S. Coast Guard, the Alameda County Sheriff's Office, the Harbor Safety Committee of the San Francisco Bay Region, and WETA to ensure that an adequate response to the increased demand resulting from development of the Project would be facilitated. Additionally, with implementation of Necessary Improvement Measure PUB-2, the Project would provide a command post to be utilized by all agencies involved in event and security operations at the ballpark, including landside coordination with water-based patrols. As these new facilities would be located within an otherwise-planned structure, they would generate no further impacts beyond those identified in this EIR for the Project. Mitigation measures are identified to reduce construction-related impacts (including to police facilities) to air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. As discussed under Impact PUB-1 above, these mitigation measures are applied collectively as Mitigation Measure PUB-1, as set forth in the EIR and MMRP. With implementation of Mitigation Measures PUB-1 and LUP-1a, the Project's impact related to maritime law enforcement and emergency services would be less than significant with mitigation.

Impact PUB-1.CU: Cumulative Public Services Impacts. The Project, combined with cumulative development in the Project vicinity and citywide, could result in an adverse cumulative increase in demand for public services that would require new or physically altered governmental facilities, construction of which could have significant physical environmental impacts. Cumulative development in the Project vicinity and Citywide would generate a need for additional fire protection and emergency medical response services, adding to the existing deficiency of OFD response times to the waterfront. OFD has indicated that, even with the existing equipment available at Fire Station 2, the existing Fire

Station 2 is not adequate to meet cumulative demands of the waterfront including the continuing high density development, Port of Oakland needs, and redevelopment at the Oakland Army Base. The cumulative impact to fire protection and emergency medical response services would therefore require the construction of additional facilities, the impact of which could be significant. Further, cumulative development in the Project vicinity and Citywide would generate a need for additional police protection, based on an increase in population Citywide. The OPD has indicated that it is in need of a new Police Administration Building without the Project. Therefore, the cumulative impact to police protection may be significant. Finally, cumulative development could increase the potential for recreational watercraft in the Inner Harbor that could be attracted to the Project site, causing potential conflicts with maritime navigation and an increase in the demand for maritime emergency service. Consequently, the cumulative impact of the Project would be potentially significant, and mitigation would be required. As discussed under Impact PUB-1, Necessary Improvement Measure PUB-1 would require the Project sponsor to retrofit Fire Station 2 or construct a replacement fire station on or near the Project site in coordination with OFD to ensure that adequate service levels are maintained during construction and operation. OFD has indicated that a retrofit and improvements to existing Fire Station 2 would be necessary in the future in order to incorporate it into the Project design, and a retrofit of Fire Station 2 would ultimately serve OFD's cumulative demand for service at the waterfront. Alternatively, OFD has indicated that a replacement fire station would be necessary to handle the anticipated cumulative increase in calls for service. Mitigation Measure PUB-1, as set forth in the EIR and MMRP, would reduce impacts related to the construction of the Fire Station 2 retrofit or a replacement fire station if located within the Project's development envelope. As discussed under Impact PUB-2, with implementation of Necessary Improvement Measure PUB-2, the Project would be required to provide police office space and a command post within the proposed ballpark. Mitigation Measure PUB-1, as set forth in the EIR and MMRP, would reduce impacts related to the construction of law enforcement facilities within the ballpark. Additionally, a redistribution of current OPD Special Event Unit personnel from the Oakland Coliseum would satisfy the police staffing demand at the proposed ballpark. Finally, Mitigation Measure LUP-1a, as set forth in the EIR and MMRP, would require the Project sponsor to develop a boating and recreation water safety plan that would reduce the risk of an increase in conflicts between recreational boaters and other vessels using the Estuary adjacent to the Project site, and would include the provision of additional maritime emergency services and law enforcement. With implementation of Mitigation Measures PUB-1 and LUP-1a, the Project, combined with cumulative development in the Project vicinity and Citywide, would not have a considerable contribution to a significant cumulative impact due to the construction of physical improvements with regard to fire protection, emergency medical response, and police protection. The Project will not have a considerable contribution to a significant cumulative impact with regard to library services. Additionally, the Project would result in a less-than-significant cumulative impact on schools, and a less-than-significant cumulative impact on maritime emergency services and law enforcement. Therefore, the cumulative impact to public services would be less than significant with mitigation.

L. RECREATION

As discussed in the EIR (DEIR Chapter 4.4 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact REC-2 and Impact REC-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. Because the amount of development under Alternative 3 would be identical to the Proposed Project, the less-than-significant

impacts with mitigation of Alternative 3 relating to Recreation and related cumulative impacts would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact REC-2: Accelerated Substantial Physical Deterioration of Recreational Facilities. The Project involves the construction of publicly accessible open space and recreational facilities. To the extent construction of these new open space and recreational facilities as part of the Project could potentially result in significant adverse environmental effects, such effects are analyzed throughout the EIR. Mitigation measures are included to reduce construction-related impacts (including from construction of recreational facilities) to air quality, biological resources, cultural resources, geology, soils, and paleontological resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation to the extent feasible. Mitigation Measure REC-1, as set forth in the EIR and MMRP, requires implementation of these measures to reduce construction-related impacts involving recreational facilities on-site to the extent feasible. These measures include Mitigation Measures AIR-1a (Dust Controls); AIR-1b (Criteria Air Pollutant Controls); AIR-1c (Diesel Particulate Matter Controls); AIR-1d (Super-Compliant VOC Architectural Coatings during Construction); BIO-1a (Disturbance of Birds during Nesting Season); BIO-2 (Pre-Construction Assessments and Protection Measures for Bats); BIO-3 (Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals); BIO-4 (Compensation for Fill of Jurisdictional Waters); CUL-1 (Maritime Resources Treatment Plan); CUL-2 (Vibration Analysis for Historic Structures); CUL-4a (Archaeological Resources and Tribal Cultural Resources – Discovery During Construction); CUL-4b (Archaeologically Sensitive Areas – Pre-Construction Measures); CUL-5 (Human Remains – Discovery During Construction); GEO-1 (Site-Specific Final Geotechnical Report); GEO-2 (Inadvertent Discovery of Paleontological Resources During Construction); HAZ-1a (Preparation and Approval of Consolidated RAP, LUCs and Associated Plans); HAZ-1b (Compliance with Approved RAP, LUCs and Associated Plans); HAZ-1c (Health and Safety Plan); HAZ-1d (Hazardous Building Materials); HYD-1 (Creek Protection Plan); NOI1a (Construction Days/Hours); NOI-1b (Construction Noise Reduction); NOI-1c (Extreme Construction Noise Measures); NOI-1d (Project-Specific Construction Noise Reduction Measures); NOI-1e (Construction Noise Complaints); NOI-1f (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors); and TRANS-4 (Construction Management Plan), as set forth in the EIR and MMRP. With implementation of Mitigation Measure REC-1, the potential impacts regarding the effects of constructing the parks, open space, and recreational facilities would be less than significant with mitigation.

Impact REC-1.CU: Cumulative Recreation Impacts. The geographic scope of potential cumulative impacts on recreation encompasses the Project site and all areas of the City, as recreation facilities are provided Citywide. Cumulatively, the Project and the Brooklyn Basin Project would increase public open space in the City by approximately 38.3 acres. The Downtown Oakland Specific Plan EIR also includes mitigation measures that require the City to update its Capital Improvement Impact fees, and/or implement a dedicated impact fee specific to parks and recreation, as well as create a Privately Owned Public Spaces (POPOS) program to mitigate impacts to parks and recreational facilities. The Project would provide approximately 18.3 acres of open space, increasing the amount of parkland available to the public and serving the Project's increased demand. As discussed under Impact REC-1 and REC-2, the Project's open spaces and Bay Trail improvements would contribute to the existing supply of open spaces and recreational facilities, and the new population generated by the Project would not result in the need for additional new or expanded park facilities. However, construction of these new Project-specific open space and recreational facilities as part of the Project could potentially result in significant adverse environmental effects, and such effects are analyzed throughout the EIR. As discussed under Impact REC-2, Mitigation Measure REC-1 would require implementation of Project Mitigation Measures AIR-1a, Dust Controls; AIR-1b, Criteria Air Pollutant Controls; AIR-1c, Diesel Particulate Matter Controls;

AIR-1d, Super-Compliant VOC Architectural Coatings during Construction; BIO-1a, Disturbance of Birds during Nesting Season; BIO-2, Pre-Construction Assessments and Protection Measures for Bats; BIO-3, Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals; BIO-4, Compensation for Fill of Jurisdictional Waters; CUL-1, Maritime Resources Treatment Plan; CUL-2, Vibration Analysis for Historic Structures; CUL-4a, Archaeological Resources and Tribal Cultural Resources – Discovery During Construction; CUL-4b, Archaeologically Sensitive Areas – Pre-Construction Measures; CUL-5, Human Remains – Discovery During Construction; GEO-1, Site-Specific Final Geotechnical Report; GEO-2, Inadvertent Discovery of Paleontological Resources During Construction; HAZ-1a, Preparation and Approval of Consolidated RAP, LUCs and Associated Plans; HAZ-1b, Compliance with Approved RAP, LUCs and Associated Plans; HAZ-1c, Health and Safety Plan; HAZ- 1d, Hazardous Building Materials; HYD-1, Creek Protection Plan; NOI-1a, Construction Days/Hours; NOI-1b, Construction Noise Reduction; NOI-1c, Extreme Construction Noise Measures; NOI-1d, Project-Specific Construction Noise Reduction Measures; NOI-1e, Construction Noise Complaints; NOI-1f, Physical Improvements or Off-site Accommodations for Substantially Affected Receptors; and TRANS-4, Construction Management Plan, as set forth in the EIR and MMRP, to reduce construction-related impacts involving recreational facilities on-site to the extent feasible. With implementation of Mitigation Measure REC-1, the Project's contribution to a significant cumulative impact would not be cumulatively considerable and the cumulative impact would be less than significant with mitigation.

M. TRANSPORTATION AND CIRCULATION

As discussed in the EIR (DEIR Chapter 4.15 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact TRANS-1A, Impact TRANS 1B, Impact TRANS-2, Impact TRANS-4, Impact TRANS-1.CU, Impact TRANS-2.CU, and Impact TRANS-4.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation which would increase the amount of construction equipment and construction truck traffic to and from the site. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities.

The presence of a grade-separated crossing for vehicles under Alternative 3 could somewhat redistribute vehicular travel to and from the site, with more vehicles choosing to use the new grade-separated crossing. The Brush Street alignment would also increase the capacity of local roadways accessing the site, adding two new lanes in each direction if Market Street is maintained as an at-grade vehicular crossing. This increase in local roadway capacity and the potential reduction in delay associated with a new grade-separated crossing would not substantially induce additional automobile travel or result in a mode-shift as compared to the Proposed Project for several reasons. First, the Project site is effectively a "dead end," and the grade separation would only provide access to the site and adjacent Schnitzer Steel property. Second, with Alternative 3, the site would be developed with the same mix of uses and the same amount of on-site parking as with the Proposed Project, so it would generate the same number of vehicle trips as the Proposed Project. In addition, traffic changes would be localized on the site and in the vicinity, and would not remove the vehicle capacity constraint provided by the local street network between 3rd and 7th Streets. Traffic transitions between Brush, Castro, Market, and Martin Luther King (MLK) Jr. Way as well as to/from I-880 within these few blocks, as well as the turning movements required for drivers to navigate through the area, effectively comprise a constraint on roadway capacity that would remain in place with Alternative 3, just as with the Proposed Project.

With the grade separation in Alternative 3, there could be less congestion when a freight train passes through, since vehicles would no longer have to wait for the train to pass. However, freight trains only occur approximately five times per day between the hours of 11 a.m. and 11 p.m. Passenger trains are much more frequent, but gate down times associated with them are generally no more than a traffic signal phase.

Because the changes in local traffic circulation with Alternative 3 would not result in a mode shift and the same vehicle trip reduction measures would apply to Alternative 3, VMT impacts of Alternative 3 would be less than significant, as with the Proposed Project, and the same mitigation measures would ensure effective implementation of the transportation management plan (TMP) and transportation demand management plan (TDM) measures

For these reasons, the less-than-significant impacts with mitigation of Alternative 3 relating to Impact TRANS-1A, Impact TRANS 1B, Impact TRANS-2, Impact TRANS-4, Impact TRANS-1.CU, Impact TRANS-2.CU, and Impact TRANS-4.CU would be similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project for the following Transportation impacts would be similar to the Proposed Project and would be reduced to less than significant with the mitigation measures as set forth in the findings below.

Impact TRANS-1A Non-Ballpark Development VMT. VMT per capita generated by the residential and commercial components of the Project would be more than 15 percent below the regional averages, and citywide VMT per service population would remain the same without and with the retail component of the Project, resulting in a less-than-significant impact for the residential and commercial components of the Project. Although attendees to events at the performance venue are expected to have lower average VMT than attendees at concerts at Oakland Arena, the estimated VMT per attendee reduction (without the TDM Plan) does not meet the threshold used in this analysis, which is to reduce VMT to a level of 15 percent below similar existing uses. Per AB 734, the Project's non-ballpark development, which includes the performance venue, would be required to incorporate a TDM Plan that would reduce vehicle trip generation by at least 20 percent. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure TRANS-1a, as set forth in the EIR and MMRP, includes City requirements and ensures the TDM's effectiveness. As shown in the EIR, features of the TDM plan are enough to accomplish the required 20 percent VTR. The VMT for the retail use would not exceed the CEQA threshold and the impact is less than significant. For the performance venue, the analysis in the EIR shows how this 20 percent reduction in vehicle trips from attendees and required mitigation would result in a greater than 15 percent reduction in VMT per attendee from similar uses that meet the CEQA threshold and result in a less-than-significant impact with mitigation.

Impact TRANS-1B Ballpark VMT: Due to its unique use and size, VMT per attendee for the 35,000-attendee capacity ballpark component of the Project cannot be assessed using the screening criteria or the regional travel demand models used for the other components of the Project. The ballpark component of the Project would not meet the City's screening criteria for a less-than-significant impact on VMT. Further reductions in VMT per attendee are necessary for the ballpark component of the Project to achieve a VMT per attendee less than existing events minus 15 percent. Per AB 734, the Project would be required to incorporate a TMP that would reduce vehicle trip generation by at least 20 percent. To achieve VMT per attendee to levels less than the existing ballpark minus 15 percent, the Project would incorporate a TMP that would reduce VMT per attendee compared to similar existing uses. The TMP would incorporate a wide variety of measures to reduce vehicle demand and other transportation-related impacts. These measures would change travel behavior, vehicle trip generation and VMT through improvements and incentives for alternative transportation modes such as bus-only lanes, a high capacity transportation hub, and transit fare reductions, and disincentives to driving like reduced parking supply

and increased parking prices. However, because the TMP relies in part on strategies that have not been defined with specificity and would require continued monitoring and adjustment, a mitigation measure is included to ensure its ongoing effectiveness. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure TRANS-1b (Transportation Management Plan), Mitigation Measure TRANS-1c (Implement a Transportation Hub on 2nd Street), Mitigation Measure TRANS-1d (Implement Bus-Only Lanes on Broadway), and Mitigation Measure TRANS-1e (Implement Pedestrian Improvements), as set forth in the EIR and MMRP, would address impacts of Project-related impacts on ballpark VMT. For the ballpark portion of the Project, with implementation of a TMP, as set forth in the EIR, and Mitigation Measures TRANS-1b, TRANS-1c, TRANS-1d, and TRANS-1e, and City requirements would ensure that the 20 percent VTR requirement will be met for the ballpark, features of the TMP are enough to accomplish the required 20 percent VTR, result in a greater than 15 percent reduction in VMT per attendee from the existing Coliseum ballpark use (which meets the CEQA threshold), and results in a less-than-significant impact with mitigation.

Impact TRANS-2: Consistency with Adopted Policies, Plans, or Programs. Project or required transportation improvements could potentially conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay). Implementation of the Project including the Mitigation Measures and the Non-CEQA Recommendations described in the EIR furthers the existing policies in these policy documents resulting in an overall beneficial impact on transportation in the area. Even so, there are potential conflicts between the Project and individual projects and policies in the many planning documents completed within the influence area of this Project that should be resolved. There are three corridors, Adeline Street and Market Street and Broadway, where planned transportation improvements described in adopted plans would potentially conflict with the Project's transportation improvements. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures TRANS-2a (Implement Buffered Bike Lanes on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street) and TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), as set forth in the EIR and MMRP, would address potential impacts related to consistency with policies, plans, and programs addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian sidewalks. Implementation of Mitigation Measures TRANS-2a and TRANS-2b and TRANS-2c would resolve potential conflicts with the City's Bicycle Plan not already addressed via mitigation measures and non-CEQA recommendations identified in the EIR and the impact would be less than significant with mitigation.

Impact TRANS-4: Transportation Hazard. The Project would be constructed over several years and include on- and off-site construction activities as well as construction along the railroad corridor that could expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a substantial transportation hazard. During the construction period for either the Phase 1 or subsequent buildout, including the overcrossing, temporary and intermittent transportation impacts may result from truck movements as well as construction worker vehicles to and from the project site. The construction-related traffic may temporarily reduce capacities of roadways in the project vicinity because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. Potential construction activity of off-site transportation improvements in the public right-of-way, could result in temporary closure of sidewalks, prohibition of on-street parking, and potentially vehicle travel lane closures. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure TRANS-4 (Construction Management Plan), as set forth in the EIR and MMRP, would address potential impacts related to transportation hazards by requiring the preparation and implementation of a construction traffic plan, which would manage the movement of vehicles, including those transporting hazardous materials, on roads. With the implementation of the Mitigation

Measure TRANS-4, the volume and timing of construction traffic would be managed so as not to adversely affect the level of service on nearby roads and the impact relative to emergency response or evacuation plans, potential impacts related to transportation hazards would be reduced and the impact would be less than significant with mitigation.

Impact TRANS-1.CU: VMT Cumulative Impacts. The Project's residential VMT per capita will slightly increase between 2020 and 2040 while its VMT per worker will decrease. Even with the slight increase in the Project's residential VMT per capita, it will still be among the lowest in the region, about 52 percent lower than the regional average. Per capita VMT in 2040 for the Project would be 6.6 due to its location in in Jack London District (TAZs 966 and 967) compared to the regional average of 13.8. The per worker project VMT would be 14.2 due to its location in Jack London District compared to the regional average of 20.3. A less-than-significant cumulative impact on VMT would occur provided the mitigation measures identified for the Project are implemented to ensure that the required reduction in VMT standard is met. Specifically, the following mitigation measures, as set forth in the EIR and MMRP, are identified to ensure the Project complies with the 20 percent VTR requirement and the effectiveness of the TDM Plan (for the non-ballpark development) and the TMP (for the ballpark) that would reduce the Project's contribution to cumulative transportation impacts and achieve the required reduction in VMT per capita in 2040: Mitigation Measure TRANS-1a: Transportation and Parking Demand Management Plan. (See Impact TRANS-1A); Mitigation Measure TRANS-1b: Transportation Management Plan. (See Impact TRANS-1B); Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Impact TRANS-1B); Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Impact TRANS-1B); and Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Impact TRANS-1B). With implementation of Mitigation Measures TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, and TRANS-1e, the Project's contribution to the significant cumulative impact would not be cumulatively considerable and the cumulative impact would be less than significant with mitigation.

Impact TRANS-2.CU: Cumulative Impacts Regarding Consistency with Adopted Policies, Plans, or Programs. Project or required transportation improvements could potentially conflict with a plan, ordinance, or policy addressing the safety or performance of the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths (except for automobile level of service or other measures of vehicle delay). Implementation of the Project including the Mitigation Measures and the Non-CEQA Recommendations described in Impact TRANS-2 is generally consistent with and furthers the existing policies in the policy documents resulting in an overall beneficial impact on transportation in the area. However, there are limited potential conflicts between the Project and individual plan elements and policies as noted in Impact TRANS-2. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure TRANS-2a (Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street), and TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), as set forth in the EIR and MMRP, would address potential impacts related to consistency with adopted policies, plans or programs. These mitigation measures would continue under cumulative conditions to reduce the Project's contribution to the cumulative effects of inconsistency with these limited individual plan elements. With implementation of Mitigation Measures TRANS-2a, TRANS-2b, and TRANS-2c, the cumulative impact is less than significant with mitigation.

Impact TRANS-4.CU, Transportation Hazards Cumulative Impacts: The Project would be constructed in an area that is seeing additional construction, including housing and commercial development in Downtown and near the West Oakland BART, and street improvements throughout Downtown, and could contribute to a significant transportation hazard due to construction activity. Consequently, the impact of

the Project would be potentially significant, and mitigation would be required. Mitigation Measure TRANS-4 (Construction Management Plan), as set forth in the EIR and MMRP, would address potential impacts related to transportation hazards by requiring the preparation and implementation of a construction traffic plan, which would manage the movement of vehicles, including those transporting hazardous materials, on roads. Further, proposed projects in the City of Oakland are subject to review and approval of construction management plans to avoid the potential for traffic hazards and provide an opportunity to coordinate temporary street closures or other actions that could affect users of the area. With these requirements and implementation of Mitigation Measure TRANS-4, no significant cumulative traffic hazard would occur as the these requirements would ensure that the Project's construction process does not itself result in hazards that could be significant when combined with those of nearby projects. With implementation of Mitigation Measures TRANS-4, the cumulative impact is less than significant with mitigation.

N. UTILITIES AND SERVICE SYSTEMS

As discussed in the EIR (DEIR Chapter 4.16 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in the following impacts which are less than significant with mitigation: Impact UTIL-1, Impact UTIL-2, Impact UTIL-4, and Impact UTIL-1.CU. The Project with the grade separation would include the same types and amount of development as the Proposed Project and would introduce alternative means of access to the site. The grade separated crossing would require types of excavation and construction activities similar to the Proposed Project, but include additional construction-related activities and excavation for utility relocation. The new overcrossing is located in a fully developed area with prior disturbance and excavation activities, especially for underground utilities. Existing storm drain, sanitary sewer, domestic water, gas, electrical, and communications utilities would need to be relocated within the right-of-way or to adjacent streets. While there would be more potential conflicts and relocations of existing utilities with Alternative 3 than with the Proposed Project, the application of existing laws and regulations and mitigations would ensure that impacts would be reduced to less than significant, similar to those with the Proposed Project.

For the reasons stated above, the impacts for the Project would be similar to the Proposed Project and would be reduced to less than significant with application of existing laws and regulations and the mitigation measures as set forth in the findings below.

Impact UTIL-1: Wastewater Conveyance and Treatment. The Project could exceed the capacity of the existing wastewater conveyance or treatment system and would not result in exceedance of EBMUD's wastewater discharge limitations. The Project would increase population on the Project site, resulting in an increase in wastewater discharge to the EBMUD interceptor and MWWTP systems compared to current conditions. After buildout of the Project, wastewater generation would be approximately 1.5 mgd average dry weather flow (ADWF) with a peak hour generation of 5.5 mgd during maximum use of the entire Project site (i.e., during events at the stadium). The Project's maximum wastewater discharge of 5.5 mgd is only about five percent of the excess treatment capacity. Although regulatory and permitting review by the City and EBMUD would ensure that wastewater conveyance system would be designed to not exceed capacities, design of Project wastewater design features has not been completed. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure UTIL-1 (Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis), as set forth in the EIR and MMRP, would address potential impacts related to wastewater discharge and would ensure that the Project's wastewater design features would meet the City's and EBMUD's design standards to ensure the Project would not result in exceeding the available conveyance and treatment capacity of the MWWTP, and would not result in I/I discharged to the MWWTP during wet weather conditions. The Project sponsor would be required to submit a final design Sanitary Sewer Impact Analysis to the City for review and approval in accordance

with the City of Oakland Sanitary Sewer Design Guidelines. Implementation of Mitigation Measure UTIL-1 would reduce potential impacts on wastewater conveyance and treatment capacities to less than significant with mitigation.

Impact UTIL-2: Stormwater Conveyance. The Project could exceed the capacity of the City's stormwater drainage system. During construction, portions of the Project site could remain in the current impervious condition with stormwater runoff from those areas isolated from the stormwater runoff in the active construction zone(s). Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measure HYD-1a (Creek Protection Plan) and HYD-1b would ensure that the City's NPDES permit would meet water quality criteria for stormwater runoff, including the requirements of Provision C.3, and provide reduction of stormwater runoff velocities and volume, final design of Project stormwater treatment design features to meet the City's Storm Drainage Design Standards and Guidelines has not been completed. Mitigation Measure UTIL-2 (Preparation and Approval of Storm Drainage System), as set forth in the EIR and MMRP, would ensure that the Project's stormwater treatment design features would meet the City's Storm Drainage Design Standards and Guidelines and would ensure a reduction in the velocity and volume of stormwater runoff compared to existing conditions entering the City's drainage system. Implementation of Mitigation Measures HYD-1a, HYD-1b, and UTIL-2 would result in a less-than-significant impact with mitigation.

Impact UTIL-4: Solid Waste. Development of the Project could violate applicable federal, State, and local statutes or regulations related to solid waste, but it would not generate solid waste that would exceed the permitted capacity of the landfills serving the area. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. The City and the Port are cooperating to establish a shared regulatory framework under which the City will apply all relevant provisions of the Oakland Municipal Code. Mitigation Measure UTIL-3 (Recycling Collection and Storage Space), as set forth in the EIR and MMRP, would address potential impacts and require that the Project comply with the Recycling Space Allocation Ordinance (OMC Chapter 17.118). The ordinance requires the Project sponsor to submit a plan that includes Project drawings for construction-related permits that show recycling collection and storage areas in compliance with this ordinance, in addition to capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the Project from landfill disposal in accordance with current City requirements. With implementation of Mitigation Measure UTIL-3, potential impacts related to solid waste would be reduced and the impact would be less than significant with mitigation.

Impact UTIL-1.CU: Utilities and Service Systems Cumulative Impacts. The Project, combined with cumulative development in the Project vicinity and citywide, could result in a significant cumulative impact on water supplies; the capacity of EBMUD's wastewater systems or the City's stormwater conveyance capacity; or generation of solid waste. The Project, in addition to past, present, and reasonably foreseeable future development within the EBMUD service area, would result in a cumulative increase in wastewater volumes in the interceptors and demands on treatment at the MWWTP. EBMUD and the cities it serves have committed through a federal consent decree to NPDES waste discharge permit limitations on wet weather flows requiring all new development and redevelopment to replace old pipelines with new impervious pipelines to prevent I/I from entering EBMUD's interceptors. This strategy, which is mandatory under EBMUD's Private Sewer Lateral Ordinance, and the City's sewer design standards, would reduce I/I over time to prevent discharges from WWFs by 2036. Until such time I/I is reduced significantly, impacts on the MWWTP treatment capacity and EBMUD interceptor system are likely to be exceeded during wet weather flows resulting in a significant cumulative impact. The Project's contribution to cumulative conditions, which include wet weather overflows, would be less than considerable because the Project would eliminate I/I from the Project site and wastewater would enter EBMUD's interceptor at a location downstream of WWFs. Therefore, the Project would not contribute I/I flows during wet weather and would result in a less-than-considerable contribution to cumulative

conditions. However, because the Project wastewater design features have not yet been designed, implementation of Mitigation Measure UTIL-1 (Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis) would ensure that the Project's wastewater design features would meet the City's and EBMUD's design standards and would ensure the Project does not exacerbate capacity within the interceptor during wet weather and would result in a less-than-significant impact with mitigation. In addition, Mitigation Measures HYD-1a and HYD-1b, as set forth above and in the EIR and MMRP, and other ordinances would maintain or reduce flows on new or redevelopment site and prevent trash, sedimentation, and other materials from entering the stormwater conveyance system. Although Mitigation Measures HYD-1a and HYD-1b, and regulatory and permitting review by the City to meet the City's NPDES permit would meet water quality criteria for stormwater runoff, including the requirements of Provision C.3, design of Project stormwater treatment design features, to meet the City's Storm Drainage Design Standards and Guidelines has not been completed. Therefore, as discussed in Impact UTIL-1, implementation of Mitigation Measure UTIL-2 (Preparation and Approval of Final Design Storm Drainage System Plans) would ensure that the Project's stormwater treatment design features would meet the City's Storm Drainage Design Standards and Guidelines and regulatory requirements and would ensure a reduction in the Project's contribution to velocity and volume of stormwater runoff compared to existing conditions entering the City's drainage system would result in a less-than-significant impact with mitigation. Finally, based on the existing landfill capacities and closure dates, along with ACWMA projections, planning, and waste reductions within the service area of the ACWMA, and compliance with City of Oakland waste reduction ordinances, including Mitigation Measure UTIL-3 (Recycling Collection and Storage Space), as set forth above and in the EIR and MMRP, required for the Project, which ensures compliance with the City of Oakland's the Recycling Space Allocation Ordinance, cumulative impacts on landfill capacity are considered less than significant. With implementation of Mitigation Measures UTIL-1, UTIL-2, UTIL-3, HYD-1a, and HYD-1b, the Project would not result in a cumulatively considerable contribution to a cumulative impact, and the cumulative impact on utilities and service systems would be less than significant with mitigation.

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 MMRP, the City Council finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible mitigation measures:

Aesthetics, Shadow and Wind: Although the EIR does not consider aesthetics, including the aesthetic impacts of light and glare in determining the significance of Project impacts under CEQA pursuant to CEQA Section 21099(d), the City of Oakland (City) recognizes that the public and decision makers may be interested in information about the aesthetic effects of a project; therefore, the EIR provided information related to aesthetics, light, and glare solely for informational purposes and not to determine the significance of environmental impacts pursuant to CEQA. The topics of shadow and wind are, however, used to determine the significance of environmental impacts under CEQA.

As discussed in the EIR (DEIR Chapter 4.1 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in two significant and unavoidable wind impacts: **Impact AES-5**, exceedance of the 36 mph criterion for more than one hour during daylight hours annually, and **Impact AES-1.CU**, contributions to a significant cumulative exceedance of the wind hazard criterion.

The Project with the grade separation would result in views, shading, light and glare, and wind conditions similar to those with the Proposed Project, except for the additional impacts that would occur as a result of the overcrossing itself as explained below. As stated above, the impact discussion relating to views

and light and glare are non-CEQA impacts provided for informational purposes only. Alternative 3 would include the same types and amount of development as the Proposed Project. With regard to change on impacts of development, as a result of the new alignment of Embarcadero West to be constructed south of the railroad tracks for the crossing, Blocks 10 and 13 on the Project site could be reduced in size when compared to the Proposed Project. However, the resulting potential reallocation of density to other blocks would remain within the overall envelope shown in the visual simulations in Section 4.1 for the Draft EIR. For this reason, views, shading, light and glare, and wind conditions attributable to Project would be similar to the Proposed Project. As to impacts of the overcrossing itself, any new overcrossing would be visible from publicly accessible locations near the Project site, including sidewalks along nearby streets. The overcrossing would be lower in height than Project buildings, which would be up to 600 feet high. Like the Proposed Project, the overcrossing would not be visible from previously selected key viewpoints due to intervening development, nor would it obstruct views of scenic resources such as the Oakland Hills, the downtown Oakland skyline, or of the Bay, although it could affect a scenic resource, the Southern Pacific Railroad API, as discussed under the Cultural and Tribal Resources impact findings below. Railroad overcrossings are large and noticeable, but are also common features of urban environments, including nearby at the Port of Oakland and in Jack London Square, where there is a vehicular overcrossing (at Middle Harbor Road) and two pedestrian overcrossings. For this reason, a new overcrossing would not visually contrast with the area or substantially degrade the existing visual character. The overcrossing would include lighting, which would be focused down onto the road surface, and would therefore not result in excessive light or glare. With regard to wind, overcrossings do not have characteristics that create measurable wind impacts, such as large building masses extending substantially above their surroundings, or large unarticulated walls that catch a prevailing wind. The overcrossing would be less than 100 feet high. For the reasons stated above, the related impacts for the Project would be the same as the Proposed Project as described below, including **Impact AES-5**, exceedance of the 36 mph criterion for more than one hour during daylight hours annually, and **Impact AES-1.CU**, contributions to a significant cumulative exceedance of the wind hazard criterion, which would remain significant and unavoidable for the Project.

> Impact AES-5: The Project would create winds that exceed 36 mph for more than one hour during daylight hours during the year and result in a significant and unavoidable impact. Implementation of Mitigation Measure AES-1 (Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. Mitigation Measure AES-1 is summarized as follows: AES-1 requires that prior to obtaining a building permit for any building within the Project site proposed to be at least 100 feet in height, the Project sponsor (including any subsequent developer) shall undertake a wind analysis for such proposed building. The wind analysis shall be conducted by a qualified wind consultant. If the wind consultant demonstrates to the satisfaction of the Bureau of Planning, and based on the criteria in the mitigation measure, that the modified design would not create a net increase in hazardous wind hours or locations under partial buildout or buildout conditions, compared to then-existing conditions, no further review would be required. If the wind analysis determines that the building's design would increase the hours of wind hazard or the number of test points subject to hazardous winds, compared to then-existing conditions, the Project sponsor shall work with the wind consultant to identify feasible mitigation strategies, including design changes (e.g., setbacks, rounded/chamfered building corners, or stepped facades), to eliminate or reduce wind hazards to the maximum feasible extent without unduly restricting development potential. Wind reduction strategies could also include features such as landscaping and/or installation of canopies along building frontages, and the like. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures AES-1, Impact AES-5 would remain a significant unavoidable impact.

Impact AES-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would result in significant cumulative aesthetics, wind, and shadow impacts. With regard to wind impacts, as described for Impact AES-5, implementation of Mitigation Measure AES-1, as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measure AES-1, Impact AES-1.CU would remain a significant unavoidable impact.

Air Quality: As discussed in the EIR (DEIR Section 4.2 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in five significant and unavoidable air quality impacts: Impact AIR-1, Impact AIR-2, Impact AIR-4, Impact AIR-1.CU, and Impact AIR-2.CU.

Criteria Pollutant Emissions Impacts – Impact AIR-1, AIR-2 and AIR-1.CU. The Project with the grade separation would result in additional criteria pollutant emissions as compared to the Proposed Project due to the excavation and construction that would be required to build the grade separated crossing. As a result, criteria air pollutant emissions associated with Project would be greater than those with the Proposed Project, as shown in Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Impacts of Chapter 6 of the Draft EIR. As a result, the following significant and unavoidable impacts of the Proposed Project that would also occur with the addition of the grade separated crossing and the criteria pollutant emissions would be greater: Impact AIR-1, construction-related emissions of NOX; Impact AIR-2, operation plus construction-related emissions of ROG, NOX, and PM10; and Impact AIR-1.CU, construction-related contributions to cumulative regional air quality impacts associated with criteria pollutants. Mitigation measures identified in Section 4.2, Air Quality, would reduce these impacts, but not to a level of less than significant similar to Proposed Project. Therefore, for the reasons stated above, the impacts for the Project for Impacts AIR-1, AIR-2, and AIR-1.CU would remain significant and unavoidable with the mitigation measures as with the Proposed Project as set forth in the findings below.

Toxic Air Contaminants (TAC) Impacts –Impact AIR-4 and AIR-2.CU.

Impact AIR-4. With regard to TAC emissions, they would be higher with the Project with the grade separated crossing as compared to the Proposed Project because of the increased construction, and the resulting health risks would be higher due to these increased TAC emissions and the proximity of off-site receptors to the proposed alignments. The Project would result in mitigated cancer risks of approximately 30 per million with the Brush Street alignment, which is the closest grade-separation alignment to an existing off-site sensitive receptor. Cancer risks at the existing off-site sensitive receptor location would be 22 per million with the Market Street alignment. Both of these would exceed the significance threshold of 10 in a million and result in a new significant unavoidable impact (Impact AIR-4) that would occur with the Project with either the Brush Street overpass alignment or the Market Street alignment, but would not occur with the Proposed Project or any other alternative. Mitigation measures would reduce these significant health risks, as required for Impact AIR-4 and AIR-2.CU (see findings below), but their ability to reduce the impact below the threshold is not assured. Therefore, the impact is significant and unavoidable.

Construction and operation of the Project could generate substantial levels of toxic air contaminants (TACs) and impact off-site receptors. The Health Risk Assessment (HRA) for the Project was conducted to assess increased cancer risk, non-cancer chronic health effects, and localized annual average PM2.5 concentrations from both construction and operational sources. Construction activities associated with the Project would constitute a new source of diesel particulate matter (DPM) and PM2.5 emissions and

these emissions could result in elevated concentrations of DPM and PM2.5 at nearby sensitive receptors which could lead to an increase in the risk of cancer or other health impacts. Based on the HRA, the incremental increase in the off-site Maximally Exposed Individual Resident (MEIR) lifetime cancer risk due to combined construction and operational activities would exceed the City's threshold of 10 per million. Consequently, the impact of the Project would be potentially significant, and mitigation would be required. Mitigation Measures AIR-1c (Diesel Particulate Matter Controls), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures), and AIR-3 (Truck-Related Risk Reduction Measures – Toxic Air Contaminants), as set forth in the EIR and MMRP, would address impacts of Project-related TAC emissions on existing off-site sensitive receptors. Compliance with Mitigation Measures AIR-1c, AIR-2c, AIR-2d, AIR-2e, and AIR-3 would ensure that potential air quality impacts related to TACs during construction and operation of the Project would be less than significant. Mitigation Measure AIR-1c would be implemented as part of the Project to reduce construction equipment exhaust emissions while AIR-2c would reduce DPM and PM2.5 emissions associated with operational emergency generators. Mitigation Measure AIR-2d would reduce DPM and PM2.5 emissions associated with on-road heavy-duty truck travel and idling. Mitigation Measure AIR-3 would reduce DPM and PM2.5 associated with on-road heavy-duty truck travel and idling and Mitigation Measure AIR-2e may also reduce DPM, PM2.5, and ROG emissions associated with a variety of Project-related operational sources through the implementation of all feasible mitigation measures to reduce criteria pollutant emissions. However, even with the implementation of these Mitigation Measures, the impact of the Project with the grade separation is greater than the Proposed Project and would result in a significant and unavoidable impact. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Therefore the Impact AIR-4 is significant and unavoidable for the Project.

Impact AIR-2.CU. Like the Proposed Project, health risks under Alternative 3 would exceed the Project threshold for cumulative health risks, resulting in a significant and unavoidable cumulative impact (Impact AIR-2.CU (see below findings). The mitigation measures identified for the Proposed Project would apply, but would not reduce the impact to less than significant. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. For the reasons stated above, this cumulative impact for the Project (Impact AIR-2.CU) would be similar to the Proposed Project as described below and would remain significant and unavoidable for the Project with the mitigation measures as set forth in the findings below.

Criteria Pollutant Emissions Impacts – Impact AIR-1, AIR-2 and AIR-1.CU.

> Impact AIR-1: Demolition and construction associated with the Project would result in average daily emissions that would exceed the City's construction significance thresholds of 54 pounds per day of NOX and result in a significant and unavoidable impact. Implementation of Mitigation Measures AIR-1a (Dust Controls), AIR-1b (Criteria Air Pollutant Controls), and AIR-1c (Diesel Particulate Matter Controls), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. Mitigation Measures AIR-1a, AIR-1b and AIR-1c are summarized as follows: AIR-1a requires implementation of applicable dust control measures during construction of the Project, including, but not limited to "basic controls" such as watering all exposed surfaces of active construction areas at least twice daily and covering all trucks hauling soil, sand, and other loose materials and "enhanced controls" such as applying and maintaining vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month and installing appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site; AIR-1b requires the Project sponsor to implement a series of criteria air pollutant control measures, as provided in the mitigation measure, during construction of the Project as applicable to equipment used for Project construction, including but not limited to

minimizing idling time on diesel-fueled vehicles and requires the Project sponsor submit documentation of incorporation of all criteria air pollutant control measures in construction plans to the City for review and approval prior to the issuance of construction-related permits for site preparation; AIR-1c requires the Project sponsor submit documentation prior to the issuance of a construction permit that all off-road diesel equipment engines meet Tier 4 Final off-road emission standards, with limited exceptions as provided in the mitigation measure. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures AIR-1a, AIR-1b and AIR-1c, Impact AIR-1 would remain a significant unavoidable impact.

Impact AIR-2: Operation of the Project (and combined overlapping construction and operation) would result in operational average daily emissions of more than 54 pounds per day of ROG and NOX and 82 pounds per day of PM10; or result in maximum annual emissions of 10 tons per year of ROG and NOX and 15 tons per year of PM10 and result in a significant and unavoidable impact. Implementation of Mitigation Measures AIR-1b (Criteria Air Pollutant Controls), AIR-1c (Diesel Particulate Matter Controls), AIR-1d (Super-Compliant VOC Architectural Coatings during Construction), AIR-2a (Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions), AIR-2b (Promote use of Green Consumer Products), AIR-2c (Diesel Backup Generator Specifications), AIR-2d (Diesel Truck Emission Reduction), AIR-2e (Additional Criteria Pollutant Reduction Measures), TRANS-1a (Transportation Demand Management), TRANS-1b (Transportation Management Plan);TRANS-1c (Implement a Transportation Hub on 2nd Street), TRANS-1d (Implement Bus-Only Lanes on Broadway), TRANS-1e (Implement Pedestrian Improvements), TRANS-2a (Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way), TRANS-2b (Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street), TRANS-2c (Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street), TRANS-3a (Implement At-Grade Railroad Crossing Improvements), and TRANS-3b (Pedestrian and Bicycle Overcrossing), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures AIR-1b, AIR-1c, AIR-1d, AIR-2a, AIR-2b, AIR-2c, AIR-2d, AIR-2e, TRANS-1a, TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1e, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-3a, TRANS-3b, Impact AIR-2 would remain a significant unavoidable impact.

Impact AIR-1.CU: The Project, combined with cumulative development in the Project vicinity and citywide, would contribute to cumulative regional air quality impacts associated with criteria pollutants. Implementation of Mitigation Measure AIR-1a: Dust Controls. (See Impact AIR-1); Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (See Impact AIR-1); Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. (See Impact AIR-1); Mitigation Measure AIR-1d: Super-Compliant VOC Architectural Coatings during Construction. (See Impact AIR-1); Mitigation Measure AIR-2a: Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions. (See Impact AIR-2); Mitigation Measure AIR-2b: Promote use of Green Consumer Products. (See Impact AIR-2); Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (See Impact AIR-2); Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (See Impact AIR-2); Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures. (See Impact AIR-2); Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants. (See Impact AIR-4); Mitigation Measure AIR-4a: Install MERV16 Filtration Systems. (See

Impact AIR-5); Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants. (See Impact AIR-5); Mitigation Measure AIR-1.CU: Include Spare the Air Telecommuting Information in Transportation Welcome Packets, which requires dissemination of information on Spare the Air Days within the San Francisco Bay Area Air Basin as part of transportation welcome packets and ongoing transportation marketing campaigns, which would encourage employers and employees, as allowed by their workplaces, to telecommute on Spare the Air Days; Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements. (See Section 4.15, Transportation and Circulation); and Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing. (See Section 4.15, Transportation and Circulation), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures AIR-1a, Mitigation Measure AIR-1b, Mitigation Measure AIR-1c, Mitigation Measure AIR-1d, Mitigation Measure AIR-2a, Mitigation Measure AIR-2b, Mitigation Measure AIR-2c, Mitigation Measure AIR-2d, Mitigation Measure AIR-2e, Mitigation Measure AIR-3, Mitigation Measure AIR-4a, Mitigation Measure AIR-4b, Mitigation Measure AIR-1.CU, Mitigation Measure TRANS-1a, Mitigation Measure TRANS-1b, Mitigation Measure TRANS-1c, Mitigation Measure TRANS-1d, Mitigation Measure TRANS-1e, Mitigation Measure TRANS-2a, Mitigation Measure TRANS-2b, Mitigation Measure TRANS-2c, Mitigation Measure TRANS-3a, Mitigation Measure TRANS-3b, Impact AIR-1.CU would remain a significant unavoidable impact.

Impact AIR-2.CU: The Project, combined with cumulative development would contribute to cumulative health risk impacts on sensitive receptors. Implementation of Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. (See Impact AIR-1); Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. (See Impact AIR-1); Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. (See Impact AIR-2); Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. (See Impact AIR-2); Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures. (See Impact AIR-2); Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants. (See Impact AIR-4); Mitigation Measure AIR-4a: Install MERV16 Filtration Systems. (See Impact AIR-5); Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants. (See Impact AIR-5); Mitigation Measure AIR-2.CU: Implement Applicable Strategies from the West Oakland Community Action Plan, which requires incorporation the certain specified health risk reduction measures, derived from the West Oakland Community Action Plan, to the extent necessary to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively

considerable contribution to health risks associated with TAC emissions; Mitigation Measure TRANS-1a: Transportation Demand Management (TDM) Plan. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1b: Transportation Management Plan. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes Consistent with the Bike Plan on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. (See Section 4.15, Transportation and Circulation); Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements. (See Section 4.15, Transportation and Circulation); and Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing. (See Section 4.15, Transportation and Circulation), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measure AIR-1b, Mitigation Measure AIR-1c, Mitigation Measure AIR-2c, Mitigation Measure AIR-2d, Mitigation Measure AIR-2e, Mitigation Measure AIR-3, Mitigation Measure AIR-4a, Mitigation Measure AIR-4b, Mitigation Measure AIR-2.CU, Mitigation Measure TRANS-1a, Mitigation Measure TRANS-1b, Mitigation Measure TRANS-1c, Mitigation Measure TRANS-1d, Mitigation Measure TRANS-1e, Mitigation Measure TRANS-2a, Mitigation Measure TRANS-2b, Mitigation Measure TRANS-2c, Mitigation Measure TRANS-3a, Mitigation Measure TRANS-3b, Impact AIR-2.CU would remain a significant unavoidable impact.

Cultural Resources: As discussed in the EIR (DEIR Section 4.4 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in three significant and unavoidable cultural resources impacts: Impact CUL-4, Impact CUL-1.CU and a new impact on the Southern Pacific Railroad API, which is a historic resource and comprised of relatively low scale (one- to four-story) buildings along the rail corridor, stretching from Chestnut Street east to Castro Street (see Figure 4.4-1 in Chapter 4 of the Draft EIR). With regard to Impact CUL-4 and Impact CUL-1.CU which relate to Crane X-422 as an eligible historic resource (see findings below), the impacts of the Project with the grade separated overcrossing is the same as the Proposed Project because the grade separation overcrossing has no impacts on Crane X-42 because none of the construction and operation activities for the overcrossing will affect the Crane. Therefore, for the reasons stated above, the impacts of the Project on Crane X-422 (Impact CUL-4 and Impact CUL-1.CU) would be the same as the Proposed Project and would remain significant and unavoidable with the mitigation measures as set forth in the findings below.

New Significant and Unavoidable Impact on Southern Pacific Railroad API. The introduction of a grade-separated crossing on the Market Street or Brush Street alignment would alter the context of the Southern Pacific Railroad API, which is a historic resource and comprised of relatively low scale (one- to four-story) buildings along the rail corridor, stretching from Chestnut Street east to Castro Street (see Figure 4.4-1 of Draft EIR). The API is a grouping of industrial buildings within a railroad setting with character-defining features including: simplicity of design, industrial character of the buildings, the large scale of the buildings and their orientation to the railroad tracks, concrete railroad track platforms, and a concentration of buildings with enough open space to allow for a long line of sight/high visibility as a grouping. With an overcrossing passing through the API either at Market Street or Brush Street, the API

could no longer be easily appreciated as a grouping, and the line of sight along the railroad tracks would be impeded. While this impact could be reduced with a sensitive design for the overcrossing that is both industrial in character and as transparent as possible through review of design by the City as per Mitigation Measure TRANS-3b, the impact of Alternative 3 on the Southern Pacific Railroad API historic resource would be significant and unavoidable. Therefore, even with the implementation of these measures, the impact of the Project with the grade separation is greater than the Proposed Project and would result in this additional significant and unavoidable impact on a historic resource. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Therefore the impact to the Southern Pacific Railroad API historic resource is significant and unavoidable for the Project.

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Impact CUL-4: The Project would result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. For public disclosure purposes and out of an abundance of caution, the EIR treats Crane X-422 as an eligible historic resource. As provided in the EIR, retention of the existing container cranes on site and Crane X-422 in particular will ultimately be determined upon future assessment based on feasibility and safety standards for public places. If Crane X-422 is removed from the site (i.e. demolished), the EIR conservatively concludes that this would result in the loss of a historical resource and therefore a significant and unavoidable impact. Implementation of Mitigation Measures CUL-3a (Crane Removal Documentation), CUL-3b (Crane Relocation), CUL-3c (Interpretive Displays), and CUL-3d (Façade Improvement Fund Contribution), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures CUL-3a, CUL-3b, CUL-3c, and CUL-3d, Impact CUL-4 would remain a significant unavoidable impact.

Impact CUL-1.CU: The Project, combined with cumulative development in the Project vicinity as a result of the Downtown Oakland Specific Plan and citywide, would contribute to cumulative adverse impacts on historical resources. For public disclosure purposes and out of an abundance of caution, the EIR treats Crane X-422 as an eligible historic resource. As provided in the EIR, retention of the existing container cranes on site and Crane X-422 in particular will ultimately be determined upon future assessment based on feasibility and safety standards for public places. If Crane X-422 is removed from the site (i.e. demolished), the EIR conservatively concludes that this would result in the loss of a historical resource and therefore a significant and unavoidable impact. As a result of the loss of Crane X-422, the Project would contribute to the significant and unavoidable citywide cumulative impact identified in the DOSP DEIR. Implementation of Mitigation Measures CUL-3a (Crane Removal Documentation), CUL-3b (Crane Relocation), CUL-3c (Interpretive Displays), and CUL-3d (Façade Improvement Fund Contribution), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures CUL-3a, CUL-3b, CUL-3c, and CUL-3d, Impact CUL-1.CU would remain a significant unavoidable impact.

Noise: As discussed in the EIR (DEIR Section 4.11 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in five significant and unavoidable noise impacts: Impact NOI-1, Impact NOI-2, Impact NOI-3, Impact NOI-1.CU, and Impact NOI-2.CU.

The Project with the grade separation would result in additional noise and vibration as compared to the Proposed Project due to the excavation and construction that would be required to build the grade

separated crossing. Therefore, noise and vibration from the Project would be greater than those with the Proposed Project. Because Alternative 3 would result in more noise and vibration during construction and at least one sensitive receptor is located just east of Brush Street north of the railroad tracks, the severity of three significant and unavoidable impacts resulting from the Proposed Project would potentially increase under this alternative: Impact NOI-1, temporary or periodic increases in noise from construction; Impact NOI-2, groundborne vibration during construction; and Impact NOI-1.CU, contribution to cumulative temporary or periodic increases in noise levels due to construction. Mitigation measures identified in the below findings would reduce these impacts, but not to a level of less than significant similar to Proposed Project. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Therefore, for the reasons stated above, the impacts of the Project under Impact NOI-1, Impact NOI-2, and Impact NOI-1.CU would be similar to the Proposed Project and would remain significant and unavoidable with the mitigation measures as set forth in the findings below. In addition, the following significant and unavoidable noise impacts related to Project operations would remain unchanged for the Project with the overcrossing: Impact NOI-3, noise from concert events, roadway traffic noise, and noise from crowd egressing the proposed ballpark; and Impact NOI-2.CU, contribution to increased noise due to Project-related traffic. Therefore, the findings for Impact NOI-3 and Impact NOI-2.CU set forth below apply to the Project.

Impact NOI-1: Construction of the Project would result in substantial temporary or periodic increases in ambient noise levels in the area in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Implementation of Mitigation Measures NOI-1a (Construction Days/Hours), NOI-1b (Construction Noise Reduction), NOI-1c (Project-Specific Construction Noise Measures), NOI-1d (Construction Noise Complaints), and NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors), as set forth in the EIR and MMRP, will reduce this significant Project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures NOI-1a, NOI-1b, NOI-1c, NOI-1d and NOI-1e, Impact NOI-1 would remain a significant unavoidable impact.

Impact NOI-2: Construction of the Project would expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration. There are residential receptors near the construction site, including Phoenix Lofts at 737 2nd Street, located within 150 feet of the Project site, while all other residential receptors would be 1,000 feet away or more from the Project site. Vibration levels of up to 96 VdB from DDC, 81 VdB from pile driving, 74 VdB from RIC, and 79 VdB from DPC would be expected at a distance of 150 feet. This would exceed the FTA exposure levels for Category II receptor (residences or places where people normally sleep) of 72 VdB for frequent events. However, pile driving, DPC, RIC and DDC would be restricted by the CNRP to daytime hours. Daytime exposure FTA exposure levels for a Category III land use (no sleeping) is 75 VdB for frequent events and would also be exceeded when DDC occurs within 750 feet. Implementation of Mitigation Measure NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measure NOI-1e, Impact NOI-2 would remain a significant unavoidable impact.

Impact NOI-3: Operation of the Project would result in generation of noise resulting in a 5-dBA permanent increase in ambient noise levels in the Project vicinity above levels existing without

the Project, or generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise. The Project sponsor proposes up to 9 concert events per year at the proposed ballpark. As noise from concert events would not be constant over each day and would only occur a few days per year, they are therefore considered to be a temporary noise increase. Noise levels from a concert event at the proposed ballpark are not predicted to exceed the City of Oakland noise standards but would exceed the City of Alameda noise ordinance standards at receptor ST-5, which would not benefit from the presence of intervening structures. Consequently, noise from concert events at the proposed ballpark would be a significant impact requiring mitigation. Noise generated by event patrons and retail customers could result in increased noise along surrounding streets, particularly during the evening and nighttime hours (depending on the event timing) and at the end of scheduled games/events when large numbers of people would be departing the proposed ballpark and walking on local streets to access their transit connections or access their vehicles at local parking locations. There are noise-sensitive uses along some of the primary pedestrian routes, which could result in the a significant impact. The Project also would generate outdoor loudspeaker noise in violation of Section 12.56.030, which would also be a significant noise impact. In addition, although a traffic noise level impact would occur only for a few hours per event, given that there would be up to 41 weekday evening regular season A's baseball games as well as up to 9 concert events per year, annually, this impact is considered a significant permanent increase in noise levels. Implementation of Mitigation Measure NOI-2a (Permit and Sound Control Plan Agreement Requirement for Concert Events), NOI-2b (Egress Notifications), TRANS-1a (Transportation and Parking Demand Management (TDM) Plan) and TRANS-1b (Transportation Management Plan), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures NOI-2a, NOI-2b, TRANS-1a and TRANS-1b, Impact NOI-3 would remain a significant unavoidable impact.

Impact NOI-1.CU: Construction activities of the Project combined with cumulative construction noise in the Project area would cause a substantial temporary or periodic increase in ambient noise levels in the Project vicinity during construction. All but two of the listed cumulative projects are sufficiently distant to not meaningfully contribute to construction noise impacts. Of the two cumulative projects within 1,000 feet of the Project site, separate CEQA review of one project found that construction noise impacts would be less than significant with the implementation of mitigation measures including subsequently adopted construction-noise-related mitigation measures adopted by the City and currently no CEQA-related noise analysis conducted for the other cumulative project. However, both cumulative projects could entail pile driving and could be under construction at the same time as the Project. Therefore, the potential exists for construction of these projects to cumulatively contribute to the significant and unavoidable construction noise impacts identified for the Project. Implementation of Mitigation Measures NOI-1a (Construction Days/Hours; See Impact NOI-1), NOI-1b (Construction Noise Reduction; See Impact NOI-1), NOI-1c (Project-Specific Construction Noise Measures; See Impact NOI-1), NOI-1d (Construction Noise Complaints; See Impact NOI-1), and NOI-1e (Physical Improvements or Off-site Accommodations for Substantially Affected Receptors; See Impact NOI-1), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures NOI-1a, NOI-1b, NOI-1c, NOI-1d, and NOI-1e, Impact NOI-1.CU would remain a significant unavoidable impact.

Impact NOI-2.CU: Operation of the Project when considered with other cumulative development would cause a substantial permanent increase in ambient noise levels in the Project vicinity. As described in the EIR, two of the 35 roadway segments analyzed under 2040 Nighttime Cumulative scenario (10:00 to 11:00 p.m.): full buildout of Project mixed uses plus post-ballgame traffic conditions would experience an increase in traffic noise levels over baseline conditions that would exceed 5 dBA and represent significant cumulative noise impacts. The Project's contribution to both of these roadway segments would be 3 dBA or greater and, hence, be cumulatively considerable. Consequently, the Project would contribute considerably to predicated cumulative roadside noise impacts at residential receptors adjacent to Martin Luther King Jr. Way and Broadway. While these impacts would occur only for a few hours per event, given that there would be up to 41 weekday evening regular season baseball games as well as up to 9 concert events per year, this impact is considered a significant cumulative operational noise impact. Implementation of Mitigation Measures TRANS-1a (Transportation and Parking Demand Management (TDM) Plan; See Section 4.15, Transportation and Circulation), and TRANS-1b (Transportation Management Plan), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures TRANS-1a and TRANS-1b, Impact NOI-2.CU would remain a significant unavoidable impact.

Transportation: As discussed in the EIR (DEIR Section 4.15 and Section 6.2.3 Alternative 3: The Proposed Project with Grade Separation Alternative), the Project would result in four significant and unavoidable transportation impacts: Impact TRANS-3, Impact TRANS-6, Impact TRANS 3.CU and Impact TRANS -6.CU.

With regard to Impact-TRANS-3 and Impact TRANS-3.CU that relate to at-grade railroad crossings on Embarcadero that would expose roadway users (motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard, the addition of the grade separated vehicle crossing under Alternative 3 would significantly reduce these impacts. The ability to access the site via an overcrossing could mean that more vehicles would choose this route to travel to the site, rather than crossing the railroad tracks at grade. It would reduce the conflict between vehicles and trains at the at-grade crossings. It also would benefit people accessing the stadium and public open space along the waterfront and other public amenities included in the Project and increase and facilitate access to these features. It will minimize vehicle conflicts with the adjacent rail line and facilitate rail and vehicle access to Port uses by reducing vehicle and rail conflicts. The vehicle overcrossing will help the proposed Waterfront Ballpark District integrate with the adjacent Jack London Square area by directly connecting the city street grid with the waterfront in a manner that avoids an at-grade rail crossing. See also reasons for Council selection of this Alternative in Section II.

However, Alternative 3 would not reduce the transportation hazard impacts relating to the rail crossing to less than significant because the existing at-grade crossings of the railroad corridor at MLK Jr. Way, Clay and Washington Streets, and Broadway (and potentially at Market Street if the Brush Street alignment is selected) would remain. People and vehicles accessing the Project site would continue to use these existing at-grade crossings of the railroad tracks. Therefore, although Alternative 3, would significantly reduce transportation hazards relating to vehicles accessing the Project site, it would not eliminate the two significant and unavoidable impacts associated with at-grade railroad crossings under the Project: Impact TRANS-3, additional multimodal traffic crossing the railroad crossings that would expose users to a permanent or substantial hazard, and Impact TRANS-3.CU, contribution to a cumulative transportation hazard at at-grade rail crossings. No other feasible mitigation measures have been identified that would

avoid or substantially lessen these impacts to a less than significant level. Specifically, the elimination of existing at-grade railroad crossings adjacent to the Project site and the Jack London Square area was considered and determined to be infeasible for the reasons set forth in the EIR. Therefore, for the reasons stated above, the impacts of the Project with the vehicle grade separated overcrossing under Impact-TRANS-3 and Impact TRANS-3.CU would be reduced from the Proposed Project but would remain significant and unavoidable with the mitigation measures as set forth in the findings below.

With regard to Impacts TRANS-6 and Impact TRANS-6.CU, Alternative 3 would add the same traffic volumes to congested roadway segments in the County's CMP as the Proposed Project. No other feasible mitigation measures have been identified that would avoid or substantially lessen these impacts to a less than significant level. Therefore, for the reasons stated above, the impacts of the Project under Impact TRANS-6 (increased congestion on two regional roadway segments included in the Alameda County CMP) and Impact TRANS-6.CU (contribution to increased congestion on six roadway segments included in the Alameda County CMP) would be the same as the Proposed Project and would remain significant and unavoidable with the mitigation measures as set forth in the findings below.

Impact TRANS-3: Even with the inclusion of a single vehicle grade separation overcrossing, the Project would generate additional multimodal traffic traveling across the existing at-grade railroad crossings on Embarcadero that would expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. In addition to the single vehicle grade separation overcrossing, implementation of Mitigation Measures TRANS-3a (Implement At-Grade Railroad Crossing Improvements) and TRANS-3b (Pedestrian and Bicycle Overcrossing), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. Mitigation Measure TRANS-3a would have the potential to improve safety and therefore reduce the severity of Impact TRANS-3. However, some travelers to and from the site would continue to use at-grade crossings at the numerous crossing locations along Embarcadero West. Similarly, Mitigation Measure TRANS-3b would offer a grade-separated alternative to bicyclists and pedestrians seeking to access the site, potentially accommodating an estimated 3,000 to 6,000 people during the peak hour going to and from the Project site on event days, depending on the frequency of bus and shuttle service to the Transportation Hub on 2nd Street near the overcrossing. While the separate vehicle and pedestrian/bicycle overcrossings would provide a safe and convenient alternative to at-grade crossings of the railroad tracks at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, and Broadway, some travelers to and from the site would continue to use the numerous existing at-grade crossings along Embarcadero West, Also, another agency, the California Public Utility Commission (CPUC), has ultimate jurisdiction and control over the design and approval of the improvements – the vehicle grade separated overcrossing and the improvements under Mitigation Measures TRANS 3a and TRANS-3b. Therefore, implementation of these improvements is outside the jurisdiction and control of the City and the related impacts would be significant and unavoidable. The City finds that said improvements can and should be adopted by said other agencies. For these reasons, the impact would remain significant and unavoidable. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with a single vehicle grade separation overcrossing, and implementation of Mitigation Measures TRANS-3a and TRANS-3b, Impact TRANS-3 would remain a significant unavoidable impact.

Impact TRANS-6: The Project traffic volumes would cause the significant degradation of two CMP or MTS segments in the near term: (1) Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland and (2) Webster Tube in the westbound direction between the City of Oakland and the City of Alameda. The Project includes policies and

strategies that encourage walking, biking, and transit, including a TDM Plan for the non-ballpark development and a TMP for the ballpark. These policies and strategies would reduce the Project's vehicle trip generation, which would reduce but not eliminate this impact. Implementation of Mitigation Measures TRANS-1a (Transportation and Parking Demand Management (TDM) Plan), and TRANS-1b (Transportation Management Plan), as set forth in the EIR and MMRP, will reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures TRANS-1a and TRANS-1b, Impact TRANS-6 would remain a significant unavoidable impact.

Impact TRANS-3.CU: Even with the inclusion of a single vehicle grade separation overcrossing, the Project would contribute to cumulative volumes of multimodal traffic traveling across the at-grade railroad crossings on Embarcadero that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. Even with changes proposed in the Oakland A's Howard Terminal Project – Railroad Corridor and Grade Crossing Improvements Railroad Study, and a single vehicle grade separation overcrossing, the impact to safety is considered cumulatively significant because the volume of bicycles, pedestrians, and vehicles using existing at-grade crossings would increase. Implementation of Mitigation Measures TRANS-3a (Implement At-Grade Railroad Crossing Improvements) and TRANS-3b (Pedestrian and Bicycle Overcrossing), as set forth in the EIR and MMRP, will further reduce this significant project impact, but would not avoid or substantially lessen this impact to a less than significant level. Also, another agency, the CPUC, has ultimate jurisdiction and control over the design and approval of the improvements – the vehicle grade separated overcrossing and the improvements under Mitigation Measures TRANS 3a and TRANS-3b. Therefore, implementation of these improvements is outside the jurisdiction and control of the City and the related impacts would be significant and unavoidable. The City finds that that said improvements can and should be adopted by said other agencies. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of a single vehicle grade-separation overcrossing, and Mitigation Measures TRANS-3a and TRANS-3b, Impact TRANS-3.CU would remain a significant unavoidable impact.

Impact TRANS-6.CU: The Project would contribute to congestion on CMP Roadway Segments, including degradation from LOS E or better to LOS F or an increase the v/c ratio by 0.03 or more for segments already projected to operate at LOS F on the following CMP or MTS segments in 2040: (1) I-880 in the northbound direction between 23rd Avenue and Embarcadero, (2) SR 24 in the eastbound direction between Broadway and State Route 13, (3) Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland, (4) Webster Tube in the westbound direction between the City of Oakland and the City of Alameda, (5) Market Street in the northbound direction between 12th Street and 14th Street, and (6) Market Street in the southbound direction between Grand Avenue and 18th Street. The "Plus Project" results were compared to the "No Project" results for the 2040 horizon year. Appendix TRA provides the 2040 peak-hour volumes, v/c ratios and the corresponding levels of service for no Project development and plus Project development conditions. The Project includes policies and strategies that encourage walking, biking, and transit, as set forth in the EIR and MMRP. Mitigation Measures TRANS-1a (Transportation and Parking Demand Management (TDM) Plan), and TRANS-1b (Transportation Management Plan), including a TDM Plan for the non-ballpark development and a TMP for the ballpark, also are required. These mitigations, policies and strategies would reduce the Project's development vehicle trip generation, which would reduce but not eliminate the magnitude of this impact and would not avoid or substantially lessen this impact to a less than

significant level. No other feasible mitigation measures have been identified that would avoid or substantially lessen this impact to a less than significant level. Accordingly, even with implementation of Mitigation Measures TRANS-1a and TRANS -1b and the policies and strategies as set forth in the EIR and MMRP, Impact TRANS-6.CU would remain a significant unavoidable impact.

XI. FINDINGS REGARDING ALTERNATIVES

1. ALTERNATIVES SCREENED OUT FROM DETAILED CONSIDERATION IN THE EIR

In identifying alternatives to the Project, primary consideration was given to alternatives that could reduce significant unavoidable impacts resulting from the Project. Certain impacts that are identified as being significant and unavoidable under the Project are due primarily to intensifying development activity in an area that is currently underutilized. These impacts would not be possible to eliminate, but could be reduced by limiting the size of the project. Alternatives that reduce the intensity of development on the project site or change the location of the project are addressed later in this section.

The following alternatives were considered but dismissed from further analysis because they would not fulfill most of the project objectives, would not eliminate or substantially lessen environmental effects, and/or would otherwise be infeasible:

- Additional Off-Site Alternatives
- Alternative with No At-Grade Railroad Crossings
- Grade Separation Alternative with an Undercrossing

The City finds that each of the alternatives eliminated from further consideration in the EIR is infeasible on the ground that it is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological or legal factors, or is inconsistent with City goals or policies, or would not meet important project objectives, or that it would not reduce or avoid any of the significant effects of the Project, for the reasons detailed in Section 6.4 of the Draft EIR which are incorporated herein by reference as well as all the facts and evidence in the record supporting the rationale, including Consolidated Response 4.9 in the EIR.

2. ALTERNATIVES ANALYZED IN THE EIR

In compliance with CEQA and the CEQA Guidelines, the EIR evaluated a reasonable range of alternatives to the Project that were described in the EIR (DEIR Chapter 6.0) which are hereby incorporated by reference. The four 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 and/or provide decision makers with additional information about Project alternatives. The Project alternatives include: (1) No Project Alternative, (2) The Off-Site (Coliseum Area) Alternative, (3) The Proposed Project with Grade Separation Alternative, and (4) The Reduced Project Alternative. The EIR also identified an environmentally superior alternative that was considered to have the least number of environmental impacts if implemented. The City Council 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 City Council's independent judgment as to alternatives.

The City Council finds that specific economic, social, environmental, technological, legal or other considerations make infeasible certain alternatives to the Proposed Project – Alternative 1 No Project Alternative, Alternative 2 The Off-Site (Coliseum Area) Alternative and Alternative 4 Reduced Density

Alternative described in the EIR - for the reasons stated below. 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.

The City Council finds that Alternative 3 The Proposed Project with the Grade Separation Alternative provides the best balance between the Project sponsor's objectives, the City's goals and objectives, overall type and amount of impacts, the Project's benefits and provides public benefits, as described in the Agenda Report, related City/Port Legislation and in these Findings and the record as a whole. The City Council finds Alternative 3 to be feasible and would meet the underlying purpose and all of the Project objectives. As compared to the Proposed Project without the grade separation alternative, this alternative would better satisfy Project Objective 8 by further minimizing interference with the Port of Oakland's existing or reasonably anticipated use, operation and development of Port facilities, or the health and safety of Port tenants and workers, and facilitate the continued operation and future growth of the Port of Oakland. The Port of Oakland has stated support for this alternative because it would promote and enhance vehicular safety, pedestrian safety and freight efficiency. (Port of Oakland Letter, dated December 16, 2021.) The alternative would also provide significant public and safety benefits that would not be provided by the Proposed Project or the other alternatives. It would allow for the waterfront to be connected to the City street grid in the area with a grade separation crossing where none currently exists. With the grade separation, the Project will provide a crucial connection between the City street grid and the waterfront, improving access from the surrounding neighborhood and regional transportation networks to the Howard Terminal property and the entire waterfront. It will facilitate the access to the proposed sports stadium and public open space along the waterfront. It will reduce existing vehicle conflicts with the adjacent rail line. The vehicle overcrossing also will help the proposed Waterfront Ballpark District integrate with and revitalize the adjacent Jack London Square area. Based on a review of the EIR it is determined that the impacts of Alternative 3 were analyzed in the EIR in sufficient detail to analyze the reasonably foreseeable impacts of Alternative 3, as discussed above. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures identified in the EIR mitigate these impacts to the extent feasible. All mitigation measures in the MMRP will be imposed on Alternative 3. The other alternatives, including the environmentally superior alternative, evaluated in the EIR are rejected for the reasons stated below. The City Council further finds that Alternative 3 The Proposed Project with the Grade Separation Alternative is selected as the Project, and that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, based on a Statement of Overriding Considerations.

Alternative 1: No Project Alternative: The No Project Alternative, as described in Section 6.2.1 of the Draft EIR, assumes that the Project site conditions and uses would remain in their current state. The existing conditions are described in the Sections 3.2 of the Draft EIR. Under the No Project Alternative, the Oakland A's would not relocate to Howard Terminal, which would not be redeveloped with a mix of new uses and would remain in use by the Port of Oakland for ancillary maritime uses. Neither the Project nor any of the Variants would be implemented under this alternative. For the foreseeable future, uses and activities at Howard Terminal would continue to include truck parking, loaded and empty container storage and staging, longshoreperson training facilities, and occasional berthing of vessels for repair or storage. There would continue to be no public access to the Bay from Howard Terminal, and on- and off-site park and open space improvements proposed as part of the Project would not be constructed. No changes would be made to the regulatory documents governing site uses and maintenance given hazardous materials in the soil and groundwater; no changes would be made to address stormwater runoff; and there would be no increased demand for potable water, wastewater treatment, or public services. The turning basin could be expanded if desired and permitted in the future as a separated Port project.

Under this alternative, the Oakland A's would continue to use the Oakland–Alameda County Coliseum (Oakland Coliseum) until the end of their current lease in 2024. In the longer term, the A's would likely have to build a new ballpark, either in Oakland or in some other location.

Impacts. This Alternative would avoid all the significant impacts of the Project since no physical changes would occur at the site and existing types of uses would continue.

Findings. Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), based on the whole of the record, the City Council finds that the specific economic, legal, social, technological, or other considerations, including failure to meet project objectives, render the No Project Alternative infeasible.

The City Council finds that this alternative is infeasible and less desirable than the Project and rejects this alternative for any and all of the following reasons: This Alternative is rejected as infeasible because it would not accomplish the objectives for the Project as summarized as follows. This Alternative would not (1) Construct a state-of-the-art, multi-purpose waterfront ballpark and event center in Oakland and can be used year-round for sporting events and entertainment and convention purposes expanding opportunities for the City's tourist, hotel and convention business; (2) Provide complementary mixed-use development with a range of uses, including residential, office/commercial, retail, and entertainment, to create a vibrant local and regional visitor-serving waterfront destination that is active year round, complements the waterfront ballpark, expands tourism and visitor activity and interest even when the ballpark is not in use, increases housing at a range of affordability levels, and provides increased business and employment opportunities for the City; (3) Construct a new ballpark for the Oakland Athletics on Oakland's waterfront, maximizing water views, with the goal of optimizing player and fan experiences of the ballpark, the waterfront and the project site; (4) Create a lively, continuous waterfront district with strong connections to Jack London Square, West Oakland, and Downtown Oakland by extending and improving existing streets, sidewalks, bicycle facilities and multi-use trails through and near the project site to maximize pedestrian and nonmotorized mobility and minimize physical barriers and division with nearby neighborhoods; (5) Complete construction of a new ballpark, together with any infrastructure required to serve the ballpark, within a desirable timeframe and to maintain the Oakland Athletics' competitive position within Major League Baseball; (6) Construct high-quality housing to contribute to year-round active uses on the project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents and to assist Oakland in meeting its housing demand; (7) Develop a financially feasible project that is responsive to market demands; has the ability to attract sources of public and private investment in an amount sufficient to fund all costs of the proposed project, including the construction and long term maintenance of required infrastructure; provide a market rate return on investment; and supports a comprehensive package of benefits, which may include local employment and job training programs, local business and small business policies, public access and open space, affordable housing, transportation infrastructure, increased frequency of public transit and transit accessibility, and sustainable and healthy development measures for the surrounding community; (9) Increase public use and enjoyment of the waterfront by opening the south and southwestern shores of the project site to the public with a major new waterfront park and inviting waterfront promenade featuring multiple public open spaces that are usable and welcoming in all seasons, extending access to the Oakland waterfront from Jack London Square, West Oakland and Downtown Oakland through design of a bicycle, pedestrian, and transit-oriented community with well-designed parks, pedestrian-friendly streets, walkable blocks, and links to open spaces, taking advantage of the project site's unique proximity to Jack London Square, the waterfront and downtown; (10) Construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited green building design and construction practices, walkability features, and sea level rise adaptability standards; and (11) Optimize opportunities for sustainable transportation by encouraging walking, bicycling, and transit use, and discouraging automobile use to access Project site and waterfront.

Since this Alternative does not meet nearly all of the Project Objectives, the City Council rejects this Alternative as infeasible. Each of the aforementioned considerations is sufficient, both by itself and in combination with the other aforementioned considerations, to reject the No Project Alternative.

Alternative 2: The Off-Site (Coliseum Area) Alternative: Under this alternative, Howard Terminal would remain in its current use, and the Oakland A's would construct a new ballpark and their proposed mixed-use development at the site of the Oakland Coliseum. No physical changes would occur at Howard Terminal, which would remain in use by the Port of Oakland for maritime uses. Uses and activities at Howard Terminal would continue to include truck parking, loaded and empty container storage and staging, longshoreperson training facilities, and occasional berthing of vessels for repair or storage. There would continue to be no public access to the Bay from Howard Terminal, and on-site park and open space improvements proposed as part of the Project would not be constructed. No changes would be made to the regulatory documents governing site uses and maintenance given hazardous materials in the soil and groundwater, no changes would be made to stormwater runoff, and there would be no increased demand for potable water, wastewater treatment, or public services. Neither the Project nor any of the Variants would be implemented under this alternative.

At the Oakland Coliseum site, this alternative would remove the existing Coliseum building and replace it with a new ballpark, retain the existing Oakland Arena, and develop the same mix and density of uses that are proposed with the Project. This mix and density of uses would be slightly different than anticipated in the City's adopted Coliseum Area Specific Plan (CASP), for which an EIR was prepared and certified in 2015. As a result, a CASP amendment may be required. Characteristics of the Off-Site (Coliseum Area) Alternative would be most similar to those analyzed for the Coliseum District in the CASP EIR Alternative 2C, which included construction of a new stadium and retention of the existing arena, although the Off-Site Alternative would occur on a smaller site than the 253-acre "Coliseum District" analyzed in CASP EIR Alternative 2C. In accordance with the CASP, The Off-Site (Coliseum Area) Alternative would implement Standard Conditions of Approval (SCAs) adopted at the time, obviating the need for some of the mitigation measures that are applicable to the Project.

Impacts.

Aesthetics, Shadow, and Wind
Alternative 2 would therefore avoid the following significant and unavoidable impacts of the Project: **Impact AES-5**, exceedance of the 36 mph criterion for more than one hour during daylight hours annually, and **Impact AES-1.CU**, contributions to a significant cumulative exceedance of the wind hazard criterion.

Air Quality

The criteria pollutant emissions and mitigation associated with Alternative 2 would be similar to those with the Project at Howard Terminal given the same development program, and emissions are likely to be less than Alternative 2C in the CASP EIR because of the lower parking numbers, dwelling units, and hotel rooms associated with Alternative 2 (see Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Emissions). Overall, the Off-Site Alternative would be similar in intensity to the Project, and would have similar air quality impacts. It would not avoid the significant and unavoidable air quality impacts associated with the Project, including: **Impact AIR-1**, construction-related emissions of NOx **Impact AIR-2**, operation plus construction-related emissions of ROG, NOX, and PM10; **Impact AIR-1.CU**, contributions to cumulative regional air quality impacts associated with criteria pollutants; and **Impact AIR-2.CU**, cumulative health risk impacts on sensitive receptors. However, Alternative 2 would avoid the following significant and unavoidable Project impact: **Impact AIR-4** Toxic Air Contaminant/Off Site Receptors.

Biological Resources

With a similar amount of development as proposed on the Project site, Alternative 2 would have similar impacts to birds and bats as the Project, and these impacts would be addressed via the implementation of SCAs identified in the CASP EIR. Significant and unavoidable cumulative impacts on biological resources identified in the CASP EIR were associated with elements of the CASP outside the Coliseum District, and therefore would not be applicable to Alternative 2. Based on this information, similar to the Project, Alternative 2 would not result in significant and unavoidable biological impacts, provided that identified SCAs and mitigation measures are implemented prior to construction.

Cultural and Tribal Resources

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to Alternative 2C analyzed in the CASP EIR, which found that there would be a significant and unavoidable impact related to demolition of the Coliseum, due to an adverse change in the significance of the Oakland Coliseum and Arena complex, a historic resource under CEQA. Based on this information, even with applicable mitigation measures from the CASP EIR (site recordation, public interpretation program, financial contribution to historic preservation projects), Alternative 2, the Off-Site Alternative, would result in a significant and unavoidable impact related to demolition of the Coliseum that would not occur with the Project. Alternative 2 would avoid significant and unavoidable impacts associated with the Project's potential removal of Crane X-422 (which is the subject of two competing studies with differing conclusions and is conservatively evaluated in this EIR as a historic resource) and the impact of the grade separated overcrossing on the Southern Pacific Railroad API. However, Alternative 2 and the Project would result in the same significant and unavoidable cumulative impact on historical resources (Impact CUL-1.CU). Impacts to archaeological resources under Alternative 2 would be less than significant with implementation of the City's SCAs; thus, implementation of mitigation measures to address impacts of the Project would not be required.

Energy

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to the Project, although given the additional intensity of other site uses (i.e., the existing arena and its associated parking), the amount of energy used at the site under this Alternative would be somewhat greater. The development under this Alternative would be subject to SCAs, which would result in less-than-significant impacts similar to the Project.

Geology

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to Alternative 2C analyzed in the CASP EIR, which found that no significant and unavoidable impact would result from seismicity, erosion, expansive soils, the presence of wells/pits, and landfills for which there is no closure plan, due to site conditions and the application of the City's SCAs. As a result, similar to the Project, Alternative 2 would not result in significant and unavoidable impacts related to geology and soils; impacts would be less than significant.

Greenhouse Gas Emissions

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to the Project, except that it would not be subject to the "no net additional" GHG emissions requirement of Assembly Bill (AB) 734.

The Off-Site Alternative would be similar to Alternative 2C analyzed in the CASP EIR, albeit with fewer parking spaces and therefor a greater emphasis on alternatives to the private automobile. The CASP EIR found that no significant and unavoidable impact would result from GHG emissions and utilized project-level significance thresholds for Coliseum District development based on the Bay Area Air Quality Management District (BAAQMD) Guidelines, concluding that the CASP project's net emissions would exceed 1,100 metric tons (MT) of carbon dioxide equivalent (CO_2e) and 4.6 MT of CO_2e per service population annually; however, the preparation of project-specific GHG Reduction Plans for individual development projects would reduce the emissions to below the 4.6 MT per service population threshold. The CASP EIR also analyzed a variation of Alternative 2C and found that its net emissions would not exceed either project-level threshold.

Net additional emissions associated with this Alternative are estimated at 52,957 MT CO_2e annually prior to implementation of SCAs, as shown in Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Impacts in the Draft EIR. Note the net additional emissions associated with the Project with the grade separation crossing is 53,022 MT CO_2e annually. With the expectation that project-specific Reduction Plans for individual development projects under this Alternative would be required to achieve the 4.6 MT of CO_2e per service population standard, total annual emissions would be at or below 52,957 MT CO_2e annually following implementation of the SCAs. This would be greater than emissions under the Project, which would implement mitigation to achieve zero net additional emissions.

Hazards and Hazardous Materials

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to Alternative 2C analyzed in the CASP EIR, which describes potential sources of soil and groundwater contamination within and near the Coliseum District and 31 specific sites on or near the Coliseum District that are included in regulatory databases. As of the date of the CASP EIR, the status of these sites varied greatly, meaning that some had been closed, some were being characterized, some were undergoing remediation, and some were subject to land use limitations. Based on this information, regulatory agency oversight would likely be required to implement Alternative 2, the Off-Site Alternative. This was acknowledged in the CASP EIR, which concluded that impacts related to hazards would be less than significant due to compliance with City of Oakland Municipal Code requirements for a Hazardous Materials Assessment Report and Remediation Plan (HMARRP), and implementation of the City's SCAs including use of best management practices (BMPs), site assessment and a health and safety plan if needed, a hazardous materials business plan, site review by the fire services division, and improvements to the public right-of-way related to emergency access/egress. With these requirements in place, impacts related to hazards and hazardous materials under Alternative 2 would be less than significant, similar to the Project with mitigation.

Hydrology and Water Quality

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to Alternative 2C analyzed in the CASP EIR, which found that impacts associated with drainage and water quality, stormwater flows, and flood hazards would be less than significant with implementation of the City's SCAs.

The analysis of sea level rise indicated that a vast majority of the Coliseum District would be exposed to inundation assuming 55 inches of sea level rise by 2100 (BCDC's estimates c. 2011), and resulted in site-specific recommendations designed to address the 2050 estimate of 16 inches of sea level rise. While these requirements were deemed sufficient to reduce impacts of Alternative 2C to less than significant, more recent estimates of sea level rise and changes in Federal Emergency Management Agency (FEMA) flood maps would likely require additional measures as individual development projects are implemented. With

this assumption, impacts related to hydrology and water quality under Alternative 2 would be less than significant, similar to the Project.

Land Use

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would be similar to Alternative 2C analyzed in the CASP EIR, which found that impacts related to land use compatibility (e.g., residents' exposure to noise) would be less than significant with implementation of the City's SCAs and a requirement for disclosure statements as part of real estate transactions. The CASP EIR also found a less-than-significant impact related to General Plan conflicts and zoning inconsistencies.

Potentially significant land use impacts for this alternative associated with Airport Land Use Compatibility Plan were reduced to less than significant with the inclusion of mitigation measures. The CASP EIR explains that the Coliseum District is in Airport Land Use Compatibility Plan (ALUCP) Zone 7, where there are no land use restrictions, and that high-capacity indoor assembly rooms (i.e., greater than 1,000 people), professional sports arenas, and concert halls are allowable in Zone 7 if no other suitable site outside the Airport Influence Area is available.

The ALUCP would apply to this alternative, but not the Project, although related impacts would be less than significant, as with the CASP EIR Alternative 2C, for the reason explained above. Potential impacts of the Project related to land use compatibility under CEQA, which are less than significant or less than significant with mitigation, would not occur at the Coliseum site, because the Coliseum site is not adjacent to maritime uses, and, therefore, no mitigation would be required for these impacts for this alternative.

Noise and Vibration

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would have the same development program as the Project at Howard Terminal and would be similar to Alternative 2C analyzed in the CASP EIR. The CASP EIR found a significant and unavoidable impact related to exposure of new on-site receptors to noise from game day and special event noise. Construction noise and vibration and other operational noise impacts, including traffic noise impacts, were found to be less than significant with implementation of the City's SCAs. Based on this conclusion, because existing residential receptors are farther from the site than they would be at Howard Terminal, and because SCAs identified in the CASP EIR would apply, Alternative 2 would avoid four significant and unavoidable impacts of the Project: **Impact NOI-1**, temporary or periodic increases in noise from construction; **Impact NOI-2**, groundborne vibration during construction; **Impact NOI-1.CU**, contribution to cumulative temporary or periodic increases in noise levels due to construction; and **Impact NOI-2.CU**, contribution to increased noise due to Project-related traffic. One noise impact would remain significant and unavoidable under this alternative: **Impact NOI-3**, noise from concert events, roadway traffic noise increase, and noise from crowd egressing the proposed ballpark. Given the same frequency of events and only incrementally higher traffic volumes (due to 800 additional parking spaces) than associated with the Project at Howard Terminal, the significant and unavoidable impact is likely to be no more or less severe than with the Project.

Population and Housing

The new ballpark and new development that would occur at the Coliseum site under Alternative 2 would be similar to that proposed with the Project at Howard Terminal and similar to Alternative 2C analyzed in the CASP EIR. Similar to the Project (see Table 4.12-7 and 4.12-8 of the Draft EIR), the Off-Site Alternative would add an estimated 6,000 residents to the Coliseum site, as well as an estimated 7,987 new jobs due to the additional commercial development. No existing residents would be displaced, and the

growth would be in keeping with regional projections. For this reason, and because the CASP EIR found less-than-significant impacts related to population and housing, population and housing impacts under Alternative 2 would be less than significant, similar to the Project.

Public Services, Recreation, and Utilities

The size of the new ballpark and the intensity of new development that would occur at the Coliseum site under Alternative 2 would be consistent with the Project at Howard Terminal and similar to Alternative 2C analyzed in the CASP EIR. The demand for public services, recreation, and utilities would therefore be similar to those with the Project. For this reason, and because the CASP EIR found that impacts related to public services, recreation, and utilities would be less than significant, in some cases based on implementation of the City's SCAs and mitigation measures, public services, recreation, and utilities impacts under Alternative 2 would be less than significant, similar to the Project at Howard Terminal.

Transportation and Circulation

The new ballpark and new development that would occur at the Oakland Coliseum site under Alternative 2 would have the same mix and intensity of uses as the Project at Howard Terminal, except there would be some additional parking available on-site due to the presence of the existing arena. For this reason, vehicle trips associated with the Alternative 2 could be slightly higher than those with the Project at Howard Terminal. Vehicle trips would also be markedly less for the Project than those associated with Alternative 2C in the CASP EIR, because the CASP allowed for almost double the number of parking spaces as the Project.

The CASP EIR found 34 transportation impacts associated with proposed development in the Coliseum District. All of these impacts were based on intersection performance, expressed in terms of LOS, delay, v/c ratio, or meeting signal warrants, which are no longer the basis for determining environmental impacts under City of Oakland CEQA significance thresholds or under CEQA. The CASP EIR also identified a significant and unavoidable impact (Trans-80) associated with event-day traffic due to uncertainty about the effectiveness of a traffic management plan. These impacts are no longer considered significant under City of Oakland CEQA significance thresholds and under CEQA, which now reviews vehicular traffic by assessing vehicle miles traveled (VMT).

While total VMT and VMT per capita have not been calculated for this Alternative 2, the somewhat more parking available in this Alternative when compared to the Project at Howard Terminal and the Alternative's location farther away from downtown Oakland suggest that traffic volumes – and therefore VMT – would be somewhat higher than with the Project, despite the BART station in close proximity. While not directly comparable, the effect of a greater parking supply and location on VMT per service population can be seen by comparing the existing VMT per baseball attendee at the Oakland Coliseum site to the projected VMT per baseball attendee at the Howard Terminal site. (See **Table 6-2,** in Chapter 6 of the Draft EIR) Based on this comparison, it is reasonable to conclude that VMT per service population with Alternative 2 would be greater than with the Project, although it would be reduced with the SCAs regarding trip reductions (SCA Trans-3, Parking and Transportation Demand Management) referenced in the CASP EIR and would likely be less than significant.

The CASP EIR concluded that Coliseum District development would result in increased congestion on nine roadway segments included in the Alameda County CMP or Metropolitan Transportation System (MTS) (Trans-76) and would contribute to cumulative increases in congestion on 13 roadway segments (Trans-78). These impacts would be significant and unavoidable, and would affect more locations than similar significant and unavoidable impacts with the Project: **Impact TRANS-6**, increased congestion on two

regional roadway segments included in the Alameda County CMP, and **Impact TRANS-6.CU**, contribution to increased congestion on six roadway segments included in the Alameda County CMP.

The CASP EIR also concluded that there would be a significant and unavoidable impact associated with increased traffic (all modes) across at-grade railroad crossings (Trans-85), because of the lack of certainty that grade separations or other improvements identified in SCA-5 would be feasible. Therefore, Alternative 2 would have similar significant and unavoidable impacts as the Project: **Impact TRANS-3**, additional multimodal traffic across at-grade railroad crossings that would expose users to a permanent or substantial hazard; and **Impact TRANS-3.CU**, contribution to a cumulative transportation hazard at at-grade rail crossings.

Findings. Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), based on the whole of the record, the City Council finds that the specific economic, legal, social, technological, or other considerations, including failure to feasibly attain most of the basic objectives of the project, render Alternative 2: The Off-Site (Coliseum Area) Alternative infeasible.

The City Council finds that this alternative is infeasible and less desirable than the Project and rejects this alternative for any and all of the following reasons: This alternative is rejected because it does not feasibly attain most of the basic objectives of the project, fails entirely to achieve those related to location near the waterfront, Jack London Square and Downtown, increasing use of the waterfront, and providing a feasible location for a MLB stadium with a mixed use project, and would not substantially lessen the significant impacts of the Project. This alternative does not further the following Project objectives: (1) Construct a state-of-the-art, multi-purpose waterfront ballpark and event center in Oakland and can be used year-round for sporting events and entertainment and convention purposes expanding opportunities for the City's tourist, hotel and convention business; (2) Provide complementary mixed-use development with a range of uses, including residential, office/commercial, retail, and entertainment, to create a vibrant local and regional visitor-serving waterfront destination that is active year round, complements the waterfront ballpark, expands tourism and visitor activity and interest even when the ballpark is not in use, increases housing at a range of affordability levels, and provides increased business and employment opportunities for the City; (3) Construct a new ballpark for the Oakland Athletics on Oakland's waterfront, maximizing water views, with the goal of optimizing player and fan experiences of the ballpark, the waterfront and the project site; (4) Create a lively, continuous waterfront district with strong connections to Jack London Square, West Oakland, and Downtown Oakland by extending and improving existing streets, sidewalks, bicycle facilities and multi-use trails through and near the project site to maximize pedestrian and nonmotorized mobility and minimize physical barriers and division with nearby neighborhoods; (5) Complete construction of a new ballpark, together with any infrastructure required to serve the ballpark, within a desirable timeframe and to maintain the Oakland Athletics' competitive position within Major League Baseball; (7) Develop a financially feasible project that is responsive to market demands; has the ability to attract sources of public and private investment in an amount sufficient to fund all costs of the proposed project, including the construction and long term maintenance of required infrastructure; provide a market rate return on investment; and supports a comprehensive package of benefits, which may include local employment and job training programs, local business and small business policies, public access and open space, affordable housing, transportation infrastructure, increased frequency of public transit and transit accessibility, and sustainable and healthy development measures for the surrounding community; (9) Increase public use and enjoyment of the waterfront by opening the south and southwestern shores of the project site to the public with a major new waterfront park and inviting waterfront promenade featuring multiple public open spaces that are usable and welcoming in all seasons, extending access to the Oakland waterfront from Jack London Square, West Oakland and Downtown Oakland through design of a bicycle, pedestrian, and transit-oriented community with well-designed parks, pedestrian-friendly streets, walkable blocks, and links to open spaces, taking advantage of the project site's unique proximity to Jack London Square, the waterfront and downtown;

and (11) Optimize opportunities for sustainable transportation by encouraging walking, bicycling, and transit use, and discouraging automobile use to access Project site and waterfront.

Although this alternative would achieve a few of the project objectives, as stated above, this alternative does not feasibly attain most of the basic objectives of the project, and in particular, fails entirely to achieve those objectives related to location near the waterfront, Jack London Square and Downtown, increasing use of the waterfront, and providing a feasible location for a MLB stadium with a mixed use project. This alternative also would not further other objectives in a manner consistent with the goals of the project sponsor, MLB and the City.

This alternative would not result in a project located on the waterfront, which is an important component of many objectives (Project Objectives 1, 3, 4, 9, 11). In particular, this alternative lack of a waterfront location would not meet the objectives of enhancing public access to the waterfront which does not exist on the Project site today and providing a continuation of access along the estuary. Specifically, increasing public use and enjoyment of the waterfront by opening the south and southwestern shores of the project site to the public with a major new waterfront park and inviting waterfront promenade featuring multiple public open spaces that are usable and welcoming in all seasons, extending access to the Oakland waterfront from Jack London Square, West Oakland and Downtown Oakland through design of a bicycle, pedestrian, and transit-oriented community with well-designed parks, pedestrian-friendly streets, walkable blocks, and links to open spaces, taking advantage of the project site's unique proximity to Jack London Square, the waterfront and Downtown. The Alternative 2 project area, in contrast, is surrounded largely by industrial uses and does not have a waterfront or any natural features that would enhance the aesthetics and experience at the ballpark or allow for public access to such features. For this reason, it is less likely City residents and tourists will visit the site when the ballpark is not in use as there are no features to attract visitors, even with a mix of use and open space for public use. Current conditions at the Alternative 2 site, vacant when no events are at the Coliseum or Arena, support this conclusion.

This alternative does not meet Major League Baseball (MLB) standards for a ballpark location because MLB has stated the Coliseum site is not a viable location for a new MLB ballpark. MLB and the project sponsor desire a waterfront location to maximizing water views, with the goal of optimizing player and fan experiences of the ballpark, the waterfront and the project site. The project sponsor also does not have control over the site and it is uncertain whether the project sponsor can reasonably acquire the site for the Project in order to build a new ballpark within a reasonable time period and consistent with MLB's requirements. (See Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives.) The project sponsor only owns 50% of the Coliseum site and the City Council recently authorized entering into an Exclusive Negotiating Agreement with third parties to sell its 50% interest in the site which creates further uncertainty over the project sponsor control of the site. As a result, this alternative would not meet project objectives related to maintaining the Oakland Athletics' competitive position within Major League Baseball and providing a new ballpark for the A's within a reasonable time period (Project Objectives 1, 3, 5).

This alternative would also not meet project objectives related to promoting a financially feasible and successful project (Project Objectives 2, 4, 7). While the alternative would include the same mix of uses as the project, the project sponsor has submitted information that the project is unlikely to succeed if located at the Coliseum site as compared to the Howard Terminal site. (See Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives; RCLCO Memorandum dated January 14, 2022 incorporated herein by reference.) The RCLCO Memorandum compared the Coliseum site to such locations as the Capitol Riverfront (Washington, D.C. ballpark for Washington Nationals and stadium for D.C. United); Ballpark District (San Diego, CA ballpark for San Diego Padres); Mission Bay (San Francisco, CA UCSF medical campus, ballpark, and basketball arena); and Downtown Sacramento (Sacramento, CA basketball arena and shopping plaza), and identified

features that supported a successful sports district, including the following: location in urban cores or an urban environment in a suburban node, sites with primary and secondary anchors, and surrounding areas with synergistic development. These features are generally not present with the Coliseum site, which diminishes revenue potential and investment likelihood necessary for a successful mixed-use district with a ballpark. The RCLCO Memorandum further notes that the households, office-using employment, and retail spending power within a 5-mile radius of the Coliseum site are far below the 5-mile radius around the Giants Ballpark in San Francisco, with whom the Athletics are competing with for fans, viewers, and sponsorship dollars. Furthermore, as noted above, in 2015, the City adopted the CASP, which provided for a mix of residential and commercial uses, either with or without a ballpark and arena, at the Coliseum site. This plan allowed for up to three venues to serve as home venues for the then-existing home franchises (the Golden State Warriors, the Oakland Raiders, and the Oakland A's). Despite this effort, two of these teams have relocated, which shows the site presents challenges to support professional sports franchises. While the City may remain committed to seeing the CASP fulfilled, past history indicates that this Project would not be successful at this site.

The alternative would not meet project objectives aimed at creating an active, multi-faceted community attraction that enlivens the surrounding area and embodies sustainable transportation. (Project Objectives 2, 4, 7, 9, 11). As noted above, the RCLCO Memorandum provides the results of research on how the addition of a sports venue can catalyze residential and commercial development in sports districts and sports-anchored neighborhoods where certain conditions are present. These conditions are generally not present at the Coliseum site, so that a project located there would be unable to feasibly attain objectives related to creating an active, multi-faceted community attraction that enlivens the surrounding area. The Coliseum site is located in a less densely developed area setting (than Project site), surrounded by a large parking lot, light industrial and residential uses. The site is constrained by a highway, slough, and parking lots that hinder connections to potential uses in the surrounding area that would be necessary to expand and energize the district. It would not be conducive to expanding and creating a central, energized district with other city districts (such as Jack London Square or Downtown with the project), with regular events, activities, or year-round programming that would augment events and games at the Ballpark. Locating the Project at the Coliseum Site would not catalyze the same results, because it would essentially replace an existing facility. It is unlikely that a Project at Coliseum site would become a world-class destination given the lack of supporting amenities (e.g., lodging, restaurants, other urban attractions such as museums) in the vicinity of the site. (See Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives; RCLCO Memorandum dated January 14, 2022.) While the Coliseum Site is well served by BART, the site is not likely to become a multimodal transit place, because the distance to homes, restaurants and other employment centers is too far to be conducive to walking, biking and/or taking transit to events at the Project. Attendees at the current Coliseum rely overwhelmingly on automobiles to travel to events and this would be likely to continue given the transportation infrastructure. While the site does have access to BART and strong access for cars from the highway, it lacks walkability due to its geographic constraints and lack of flow into other nearby parts of the city. Again, while the City is committed to seeing the CASP fulfilled, this may be achieved through development and uses more tailored to the location than the Project.

This alternative would not substantially lessen the Project's significant and unavoidable impacts relating to air quality (Impact AIR-1, Impact AIR-2, Impact AIR-1.CU and Impact AIR-2.CU), operational noise (Impact NOI-3) and transportation hazards at at-grade rail crossings (Impact TRANS-3 and TRANS3.CU). This alternative would result in greater impacts than the Project in the following areas: (1) result in a significant and unavoidable impact related to demolition of the Coliseum, a historic resource; (2) greenhouse gas emissions would be greater than emissions under the Project, which would implement mitigation to achieve zero net additional emissions; (3) with regard to VMT, the more parking available in this alternative when compared to the Project and this alternative's location farther away from downtown Oakland suggest that traffic volumes – and therefore VMT – would be somewhat higher than with the

Project, despite the BART station in close proximity as evidenced by the existing VMT per baseball attendee at the Oakland Coliseum site being higher than the projected VMT per baseball attendee at the Howard Terminal site; and (4) The CASP EIR concluded that Coliseum District development would result in increased congestion on nine roadway segments included in the Alameda County CMP or Metropolitan Transportation System (MTS) and would contribute to cumulative increases in congestion on 13 roadway segments. These impacts would be significant and unavoidable, and would affect more locations than similar significant and unavoidable impacts with the proposed Project on CMP or MTS roadways. This alternative would avoid the following significant and unavoidable impacts: onsite wind hazards (Impact AES-5 and Impact AES-1.CU), health risk impacts to off-site sensitive receptors (Impact AIR 4), historic impacts due to potential removal of Crane X-422 and the impact of the grade separated overcrossing on the Southern Pacific Railroad API; and noise and vibration impacts due to construction (Impacts NOI-1, NOI-2, NOI-1.CU and NOI2.CU).

The City Council finds that this alternative would not feasibly achieve most of the basic project objectives and would implicate specific social and economic considerations. Furthermore, this alternative would not avoid the Project's significant and unavoidable impacts to air quality, operational noise and transportation and result in greater impacts in certain areas (see above). Each of the aforementioned considerations is sufficient, both by itself and in combination with the other aforementioned considerations, for the City Council to reject Alternative 2: The Off-Site (Coliseum Area) Alternative.

Alternative 3: The Proposed Project with Grade Separation Alternative:

Findings: The City Council finds that Alternative 3 The Proposed Project with the Grade Separation Alternative provides the best balance between the Project sponsor's objectives, the City's goals and objectives, overall type and amount of impacts, the Project's benefits and provides public benefits, as described in the Agenda Report, related City/Port Legislation and in these Findings and the record as a whole. The City Council finds Alternative 3 to be feasible and would meet the underlying purpose and all of the Project objectives. As compared to the Proposed Project without the grade separation alternative, this alternative would better satisfy Project Objective 8 by further minimizing interference with the Port of Oakland's existing or reasonably anticipated use, operation and development of Port facilities, or the health and safety of Port tenants and workers, and facilitate the continued operation and future growth of the Port of Oakland. The Port of Oakland has stated support for this alternative because it would promote and enhance vehicular safety, pedestrian safety and freight efficiency. (Port of Oakland Letter, dated December 16, 2021.) The alternative would also provide significant public and safety benefits that would not be provided by the Proposed Project or the other alternatives. It would allow for the waterfront to be connected to the City street grid in the area with a grade separation crossing where none currently exists. With the grade separation, the Project will provide a crucial connection between the City street grid and the waterfront, improving access from the surrounding neighborhood and regional transportation networks to the Howard Terminal property and the entire waterfront. It will facilitate the access to the proposed sports stadium and public open space along the waterfront. It will reduce existing vehicle conflicts with the adjacent rail line. The vehicle overcrossing also will help the proposed Waterfront Ballpark District integrate with and revitalize the adjacent Jack London Square area. Based on a review of the EIR it is determined that the impacts of Alternative 3 were analyzed in the EIR in sufficient detail to analyze the reasonably foreseeable impacts of Alternative 3, as discussed above. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures identified in the EIR mitigate these impacts to the extent feasible. All mitigation measures in the MMRP will be imposed on Alternative 3. The other alternatives, including the environmentally superior alternative, evaluated in the EIR are rejected for the reasons stated below. The City Council further finds that Alternative 3 The Proposed Project with the Grade Separation Alternative is selected as the Project, and that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, based on a Statement of Overriding Considerations.

Alternative 4: Reduced Density Alternative

Alternative 4, the Reduced Project Alternative, would include site preparation and phased construction of a new ballpark and other types of uses similar to the Project; however, commercial and residential development would be at lower densities than with the Project. The site plan for Alternative 4 would be the same as for the Project, with commercial, residential, and mixed-use development. However, only the ballpark and the hotel(s) would be taller than 100 feet tall and both the amount of construction and the intensity of use of the site would be less than with the Project. **Table 6-3** of the Draft EIR provides a summary of development under Alternative 4 compared to the Project. This alternative would not include the grade separation which is part of the Project.

In summary, the Reduced Density Alternative would include the following development: a new open-air waterfront multi-purpose Major League Baseball (MLB) ballpark with a capacity of up to 35,000-persons; mixed use development including up to 700 residential units, up to 350,000 square feet of office, and up to approximately 63,000 square feet of retail uses; an approximately 50,000 square-foot indoor performance center with capacity of up to 3,500 individuals; an approximately 280,000 square-foot, 400-room hotel; and a network of approximately 18.3 acres of privately owned, publicly accessible open spaces.

Alternative 4 would provide the same amount of open space as the proposed Project, and parking would be provided within parking structures, on street, and within mixed-use buildings, as envisioned with buildout of the proposed Project. The Maritime Reservation Scenario and one or both of the Project variants could also be implemented in conjunction with the Reduced Project Alternative. Figure 6-5 and Figure 6-6 of the Draft EIR illustrate development phasing and overall building densities associated with the Reduced Project Alternative with and without the Maritime Reservation Scenario.

Impacts: Impacts of the Reduced Project Alternative would generally be less than the proposed Project described in Chapter 4 due to the smaller amount of residential and commercial development and less construction.

Aesthetics, Shadow, and Wind
Alternative 4 would include new construction on the Project site, including a ballpark and other buildings likely to be visible from some viewpoints. However, the residential and commercial development in Alternative 4 would be substantially less than with buildout of the Project, and only the hotel(s) and the ballpark would be taller than 100 feet, at approximately 250 feet and 130 feet respectively. This would make the site less visible from many viewpoints than the Project.

Because all buildings other than the ballpark and hotel(s) would be less than 100 feet, Alternative 4 would likely result in fewer wind hazards; however, the site's waterfront location and the height of the hotel(s) and ballpark would result in a significant and unavoidable impact similar to the Project: **Impact AES-5**, exceedance of the 36 mph criterion for more than one hour during daylight hours annually, and **Impact AES-1.CU**, contributions to a significant cumulative exceedance of the wind hazard criterion. The ballpark and hotel(s) would be subject to **Mitigation Measure AES-1**, which would require a wind impact analysis once a more detailed design is available. Because it is unknown whether the designs could eliminate all wind hazards, the impact would remain significant and unavoidable.

Air Quality
Under Alternative 4, the ballpark, hotel(s), and performance venue would be constructed in Phase 1, along with 126 dwelling units, 58,333 square feet of office space, and 7,000 square feet of retail. Full buildout would include an additional 574 dwelling units, approximately 291,667, square feet of office

space, and 56,000 square feet of retail for a total of 700 dwelling units, 350,000 square feet of office space, and 63,000 square feet of retail.

With the reduced construction and less traffic and energy use due to fewer dwellings and less commercial space, operational criteria pollutant emissions would be below the thresholds of significance (i.e., less than significant) and less than the Project with mitigation, for both Phase 1 operations and full buildout operations (See in Table 6-5, Comparison of Key Air Quality and Greenhouse Gas Impacts in the Draft EIR.

Construction emissions of NOX would still remain above the thresholds of significance in Year 2 (same as the Project), due to the extensive site preparation and grading needed for the Phase 1 ballpark, hotel(s), and performance venue. Because **Impact AIR-2** assesses operation plus construction-related emissions of ROG, NOX, and PM10, the overall impact would not be reduced to less than significant. Three significant and unavoidable impacts of the Project would remain significant and unavoidable for Alternative 4, including: **Impact AIR-1**, construction-related emissions of NOX; and **Impact AIR-1.CU**, construction- and operational-related contributions to cumulative regional air quality impacts associated with criteria pollutants, and **Impact AIR-2.CU**, cumulative health risk. Regarding project-specific health risks, Alternative 4 would generate fewer construction and operational emissions and fewer TAC emissions, resulting in lower and less than significant health risks than the Project with grade separation, which would result in a significant and unavoidable impact. Like the Project, the health risk at on-site receptors under Alternative 4 (**Impact AIR-5**) would be less than significant; however, Alternative 4 would contribute to the same cumulative health risk identified as significant and unavoidable for the Project (**Impact AIR-2.CU**).

Biological Resources
Under Alternative 4, construction would occur in the same locations as with the Project, although the intensity of development would be less. For this reason, potential impacts on biological resources would be similar to those identified for the Project, and the same mitigation measures would reduce impacts associated with nesting birds, potential bird strikes, bat roosts, compensation for fill, and tree protection and replacement, to less than significant.

Cultural and Tribal Resources
Under Alternative 4, construction would occur in the same locations as with the Project, and therefore the potential impacts on historic architectural resources and archaeological and tribal resources would be the same as with the Project. Removal of Crane X-422 (the subject of two studies with differing conclusions and conservatively considered a historic resource) would result in a significant and unavoidable impact. Mitigation measures would reduce but not eliminate this significant impact, and mitigation would reduce impacts related to the effects of in-water construction on nearby historic ships, effects of construction vibration on land-side historic resources, and effects of sub-surface excavation on cultural and tribal resources and human remains to less than significant. The Project with the grade separation overcrossing would result in a significant and unavoidable on the Southern Pacific Railroad API historic resource that would not occur with Alternative 4.

Energy
Under Alternative 4, energy use would be less than with the Project because there would be less new construction and less overall development.. Similar to the Project, Alternative 4 would include vehicle trip reductions and LEED Gold or equivalent measures which, when combined with building code requirements, would reduce the potential for Alternative 4 to result in wasteful, inefficient, or unnecessary consumption of fuel or energy. The alternative would also incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. These and other features would result in less-than-significant impacts, similar to the Project.

Geology
Under Alternative 4, grading and construction activities would occur in the same locations as with the Project and the same building code requirements would apply. For these reasons, potential impacts related to seismicity, erosion, expansive soils and other geologic hazards, and paleontological resources would be less than significant, similar to the Project.

Greenhouse Gas Emissions
Alternative 4 would include less construction and less overall development than the Project, and the same vehicle trip reduction measures would apply. As a result, GHG emissions would be less under Alternative 4 than with the Project, and would be less than significant (i.e., net zero) with implementation of the mitigation measure requiring no net additional emissions included in Section 4.7, *Greenhouse Gas Emissions.*

Hazards and Hazardous Materials
Under Alternative 4, construction would take place in the same locations as the Project and would involve the same coordination with DTSC regarding the excavation of contaminated soils, replacement of the "cap" on-site, measures to protect against vapor intrusion, and changes to existing land use controls to permit residential uses, among other actions. Similar to the Project, hazards and hazardous materials related impacts associated with Alternative 4 would be reduced to less than significant via compliance with regulatory requirements and implementation of mitigation measures included in Section 4.8, *Hazards and Hazardous Materials*.

Hydrology and Water Quality
Under Alternative 4, the level of the site would be raised, similar to the Project, and the existing stormwater collection system and outfalls would be replaced. The City's NPDES permit would apply, and potential impacts to water quality would be reduced to less than significant via compliance with regulatory requirements and implementation of the mitigation measures included in Section 4.9, *Hydrology and Water Quality*.

Land Use
Alternative 4 would include the same types of development as the Project, but with fewer residential units, less office space, and less retail development. As with the Project, land uses on the site would change from maritime support uses to a mix of commercial, residential, public assembly, and open space, and the existing boundary between active maritime industrial uses along the waterfront would shift to the west from the current boundary between Jack London Square and Howard Terminal. Mitigation measures that reduce potential land use conflicts to less than significant would be implemented, and land use impacts of Alternative 4 would be similar to those of the Project, although the lower intensity of development may reduce the potential for land use conflicts.

Noise and Vibration
Under Alternative 4, the ballpark would be constructed along with a lesser amount of other traffic- and noise-generating uses than included in the Project. As a result, significant and unavoidable impacts of the Project would be reduced but would not necessarily be avoided, including: **Impact NOI-1**, temporary or periodic increases in noise from construction; **Impact NOI-2**, groundborne vibration during construction; **Impact NOI-1.CU**, contribution to cumulative temporary or periodic increases in noise levels due to construction; and **Impact NOI-2.CU**, contribution to increased noise due to Project-related traffic. Because the ballpark, including related traffic and concert events, would be the same under Alternative 4 as with the proposed Project, the related impact would be the same: **Impact NOI-3**, noise from concert events, roadway traffic noise, and noise from crowd egressing the proposed ballpark.

Population and Housing
Under Alternative 4, the number of on-site employees and residents would be less than with the Project, and resulting impacts would remain less than significant.

Public Services, Recreation, and Utilities
Under Alternative 4, new infrastructure and open spaces would be provided, similar to the Project. With a smaller population, however, demand for services would be less than with the Project, and resulting impacts would remain less than significant.

Transportation and Circulation
Under Alternative 4, travel to and from events at the ballpark would be subject to the same vehicle trip reduction measures and other strategies included in the TMP as the Project. However, non-ballpark traffic would be less than the amount generated by the Project because the amount of residential and commercial development would be less. As a result, significant and unavoidable impacts associated with the Project would be reduced but not avoided, including: **Impact TRANS-3**, additional multimodal traffic across at-grade railroad crossings that would expose users to a permanent or substantial hazard; and **Impact TRANS-3.CU**, contribution to a cumulative transportation hazard at at-grade rail crossings. The impact of the Project on these significant and unavoidable impacts is significantly reduced by the grade separated crossing but would remain significant and unavoidable.

With less non-ballpark traffic, it is possible that regional roadway segments would be less affected compared to the Project; however, Alternative 4 would still generate sufficient traffic to impact some segments included in the Alameda County CMP (**Impact TRANS-6**), and contribute to significant congestion on other segments (**Impact TRANS-6.CU**). These impacts would be reduced, but would still be significant and unavoidable.

Findings. Pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), based on the whole of the record, the City Council finds that the specific economic, legal, social, technological, or other considerations, including failure to feasibly attain most of the basic objectives of the project, render Alternative 4: the Reduced Density Alternative infeasible.

The City Council finds that this alternative is infeasible and less desirable than the Project and rejects this alternative for any and all of the following reasons: This alternative is rejected as infeasible because it does not feasibly attain most of the basic objectives of the project and would not substantially lessen the significant impacts of the Project. This alternative does not feasibly attain the following Project objectives: (2) Provide sufficiently dense, complementary mixed-use development with a range of flexible uses, including residential, office/commercial, retail, and entertainment, to create a vibrant local and regional visitor-serving waterfront destination that is active year round, complements the waterfront ballpark, expands tourism and visitor activity and interest even when the ballpark is not in use, increases housing at a range of affordability levels, and provides increased business and employment opportunities; (4) Create a lively, continuous waterfront district with strong connections to Jack London Square, West Oakland, and Downtown Oakland by extending and improving existing streets, sidewalks, bicycle facilities and multi-use trails through and near the project site to maximize pedestrian and nonmotorized mobility and minimize physical barriers and division with nearby neighborhoods; (6) Construct high-quality housing with enough density to contribute to year-round active uses on the project site while offering a mix of unit types, sizes, and affordability to accommodate a range of potential residents and to assist Oakland in meeting its housing demand; (7) Develop a financially feasible project that is responsive to market demands; has the ability to attract sources of public and private investment in an amount sufficient to fund all costs of the proposed project, including the construction and long term maintenance of required infrastructure; provide a market rate return on investment; and supports a comprehensive package of benefits, which may include local employment and job training programs, local business and small business policies, public access and open

space, affordable housing, transportation infrastructure, increased frequency of public transit and transit accessibility, and sustainable and healthy development measures for the surrounding community; (9) Increase public use and enjoyment of the waterfront by opening the south and southwestern shores of the project site to the public with a major new waterfront park and inviting waterfront promenade featuring multiple public open spaces that are usable and welcoming in all seasons, extending access to the Oakland waterfront from Jack London Square, West Oakland and Downtown Oakland through design of a bicycle, pedestrian, and transit-oriented community with well-designed parks, pedestrian-friendly streets, walkable blocks, and links to open spaces, taking advantage of the project site's unique proximity to Jack London Square, the waterfront and downtown; (10) Construct a project that meets high-quality urban design and high-level sustainability standards, including but not limited green building design and construction practices, walkability features, and sea level rise adaptability standards; and (11) Optimize opportunities for sustainable transportation by encouraging walking, bicycling, and transit use, and discouraging automobile use to access Project site and waterfront.

The alternative would not meet project objectives related to promoting a financially feasible and successful project (Project Objectives 2, 7). The project sponsor has submitted information that this alternative is not economically feasible and would not support a successful project (See Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives; DPFG Memorandum dated January 14, 2022.) As noted above, this alternative would reduce the amount of housing from 3,000 units to 700 units, reduce commercial office space from 1.5 million square feet to 350,000 square feet, and reduce commercial retail space from 270,000 square feet to 63,000 square feet. The project sponsor is the horizontal developer for the project, and is responsible for installing the infrastructure needed to support the land development, sales of parcels to vertical developers and the ultimate users of a completed Project. The horizontal developer is repaid for these costs and makes money from future land sales and public financing proceeds (e.g., tax increment and community financial district proceeds). With less square footage and units, the value of the land decreases and there is less of a tax base to support public financing. The data provided by the DGFG Memorandum shows that, under this alternative, the project costs would far exceed the project value for the project sponsor, with or without public financing. The public financing is not a reasonable assumption under this alternative, as it is uncertain there would be sufficient value for the issuance of bonds and other financing to allow for the reimbursement of the project sponsor's infrastructure costs in a timely manner. Because of these factors, it is unlikely that the project sponsor would be able to secure financing for the construction of this alternative and therefore, in general, would not be able to feasibly attain most of the project objectives.

The alternative would not meet project objectives related to providing sufficient housing density and units to address the City's housing (including affordable housing) needs and promote sustainable housing policies (Project Objectives 2, 6, 10). Under this alternative, both the number of housing units and the funding for housing would be significantly reduced and result in a density of only approximately 13 units per acre, which is more similar to a low density single family development (Detached Unit Residential in the Oakland LUTE). With only 700 housing units, and a much smaller number for affordable housing, the alternative would not assist the City in meeting its housing and affordable housing goals as compared to the Project. Given the size of the site and the limited density, this alternative would be inconsistent with City policies that encourage higher density residential development in the downtown, waterfront, commercial arteries, transit nodes and corridors, and concentrate new development in Priority Development Areas. Providing increased density is a key component for the City to further its goals of removing constraints on housing and availability of affordable housing. This alternative would be inconsistent with these policies and hinder the City in meeting its housing goals in light of the statewide housing shortage. (See, e.g., Housing Element, Oakland General Plan; Policy N3.1: Facilitating Housing Construction. Facilitating the construction of housing units should be considered a high priority for the City of Oakland.) The alternative would be inconsistent with City policies for promoting intensity of uses at and near Jack London Square District. The project site's designation as a "Priority Development Area"

in *Bay Area Plan 2050* by the Association of Bay Area Governments and the Metropolitan Transportation Commission further supports having the site sustain greater density to further regional housing needs. (See also Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives; DPFG Memorandum dated January 14, 2022, regarding funding for affordable housing.)

The alternative would not further project objectives that are aimed at creating a successful active, multi-faceted community attraction that enlivens and creates synergies with the surrounding area. (Project Objectives 2, 4, 7, 9, 11). While the project would still have a mix of uses, the reduction of non-ballpark uses would significantly reduce the number of people who would use the project site and would affect the ability of the project to serve as a local and regional visitor-serving destination that is active year-round, when the ballpark is not in use. The alternative, with fewer residents and office users, is unlikely to support substantial commercial and retail components, which would affect its ability to draw visitors to the site and activate it as part of the waterfront and the Jack London Square district. This would be inconsistent with City policies for promoting the district. This would also reduce sales tax revenue for the City. The DGFG Memorandum provides information that this reduction in sales tax would also affect funding for public services, and the reduction in revenue would affect the project sponsor's ability to pay open space, and long-term operation and maintenance costs for the site, affecting the viability and attractiveness of the development. (See Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives; DPFG Memorandum dated January 14, 2022.)

In addition, the alternative would not further project objectives related to promoting sustainable, smart growth development and transportation patterns to same degree as the proposed project (Project Objectives 2, 6, 10, 11). Although Alternative 4 would be designed to be a walkable and bikeable development that would minimize driving within the project site and would still be located near major transit facilities, this alternative, at a much lower density, would not be as successful in promoting sustainable transportation uses. (See Fehr and Peers Memorandum, dated January 10, 2022, Regarding Benefits of Development Density.) Higher residential density creates additional demand for on-site commercial uses such as a grocery store and other neighborhood serving uses, which allows for residents to remain within neighborhoods and minimize use of automobiles to travel off-site for community-serving uses. Related to the housing discussion above, promoting greater density allows for the site to better serve the regional growth framework and maximizes transportation benefits. (See also Project Sponsor Letter dated January 14, 2022, re Oakland Waterfront Ballpark District – Alternatives and Objectives.)

This alternative would also provide fewer employment opportunities both during construction and in new commercial space, and significantly reduce numbers of construction and permanent jobs. The Project is anticipate to bring 25,000 union construction jobs and 7,100 permanent jobs. With less development and commercial space, the Reduced Project Alternative would not provide as many business and employment opportunities.

This alternative would not substantially less the significant impacts of the project, and would not substantially lessen the significant and unavoidable impacts of the Project. Impacts to Air Quality under Impacts AIR-1, AIR-2, AIR-1CU and AIR-2CU, this alternative would result in less emissions but the impacts would remain significant and unavoidable. Only Impact AIR-4, which would be significant and unavoidable with the Project, would be reduced to less than significant with this alternative. Impacts to Cultural Resources due to the potential removal of Crane X-422 would be significant and unavoidable for this alternative the same as the Project. However, significant and unavoidable impact on the Southern Pacific Railroad API under the Project would be avoided by this alternative. With regard to significant and avoidable noise impacts, the impacts of the Project would be reduced but would not necessarily be avoided by this alternative, including: Impact NOI-1; Impact NOI-2; Impact NOI-1.CU; and Impact NOI-2.CU. Because the ballpark, including related traffic and concert events, would be the same under

Alternative 4 as with the Project, the related impact would be the same and significant and unavoidable: Impact NOI-3. With regard to traffic impacts, under this alternative, travel to and from events at the ballpark would be the same but non-ballpark traffic would be less than the amount generated by the Project because the amount of residential and commercial development would be less. However, the significant and unavoidable impacts due to transportation hazards at at-grade rail crossings associated with the Project would be reduced but not avoided by this alternative, including: Impact TRANS-3 and Impact TRANS-3.CU, contribution to a cumulative transportation hazard at at-grade rail crossings. The impact of the Project on these significant and unavoidable impacts is significantly reduced as compared to this Alternative due to the grade separated crossing but would remain significant and unavoidable. This alternative would still generate sufficient traffic to impact some segments included in the Alameda County CMP (**Impact TRANS-6**), and contribute to significant congestion on other segments (**Impact TRANS-6.CU**). These impacts would be reduced, but would still be significant and unavoidable. Since this alternative would generally cover the same land area as the Project site except for the additional area disturbed by the construction of the grade separation, impact relating to land disturbance would be the same: biology, geology, hazards, hydrology and water quality, and land use plans and policies. Although the impacts due to Project population would be reduced such as population and Housing, Public Services, Recreation and Utilities, the impact of this alternative would be less than significant similar to the Project. Overall, since this alternative includes the same size and location of the ballpark as the Project, impacts relating to the ballpark construction and operation would be the same for this alternative as the Project.

The City Council finds that this alternative would not feasibly attain most of the project objectives and would implicate specific social and economic considerations. Furthermore, this alternative would not avoid the Project's significant and unavoidable impacts to air quality, cultural resources, noise and transportation or the significant impacts due to the construction and operation of the ballpark. Each of the aforementioned considerations is sufficient, both by itself and in combination with the other aforementioned considerations, to reject Alternative 4: the Reduced Density Alternative.

3. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

While the City Council finds that the No Project Alternative is the environmentally superior alternative because it would avoid all of the significant environmental impacts of the development that would occur under the Project, the City also finds that the No Project Alternative is infeasible pursuant to Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3) because it would not attain any of the project objectives. CEQA Guidelines Section 15126.6(e)(2) requires that if the environmentally superior alternative is the no project alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. Therefore, the EIR identified Alternative 4, the Reduced Project Alternative, as the environmentally superior alternative.

As stated in the EIR, none of the other alternatives would be effective in eliminating the Project's significant and unavoidable impacts. The Reduced Project Alternative is identified as the second most environmentally superior alternative from the remaining alternatives because it would reduce the air pollutant emissions and health-related consequences of the Project and all of the other alternatives. The Reduced Project Alternative would avoid some of the significant environmental impacts of the development that would occur under the Project, including the significant and unavoidable air quality impacts due to only operational-related criteria pollutant emissions of the Project and all other build alternatives. However, because Impact AIR-2 assesses operation plus construction-related emissions, and construction emissions of NOX would still remain above the thresholds of significance, the overall impact would not be reduced to less than significant. Also, the Reduced Project Alternative would be subject to requirements of AB 734 and thus would achieve the "no net additional" standard for GHG emissions that would apply to the Project. However, the Reduced Project Alternative is infeasible, as described above,

because of specific economic, legal, social, technological, or other considerations, including failure to feasibly attain most of the basic project objectives. For these reasons, both individually and independently, and in combination with each other, the City Council rejects the environmentally superior alternative as infeasible.

The City Council further finds that of the remaining alternatives evaluated in the EIR, each has varying levels of impacts on different environmental resources, as noted in the Findings above, and none of the remaining alternatives is environmentally superior to the Project for CEQA purposes. Although Alternative 2, the Off-Site (Coliseum Area) Alternative would have fewer significant and unavoidable impacts than the Reduced Project Alternative, most of the significant and unavoidable impacts that would be avoided would relate to construction noise and on-site wind hazards, whereas its significant and unavoidable air pollutant emissions would be higher, and it would not achieve no net additional GHG emissions. Moreover, even if it would have been selected as the environmentally superior alternative, Alternative 2, the Off-Site (Coliseum Area) Alternative is infeasible, as described above, because of specific economic, legal, social, technological, or other considerations, including failure to feasibly attain most of the basic project objectives. For these reasons, both individually and independently, and in combination with each other, the City Council rejects the environmentally superior alternative as infeasible.

The lead agency may reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various economic, social, and other factors. Based on impacts identified in the EIR and the evidence identified in these Findings and the record as whole, the City Council finds, when compared to those alternatives, the Project provides the best available and feasible balance between maximizing attainment of the project objectives and minimizing significant environmental impacts, and the Project, with the Grade Separation Alternative, is the environmentally superior alternative and the most desirable among those options, and rejects the other alternatives as infeasible.

4. ALTERNATIVES SUGGESTED BY COMMENTERS

With respect to other alternatives suggested in comments on the Draft EIR, the responses to comments in the Final EIR explained why each of these alternative either could not satisfy most of the objectives of the proposed Project, does not offer substantial environmental advantages over the Project, or could not be feasibly accomplished in a successful manner considering the economic or environmental or technological factors involved. These findings are based on the entirety of the record. The City Council hereby adopts and incorporates by reference the reasons stated in the responses to comments as the grounds for rejecting those alternatives.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council adopts and makes this statement of overriding considerations concerning the Project's significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City Council find that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines sections 15091 et. seq. and after extensive review of the entire administrative record, including the Draft and Final EIR, the staff reports, and the oral and written testimony, and the evidence provided, the City Council finds that the Project's

significant unmitigated impacts are outweighed by the Project's overriding benefits. The below stated reasons summarize the benefits, goals, and objectives of the proposed Project and provide the rationale for the benefits of the proposed Project. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

1. **Employment Opportunities.** The Project will provide jobs – construction and permanent – and living wage/ prevailing wages. According to Century | Urban July 2, 2021 report ("Century Urban"), the Project is anticipate to create 25,000 construction jobs and 7,100 permanent jobs. This does not include the substantial indirect job generation that may occur within the City of Oakland.

2. **Economic Benefits.** The project will directly generate approximately $79.9 million in one-time revenues during the construction period, approximately $41.4 million in recurring annual revenues and an additional $1.4 million in annual net parking revenue for the City, according to Century Urban. This does not include indirect economic impacts or significant fiscal impacts to the County of Alameda, the State of California, and other local and regional taxing entities.

3. **Retain Oakland Athletics MLB Team in City with Needed New State-of-the-Art Stadium.** The Project will keep a major league baseball team in Oakland with its related benefits by providing a needed new stadium. The Oakland A's are the only remaining professional sports team in Oakland, have a strong brand that provides national and international recognition for the City, and significantly contributes to the City's civic pride. 81 home games (plus any playoff games) taking place each year in the City generates significant economic and fiscal benefits for the community (including jobs, taxes, tourism and economic development).

4. **Neighborhood Revitalization.** The project will help activate connections with and enhance use of the Jack London Square area and adjacent neighborhoods proximate to Downtown by creating a lively, continuous waterfront district with strong connections to Jack London Square and Downtown Oakland. Development of the site will incorporate many of the best principles of smart growth and quality urban design and will advance the City's vision for the waterfront and Jack London Square district and its land use goals and policies, including, but not limited, to Policy W10.2: Defining Jack London Square Land Uses; Policy W10.3; Policy W10.4: Defining Jack London Square Mixed Use Characteristics; Policy W10.6: Specifying Public Access and Linkage.

5. **Housing.** The Project will provide up to 3,000 units of housing, including affordable housing, to help meet City and regional needs for housing in a Priority Development Area. Approval of the Project will help the City to fulfill its fair share housing obligations as provided by the Association of Bay Area Governments. The City's fair share of regional housing, or RHNA, has been determined to be 6,511 units affordable to households with very low income households; 3,750 for low income households; 4,457 for moderate income households; and 11,533 for above moderate income households.

6. **Transportation Infrastructure.** The Project will provide an opportunity to invest in new and improved transit and transportation infrastructure and implement sustainability measures designed to improve air quality and reduce greenhouse gas emissions, and accelerate the implementation of transit and transportation infrastructure improvements consistent with adopted City and regional policies, plans and goals for transit-oriented development and multi-modal travel.

7. **Environmental Remediation.** The Project remediates hazardous conditions on the site to allow mixed use infill urban development, catalyzing the clean-up of long-standing, existing toxic contaminants in soil and groundwater. The Project conforms to the requirements, orders, and oversight of federal, state, regional and local agencies, including but not limited to USEPA, DTSC, San Francisco Bay Regional Water Quality

Control Board, and BAAQMD, that provide for protection of the public's health and safety and environment.

8. **Promotion of City Energy Efficiency and Climate Change Initiatives.** The Project will further the sustainability goals of the City, including those in the Oakland 2030 Equitable Climate Action Plan, by including energy efficiency, green building and greenhouse gas reduction features, improvements and programs resulting in no net additional greenhouse gas emissions, and meeting LEED Gold requirements, some of which exceed City requirements.

9. **Sustainable Transportation.** The Project will promote the City's sustainable transportation goals by including features, improvements and programs to promote walking, bicycling, and transit use, discouraging automobile use, and maximizing opportunities for nonautomobile mode of travel, consistent with the policies and regional vision included in City adopted plans and policies and the Sustainable Communities Strategy Plan Bay Area 2040 adopted in July of 2017 by the Metropolitan Transportation Commission and the Association of Bay Area Governments pursuant of Section 65080 of the Government Code.

10. **Modern, Energy-Efficient, Sustainable Project Design.** The Project would implement a comprehensive sustainability strategy, including LEED certification, that includes principles, goals, targets and strategies for sustainability for key Project elements including site design and land use, transportation, energy, water and wastewater, materials, solid waste, and health and safety.

11. **Public and Safety Benefits.** The Project, with the Grade Separation Crossing, would provide significant public and safety benefits by providing safe vehicular, pedestrian, and bicycle access directly to the waterfront, sports stadium and related amenities, and facilitate the continued success of the Port of Oakland by enabling safer and more efficient freight movement while reducing traffic congestion and truck idling.

12. **Connection to Waterfront.** The Project will provide an important and vital connection to the waterfront and facilitate its public use and enjoyment. With the grade separations, the Project will provide crucial connections between the city street grid and the waterfront, improving access from the surrounding neighborhoods and regional transportation networks to the Howard Terminal property and the entire waterfront where no such access currently exists in the area.

13. **Revitalization of Underused Site.** The Project will transform and activate a large industrial site adjacent to Jack London Square and the Downtown Specific Plan area which has underutilized for many years as a site for truck parking and storage.

14. **Community Facilities.** The Project will provide development of a sports stadium, major public waterfront spaces and related amenities, including waterfront improvements, event programming, parks and 1.5-mile extension of the San Francisco Bay Trail, promoting public assembly at, views of, and access to the waterfront.

Having considered the benefits summarized above, the City Council finds that the benefits (including the public benefits of the grade separation alternative) of approving the Project outweigh and override the unavoidable significant adverse environmental effects associated with the Project, and therefore, the Project's unavoidable significant adverse environmental effects are acceptable.

EXHIBIT 2

WATERFRONT BALLPARK AT HOWARD TERMINAL PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Aesthetics, Shadow and Wind					
Mitigation Measure AES-1: Wind Impact Analysis and Mitigation for Buildings 100 Feet or Greater in Height. With the goal of preventing to the extent feasible a net increase in the number of hazardous wind exceedance locations, compared to existing conditions, prior to obtaining a building permit for any building within the Project site proposed to be at least 100 feet in height, the Project sponsor (including any subsequent developer) shall undertake a wind analysis for such proposed building. The wind analysis shall be conducted by a qualified wind consultant. The consultant shall conduct an analysis of the proposed building using a model that represents the proposed building in the context of then-existing conditions, as well as in the context of the proposed Project as a whole (the buildout scenario tested in the EIR, as may be modified from time to time by the Project sponsor to reflect actual building designs known at the time). The testing shall include test points deemed appropriate by the consultant and agreed upon by the Oakland Bureau of Planning to determine the wind performance of the building, such as building entrances and sidewalks, and the consultant's report shall be submitted to the Bureau of Planning. If the wind consultant demonstrates to the satisfaction of the Bureau of Planning that the modified design would not create a net increase in hazardous wind hours or locations under partial buildout or buildout conditions, compared to then-existing conditions, no further review would be required. If the wind analysis determines that the building's design would increase the hours of wind hazard or the number of test points subject to hazardous winds, compared to then-existing conditions, the wind consultant shall notify the City and the Project sponsor. The Project sponsor shall work with the wind consultant to identify feasible mitigation strategies, including design changes (e.g., setbacks, rounded/chamfered building corners, or stepped facades), to eliminate or reduce wind hazards to the maximum feasible extent without unduly restricting development potential. Wind reduction strategies could also include features such as landscaping and/or installation of canopies along building frontages, and the like.	Project sponsor (including any subsequent developer) and a qualified wind consultant	Before approval of a Final Development Permit (FDP) for any building within the Project site proposed to be at least 100 feet tall	Oakland Bureau of Planning	Before approval of each FDP involving buildings at least 100 feet tall, review and confirm wind analysis compliance with mitigation measure requirements.	
Air Quality					
Mitigation Measure AIR-1a: Dust Controls. The Project sponsor shall implement all of the following applicable dust control measures during construction of the Project:	Project sponsor and construction contractor(s)	During all Project site preparation and construction	Oakland Bureau of Building	During all Project site preparation and construction, activities, observe Project	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Basic Controls 1. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever feasible. 2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. Limit vehicle speeds on unpaved roads to 15 mph. 5. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. 6. All trucks and equipment, including tires, shall be washed off prior to leaving the site. 7. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. *Enhanced Controls* 1. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). 2. Designate a person or persons or include dust monitoring stations to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. 3. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity. 4. Post a publicly visible large on-site sign that includes the contact name and phone number for the Project complaint manager responsible for responding to				construction and respond to any dust complaints	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
dust complaints and the telephone numbers of the City's Code Enforcement unit and the BAAQMD. When contacted, the Project complaint manager shall respond and take corrective action within 48 hours. 5. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.					
Mitigation Measure AIR-1b: Criteria Air Pollutant Controls. The Project sponsor shall implement all of the following criteria air pollutant control measures during construction of the Project as applicable to equipment used for Project construction: 1. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage to this effect shall be provided for construction workers at all access points. 2. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off Road Diesel Regulations"). 3. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation shall be kept at the construction site and be available for review by the City, Port and the Air District as needed. 4. Portable equipment shall be powered by grid electricity if available. If grid electricity is not available, propane or natural gas generators shall be used. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand. 5. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings. 6. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if requested), the Project sponsor shall	Project sponsor and construction contractor(s)	Prior to all Project site preparation and construction, submit to the City (and Port and/or Air District, if requested) construction plans for each project phase or subphase showing the required measures in this mitigation, an equipment inventory, Certification Statement signed by each construction contractor before construction, and per Mitigation Measure AIR-1c, evidence for any Tier 4 equipment exceptions. Implement measures throughout construction, maintain on each construction site the current list of equipment for City review	Oakland Bureau of Building	Prior to issuance of grading or construction-related permits (including for hazardous materials remediation, and/or horizontal infrastructure) for each project phase or subphase, review and approve construction plans include the required measures in this mitigation, an equipment inventory, Certification Statement signed by each construction contractor before construction, and per Mitigation Measure AIR-1c, evidence for any Tier 4 equipment exceptions.	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
provide written documentation that fleet requirements have been met (please see Enhanced Controls below for equipment inventory requirements). The Project sponsor shall submit documentation of incorporation of the above measures in construction plans to the City for review and approval prior to the issuance of construction-related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). If requested, a copy shall be provided to the Port and Air District. The documentation shall include an equipment inventory including the list of off-road equipment anticipated to be required for each phase of construction, and protocol requiring that a current list of equipment shall be maintained on each construction site for review by City inspectors at all times for conformity with this measure. The list of equipment maintained on site shall include, but is not limited to, the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. The documentation submitted to the City shall also contain a Certification Statement signed by each construction contractor agreeing to comply fully with the measures and acknowledging that failure to comply with the measures shall constitute a material breach of contract.					
Mitigation Measure AIR-1c: Diesel Particulate Matter Controls. In addition to implementing the measures in Mitigation Measure AIR-1b, prior to the issuance of a grading or construction-related permit the Project sponsor shall also submit documentation that: 1. all off-road diesel equipment engines meet Tier 4 Final off-road emission standards, as certified by CARB, except as provided for below. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through submittal of an equipment inventory and Certification Statement to the City building official (see Mitigation Measure AIR-1b). The Certification Statement must state that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. Exceptions to the requirement for engines that meet Tier 4 Final emission standards shall include only selected pieces of specialty equipment specified below, for which such	Project sponsor and construction contractor(s)	Prior to grading or other site preparation and construction-related permit, submit to the City equipment inventory, including evidence for any Tier 4 equipment exceptions, and contractor's pre-construction Certification Statement per Mitigation Measure AIR-1b.	Oakland Bureau of Planning	Prior to the issuance of a grading or other site preparation and construction-related permit, review and verify equipment inventory documentation, including evidence for any Tier 4 equipment exceptions and contractor's pre-construction Certification Statement per Mitigation Measure AIR-1b.	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)

engines are not available at the start of a construction. Specifically, exceptions may be granted for cranes required for geotechnical work (deep dynamic compaction and deep power or vibro-compaction). To qualify for an exception, the Project sponsor shall provide the City with evidence supporting its conclusion that equipment meeting Tier 4 standards is not available and shall use the next cleanest piece of off-road equipment as provided by the step-down schedules below.

For purposes of this mitigation measure, evidence that equipment meeting Tier 4 standards is not available shall include documentation that such equipment is not being used for other large-scale construction projects in the Bay Area occurring at the same time and/or cannot be obtained without significant delays to critical-path timing of construction.

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

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

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

In all instances where off-road diesel engines do not meet Tier 4 standards or do not have advance exhaust controls per item #1 above, the Project sponsor shall use alternative fuels such as renewable diesel, biodiesel, natural gas, propane, or electricity unless such fuels are not available for the specific engine/equipment or are demonstrated not to reduce ROG, NO_X, and PM emissions compared to traditional diesel fuel. In addition, if the Project sponsor uses any of the compliance alternatives in Table M-AIR-1c, the Project sponsor must demonstrate to the satisfaction of the City that the health risks from

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Project construction and operation do not exceed a total of 10 in a million excess cancer risk for any on-site or off-site receptor and also that the annual average $PM_{2.5}$ concentrations from Project construction and operation do not exceed a total of 0.3 $\mu g/m^3$ for any on-site or off-site receptor. 2. Documentation of Compliance To demonstrate compliance with this measure, if the Project sponsor seeks exceptions to the requirement for engines that meet Tier 4 Final emission standards, the documentation submitted in compliance with Mitigation Measure AIR-1b shall include the evidence that equipment meeting Tier 4 standards is not available as required by item (1) of this measure.					
Mitigation Measure AIR-1d: Super-Compliant VOC Architectural Coatings during Construction. The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings).	Project sponsor and construction contractor(s)	Prior to approval of construction permit, document measure on building permit plans Use of specified coatings: During Project construction for all interior spaces	Oakland Bureau of Building	Prior to issuance of a building construction permit, verify specified coatings are stated in each on building permit plans	
Mitigation Measure AIR-2a: Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings through Covenants, Conditions, and Restrictions. The Project Sponsor shall require all nonresidential developed parcels to include within their Covenants, Conditions, and Restrictions (CC&Rs) and/or ground leases requirements for all future interior spaces to be repainted only with "Super-Compliant" Architectural Coatings (http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings). "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast AQMD Rule 1113 which requires a limit of 10 grams VOC per liter.	Project sponsor and developers of nonresidential parcels	Prior to occupancy of buildings on nonresidential parcels	Oakland Bureau of Planning	Confirm CC&R / ground lease language, prior to building occupancy	
Mitigation Measure AIR-2b: Promote Use of Green Consumer Products. To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of occupancy, the Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential and/or commercial tenants of each building on the Project site	Project sponsor and/or future developer(s)	Before receipt of any certificate of occupancy, provide City with draft electronic correspondence for	Oakland Bureau of Building	Review and approve electronic correspondence prior to issuing a certificate of occupancy.	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing.		review. Implement on an ongoing basis			
Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. To reduce NO_X associated with operation of the proposed Project, the Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City: 1. If non-diesel-fueled emergency generator technology is approved for use by the City fire department for safety purposes, non-diesel-fueled generators shall be installed in new buildings, provided that alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, are demonstrated to reduce ROG, NOX, and PM emissions compared to diesel fuel. 2. All new diesel backup generators shall have engines that meet or exceed California Air Resources Board Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423) which have the lowest NO_X emissions of commercially available generators. If the California Air Resources Board adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest NO_X emissions shall apply. 3. All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by the Air District in its permitting process. Testing shall be limited to non-ballgame hours. 4. All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors. This analysis must consider health risks from the Project as a whole at full buildout, including all 17 generators installed at the Project site, and including emissions from off-site sources of TACs under cumulative conditions, and the impact of all existing offsite or new onsite sensitive receptors.	Project sponsor and/or future developer(s)	Prior to approval of construction permit, document backup diesel generator specifications on construction permit drawings or other document *Implementation:* Ongoing	Oakland Bureau of Planning; Oakland Bureau of Building	Review and verify inclusion of backup diesel generator specifications on construction permit drawings or other documentation submitted to the City prior to construction permit	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
• 5. For each new diesel backup generator permit submitted to the Air District for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule and all other non-testing operations for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the City Bureau of Planning within three months of requesting such information.					
Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. 1. All loading docks for non-residential uses, including the ballpark, shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units 2. Signs shall be posted at all loading docks requiring trucks without electrical hookups for TRUs to meet Tier 4 emission standards and prohibiting those TRUs from operating for more than thirty minutes. 3. Signs shall be posted at the site entry point, at all loading locations, and throughout the project site, to prohibit trucks from idling for more than two minutes. 4. The Project sponsor shall establish truck routes to avoid sensitive receptors in the Project. The Project sponsor shall also prepare a truck route program, along with truck calming, parking, and delivery restrictions, which shall be implemented for all project-related truck operations. • In addition, the Project sponsor shall require trucks serving the ballpark to use TRUs and auxiliary power units that are electric plug-in capable, and shall provide a notice on the lease or title to all new tenants or owners of the Project	Project sponsor and/or future developer(s)	Prior to approval of a construction-related permit, submit Project design and drawings, construction contracts, or other documentation that state the features in this mitigation measures to the City for review and approval *Implementation:* Prior to and throughout operation of all Project components and ballpark, submit documentation of lease or title notices regarding truck-intensive uses	Oakland Bureau of Planning	Review and approve that the required features in this mitigation measure are stated in Project design and drawings, construction contracts or other documentation submitted for construction-related permit *Compliance:* Review and confirm documentation of lease or title notices, prior to building occupancy.	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
or any portion thereof requiring any truck-intensive uses on the site, such as large grocery stores or distribution facilities with their own fleet of trucks, to use TRUs and auxiliary power units that are electric plug-in capable and trucks that use advanced exhaust technology (e.g. hybrid) or alternative fuels. ***Impact LUP-1.CU (cumulative land use and planning impacts)***					
Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures. The Project sponsor shall implement the following emission reduction measures and provide documentation for the City's Bureau of Planning's review and approval prior to the issuance of building construction related permits for site preparation (including but not limited to grading activities, hazardous materials remediation, and/or horizontal infrastructure) for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity). The documentation shall include an updated calculation of expected construction and operational criteria pollutant emissions associated with the Project as a whole as well as the individual site or phase (when multiple project sites would be constructed concurrently by one entity), including ROG, NO_x, PM_{10} and $PM_{2.5}$ emissions. The documentation shall quantify criteria pollutant emission reductions associated with each reduction measure and shall document the Project's performance in relation to the City's adopted thresholds of significance. The documentation shall demonstrate, based on substantial evidence, that the project has reduced total criteria pollutant emissions below the City's thresholds of significance. This represents a quantitative, objective performance standard for this mitigation measure. The criteria pollutant emission estimates shall include both construction and operational emissions associated with the project and be based on the emission factors for mobile sources, area sources, energy sources, and stationary sources commonly used at the time, and shall incorporate existing vehicle emission standards and building energy standards. If shuttle service to and from the Transportation Hub is provided as part of the TMP, then the estimates shall include emissions from this service. Emission factors are likely to decrease over time for some emission sources, such as mobile sources as the vehicle fleet shifts to more low- and zero-emissions fuel sources, and as new future technology that cannot currently be anticipated is adopted. The initial Project criteria pollutant emission estimates will be based upon final design, Project-specific traffic generation estimates, energy use estimates, equipment to be used on-site, and other emission factors appropriate for the Project prior to construction. Methods should generally follow the approach used in this DEIR and in Appendix AIR.	*Updated Emissions Documentation:* Project sponsor and/or future developer(s)	*Updated Emissions Documentation:* Before issuance of any construction–related permits for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity), submit to the City documentation of emissions reductions and Project performance per this mitigation measure	*Updated Emissions Documentation:* Oakland Bureau of Planning	*Updated Emissions Documentation:* Prior to issuance of any construction related permits for each individual project site (or phase with multiple project sites to be constructed concurrently by one entity), review documentation and verify emissions level comply with mitigation measure	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
a. Required On-Site Emission Reduction Measures:	*Required On-Site Reduction Measures:*	*Required On-Site Reduction Measures:*	*Required On-Site Reduction Measures:*	*Required On-Site Reduction Measures:*	
i. *Comply with the building electrification requirements in City Ordinance 13632* that eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City's building code. Compliance with regulatory measures shall not qualify as a mitigation measure.	Project sponsor and/or future developer(s)	Implement and/or submit compliance documents prior to opening day of the ballpark, throughout each subsequent phase or subphase, and ongoing operations	Oakland Bureau of Planning; Oakland Bureau of Building; and Oakland Department of Transportation	Prior to opening day of the ballpark, and prior to certificate of occupancy for each subsequent phase or subphase, verify if the measures to achieve the target emissions reduction have been implemented as described in the mitigation measure	
ii. *Additional electric vehicle (EV) charging stations beyond regulatory requirements.* Install EV charging stations that provide charging opportunities at the Project site beyond regulatory requirements. The Project Sponsor shall promote the use of clean fuel-efficient vehicles through preferential (designated and proximate to entry) parking and installation of charging stations on at least 13 percent of all parking spaces, which is the maximum amount deemed feasible and effective in the year 2027 (based on analysis prepared in Electric Vehicle Assumptions for the Oakland Waterfront Ballpark District Project [Ramboll, 2021]) and is beyond the level required by regulatory requirements. This increased percentage shall be met at each phase or subphase and shall not apply to temporary parking spaces. Provide electric panel capacity (as defined by City Municipal Code section 15.04.3.11.130) sufficient to supply 29 percent of total parking spaces with EV charging in the future; these spaces would be "EV-capable" parking spaces. Install inaccessible raceway (conduit) to all permanent parking spaces at the Project site.					
iii. *Promote the use of zero-emission vehicles* by requesting that any car share program operator with vehicles provided on the Project site include electric vehicles within its car share program to reduce the need to have a vehicle or second vehicle and to reduce vehicle emissions.					
iv. *Preferred parking for alternative-fueled vehicles and car sharing.* Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program.					
v. *Additional TDM measures.* Implement TDM measures that go beyond the 20 percent vehicle trip reduction in the TDM Plan to achieve the maximum feasible reduction of at least 22 percent for non-ballpark development by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
vi. Additional TMP measures. Implement TMP measures that go beyond the 20 percent vehicle trip reduction in the TMP Plan to achieve the maximum feasible reduction of at least 23 percent for the ballpark by encouraging mode shift from vehicles to other modes of transportation including transit, biking, walking, and ride-sharing. This requirement shall be waived if the project as a whole can be shown to get below the threshold of significance via other required emission reduction measures and offsets.					
vii. *Zero Emission Service Equipment*. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission.					
viii. *Electric Shuttle Bus Service*. The project sponsor will provide a shuttle bus service connecting the ballpark's Transportation Hub to one or more of the three nearby BART stations (West Oakland, 12th Street, and Lake Merritt) on game days and for large concerts. The shuttles will be of the size and type required by the TMP and shall utilize electric, hydrogen fuel cell, or other ZEV technology, unless the City determines that such vehicles are not available from local vendors at the start of the baseball season. This determination shall be based on evidence provided by the Project sponsor, which shall demonstrate that ZEV shuttles are not available and that the vehicles proposed for use represent the lowest emission shuttle engine technology available at the time from local vendors.					
b. Offsite Emission Reduction Measures, New Technologies, and Emissions Offsets:	*Offsite Emissions Offsets:*	*Offsite Emissions Offsets:*	*Offsite Emissions Offsets:*	*Offsite Emissions Offsets:*	
Prior to issuance of the first building permit for which the documentation provided for the City's review and approval demonstrates that the combination of construction and operational ROG and NO_X emissions as a result of the Project as a whole will first exceed 54 pounds per day and/or 10 tons per year, or that the combination of construction and operational PM_{10} emissions as a result of the Project as a whole will first exceed 82 pounds per day and/or 15 tons per year, the Project sponsor, with the oversight of the City of Oakland Bureau of Planning, shall implement one or more of the following measures to achieve annual reductions or offsets of ROG, NO_X, and PM_{10} equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures, as calculated and approved through the documentation submitted to the City as required above:	Project sponsor and/or future developer(s)	Submit prior to issuance of the first building permit for which the documentation is required	Oakland Bureau of Planning	Review and approve documentation of offset projects and mitigation offset payments, as applicable	

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

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
demonstrates to the City's satisfaction that such measure are as or more effective as the existing measures described above. iii. *Directly fund or implement a specific offset project within the City of Oakland* to achieve the equivalent of annual tons-per-year reduction equal to the total estimated operational ROG, NO_x, and PM_{10} emissions offsets required to reduce the Project's criteria pollutants below City's significance thresholds. The emissions offset measures will be based on the criteria pollutant reductions necessary after implementation of all other emission reduction measures. To qualify under this mitigation measure, the specific emissions offset project must result in emission reductions within the San Francisco Bay Area Air Basin that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as zero-emission trucks, upgrading line-haul and switcher locomotives with cleaner engines, replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines, or expanding or installing energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution. Projects could also include local programs not included in the WOCAP such as accelerating the WETA ferry fleet to meet Tier 4 engine standards or use zero-emission engine technology ahead of regulatory requirements. Such projects may also include BAAQMD programs such as the vehicle buyback program or the fireplace retrofit program; Port programs such as landside infrastructure and/or harbor craft engine retrofits; or other community programs such as participation in a community energy-efficiency retrofit program, installation of off-site EV chargers, or similar programs/activities including programs to implement strategies identified in the West Oakland Community Action Plan. Prior to implementing the offset project, it must be approved by the City of Oakland Bureau of Planning, as consistent with the requirements of this mitigation measure. The Project Sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification; and/or iv. *Pay mitigation offset fees or purchase and retire Emission Reduction Credits (ERC)s* to reduce emissions within the San Francisco Bay Area Air Basin. Mitigation offset fees shall be paid to an independent third party approved by the City, such as the Air District Bay Area Clean Air Foundation, or with another governmental entity. The mitigation offset fee shall fund one or more					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
emissions reduction projects within the San Francisco Bay Area Air Basin. The fee will be determined by the City, the Project Sponsor, and the independent third party, and be based on the type of projects available at the time of the payment. ERCs may be used to offset the project's emissions in the future if ERCs are available and permitted by the BAAQMD at the time of purchase. The purchase and retiring of ERCs must follow all BAAQMD regulations and requirements (including Air District Regulation 3) and include all applicable costs and fees, based on the type of ERCs available at the time of the payment. The offset fee and/or the retiring of ERCs shall fund or derive from emissions reduction projects to achieve annual reductions of ROG, NO_X, and PM_{10} equal to the amount required to reduce emissions below significance levels after implementation of other identified mitigation measures as calculated and implemented through the documentation submitted to the City as required above. The additional measures, offset projects, and/or offset fees and ERC purchased as required by this section shall be used to supplement requirements of Mitigation Measures AIR-2a through AIR-2d and this measure AIR-2e so as to reduce project emissions as calculated in the documentation submitted to the City's Bureau of Planning to below the 54 pounds-per-day and 10 tons-per-year threshold for ROG and NOx and the 82 pounds-per-day and 15 tons-per-year threshold for PM_{10}. The total emission offset amount shall be calculated by summing the maximum daily construction and operational emissions of ROG, NO_X, and PM_{10} (pounds/day) remaining above the City's threshold after implementation of Mitigation Measures AIR-2a through AIR-2d and required measures in this AIR-2e, multiplying by 260 work days per year for construction and 365 days per year for operation, and converting to tons. The amount represents the total estimated operational and construction-related ROG, NO_X, and PM_{10} emissions offsets required to reduce the Project's criteria pollutant emissions below the City's thresholds after implementation of all other mitigation measures Documentation of offset projects or ERC acquisition and mitigation offset payments, as applicable, shall be provided to the City for review and approval prior to issuance of the final certificate of occupancy for each building constructed after the documentation submitted to the Bureau of Planning demonstrates that the combination of construction and operational ROG and NO_X emissions associated with the Project as whole is predicted to exceed 54 pounds per day or to exceed 82 pounds per day of PM_{10}.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
When paying a mitigation offset fee under item (iv), the Project sponsor shall enter into a memorandum of understanding (MOU) or a purchase agreement with the independent third-party approved by the City, such as the Air District Clean Air Foundation, or with another governmental entity. The MOU shall include details regarding the funds to be paid, the administrative fee, and the amount of emissions reductions resulting from and timing of the emissions reductions project. Acceptance of this fee by the air district or the other independent third party shall serve as acknowledgment and a commitment to (1) implement an emissions reduction project(s) within a time frame to be determined, based on the type of project(s) selected, after receipt of the mitigation fee to achieve the emissions reduction objectives specified above and (2) provide documentation to the Bureau of Planning and the Project sponsor describing the project(s) funded by the mitigation fee, including the amount of emissions of ROG, NOX, and PM_{10} reduced (tons per year) within the San Francisco Bay Area Air Basin from the emissions reduction project(s). When purchasing and retiring ERCs, the Project sponsor shall enter into a purchase agreement with the entity selling the ERC as required by BAAQMD's ERC banking and trading requirements, including Regulation 3. The Project sponsor shall provide documentation to the Bureau of Planning describing the ERC, including the amount of emissions of ROG, NOX, and PM_{10} reduced (tons per year) within the San Francisco Bay Area Air Basin. To qualify under this mitigation measure, the specific emissions reduction project or ERC must result in emission reductions within the air basin that are real, surplus, quantifiable, and enforceable and would not otherwise be achieved through compliance with existing regulatory requirements or any other legal requirement. The requirement to pay such mitigation offset fee or retain such ERC shall terminate if the Project sponsor is able to demonstrate that the Project's emissions upon the: (a) full buildout or (b) termination of the Development Agreement if it is later than full buildout are less than the 10-ton-per-year thresholds for ROG and NOX and the 15-ton-per-year threshold for PM_{10}.					
In addition to submitting documentation prior to the issuance of a permit to construct each phase of the Project, the Project sponsor shall prepare an Annual Verification Report in the first quarter of each year following completion of each project site as shown in final development plan or equivalent. The purpose of the Report is to quantify total Project construction and operational criteria pollutant emissions for the previous year based on appropriate emissions factors for that year and the effectiveness of emission reduction measures that were implemented, and determine the on-site and off-site emission reduction measures and additional ROG, NOX, and PM10 offsets needed to bring the Project below the City's thresholds of significance for the coming year. The Report shall be prepared by the	*Annual CPM Verification Report:* Project sponsor	*Annual Report:* Submit Annual Verification Report at the first quarter of each year following completion of each phase or subphase	*Annual Report:* Oakland Bureau of Planning	*Annual Report:* City to review and verify the Annual Verification Report upon receipt	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Project sponsor and submitted to the City Bureau of Planning for review and verification. Criteria pollutant offsets for the previous year, if required, shall be in place by the end of each reporting year. If the City Bureau of Planning determines the report is reasonably accurate, it may approve the report; otherwise, the City shall identify deficiencies and direct the Project sponsor to correct and re-submit the report for approval.					
Mitigation Measure AIR-3: Truck-Related Risk Reduction Measures – Toxic Air Contaminants. The Project sponsor shall incorporate the following health risk reduction measures into the Project design of the ballpark and non-residential uses in order to reduce the potential health risk due to truck-related sources of toxic air contaminants. These measures shall be specified on the Project plans for confirmation by the City's building official at the time of plan check and would be subject to periodic inspection. 1. *Truck Loading Docks Requirement:* The Project sponsor shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible. 2. *Truck Fleet Emission Standards:* The Project sponsor shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, higher-tier diesel engine trucks with added particulate matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.	Project sponsor	During final Project design of the ballpark and buildings with non-residential loading docks	Oakland Bureau of Building	Confirm incorporation and compliance with measures according to CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines, prior to approval of building permits	
Mitigation Measure AIR-4a: Install MERV16 Filtration Systems. The Project Sponsor shall install a mechanical ventilation system at all residential buildings at the Project site capable of achieving the protection from particulate matter ($PM_{2.5}$) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2). The system must meet the requirements of Mitigation Measure AIR-1c (Diesel Particulate Matter Controls) and shall be included on project plans submitted to the City of Oakland's Bureau of Planning for review and approval prior to construction and be fully operational prior to issuance of a certificate of occupancy.	*Document, Install and Operate:* Project sponsor	*Document, Install and Operate:* Prior to construction, submit to the City project plans that include systems (per Mitigation Measure AIR-1c) are included in the building permit submittal	*Document, Install and Operate:* Initial Approval - Oakland Bureau of Planning Oakland Bureau of Building	*Document, Install and Operate:* Prior to approval of building permit, review and approve building permit plans to confirm that systems (per Mitigation Measure AIR-1c) are incorporated into building plans	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
		Prior to building occupancy, submit to the City documentation that the installed system is fully operational		Confirm installation and full operation of system prior to issuance of a certificate of occupancy.	
Alternatively, the Project sponsor shall retain a qualified air quality consultant to prepare an updated HRA for the Project in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of Project residents/occupants/users to TAC emissions. The updated HRA shall be conducted during final design for the proposed building or phase, when the exact level of TAC exposure is known, based on proximity to actual, then-current emission sources from both the entire Project and background cumulative sources consistent with the methods used in the EIR for cumulative analysis. The updated HRA shall be submitted to the City for review and approval. If the approved updated HRA concludes that health risks are at or below both the City's project-level and cumulative thresholds of significance for new on-site sensitive receptors with a filtration system alternative to MERV16, then the alternative MERV filtration system identified in the approved updated HRA shall be allowed rather than MERV16.	*Preparation of updated HRA:* Project sponsor and construction contractor(s); qualified air quality consultant	*Preparation of updated HRA:* During final design for the proposed building or phase, when the exact level of TAC exposure is known	*Updated HRA:* Oakland Bureau of Planning	*Preparation of updated HRA:* Review and approve updated HRA prior to approval of construction-related permit	
• The Project sponsor or its designee shall maintain, repair, and/or replace the HVAC system on an ongoing and as-needed basis. To ensure this is done, the Project sponsor shall provide an operation and maintenance manual for the HVAC system, including the maintenance and replacement schedule for the filter, to the City's Bureau of Planning prior to issuance of the final certificate of occupancy, shall file a copy with the County Recorder's office, along with a signed statement committing to ongoing maintenance by the building manager or homeowners association, along with contact information for that person or entity.	*HVAC System Maintenance:* Project sponsor or its designee	*HVAC System Maintenance:* Submit operation and maintenance manual to the City, and file with the County, prior to building occupancy Maintain, repair, and/or replace system ongoing and as-needed basis	*HVAC System Maintenance:* Oakland Bureau of Planning	*HVAC System Maintenance:* Review and approve operation and maintenance manual, and confirm County filing, prior to issuance of a certificate of occupancy for each Project building	
Mitigation Measure AIR-4b: Exposure to Air Pollution – Toxic Air Contaminants. The Project sponsor shall incorporate the following supplemental and non-quantifiable health risk reduction measures into the Project design where feasible	Project sponsor	During final Project design and prior to issuance of construction-related permit or other	Initial Approval - Oakland Bureau of Planning	Prior to issuance of a construction-related permit, confirm and review measures on submitted plans	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
and shall include them on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City: 1. Sensitive receptors shall be located as far away as possible from the Project's source(s) of air pollution such as loading docks and emergency generators. Operable windows, balconies, and building air intakes shall be located as far away from these sources as possible. 2. Sensitive receptors shall be located on the upper floors of buildings, where feasible. 3. Planting trees and/or vegetation between sensitive receptors and pollution sources, where feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).		documentation submitted to City	*Implementation/ Monitoring:* Oakland Bureau of Building	*Implementation/ Monitoring:* Verify implementation of measures prior to building permit final	
Mitigation Measure AIR-1.CU: Include Spare the Air Telecommuting Information in Transportation Welcome Packets. The Project sponsor shall include dissemination of information on Spare the Air Days within the San Francisco Bay Area Air Basin as part of transportation welcome packets and ongoing transportation marketing campaigns. This information shall encourage employers and employees, as allowed by their workplaces, to telecommute on Spare the Air Days.	Project sponsor	Prior to opening day and ongoing throughout Project operation, consistent with the implementation timing of Mitigation Measure TRANS-1a (TDM Plan)	Oakland Bureau of Planning	City to confirm dissemination prior to opening day, consistent with the monitoring timing of Mitigation Measure TRANS-1a (TDM Plan)	
Mitigation Measure AIR-2.CU: Implement Applicable Strategies from the West Oakland Community Action Plan. The Project sponsor shall incorporate the following health risk reduction measures to the extent necessary to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a cumulatively considerable contribution to health risks associated with TAC emissions. These measures, derived from the West Oakland Community Action Plan, shall be incorporated into the Project design. As an added benefit, these measures may also reduce health risks associated with existing background sources of TACs within the West Oakland community, to lessen the degree to which the Project exacerbates these existing TAC health risks (given than these measures will not reduce Project-generated TAC emissions to zero). These measures shall be	*Required WOCAP Measures:* Project sponsor and//or future developer(s)	*Required WOCAP Measures:* Prior to approval of a building permit, incorporate physical measures into design plans / and construction contracts and provide compliance report for nonphysical measures	*Required WOCAP Measures:* Oakland Bureau of Planning	*Required WOCAP Measures:* Verify implementation of measures prior to building permit final and as needed throughout operation of the Project	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
specified on the Project plans for confirmation by the City's building official at the time of plan check and would be subject to periodic inspection. 1. *Action 14a:* The Project sponsor shall work with the BAAQMD to help distribute information to future tenants about subsidized loans for local businesses to install energy storage systems (e.g., batteries, fuel cells) to replace stationary sources of pollution (e.g., back-up generators). 2. *Action 14b:* The Project sponsor shall install energy storage systems (e.g., batteries, fuel cells) instead of diesel backup generators, if feasible. 3. *Action 18:* The Project sponsor shall install truck charging stations for electric vendor and delivery trucks serving the Project site. 4. *Action 29:* The Project sponsor shall provide incentives to future tenants to retrofit their truck fleets to zero-emission vehicles. 5. *Action 36:* The Project sponsor shall work with the BAAQMD and CARB to help distribute information about financial incentives for fueling infrastructure, and for low and zero-emission equipment. 6. *Action 49:* The Project sponsor shall work with the BAAQMD to help distribute information to future tenants about funding incentives to pay for the cost of purchasing cleaner equipment in West Oakland potentially including: electric lawn and garden equipment and battery electric Transportation Refrigeration Units. 7. *Action 52:* The Project sponsor shall offer incentives for the purchase of electric bicycles for bike share programs. 8. *Additional measures and technology.* The Project sponsor shall implement additional measures and technology to reduce TAC emissions from Project operations that are not currently known or available. This may include new transportation systems (such as autonomous vehicle networks) to reduce fossil-fueled vehicles or other technology (such as alternatively-fueled emergency generators or renewable backup energy supply) that is not currently available or feasible at the project-level, provided that the Project sponsor demonstrates to the City's satisfaction that such measures are as or more effective as the measures above. 9. *Directly fund or implement a specific emissions or exposure reduction project(s) within the City of Oakland* to achieve the equivalent toxicity-weighted TAC emissions emitted from the Project or population-weighted TAC exposure reductions resulting from the Project, such that the Project does not result in a	*Offsite TAC Exposure Offsets:*	*Offsite TAC Exposure Offsets:*	*Offsite TAC Exposure Offsets:*	*Offsite TAC Exposure Offsets:*	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
cumulatively considerable contribution to health risks associated with TAC emissions. The emissions or exposure reduction measures will be evaluated after implementation of all other emission reduction measures implemented above. To qualify under this mitigation measure, any emissions reduction project must result in TAC emission reductions that would not otherwise be achieved through compliance with existing regulatory requirements. A preferred offset project would be one implemented locally within West Oakland or the surrounding community. Such projects could include community-level strategies and control measures identified in BAAQMD's AB 617 West Oakland Community Action Plan (or any future AB 617 plan for nearby communities), such as providing incentives to local businesses to limit truck operations (Action 9); installing solid or vegetative barriers between buildings and sources of air pollution (Action 16); replacing traditional trucks with zero-emission trucks (Action 29); implementing traffic calming measures to keep truck traffic off residential streets (Action 40); provide funding to implement transit local improvements and ridership (Action 45); upgrading line-haul and switcher locomotives with cleaner engines (Actions 51, 62, 64, and 65); increase the frequency of street sweeping to decrease road dust, particularly on streets adjacent to schools, on designated truck routes, and on streets near freeways (Action 59); replacing existing diesel stationary and standby engines with Tier 4 diesel or cleaner engines (Action 70); installing high-efficiency air filtration systems at schools, daycare facilities, and homes (Actions 75 and 78); expanding or installing energy storage systems such as batteries, fuel cells, etc. (Action 14); or providing increased electrical infrastructure and power storage to support electric trucks (Action 18). Projects could also include local programs not included in the WOCAP such as accelerating the WETA ferry fleet to meet Tier 4 engine standards or use zero-emission engine technology ahead of regulatory requirements. The offset project shall be approved by the City of Oakland Bureau of Planning prior to its implementation. The Project sponsor shall notify the City of Oakland Bureau of Planning within six months of completion of the offset project for verification.	Project sponsor and/or future developer(s)	Prior to issuance of a building permit for each phase or subphase, provide an HRA documenting required measures and proposed offset emission reduction projects. Within six months of completion of the offset project(s), submit verification to demonstrate implementation of measures and offset completion	Oakland Bureau of Planning	Review and approve documentation of offset projects and mitigation offset payments, as applicable.	
Biological Resources					
Mitigation Measure BIO-1a: Disturbance of Birds during Nesting Season. To the extent feasible, initial Project activities that include ground disturbance, tree or vegetation removal, building/structure demolition/modification, or pile driving shall not occur during the bird breeding season of February 1 to August 15. If such activities must occur during the bird breeding season, work areas plus an appropriate buffer area determined by a qualified biologist shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other	Project sponsor and construction contractor(s); qualified biologist during bird breeding season	Prior to tree removal; surveys to be conducted within 15 days prior to the start of work	Oakland Bureau of Planning	Confirm preconstruction surveys before tree removal	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
birds. Pre-construction surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged, such that nesting birds are not disturbed by the Project activity. The size of the nest buffer will be determined by the biologist in coordination with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest, as necessary to avoid disturbance of nesting birds.					
Mitigation Measure BIO-1b: Bird Collision Reduction Measures. The Project sponsor shall comply with the most recent City of Oakland *Bird Safety Measures* (currently 2013) during Project design, as administered by the City of Oakland Bureau of Building. This measure applies to all construction elements that include glass as part of the building's exterior AND at least one of the following: (a) The project is located immediately adjacent to a substantial water body (i.e., Oakland-Alameda Estuary); OR (b) The project is located immediately adjacent to recreation area or park larger than one acre and which contains substantial vegetation; OR (c) The project includes a substantial vegetated or green roof (roofs with growing medium and plants taking the place of conventional roofing such as asphalt, tile, gravel or shingles) but excluding container gardens; OR (d) The project includes an existing or proposed substantial vegetated area (generally contiguous one acre in size or larger) located directly adjacent to Project buildings. Prior to the approval of a construction-related permit, the Project sponsor shall submit building plans to the City of Oakland Bureau of Building which reflect the City of Oakland Bird Safety Measures, the Howard Terminal Design Guidelines regarding reflective or mirrored glass, and include the specific design measures set forth below for review and approval. The Project sponsor shall also implement the specific Project Best Management Practice (BMP) strategies described below and encompassing the lighting restrictions during migration periods, which shall be subject to verification and enforcement by the City's Code Enforcement staff as needed. i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.	*Bird Safety Measures in Building Plans:* Project sponsor	*Bird Safety Measures in Building Plans:* Prior to submittal of a construction-related permit, and during Project construction and operation	*Bird Safety Measures in Building Plans* Initial Approval - Oakland Bureau of Planning Inspection – Bureau of Building	*Bird Safety Measures in Building Plans:* Review and verify required measures prior to approval of construction-related permit Verify installation of physical measures prior to building permit final	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. iii. Avoid the use of mirrors in landscape design. iv. Avoid placement of bird-friendly attractants (e.g., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below. v. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or 60 feet above the height of existing. Examples of bird-friendly glazing treatments include the following: • Use opaque glass in window panes instead of reflective glass. • Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. • Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans. • Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule). • Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides. • Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
vi. Reduce light pollution in non-ballpark structures, and prohibit nighttime architectural illumination treatments pointing upward to avoid and reduce potential collision hazards for migratory and resident birds during migration (February 15 to May 15 and August 15 to November 15). Acceptable architectural illumination that may be used year-round includes full cut off, shielded or downward directional lighting that minimizes light spillage, glare or light trespass into the night sky. vii. Prohibit upward beams of light during the spring (February 15 to May 15) or fall (August 15 to November 15) migration, including during nighttime programming at the ballpark. Apply additional best management practices to nighttime programming and for field lighting consistent with Major League Baseball (MLB) Field Lighting Standards and for concert and event light shows at the ballpark to avoid and reduce potential collision hazards for migratory and resident birds. Examples may include the following: • Direct field lighting at the ballpark in a downward direction. • Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise. • Reduce perimeter lighting to the extent feasible taking into consideration safety, crowd control and Homeland Security requirements. • Install full cutoff, shielded, or directional lighting to minimize light spillage, glare, or light trespass with respect to best management practices for field lighting or event and concert light shows.	*Operational Lighting:* Project sponsor	*Operational Lighting:* *During Project operation*	*Operational Lighting:* Oakland Bureau of Building - Code Enforcement	*Operational Lighting:* During operation of the Project, verify lighting equipment, orientation, placement and timing according to BMPs practices in this mitigation. Periodic verification during the spring and fall migration periods. Enforcement as needed.	
viii. Prior to issuance of a certificate of occupancy for buildings at the Project site, the Project sponsor or building owner shall develop a building operation and management manual that promotes bird safety and provide a copy to the building manager/operator and to the City's Bureau of Planning. The manual shall include the following measures: • Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws. • Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.	*Building Operation and Management Manual:* Project sponsor or building owner	*Building Operation and Management Manual:* Prior to issuance of a certificate of occupancy for buildings at the Project site	*Building Operation and Management Manual:* Oakland Bureau of Planning	*Building Operation and Management Manual:* Review and approval of building operation and management manual, prior to issuance of a certificate of occupancy for buildings at the Project site	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
• Requesting employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day. • Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs. • Schedule nightly maintenance during the day or to conclude before 11 p.m., where possible.					
Mitigation Measure BIO-1c: Peregrine Falcon Firework Display Surveys, Buffer, and Monitoring. 1. During the first operational year, the Project sponsor shall retain a qualified biologist who shall survey cranes on the Project site for nesting peregrine falcons prior to start of the regular baseball season (approximately late March/early April) to identify active peregrine falcon nest sites. Additional surveys shall be conducted prior to the first fireworks display to occur within the peregrine breeding season if the initial survey results are negative. Additional surveys shall be conducted prior to the first fireworks display to occur within the peregrine breeding season if the initial survey results are negative. If survey results are still negative, pre-event surveys to identify active peregrine falcon nests on the Project site cranes will continue through May. If survey results are negative through May 31, then no further action would be required under this measure for that season. 2. Should an active peregrine falcon nest be identified on the Project site cranes during surveys, a 500-foot buffer shall be maintained between the nest site and the fireworks aerial detonation location. This initial starting buffer distance may be adjusted based on site conditions, with concurrence from the California Department of Fish and Wildlife. For example, if the nest is shielded from potential impacts, then a smaller buffer distance may be warranted. 3. The nest site shall be monitored by a qualified biologist immediately prior to and the morning after the first five ballpark fireworks events to examine bird responses to the fireworks event. Surveys shall examine the stability patterns of the nest and evaluate the effectiveness of the 500-foot buffer. The monitor will document peregrine falcon behavioral disturbance at the nest site associated with the fireworks display and confirm if flushed adults return to the nest site following the display. If possible, video monitoring shall assist in	Project sponsor and a qualified biologist	Initial survey in late March/early April before the start of the first year of ballpark operation; survey to be repeated at same time of year in next three consecutive years If survey detects a nest, monitoring of nest site immediately before and the morning after the first five ballpark fireworks events of the season	Oakland Bureau of Planning	Review and approve documentation of compliance, prior to start of the regular baseball season and prior to the first fireworks display that occur during peregrine breeding season (March/early April through May).	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
documenting bird behavior. The qualified biologist will review the nest site the morning after the display to document the presence or absence of adults at the nest site. 4. Following nest monitoring events, the qualified biologist shall determine if the nesting stage (i.e., egg incubation, nestling, fledgling) and level of disturbance observed warrant temporary adjustments to future fireworks displays at the ballpark (e.g., adjustments to the 500-foot buffer), to avoid potential take of an egg, nest, or nestling resulting from fireworks disturbance. If such monitoring suggests that falcons have abandoned a nesting attempt the morning after an event, a nestling rescue effort and transfer to a qualified rehabilitation center shall be required to prevent a take event. Nest monitoring would also inform adaptive management to further protect nesting falcons during future shows by, for example, adjusting the timing and/or location of the fireworks shows to further reduce effects on bird behavior. 5. Should nesting within the Project site on the container cranes not be identified during surveys for 3 more consecutive seasons, it will be assumed that local peregrine falcons have selected another nesting location and annual surveys and monitoring in advance of ballpark firework displays shall no longer be necessary to avoid or minimize disturbance to this species and their nests.					
Mitigation Measure BIO-2: Pre-Construction Assessments and Protection Measures for Bats. The Project sponsor shall implement the following measure to identify potential bat roosting habitat on the Project site. 1. A qualified biologist[1] who is experienced with bat surveying techniques (including auditory sampling methods), behavior, roosting habitat, and identification of local bat species shall be consulted prior to demolition or modification of buildings on site that could provide bat roosting habitat (i.e., portions of the Peaker Power Plant building, the fire station [if demolition is pursued], and various loading/unloading shelters), to conduct a pre-construction habitat assessment of the Project site to characterize potential bat habitat and identify potentially active roost sites. No further action is required should the pre-construction habitat assessment not identify bat habitat or signs of potentially active bat roosts within the Project site (e.g., guano, urine staining,	*Initial Pre-Construction Assessments:* Project sponsor and a qualified biologist	*Initial Pre-Construction Assessments:* Prior to demolition or modification of buildings on the Project site that could provide bat roosting habitat	*Initial Pre-Construction Assessments:* Oakland Bureau of Planning	*Initial Pre-Construction Assessments:* Prior to demolition or modification of buildings on the Project site that could provide bat roosting habitat, review and approve initial pre-construction habitat assessment	

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

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
dead bats, etc.). The period that the habitat assessment is valid will depend upon available habitat quality and survey findings, and will be stated in the assessment.					
The following additional measures shall be implemented should potential roosting habitat or active bat roosts be identified during the habitat assessment in buildings to be demolished or modified under the proposed Project:	*Implementation of Post Assessment Measures*:	*Implementation of Post Assessment Measures*:	*Implementation of Post Assessment Measures*:	*Implementation of Post Assessment Measures*:	
2. In areas identified as potential roosting habitat during the habitat assessment, initial building demolition or modification shall occur to the extent feasible when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, to the extent feasible. These dates avoid the bat maternity roosting season and period of winter torpor.[2]	Project sponsor and a qualified biologist	Prior to demolition or modification of buildings with potential roosting habitat or active bat roosts, submit plans specifying plans and measures to be implemented per results of habitat assessments per this mitigation measure	Oakland Bureau of Planning	Prior to issuance of a demolition or building permit throughout development, review and approve plans and measures, and if required, no-disturbance buffers	
3. Depending on temporal guidance as defined below, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to building demolition or modification.					
4. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.			Oakland Bureau of Building	During demolition or modification of buildings with potential roosting habitat or active bat roosts, verify implementation, timing and repeat of additional measures throughout development	
5. If special-status bat species or maternity or hibernation roosts are detected during these surveys, appropriate species- and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with the California Department of Fish and Wildlife to ensure the roosts are not disturbed. Such measures may include postponing the removal of buildings or structures, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other avoidance measures.					
6. The qualified biologist shall be present during building demolition or modification if potential bat roosting habitat or active bat roosts are present. Buildings with active roosts shall be modified or demolished only under clear					

[2] Torpor refers to a state of decreased physiological activity with reduced body temperature and metabolic rate.

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit. 7. The demolition or modification of buildings containing bat roosting habitat or active bat roosts shall be done under the supervision of the qualified biologist. When appropriate, buildings may be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist. 8. Depending on timing, repeat or additional bat habitat assessments may be necessary to support construction phasing and should precede following the steps outlined above.					
Mitigation Measure BIO-3: Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals. Prior to the start of any in-water construction that involves the construction of piles, the Project sponsor shall develop a NOAA Fisheries and CDFW-approved sound attenuation reduction and monitoring program to avoid significant impacts to special status fish and marine mammals, including acute damage or mortality. This program shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and all BMPs to be taken to reduce impact hammer and/or vibratory hammer pile-driving sound in the marine environment to an intensity level of less than 183 decibels (dB). The program shall incorporate but not be limited to the following: • Steel piles shall be installed using vibratory hammers. Impact hammers shall only be used after piles have reached the point of refusal with vibratory methods. • Any impact hammer installed steel piles shall be conducted in strict accordance with the Long Term Management Strategy (LTMS) defined work windows of June 1 to November 30, during which periods the presence of special-status species in the Project Site is expected to be minimal. (USACE et al., 2001). • A contingency plan using bubble curtains or an air barrier will be implemented to attenuate sound levels to acceptable levels. • Other BMPs may be implemented in coordination with NOAA Fisheries or CDFW, such as working at low tides, reducing steel-to-steel contact	*Plan Submittal/ Verification:* Project sponsor *Monitoring:* Project sponsor to secure qualified third-party marine mammal monitor as will be specified in the CDFW/NMFS-approved sound attenuation reduction and monitoring program	*Plan Submittal/ Verification:* Prior to agency permitting for, or before the start of, in-water construction involving the construction of piles, submit CDFW/NMFS-approved sound attenuation reduction and monitoring program to City *Monitoring:* Throughout in-water construction involving piles, provide monitoring results to City for review and, upon request, to CDFW	*Plan Submittal/ Verification:* Oakland Bureau of Building	*Plan Submittal/ Verification:* Verify NOAA Fisheries and CDFW-approved plan before issuance of any permit for, or the start of, in-water construction *Monitoring*: Review monitoring results and any compliance confirmation required or requested of the Project sponsor by CDFW	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
through the use of a wooden block, or use of double-walled piles, as appropriate to reduce underwater noise levels to acceptable levels.					
Mitigation Measure BIO-4: Compensation for Fill of Jurisdictional Waters. The Project sponsor shall minimize all in-water construction activities associated with maintenance or installation of new structures in the San Francisco Bay if required and as further determined by the regulatory agencies with authority over the Bay during the permitting process. If the Project includes the placement of permanent fill, the Project sponsor shall mitigate for new fill-related impacts in consultation with the applicable regulatory agencies at a ratio consistent with the "no net loss" policy for the functions and values of impacted wetlands and waters. With resource agency concurrence, suitable mitigations may include one or more of the following strategies: 1) the acquisition of mitigation credits at an agency-approved mitigation bank for affected listed species; 2) onsite or offsite shoreline improvements or intertidal/subtidal habitat enhancements along the Bay waterfront through removal of solid fill such as chemically treated wood material (e.g., pilings, decking, etc.) by pulling, cutting, or breaking off piles at least 1 foot below mudline, or; 3) removal of other un-engineered debris (e.g., concrete-filled drums or large pieces of concrete) at a ratio consistent with regulators' "no net loss" policy for the functions and values of impacted wetlands and waters. The Project sponsor shall submit evidence of regulatory agency approval to the Oakland Bureau of Building prior to commencement of in-water construction activities.	*Plan Submittal/ Verification:* Project sponsor	*Plan Submittal/ Verification:* Submit verification of regulatory agency-approved plan and strategies for permanent fill activities to the Bureau of Planning before all in-water maintenance or construction activities	*Plan Submittal/ Verification:* Oakland Bureau of Planning	*Plan Submittal/ Verification:* Verify that Project sponsor received regulatory approvals prior to all in-water maintenance or construction activities. *Monitoring:* Prior to all in-water maintenance or construction activities	
Cultural and Tribal Cultural Resources					
Mitigation Measure CUL-1: Maritime Resources Treatment Plan. Prior to any construction-related work within 100 feet of the Lightship *Relief* or the USS *Potomac*, the Project sponsor shall submit a Treatment Plan for the protection of and continued access to the USS *Potomac* and the Lightship *Relief* to the City. The Treatment Plan shall be prepared by a cultural resources professional with experience with historic ships, shall be provided for review by the Port and representatives for the USS *Potomac* and the Lightship *Relief*, and shall be approved by the City prior to the start of construction. At a minimum, the Treatment Plan shall include measures to address access to the resources during construction, measures to ensure a reasonable buffer zone regarding in-water	*Plan Submittal:* Project sponsor and a cultural resources professional with experience with historic ships *Plan Implementation:*	*Plan Submittal:* Before construction work within 100 feet of the Lightship *Relief* or the USS *Potomac*	*Plan Submittal and Verification:* Oakland Bureau of Planning	*Plan Submittal and Verification:* Review and verify that the Treatment Plan received consultation by the Port and representatives for the USS *Potomac* and the Lightship *Relief*, prior to issuance of construction	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
construction-related traffic in close proximity to the resources, monitoring and notification protocols (if needed), and measures to allow for safe launch and return of the resources during construction. Implementation of protective measures included in the Treatment Plan shall be the responsibility of the Project sponsor.	Throughout all work within 100 feet of maritime resources			permit for work within 100 feet of maritime resources *Monitoring:* Throughout all work within 100 feet of maritime resources	
Mitigation Measure CUL-2: Vibration Analysis for Historic Structures. As presented in Chapter 4.11 Noise and Vibration, building damage is generally experienced when vibration levels exceed 94 VdB. Table 4.11-17 lists a number of construction activities with their estimated VdB at various distances. At distances up to 150 feet, there is potential for vibration levels to exceed 94 VdB, therefore, prior to any vibratory construction within 150 feet of a historic resource the Project sponsor shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structures and/or substantially interfere with activities located at 93 Linden Street, 110 Linden Street, 101 Myrtle Street, 737 Second Street, 601 Embarcadero West, and 101 Jefferson Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The Project sponsor shall implement the recommendations during construction.	*Analysis/Submittal:* Project sponsor and an acoustical and/or structural engineer or other appropriate qualified professional	*Analysis/Submittal:* Before initiating vibratory construction within 150 feet of a historic resource, submit pre-construction Vibration Analysis to City *Implementation/ Monitoring:* Implement design means and methods and thresholds, etc. of the Vibration Analysis during vibratory construction within 150 feet of a historic resource Throughout vibratory construction within 150 feet of a historic resource, an acoustical and/or structural engineer or other appropriate qualified professional contracted by the Project sponsor shall install vibration	*Analysis/Submittal:* Oakland Bureau of Building	*Analysis/Submittal:* Before the start of vibratory construction within 150 feet of a historic resource, review and approve Vibration Analysis (incl. baseline conditions, thresholds, design means and methods) that ensure established thresholds are not exceeded. *Monitoring:* Review and approve ongoing vibration performance reports received at least weekly throughout vibratory construction within 150 feet of a historic resource	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
		monitoring equipment to monitoring and submit ongoing vibration performance reports to the City at least weekly			
Mitigation Measure CUL-3a: Crane Removal Documentation. Prior to issuance of a demolition permit, the City shall require HABS documentation of Crane X-422. This documentation shall be prepared by professionals meeting, or exceeding, the Secretary of the Interior's Historic Preservation Professional Qualifications Standards and shall include recommendations regarding selection criteria for an appropriate receiver site that approximates the crane's current relationship to the Estuary. HABS documentation of the crane shall include recordation in both written and photographic media of the current and historical physical context and conditions of Crane X-422.	Project sponsor and professionals meeting or exceeding the Secretary of the Interior's Historic Preservation Professional Qualifications Standards	Before removal of Crane X-422 or issuance of a demolition permit for Crane X-422	Oakland Bureau of Planning and OCHS	Review and approval of HABS documentation prior to removal or demolition of Crane X-422	
Mitigation Measure CUL-3b: Crane Relocation. Pursuant to Policy 3.7 of the Historic Preservation Element of the Oakland General Plan, following completion of Mitigation Measure CUL-3a and prior to issuance of a demolition permit, the project sponsor shall make a good faith effort to support prompt relocation of Crane X-422 to a site acceptable to the City and the Port, and meeting the parameters established under Mitigation Measure CUL-3a. The sponsor shall make available funds equal to the cost of demolition to interested parties that submit, in writing, a relocation plan meeting the requirements established in Mitigation Measure CUL-3a. If no such party is identified within 90 days after the sponsor's offer, or the City determines that a submitted plan is not acceptable to the City, Crane X-422 may be removed by the sponsor.	Project sponsor	Following completion of Mitigation Measure CUL-3a and before removal of Crane X-422 or issuance of a demolition permit affecting the location of Crane X-422, make Crane X-422 available for relocation and commit funds if applicable.	Oakland Bureau of Planning and OCHS	Review and approve documentation of availability of Crane X-422 for relocation. Confirm commitment of funds if interested party is to relocate Crane X-422.	
Mitigation Measure CUL-3c: Interpretive Displays. The Project sponsor shall, in consultation with a qualified architectural historian and landscape architect, develop one or more interpretive displays that present information regarding the early history of the Port of Oakland and its rise to prominence. Information should focus on the transformation of the port from 1962-1977, the role that early container cranes played in this transformation, the physical context, and the unique characteristics of the low-profile design of X-422 compared to its neighbors.	Project sponsor, in consultation with a qualified architectural historian and landscape architect	Prior to removal of Crane X-422 or issuance of a demolition permit for Crane X-422.	Oakland Bureau of Planning and OCHS Port of Oakland – Env. Programs & Planning	Review and approve interpretive displays prior to removal or demolition of Crane X-422.	
Mitigation Measure CUL-3d: Façade Improvement Fund Contribution.	*Contribution:*	*Contribution:*	*Contribution:*	*Contribution:*	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Prior to approval of demolition of Crane X-422, the project applicant shall contribute to the City's Façade Improvement Program. In accordance with the City's Façade Improvement Program, the amount of the contribution required to be paid by the project applicant under this mitigation measure (based upon the calculation for obtaining façade improvement grants) shall be based on the following: • $10,000 for the first 25 feet of linear wharf frontage for Crane X-422 and $2,500 per 10 additional linear feet of the same frontage beyond the first 25 feet. • $10,000 for the first 25 feet of height for Crane X-422 and $2,500 per 10 additional feet of height beyond the first 25 feet. • There shall be a 20 percent increase added for each structure designated as a Historical Resource under CEQA. For purposes of this mitigation, the length of the wharf frontage in front of Crane X-422 is 50 feet. The length of the height of Crane X-422 is 130 feet. The following calculation results in a total contribution of $52,500. Wharf Frontage: $10,000 + ($2,500 x 25 feet)/10 feet $16, 250 Crane X-422 Height: $10,000 + ($2,500 x 105 feet)/10 feet $36,250 The Façade Improvement Program contribution required hereunder shall be payable prior to removal of crane or prior to issuance of the demolition permit for the crane. Funds shall be eligible for citywide Façade Improvement Program expenditures. All rehabilitation efforts or façade improvements under this Program shall be undertaken using the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Administration of this Program shall be overseen by Oakland Cultural Heritage Survey (OCHS) staff.	Project sponsor	Prior to removal of Crane X-422 or issuance of a demolition permit for Crane X-422	Oakland Bureau of Planning and OCHS *Program Administration:* Oakland Economic & Workforce Development and OCHS	Prior to removal of or issuance of a permit for demolition of Crane X-422 *Program Administration:* Ongoing, during rehabilitation efforts and façade improvements	
Mitigation Measure CUL-4a: Archaeological Resources and Tribal Cultural Resources – Discovery During Construction. During construction, pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor shall notify the City and consult with a qualified archaeologist, as applicable, to assess the significance of the find. If the find is prehistoric or Native American–related, a Native American representative will be notified to assess the find. If any find is determined to be significant, appropriate	Project sponsor and a qualified archaeologist	During Project construction	Oakland Bureau of Building	During construction, if necessary, review and approve recommended avoidance measures, ARDTP, and/or suspension of construction.	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the cultural resources are implemented. In the event of data recovery of archaeological resources, the Project sponsor shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The Project sponsor shall implement the ARDTP at his/her expense. Archaeological monitoring and/or data recovery programs required by this measure could suspend Project operations in the vicinity of the discovery for up to 4 weeks. At the direction of the City, the suspension of construction can extend beyond 4 weeks only if such suspension is the only feasible means to reduce potential effects on a significant archaeological resource, as defined in CEQA Guidelines Section 15064(a) and 15064.5(c) to less than significant with mitigation.					
Mitigation Measure CUL-4b: Archaeologically Sensitive Areas – Pre-Construction Measures. ***Provision A: Intensive Pre-Construction Study.*** The Project sponsor shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-	Project sponsor and a qualified archaeologist	Submit before soil-disturbing activities occurring on the Project site	Initial Approval - Oakland Bureau of Planning	Review and approve of intensive preconstruction archaeological resources study before any soil-disturbing activities	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
period archaeological resources on the Project site. At a minimum, the study shall include: a. Subsurface presence/absence studies of the Project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources. b. A report disseminating the results of this research. c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. If the results of the study indicate a high potential presence of historic-period archaeological resources on the Project site, or a potential resource is discovered, the Project sponsor shall hire a qualified archaeologist to monitor any ground disturbing activities on the Project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the Project site. If the find is prehistoric or Native American–related, a Native American representative will be notified to assess the find. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.				*Implementation / Monitoring:* Bureau of Building, during soil-disturbing activities	
Provision B: Construction ALERT Sheet. The Project sponsor shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the Project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any Project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the Project site. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop within 50 feet of the discovery and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials:	Project sponsor and a qualified archaeologist	Submit, circulate and post before soil-disturbing activities occurring on the Project site	Initial Approval - Oakland Bureau of Planning and Bureau of Building	Review and approve before any soil-disturbing activities *Implementation / Monitoring:* Bureau of Building, during soil-disturbing activities	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the Project site.					
Mitigation Measure CUL-5: Human Remains – Discovery During Construction. During construction, pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the Project site during construction activities, all work shall immediately halt and the Project sponsor shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the Project sponsor.	Project sponsor, construction contractor(s)	During Project construction, if human skeletal remains are uncovered at the Project site	Oakland Bureau of Building	During construction, review and approve monitoring, data recovery, and avoidance measures implementation (if applicable) and documentation of compliance	
Energy					
See the "Air Quality," "Greenhouse Gas Emissions," and "Transportation and Circulation" sections for mitigation measures applicable to Energy impacts.	*N/A*				
Geology, Soils, and Paleontological Resources					
Mitigation Measure GEO-1: Site-Specific Final Geotechnical Report. The Project sponsor shall submit a site-specific final geotechnical report, consistent with the requirements of the CBC and California Geological Survey	Project sponsor and registered	Submit prior to approval of	Oakland Bureau of Building	Review and approve the geotechnical investigation, prior to approval of	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Special Publication 117 (as amended). The geotechnical investigation and report shall be prepared by a registered geotechnical engineer for City review and approval containing, at a minimum, a description of the geological and geotechnical conditions at the site, evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to seismic shaking, liquefaction, corrosion, and all other ground stability hazards. The geotechnical investigation shall also include a report prepared by a corrosion consultant that evaluates whether specific corrosion recommendations are advised for the Project. The submittal and approval of the final geotechnical report shall be a condition of the grading and construction permits issued by the City's Bureau of Building. The Project sponsor shall implement the recommendations contained in the approved report during Project design and construction.	geotechnical engineer	construction-related permit Implement during Project design and construction		construction-related permit	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Mitigation Measure GEO-2: Inadvertent Discovery of Paleontological Resources During Construction. Pursuant to State CEQA Guidelines Section 15064.5(f), in the event that any paleontological resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the Project sponsor shall notify the City and consult with a qualified paleontologist, as applicable, to assess the significance of the find. In the event of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the paleontological resources are implemented. In the event of excavation of paleontological resources, the Project sponsor shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the Project sponsor.	Project sponsor and a qualified paleontologist	During Project construction, if any paleontological resources are discovered during ground-disturbing activities; or if an excavation plan is necessary	Oakland Bureau of Building	During construction, if any find is determined to be significant, or if an excavation plan is necessary, approve avoidance measures recommended by the consultant	
Greenhouse Gas Emissions					
Mitigation Measure GHG-1: Preparation and Implementation of a GHG Reduction Plan. Prior to the City's approval of the first construction or grading-related permit for the Project, the Project sponsor shall retain a qualified air quality consultant to develop a Project-wide GHG Reduction Plan (Plan) for implementation over the life of the Project in accordance with the requirements of this mitigation measure. The Plan shall quantify, using the most current information available, projected emissions from the first phase of Project construction as well as Project construction for full buildout of all phases of the approved development, and operational GHG emissions for the life of the project (defined as 30 years of operation). The Plan shall specify anticipated GHG emission reduction measures sufficient to reduce or offset these emissions in accordance with the standards set forth below, such that the resulting GHG emissions are below the City's "no net	*Project-wide Plan:* Project sponsor and a qualified air quality consultant	*Project-wide Plan:* Submit before City approval of the Project's first construction or grading-related permit	*Project-wide Plan:* Oakland Bureau of Planning, assisted by a third-party expert	*Project-wide Plan:* Prior to approval of the Project's first construction or grading-related permit, Bureau of Planning to review and verify that the Plan (1) projects construction and operational GHG emissions; (2) specifies emissions reduction measures to meet the "no net additional" threshold; and (3)	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
additional" threshold of significance pursuant to CEQA. The Plan shall also contain a separate schedule of projected GHG emissions, emission reductions and GHG offset purchases prepared in accordance with CARB's AB 734 determination (CARB, 2020) in order to comply with AB 734's requirement that that those measures be monitored and enforced by the City for the life of the Project sponsor's obligation.				includes a schedule of AB 734 compliance, as specified in Section A of this this mitigation measure.	
For each phase or sub-phase of development, the Plan shall be updated as set forth in greater detail in Section B.1 below. At all times throughout the life of the Project, the Plan shall demonstrate that emissions from all construction and development are below the City's "no net additional" threshold of significance pursuant to CEQA for (1) phases already completed, permitted, and being proposed for permitting; and (2) anticipated future phases. The City shall retain the services of a third-party expert to assist with the City's review and approval of the Plan. The third-party expert shall also assist the City with its review and approval of updates to the GHG Reduction Plan and Annual Reports, as described below. All costs relating to the third-party expert, including City review of its services, shall be paid by the project applicant.	*Project-wide Plan:* Project sponsor and a qualified air quality consultant	*Updates to Project-wide Plan:* Submit prior to issuance of the first grading or construction-related permit for each phase or sub-phase of development	*Project-wide Plan:* Oakland Bureau of Planning, assisted by a third-party expert	*Updates to Project-wide Plan:* Prior to issuance of the first grading or construction-related permit for each phase or sub-phase of development (i.e. a Final Development Plan and/or permit for horizontal improvements), Bureau of Planning to review and verify that the Plan Update complies with Sections A and B.1 of this mitigation measure.	
A. GHG Reduction Plan Contents and Standards Specific information on the components of each element of the Plan, as it pertains to CEQA compliance, is described below: 1) ***Land Use Program and Project GHG Emissions Estimates, by Phase*** – The GHG Reduction Plan shall identify the amount of construction and square footage of development anticipated within each phase or sub-phase of the Project and shall estimate the projected annual and total net emissions of the Project by phase or sub-phase, inclusive of all sources of Project emissions and consistent with all categories of sources identified in the EIR. To estimate the construction and operational emissions, the Plan shall utilize full approved buildout (e.g., number of units, square footage of retail, etc.), inclusive of any required design features or other GHG Emission Reduction Measures as described below. The Project GHG emissions estimates in the					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Plan shall be based upon design and energy use estimates, Project-specific traffic generation, and equipment to be used on-site. The emission factors for electricity and transportation shall be based on those commonly used at the time the Plan is completed or at the time the Plan is subsequently amended, reflecting vehicle emissions standards and building energy standards in effect at the time. Consistent with the methodology used in the EIR, future year emissions factors shall be based on enacted regulations that are in effect and affect the emissions source (e.g., California's Renewables Portfolio Standard for electricity, and fuel efficiency standards for on-road vehicles). Construction-related emissions shall be presented for both horizontal and vertical construction emissions by year for each phase. Net (incremental) emissions shall be derived by subtracting from total Project emissions (construction plus operations) the emissions from the existing A's baseball operations at the Oakland Coliseum and at their offices in Jack London Square using the methodology in EIR. Future emission factors shall be applied both to the Project and to the existing operations so as to reflect vehicle emissions standards and building energy standards in effect at the time, as described in the previous paragraph. The net emissions calculated shall demonstrate compliance with the "no net additional" threshold as set forth in greater detail above. 2) ***GHG Emission Reduction Measures*** – The Plan shall identify GHG Emission Reduction Measures that shall be implemented for each Project phase or sub-phase to achieve the "no net additional" CEQA significance threshold. Measures shall be verifiable and feasible to implement, and the Plan shall identify the person/entity responsible for each measure, each measure's reduction amount, and the person/entity responsible for monitoring that reduction, all subject to review and approval by the City. If reduction measures associated with any given phase are shown to exceed net (incremental) emissions of that phase, the estimated credit towards future phase(s) shall be identified as set forth in Section B.1 below. GHG reduction measures to be considered include, but are not be limited to, those listed below, as well as measures in the 2030 ECAP, Pathways to Deep GHG Reductions in Oakland: Final Report (City of Oakland, 2018b), BAAQMD's latest CEQA Air Quality Guidelines (May 2017, as may be revised), the California Air Resources Board Scoping Plan (November 2017, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010,					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
as may be revised), the California Attorney General's website, and Reference Guides on LEED published by the U.S. Green Building Council. **a. Horizontal Construction Emission Reduction Measures** The reduction measures for horizontal construction emissions from the Project shall be: (1) Mitigation Measure AIR-1b Criteria Air Pollutant Controls; and (2) Purchase of Carbon Offset Credits subject to Section 2c, *Standards for Carbon Offset Credits,* below. **b. Vertical Construction and Operational Emission Reduction Measures** (1) Type and Location Requirements. GHG reduction measures shall be subject to the following requirements with respect to type and location. The order of priority for the type of reduction measures shall be: (1) physical design features; (2) operational features; and (3) the purchase of carbon offset credits subject to the standards described below under Section 2c, *Standards for Carbon Offset Credits*. The order of priority for the location of physical design features and operational features shall be: (1) the project site; (2) off-site within the neighborhood surrounding the Project site, including Old Oakland, Jack London Square, Chinatown, and West Oakland; (3) the greater City of Oakland community; and (4) within the San Francisco Bay Area Air Basin. To the extent that the Plan proposes GHG reduction measures that do not conform to the priorities set forth above, the Plan shall contain substantial evidence to support the exclusion of higher priority measure(s) considered and determined to be infeasible as defined under CEQA. (2) Required Measures. The Plan shall incorporate the following measures to reduce Project emissions: i. Mitigation Measure AIR-1b: Criteria Air Pollutant Controls.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
The Plan shall incorporate the following mitigation measures related to operation: ii. Mitigation Measure AIR-2c: Diesel Backup Generator Specifications. iii. Mitigation Measure AIR-2d: Diesel Truck Emission Reduction. iv. Mitigation Measure AIR-2e: Additional Criteria Pollutant Reduction Measures. v. The ballpark receives LEED Gold certification or above for new construction within one year after completion of the first baseball season. Each new nonresidential building receives LEED Gold certification or above for new construction within one year after completion of the applicable nonresidential building. Any residential building shall achieve sustainability standards of at least a LEED Gold level or the comparable GreenPoint rating, including meeting sustainability standards for access to quality transit. vi. Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan. vii. Mitigation Measure TRANS-1b: Transportation Management Plan. The Project would also be required to comply with building electrification requirements in City Ordinance 13632 that eliminates the use of natural gas in newly constructed buildings, unless a waiver is granted for food service uses in conformance with the City's building code. Compliance with regulatory measures shall not qualify as a mitigation measure. (3) Menu of Additional Emission Reduction Measures: On-site The following types of measures shall be included in the Plan as necessary to meet the requirements of this mitigation measure and the "no net additional" GHG emissions requirement for the Project. i. *On-site measures to reduce operational energy emissions:* (a) *Minimize the Project's energy demand through physical design features, with the ultimate goal of zero net GHG emissions from energy use*: Minimize electricity and natural gas demand through implementation of design measures. New					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
development, including residential, commercial, and retail buildings, could be designed as zero net GHG emissions buildings. (b) *100 percent zero-carbon electricity for all land uses*: Procure 100 percent zero-carbon electricity through East Bay Community Energy or other renewable energy provider (e.g., green power purchase agreement with electric utility) for all electricity loads, including residential, commercial, and retail buildings.[3] (c) *On-site rooftop solar PV panels or other on-site renewable energy generation*: Install on-site roof-top solar PV panels or other on-site renewable energy on all buildings at the Project site subject to space availability. (d) *Reduce refrigerant emissions.* Specify low-GWP (global warming potential) refrigerants in heat pumps installed in residential and nonresidential buildings, such as for HVAC systems, water heaters, and refrigeration. (e) *Convert the Peaker Plant*: Remove the jet-fueled turbines in the Peaker Plant and the associated jet fuel storage tank and replace with a battery energy storage system. The methodology used to calculate emission reductions and the amount of reduction resulting from Peaker Plant conversion attributable to the Project and applied towards the "no net additional" CEQA significance threshold shall be subject to City review and approval based on information provided as part of the Plan and other available information. (f) *On-site solar energy battery storage systems*: In conjunction with on-site rooftop solar PV panels, install solar energy battery storage systems to store electricity that can be consumed after sundown, during energy demand peaks, or during a power outage. ii. *On-site measures to reduce transportation emissions:* (a) *ZEV infrastructure beyond regulatory requirements:* Install ZEV infrastructure that provides EV charging and hydrogen fueling					

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

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
opportunities beyond regulatory requirements and the requirements of Mitigation Measure AIR-2e, including but not limited to installing medium- and heavy-duty truck charging stations for delivery vehicles, installing curbside public EV charging stations, and installing hydrogen fueling stations for fuel cell vehicles. (b) *Preferred parking for alternative-fueled vehicles and car sharing*: Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on-site beyond regulatory requirements. Reduce the need to have a vehicle (or second vehicle) by providing preferential (designated and proximate to entry) parking for ride sharing vehicles on site beyond regulatory requirements. Promote the use of zero-emission vehicles by requesting that any car share program operator with vehicles provided on Project site include electric vehicles within its car share program. iii. *On-site measures to reduce solid waste emissions:* (a) *Ballpark solid waste diversion*: Increase waste diversion rate at the new ballpark to 75 percent or greater. (b) *Organic waste diversion:* Ensure that unused edible food at restaurants and supermarkets is donated to recovery and collection organizations such as FoodShift, a non-profit organization in Alameda, California, that can distribute it to the neediest populations beyond regulatory requirements. (c) *Increase the use of reusable bags and compostable containers*: Require vendors and restaurants providing food at the ballpark to use compostable containers, encourage promotions by on-site merchants to support the City's "Bring Your Own Bag" campaign and increase the use by customers of durable reusable bags. iv. *On-site measures to reduce water and wastewater emissions:* (a) *Water efficient fixtures:* Install water efficient fixtures in residential and commercial buildings, including water-saving sinks, showers, urinals and toilets beyond regulatory requirements.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
v. *On-site operational measures to reduce area source (landscaping) emissions:* (a) *Water efficient landscaping:* Install water-efficient landscaping and irrigation systems, including the use of native drought-tolerant vegetation beyond regulatory requirements. (b) *Compost application:* Apply compost to any landscaping consistent with the Bay Friendly Landscaping Guidelines. (c) *Recycled water:* Install dual plumbing (purple pipe) for the use of recycled water for landscape irrigation, fire protection, toilet and urinal flushing in non-residential facilities, and outdoor landscape features such as fountains and water features beyond regulatory requirements. vi. *Additional on-site measures and technologies.* (a) The Plan may include additional or substitute measures and technology to reduce GHG emissions from Project construction or operations that are not currently known or available. This may include new energy systems (such as battery storage), new transportation systems (such as autonomous vehicle networks), or other technology (such as carbon capture and storage) that is not currently available at the project-level, provided that the GHG Reduction Plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, including those described above. (4) Menu of Additional Emission Reduction Measures: Off-site i. *Off-site measures to reduce energy emissions*: (a) *Community energy efficiency retrofits*: Fund, contribute to, or implement community energy efficiency retrofits to reduce offsite building energy use. (b) *Community energy decarbonization projects*: Fund or implement measures to increase use of non-carbon sources of energy, such as retrofits or other infrastructure projects (e.g., electrification), to reduce offsite building energy use.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
(c) *Community solar projects*: Fund or implement community solar PV installations. (d) *Community energy storage projects*: Fund or implement community energy storage installations, such as batteries or mechanical energy storage. ii. *Off-site measures to reduce transportation emissions*: (a) *Offsite EV chargers*: Fund or implement a program that expands the installation of EV chargers, including but not limited to curbside public EV charging stations. (b) Fund or implement programs that increase use of electric vehicles. (c) Contribute to or implement programs that increase electrification of public transit buses in the communities neighboring the Project site, including West Oakland, and/or the greater Oakland community. iii. *Off-site measures to increase carbon sequestration*: (a) *Tree planting and vegetated buffers:* Fund or implement program that results in significant new tree planting and/or vegetated buffers. iv. *Purchase of Carbon Offset Credits*: The purchase of Carbon Offset Credits, subject to Section 2c, *Standards for Offset Credits*, below, shall only be used as a reduction measure for construction and operational emissions after all the following conditions are satisfied: (1) AB 734's commitment to reduce 50% of net new emissions associated with the ballpark and other non-residential uses through the implementation of local direct measures has been met; and (2) for non-transportation sector and non-ballpark and non-hotel uses only, physical design features or operational features located on the project site or off-site within the City of Oakland have reduced project emissions levels to at or below 0.6					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
$MTCO_2e$/service population in keeping with the City's GHG emission reduction target.[4]					
c. Standards for Carbon Offset Credits					
(1) Carbon offset credits can result from activities that reduce, avoid, destroy or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions occurring elsewhere. For the purpose of Project mitigation, carbon offset credits shall consist of direct emission reductions or sequestration that are used to offset the Project's direct emissions. As described in the CARB Determination for AB 734, all carbon offset credits shall be purchased from a carbon offset registry approved by CARB, which at present include the following: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The carbon offset credits shall be verifiable by the City and enforceable in accordance with the registry's applicable standards, practices, or protocols. The carbon offsets must substantively satisfy all six of the statutory "environmental integrity" requirements applicable to the CARB Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, permanent, quantifiable, verifiable, enforceable, and additional. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., ANAB Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification. Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.					
(2) Geographic location: Carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of					

[4] This performance metric is derived from the 2030 ECAP, which incorporates the City of Oakland's adopted GHG emissions target of 56 percent below 2005 levels by the year 2030. For non-transportation emissions this equates to a Citywide efficiency threshold of 0.61 $MTCO_2e$ per service population. Refer to the Downtown Oakland Specific Plan Draft EIR, Table V.D-3 (p. 277), for its derivation, which divides the citywide 2030 non-transportation emissions target of 491,799 $MTCO_2e$ by a projected service population of 812,535 (City of Oakland, 2019b).

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
priority to the extent available: (1) off-site within the neighborhood surrounding the Project site, including West Oakland; (2) the greater City of Oakland community; (3) within the San Francisco Bay Area Air Basin; (4) the State of California; and (5) the United States of America. Any offset credits used for mitigation are subject to the approval of the City.					
B. Implementation, Monitoring and Enforcement					
1) Updated GHG Reduction Plan Required for Each Phase[5] Prior to issuance of the first grading or construction-related permit for each phase or sub-phase of development (i.e. a Final Development Plan and/or permit for horizontal improvements) the Applicant shall update the GHG Reduction Plan to calculate the actual quantity of emissions from construction and operation of the phase or sub-phase for the life of the Project (defined as 30 years of operation), to calculate the reductions necessary (including local, direct, and offset credits) to achieve the "no net additional" threshold for the proposed phase or sub-phase, and to identify the specific local reduction measures and offset requirements that will be implemented to meet the threshold for the proposed phase or sub-phase. The Applicant shall provide the updated Plan to the City for review and approval, along with a separate "AB 734 Compliance Memorandum" for the phase or sub-phase, prepared in conformance with the methodology set forth in the CARB Determination, a courtesy copy of which shall also be provided to CARB. The GHG Reduction Plan, as amended, shall identify any proposed GHG Emissions Reduction Measures to be implemented or offset credits to be purchased as part of each phase that exceed those required to offset the phase's emissions and achieve the "no net additional" threshold, in which case the balance of the reductions and/or credits shall be considered a "credit bank" applicable to subsequent phases.					
2) Implementation The Project sponsor shall implement the updated and approved GHG Reduction Plan during construction and operation of each permitted phase as follows:	*Plan and Updates:* Project sponsor	*Plan and Updates:* During construction and operation of each permitted phase	*Plan and Updates:* Oakland Bureau of Planning	*Plan and Updates:* Confirm plans, implementation of measures, verification reports and offset credit	

[5] CARB's AB 734 Determination refers to the GHG Reduction Plan Updates completed at each phase as the "AB 734 Compliance Memorandum."

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
				serial numbers, prior to issuance of building permits and certificates specified in this Section B.2 as follows	
For physical GHG reduction measures to be incorporated into the design of the Project, the measures shall be included on the drawings submitted for construction-related permits and implemented during construction. The City shall confirm inclusion of these measures in the plans prior to issuance of a building permit for the applicable phase and confirm the measures were built as part of the final inspection for a Temporary Certificate of Occupancy (TCO).	*Physical Measures - Project Design* Project sponsor	*Physical Measures - Project Design* Include measures on plans for construction-related permits and implement during construction	*Physical Measures - Project Design* Oakland Bureau of Planning and Bureau of Building	*Physical Measures - Project Design* Prior to issuance of a building permit for the applicable phase, confirm measures are in the plans Prior to final inspection for a TCO, confirm measures are built	
For physical GHG reduction measures to be incorporated into off-site projects, the Project sponsor shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval prior to issuance of the first building permit for the applicable phase. These off-site improvements shall be installed prior to completion of the applicable phase as shown in final development plan or equivalent. The City shall confirm completion of these measures prior to issuance of a TCO for the applicable phase and as part of the final inspection.	*Physical Measures – Off-Site:* Project sponsor	*Physical Measures – Off-Site:* Include measures on drawings, prior to submittal for the first building permit for applicable phase Install improvements/ measures prior to completion of the applicable phase per FDP or equivalent	*Physical Measures – Off-Site:* Oakland City Planning Director or his/her designee	*Physical Measures – Off-Site:* Prior to issuance of the first building permit for the applicable phase, confirm measures are in the plans Prior to final inspection for a TCO for the applicable phase, confirm improvements/ measures are complete	
For GHG reduction measures involving the purchase of carbon offset credits for horizontal construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the first grading and/or permit for horizontal construction (P-Job permit) for each construction phase or subphase for horizontal construction and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired prior to issuance of the construction permit for each construction phase or subphase. The City shall	*Offset Credits – Horizontal Construction Emissions:* Project applicant	*Offset Credits – Horizontal Construction Emissions:* Enter contracts to purchase credits prior to issuance of first grading and/or P-Job	*Offset Credits – Horizontal Construction Emissions:* Oakland Bureau of Planning	*Offset Credits – Horizontal Construction Emissions:* Confirm verification reports prior to issuance of the construction permit for each construction phase/subphase	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
confirm receipt of verification reports and serial numbers prior to permit issuance.		permit for each construction phase/subphase Provide verification report prior to issuance of the construction permit for each construction phase/subphase			
For GHG Reduction measures involving the purchase of carbon offset credits for vertical construction emissions, contracts for purchase of credits shall be entered into prior to issuance of the building permit for each building's construction, and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired prior to issuance of the building permit for each building's construction. The City shall confirm receipt of verification reports and serial numbers prior to permit issuance.	*Offset Credits – Vertical Construction Emissions:* Project applicant	*Offset Credits – Vertical Construction Emissions:* Enter contracts to purchase credits prior to issuance of building permit for each building's construction Provide verification report prior to issuance of the building permit for each building's construction	*Offset Credits – Vertical Construction Emissions:* Oakland Bureau of Planning	*Offset Credits – Vertical Construction Emissions:* Confirm verification reports prior to issuance of the building permit for each building's construction	
For GHG Reduction measures involving the purchase of carbon offset credits for operational emissions, contracts for purchase of credits shall be entered into prior to issuance of a TCO for each building and the Applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired. The City shall confirm receipt of the verification reports and serial numbers prior to issuance of a TCO.	*Offset Credits – Operational Emissions:* Project applicant	*Offset Credits – Operational Emissions:* Enter contracts to purchase credits prior to issuance of a TCO for each building Provide verification report prior to issuance of a TCO	*Offset Credits – Operational Emissions:* Oakland Bureau of Planning	*Offset Credits – Operational Emissions:* Confirm verification reports prior to issuance of a TCO	
3) Annual Report Required	*Annual Report:* Project applicant	*Annual Report:* Submit on November first of each calendar year starting one year	*Annual Report:* Oakland Bureau of Planning or its third-	*Annual Report:* Upon receipt of Report, review and verify implementation of the	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
The Applicant shall submit an annual report to the City's Planning Director on November first of each calendar year starting one year after the City issues the first TCO for the project. The Annual Report shall summarize the Project's implementation of GHG reduction measures over the preceding year, provide information on past, current, and anticipated Project phasing, describe compliance with the conditions of the Plan, and include a brief summary of any revisions to the GHG Reduction Plan since the previous Annual Report was submitted, including the start of new phases or sub-phases affected by the Plan. The Annual Report shall keep an ongoing tally of all carbon offset credits that have been purchased and applied to the Project, including the serial numbers of the credits, and the registry into which they have been permanently retired. The City or its third-party GHG emissions expert shall review the Annual Report to verify that the GHG Reduction Plan is being implemented in full and monitored in accordance with the terms of this mitigation measure. The City retains the right to request a Corrective Action Plan if the Annual Report is not submitted or if the GHG Reduction Measures in the Plan are not being fully implemented and/or maintained as appropriate over the Project's 30-year lifetime, and to enforce provisions of that Corrective Action Plan if specified actions are not taken or are not successful at addressing the violation within the specified period of time. Notwithstanding the foregoing, the City retains its discretion to enforce all mechanisms under the Municipal Code and other laws to enforce non-compliance with the requirements of this mitigation measure. The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the Applicant, to coincide with other related monitoring and reporting required for the Project, provided that the Annual Report shall be submitted not less than once per calendar year.		after the City issues the first TCO for the project; subsequent annual timing at the City's discretion	party GHG emissions expert	Plan per this mitigation measure, or request Corrective Action Plan.	
Hazards and Hazardous Materials					
Mitigation Measure HAZ-1a: Preparation and Approval of Consolidated RAP, LUCs and Associated Plans. Prior to Project-related grading or construction onsite, the project sponsor shall prepare a consolidated RAP, LUCs, and associated plans, all of which shall be submitted to the DTSC for review and approval. The project sponsor shall provide	Project sponsor	Before issuance of grading, excavation, or construction permits onsite, submit documentation of	Oakland Bureau of Building – Chief Building Official	Before issuance of grading, excavation, and/or construction permits on the Project site, confirm	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
the chief building official with documentation of DTSC's approval prior to issuance of a grading, excavation, and/or construction permits on the project site. The consolidated RAP, LUCs, and associated governing plans shall include the following: 1. A ***Remedial Action Plan (RAP)*** shall be prepared in compliance with established US EPA and DTSC guidelines, specifically tailored to ensure protections appropriate for the Project's anticipated construction activity and land uses, including allowing residential use under specified conditions. The RAP shall identify and address potential impacts of the remediation activities themselves. The RAP shall: a. Identify known areas with soil, soil gas, and/or groundwater with COC concentrations above the Target Cleanup Levels developed in the previously described Risk Assessment. b. Describe specific remedial methods to be applied to each of the contaminated media and areas. c. Describe procedures for the excavation, treatment, stockpiling, containerization, transportation, and disposal of contaminated media, including soil and dewatering effluent. Offsite disposal of contaminated materials shall be conducted by licensed hazardous waste transporters and offsite disposal facilities shall be licensed facilities permitted to accept the waste materials. d. For those areas and media where removal or treatment is proposed, describe sampling and analytical methods to verify that contaminated materials have been removed or treated such that the numerical cleanup levels have been achieved. e. Describe vapor intrusion barriers and other required remedies for those areas that will require inhalation protection (e.g., ground floor residential areas). f. Describe cap restoration actions for those areas that will require a cap or engineered equivalent. The cap may consist of asphalt or concrete hardscape. Engineered equivalents may include the addition of sufficient fill and/or engineered drainage to isolate the public and the environment from underlying contaminants. 2. Separate but similar ***LUCs*** shall be prepared for the A's and Port portions of the project site. The LUCs shall describe prohibited land uses (e.g., hospital), prohibited activities (e.g., disturbance of the cap or engineered equivalent		DTSC-approved regulatory documents (*i.e.,* consolidated RAP, LUCs, and associated plans) to the City		documentation of DTSC's approval of Project sponsor-prepared regulatory documents (*i.e.,* consolidated RAP, LUCs, and associated plans) (NOTE: *See Mitigation Measure HAZ-1b regarding compliance and implementation of the regulatory documents*)	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
without the approval of the DTSC), and notification and reporting requirements for activities that disturb areas with a cap or engineered equivalent. 3. An ***Operations and Maintenance (O&M) Plan*** shall be prepared describing long-term groundwater monitoring and cap maintenance procedures. The O&M Plan shall govern the ongoing operations and maintenance and shall include procedures describing how soil and groundwater shall be managed during future maintenance activities, utility installations, and other activities. The O&M Plans shall require annual groundwater monitoring programs, annual and five-year reporting obligations, health and safety plans, notification requirements, cap maintenance obligations. For certain construction projects raising unique issues, project specific soil and groundwater management plans shall be submitted to the DTSC for their approval before work can begin. The O&M Plan shall describe operations for the seasonal drainage of rainwater and the as-needed drainage of groundwater for the area within the cutoff wall beneath the ballpark.					
Mitigation Measure HAZ-1b: Compliance with Approved RAP, LUCs and Associated Plans. Prior to issuance of any grading, building, or construction permit for the Project, the Project sponsor shall provide evidence to the chief building official of DTSC concurrence that the proposed action is consistent with the RAW, LUCs, and Associated Plans adopted to ensure protections appropriate for the type of anticipated construction activity.	*Compliance with Adopted Regulatory Plans:* Project sponsor	*Compliance with Adopted Regulatory Plans:* Before issuance of any grading, building, or construction permit for the project	*Compliance with Adopted Regulatory Plans:* Oakland Bureau of Building – Chief Building Official	*Compliance with Adopted Regulatory Plans:* Before issuance of any grading, building, or construction permit for the project, confirm DTSC concurrence that those actions comply with the adopted regulatory documents	
Prior to issuance of a certificate of occupancy or similar operating permit for new buildings and uses by the chief building official, the Project sponsor shall provide evidence of successful implementation of protective measures to ensure protections appropriate for the type of anticipated uses, including allowing residential use under specified conditions, in the form of a certificate of completion, finding of suitability for the project's intended use, or similar documentation issued by the DTSC.	*Evidence of Implementation:* Project sponsor	*Evidence of Implementation:* Before issuance of a certificate of occupancy or similar operating permit for new buildings or uses	*Evidence of Implementation:* Oakland Bureau of Building – Chief Building Official	*Evidence of Implementation:* Before issuance of each certificate of occupancy or similar operating permit, confirm DTSC documentation confirming the successful implementation of the regulatory documents,	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
				specifically according to anticipated uses	
Mitigation Measure HAZ-1c: Health and Safety Plan. Prior to issuance of building, construction, or grading permits, the Project sponsor and its contractors shall prepare and implement Health and Safety Plans (HASPs) for the protection of workers, the public, and the environment. The HASPs shall be prepared by a California licensed professional of applicable expertise (e.g., certified industrial hygienist, professional engineer, professional geologist). The HASPs shall include measures consistent with customary protocols and applicable regulations (including, but not limited to Title 8 of the California Code of Regulations) for the protection of workers, site users, the public, and the environment. The HASPs shall include procedures for the management of impacted soil; use of personal protective equipment; management, use and or treatment of water associated with construction activities; and dust mitigation). In addition, the HASPs shall include procedures to address the discovery of any suspect soils (e.g., chemical odor and/or discoloration) during construction activities, including notification and the investigation, removal, and disposal of soils as appropriate under DTSC directives and local, State, and federal regulations). The HASPs shall be submitted to the chief building official prior to the commencement of construction activities.	*Plan Preparation/ Submittal:* Project sponsor and construction contractor(s), and a California licensed professional of applicable expertise *Plan Implementation:* Project sponsor and construction contractor(s)	*Plan Preparation/ Submittal:* Before issuance of approval of construction-related permit *Plan Implementation:* During construction	*Plan Preparation/ Submittal:* City of Oakland Bureau of Building – Chief Building Official	*Plan Preparation/ Submittal:* Review and approval of HASPs prior to the commencement of construction activities	
Mitigation Measure HAZ-1d: Hazardous Building Materials. Numerous existing regulations require that demolition and renovation activities that may disturb or require the removal of materials that consist of, contain, or are coated with hazardous building materials, such as ACM and/or LBP, must be inspected and/or tested for the presence of such hazardous materials. If present, the hazardous materials must be managed and disposed of in accordance with applicable laws and regulations. The identification, removal, and disposal for ACM is regulated under CCR Title 8, Division 1, Chapter 4, Article 4, Sections 1529 and 5208. The identification, removal, and disposal for LBP is regulated under CCR Title 8, Division 1, Chapter 4, Article 4, Section 1532.1. All work must be conducted by a State-certified professional, which would ensure compliance with all applicable regulations. If ACM and/or LBP are determined to exist on-site, a site-specific hazard control plan must be prepared detailing removal methods and specific instructions for providing protective clothing and equipment for abatement personnel. A State-certified ACM and/or a LBP removal contractor shall be retained to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities shall be transported and disposed of at a landfill permitted to accept such waste and in compliance with	*Evidence of BAAQMD Acceptance:* Project sponsor and construction contractor(s)	*Evidence of BAAQMD Acceptance:* Prior to demolition and renovation activities and upon BAAQMD acceptance that abatement activities are completed	*Evidence of BAAQMD Acceptance:* Oakland Bureau of Building – Chief Building Official	*Evidence of BAAQMD Acceptance:* Before issuance of a building permit or (in the case of a building renovation) a certificate of occupancy or similar operating permit, confirm compliance with regulations administered by BAAQMD	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
applicable local, State, and federal laws and regulations. Once all abatement measures have been implemented, the contractor shall conduct a clearance examination and provide written documentation to the local Bay Area Air Quality Management District that ACM and LBP testing and abatement have been completed in accordance with all federal, State, and local laws and regulations. Upon acceptance by the Bay Area Air Quality Management District that abatement activities have been completed, the acceptance documentation shall be provided to the chief building official prior to the issuance of a demolition permit or (in the case of a building renovation) a certificate of occupancy or similar operating permit.					
Hydrology and Water Quality					
Mitigation Measure HYD-1a: Creek Protection Plan. The Project sponsor shall comply with the provisions of the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16), for which the Oakland-Alameda Estuary is a qualifying waterbody. a. Creek Protection Plan Required Prior to the approval of a construction-related permit, the Project sponsor shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d). b. Construction BMPs The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following: i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek. ii. The Project sponsor shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets	Project sponsor	Submit Plan before approval of a construction-related permit	Oakland Bureau of Planning and Oakland Watershed Division	Prior to the approval of a construction-related permit, review and confirm contents of Plan in accordance with measures and BMPS in this mitigation measure (NOTE: *See below regarding Plan implementation and monitoring*)	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.					
iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.					
iv. Immediately upon completion of work in or near creek channels, soil must be repacked and native vegetation planted.					
v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.					
vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.					
vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.					
viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill.					
ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.					
x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the Project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.					
xi. Broom sweep the street pavement adjoining the project site on a daily basis as needed. Caked-on mud or dirt shall be scraped from these areas before					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
sweeping. At the end of each workday, the active work area must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains. xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB). xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City. c. Post-Construction BMPs The Project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. d. Landscaping The Project sponsor shall include landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season. Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival. e. Creek Protection Plan Implementation The Project sponsor shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the Project sponsor. The City may require that a qualified consultant (paid for by the Project	*Plan Implementation / Monitoring:* Project sponsor; qualified	*Plan Implementation / Monitoring:* During and after construction	*Plan Implementation / Monitoring:* Oakland Bureau of Building	*Plan Implementation / Monitoring:* Ongoing during construction, review and confirm adequacy of	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
sponsor) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the Project sponsor shall develop and implement additional and more effective measures immediately.	consultant, if directed by City			report on control measures if necessary	
Mitigation Measure HYD-1b: NPDES Stormwater Requirements. a. Post-Construction Stormwater Management Plan Required The Project sponsor shall comply with the City's Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), including the requirements of Provision C.3. Prior to approval of construction-related permit, the Project sponsor shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following: i. Location and size of new and replaced impervious surface; ii. Directional surface flow of stormwater runoff; iii. Location of proposed on-site storm drain lines; iv. Site design measures to reduce the amount of impervious surface area; v. Source control measures to limit stormwater pollution; vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.	*Plan Submittal / Implementation:* Project sponsor	*Plan Submittal / Implementation:* Submit prior to approval of a construction-related permit; Implement during construction	*Plan Submittal / Implementation:* Initial Approval – Oakland Bureau of Planning Implementation/ Monitoring - Oakland Bureau of Building	*Plan Submittal / Implementation:* Review and approve Plan	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
b. Maintenance Agreement Required Prior to building permit final, the Project sponsor shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following: i. The Project sponsor accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The maintenance agreement shall be recorded at the County Recorder's Office at the sponsor's expense.	*Maintenance Agreement:* Project sponsor	*Maintenance Agreement:* Submit and record before final of the building permit	*Maintenance Agreement:* Oakland Bureau of Building	*Maintenance Agreement:* Prior to building permit final, execute maintenance agreement with Project sponsor and confirm documentation of recordation	
Mitigation Measure HYD-2: Structures in a Flood Zone. The Project shall be designed to ensure that new structures within a 100-year flood zone do not interfere with the flow of water or increase flooding. Prior to approval of construction-related permit, the Project sponsor shall submit plans and hydrological calculations for City review and approval with the construction-related drawings that show finished site grades and floor elevations of buildings located within the current 100-year coastal flood Special Flood Hazard Area (SFHA) and/or 100-year Base Flood Elevation (BFE) elevated above the current 100-year coastal flood SFHA and/or 100-year BFE.	Project sponsor	Submit plans and calculations prior to approval of construction-related permit	Oakland Bureau of Building	Review and approve plans and calculations prior to approval of construction-related permit	
Mitigation Measure HYD-3: Sea Level Rise Final Adaptive Management and Contingency Plan. Prior to the issuance of the first grading permit for the Project, the Project sponsor shall develop a final adaptive management and contingency plan for sea level rise using the strategies identified in the *Tidal Datums and Sea Level Rise Design Basis Memorandum* prepared for the Project (Moffat & Nichol, 2019) or other equivalent strategies that will be implemented to address the medium-high risk aversion scenario through 2100, subject to approval of the City and the State	Project sponsor	Before issuance of the first grading permit for the Project, submit documentation of plan compliant with statutory requirement administered by State Lands Commission	Oakland Bureau of Planning	Prior to issuance of first grading permit for the project, confirm Project sponsor's documentation of plan compliance with the statutory requirement administered by State Lands Commission	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Lands Commission pursuant to AB 1191. The final adaptive management and contingency plan shall, at a minimum, include enforceable strategies incorporating an adaptive management approach to sea level rise for the duration of ground lease term for the final trust lands. The plan shall establish a monitoring and compliance program providing for regular review and enforcement by the City, including actual measured sea level rise adjacent to the Project site, and strategies that have been implemented, or are required to be implemented in the future, to address then-current projections of sea level rise. The framework for such a plan will be based on *monitoring* of flooding events, sea level rise, and groundwater levels; establishing *triggers* for management actions that include planning and design of adaptations; and *implementing* adaptation measures. The objective of the plan will be to identify specific thresholds when responses to sea levels and groundwater levels higher than those built into the initial Project design need to be initiated, which adaptation measures best meet flood protection objectives and site use constraints, and how to fund and implement the measures. The Project's adaptation strategy will vary in different areas based on levels of acceptable risk, requirements to maintain existing uses and connectivity to adjacent streets, and the desire to provide a variety of user experiences. The decision on which adaptations to implement will be based on a variety of factors, including applicable sea level rise guidance at the time, consultation with agencies, regulatory requirements, and industry best practices at the time of adaptation. Adaptation measures would be tailored for each component of the site, as described in more detail in Moffat & Nichol (2021). The type, location, and residual inundation extent for a potential adaptation pathway to provide sea level rise resilience for the Project site is shown in two stages, for 2050 (Moffat & Nichol 2021 figure Potential Future Inundation Within Project Limits Year: ~2050 with 100-yr tide) and 2100 (Moffat & Nichol 2021 figure Potential Future Inundation Within Project Limits Year: ~2100 with 100-yr tide).				When received, conduct regular review and enforcement, as needed.	
Land Use, Plans, and Policies					
Mitigation Measure LUP-1a: Boating and Recreational Water Safety Plan and Requirements. The Project sponsor shall develop and maintain a protocol for boating and water recreation around the Project site including the requirements set forth in this measure, as approved by the City of Oakland and the Port of Oakland, in consultation with the San Francisco Bay Area Water Emergency Transportation	Project sponsor	Develop and submit protocol before issuance of certificate of occupancy; submit monthly reviews during baseball seasons in which games are played at the ballpark	Oakland Bureau of Planning Port of Oakland - Env. Programs & Planning	Prior to issuance of certificate of occupancy, execute agreement between Project sponsor, the City, and the Port on protocol contents; monthly meetings during	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Authority, the Harbor Safety Committee of the San Francisco Bay Region, and the United States Coast Guard (collectively, the "Consulting Agencies"). The protocol shall specify measures to minimize conflicts with maritime navigation resulting in safety hazards and ship delay, and shall be implemented prior to and during baseball games, concerts, and other large events (as defined in the TMP) scheduled at the ballpark or the Waterfront Park. The protocol shall include, but shall not be limited to, the following requirements: 1. Installation and maintenance of signs along the wharf informing recreational watercraft of the prohibition on docking, loitering, and anchoring adjacent to the Project site, including the wharf adjacent to the Project site; 2. Water-based patrols by the Oakland Police Department during and reasonably prior and subsequent to, all baseball games, concerts, and other large events (as defined in the TMP) at the ballpark or the Waterfront Park, sufficient to remove any boating and water recreation activity that is not in compliance with all the applicable laws, regulations, and rules governing navigation in the shipping channel or in the turning basin, as well as ensuring that no such boating or water recreation activity loiters, anchors, or otherwise impedes maritime navigation; 3. Procedures for response to water-related emergencies adjacent to the Project site during all baseball games, concerts, and other large events (as defined in the TMP) at the ballpark or the Waterfront Park and evaluations of procedures for the imposition of safety zones, security zones (including navigational security needs under all Maritime Security [MARSEC] levels), and restricted navigational areas; and 4. Communications by the Project sponsor to its guests, customers, and the public regarding this protocol and appropriate safety measures for any recreational boating or water-based activities through communicating on (without limitation) its websites and on communications to those who have purchased entry to ballpark events. The Project sponsor shall solely fund the cost of all of the above requirements, including the incremental cost of the additional water-based OPD patrols. The City of Oakland, and the Port of Oakland (collectively, the "Approving Parties") in consultation with the Project sponsor shall reach agreement on a protocol achieving all of these requirements prior to the issuance of a certificate of occupancy for the ballpark. During the opening baseball season in which games are played in the ballpark, the Approving Parties shall meet at least monthly with				baseball seasons, unless less frequent meetings are agreed to pursuant to the mitigation measure	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
the Project sponsor to review the effectiveness of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards in consultation with interested Consulting Agencies. After this opening baseball season, the Approving Parties shall continue to meet monthly with the Project sponsor to review the effectiveness of the protocol unless less frequent meetings are mutually agreed upon in consultation with interested Consulting Agencies. Additionally, the Approving Parties shall review annually the number of OPD warnings and citations, safety incidents, and water-related emergency responses to ensure that the safety measures are effective in consultation with interested Consulting Agencies. The Approving Parties and the Project sponsor shall make good faith efforts to regularly revise the initial protocol as necessary based on information on the effectiveness and feasibility of the protocol in preventing non-compliant boating activity, shipping delays, and water safety hazards in consultation with the Consulting Agencies. If the Approving Parties and Project sponsor cannot mutually agree to revise the protocol to ensure that it effectively prevents non-compliant boating activity, shipping delays, and water safety hazards within 30 days of first making such efforts, then the Port may require additional operational safety measures that are similar to those listed in the initial protocol, including measures such as increased water-based patrols or enhanced signage, which shall be promptly implemented by Project sponsor at Project sponsor's sole cost.					
Mitigation Measure LUP-1b: Implement Improvement Measure AES-2, Design Lighting Features to Minimize Light Pollution. *Improvement Measure AES-2*: Prior to obtaining the final building permit for the ballpark, to minimize the effects of light pollution on nighttime views, and to prevent unnecessary glare onto adjacent areas, the Project sponsor shall ensure that the following measures are implemented: • **Field Lighting:** To the extent permitted by and compatible with MLB requirements, standards or professional baseball standards, all field lighting shall be a correlated color temperature of 5700K, a minimum color rendering index of 80, and field lighting may include accessories such as visors or shields to minimize spill light; • **Architectural Lighting:** minimize areas of non-signage architectural façade lighting (not signage) on buildings above 50 feet; use warm color temperature LED sources to minimize blue light emissions; integrate lighting elements into architecture wherever possible to minimize direct	Project sponsor and construction contractor(s)	Before issuance of final building permit for the ballpark	Oakland Bureau of Planning Port of Oakland, Env. Programs & Planning	Before issuance of final building permit for the ballpark, confirm Project compliance with Lighting Technical Report	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
view of light sources; and rely to the extent possible on low mounting-height luminaires to reduce the visibility of the luminaire from a distance; • **House Lighting:** lighting of the stands, or "house" lighting, shall be fully shielded so that house lighting limits or avoids uplighting and should be CIE-correlated color temperature of 5700K; • **Digital Signage:** two key digital signage locations are the double-sided digital scoreboard in centerfield and the digital ribbon boards within the ballpark. While all signage will comply with the California Vehicle Code requirements for brightness where they are within the field of view for freeway drivers, digital signage applications such as wayfinding or advertising that are not within the ballpark itself and associated with the function of the ballpark shall include the following measures: ○ all digital signage, including static and dynamic signage, should be provided with dimming capabilities and the associated control infrastructure to dim the sign brightness at night; ○ all digital signage should include glare control measures to minimize off-axis brightness and upward directed and wasted light; ○ the brightness of all digital signage should be verified after installation through photometric measurements to comply with the following limitations: the greater of the amount required by MLB standards or no greater than 1,000 cd/m2 when set to all pixels at bright white, and no greater than 8.0 lux vertical at the property line created by any single digital sign. The Project sponsor shall demonstrate to the satisfaction of the City and the Port that its lighting design achieves the desired lighting results, or is necessary to meet market demand and expectations of an MLB ballpark with respect to field lighting, architectural lighting, house lighting, and digital signage as described in the Lighting Technical Report (HLB Lighting Design, 2020). In addition, if the ballpark orientation or design of light stands changes such that light and glare levels in the shipping channel or Inner Harbor Turning Basin would be substantially different than analyzed in the Lighting Technical Report, the Project sponsor shall be required to assess the changes in a supplemental Lighting Technical Report subject to review and approval by the City and the Port.					
Mitigation Measure LUP-1c: Land Use Siting and Buffers. All proposed sensitive uses (including residences and childcare facilities) on the Project site shall be prohibited west of Myrtle Street. Prohibiting residential uses	*Plan Submittal and Review:*	*Plan Submittal and Review:*	*Plan Submittal and Review:*	*Plan Submittal and Review:*	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
west of Myrtle Street would separate potential on-site sensitive receptors from Port and industrial operations west of the Project site, and would place residential uses over 1,000 feet from the UPRR railyard to the northwest of the Project site, per guidance from the California Air Resources Board's (CARB's) *Air Quality and Land Use Handbook* (2005). Prior to the issuance of a construction-related permit, the Project sponsor shall develop detailed plans and specifications for buffering strategies to be used during Project development, including timing and phasing of implementation to precede on-site sensitive receptors. Buffering strategies to be used on the Project site shall incorporate guidance contained in CARB's *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways* (2017) and the U.S. Environmental Protection Agency's (U.S. EPA's) *Recommendations for Constructing Roadside Vegetation Barriers to Improve Near-Road Air Quality* (2016) and include (but not be limited to): 1. The creation of building and streetscape design principles that shall incorporate buildings with varying shapes and heights, building articulations, and spaces that encourage air flow. 2. Solid barriers (e.g., sound walls or building walls) along the western perimeter of the Project site that shall be used in combination with vegetation barriers (i.e., dense trees/vegetation planted next to the solid barrier). If implemented solid building exterior walls built on the western property line of Block 17 shall be used in combination with upper level setbacks and landscaping elements. 3. Vegetated buffers along the western perimeter of the site and portions of the northern perimeter west of Market Street that shall be planted densely, contain plants tolerant of air pollution, use trees, shrubs, and grasses for multi-level pollutant trapping, and use multiple species to minimize risks with low diversity.	Project sponsor	Prior to issuance of a construction-related permits, submit building and/or landscape plans for each FDP submittal for areas west of Myrtle Street to the City	Initial Approval - Oakland Bureau of Planning	Prior to approval of applicable FDPs for areas west of Myrtle Street and verification of building and/or landscape plans as applicable	
City planning staff shall review, and at their discretion, approve the Project sponsor's plans and specification, together with their proposed timing and phasing strategies prior to issuance of any construction-related permit. Accepted plans, specifications, and phasing shall be referenced on all subsequent construction-related plans submitted to the City's building official, who shall determine compliance prior to permit issuance and upon final inspection. The project Sponsor shall be responsible for maintaining all solid barriers and vegetated buffers for the life of the Project.	*Compliance/ Maintenance and Reporting*: Project sponsor	*Compliance/ Maintenance and Reporting:* Prior to issuance of any construction-related permit, submit plans and specifications to the City Maintenance of implemented plan	*Compliance/ Maintenance and Reporting*: Bureau of Building – City Building Official	*Compliance/ Maintenance and Reporting*: Review and approve plan and specifications to the City compliance before permit issuance and upon final inspection.	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
		elements throughout Project Maintenance Report, annually		Review and approve annual maintenance report	
Noise and Vibration					
Mitigation Measure NOI-1a: Construction Days/Hours. The Project sponsor shall comply with the following restrictions concerning construction days and hours: **a.** ***Monday-Friday.*** With the exception of the proposed nighttime installation of the stadia precast and ballpark concrete pours, construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday extreme noise generating activities (those generating noise levels greater than 90 dBA) shall be limited to between 8:00 a.m. and 4:00 p.m. **b.** ***Saturday.*** Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities No pier drilling or other extreme noise generating activities (activities generating greater than 90 dBA) are allowed on Saturday. **c.** ***Sunday and Holidays***. With the exception of construction of the proposed ballpark and site prep prior to or during the course of ballpark construction, no construction is allowed on Sunday or holidays for any of the remaining activities of Phase 1 construction or construction of Phase 2 buildings and infrastructure. Ballpark construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Sunday and holidays. No pier drilling or other extreme noise generating activities (activities generating greater than 90 dBA) are allowed on Sunday or holidays. Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area. Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with	Project sponsor and construction contractor(s) *Extended Days/ Hours:*	During Project construction *Extended Days/Hours:* Submit proposed type and duration of	Oakland Bureau of Building *Extended Days/ Hours:*	Confirm implementation throughout construction *Extended Days/Hours:* Review and approve request materials and	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The Project sponsor shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the Project sponsor shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.	Project sponsor and construction contractor(s)	construction activities proposed during extended days/hours and the proposed public notification to City prior to issuing public notification Issue approved public notification at least 14 calendar days prior to construction activities	Oakland Bureau of Building	proposed public notification prior to distribution of public notice and start of construction activities proposed during extended days/hours.	
Mitigation Measure NOI-1b: Construction Noise Reduction. The Project sponsor shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following: a. Equipment and trucks used for Project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible. b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for Project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c. The Project sponsor shall use temporary power poles instead of generators where feasible. d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.	Project sponsor and construction contractor(s)	During Project construction	Oakland Bureau of Building	Confirm implementation throughout construction	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.					
Mitigation Measure NOI-1c: Project-Specific Construction Noise Measures. a. ***Construction Noise Reduction Plan Required.*** Prior to any noise generating construction activities, the Project sponsor shall retain a qualified acoustical consultant to update the Draft Construction Noise Reduction Plan for City review and approval. The Project sponsor shall implement the approved Plan during construction with the goal of achieving interior noise levels that do not exceed 45 dBA for residential activities, 50 dBA for offices and group assembly activities, and 55 dBA for other commercial activities, or current baseline levels. The updated plan shall that contains a set of site-specific noise attenuation measures to further reduce impacts associated with extreme noise generating activities (activities generating greater than 90 dBA) and/or affecting sensitive receptors on or near the Project site as follows: *i.* Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings. *ii.* Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where such technologies are acceptable given geotechnical and structural requirements and conditions; *iii.* Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; *iv.* Specify additional attenuation measures and best practices to further reduce extreme noise generating construction activities (activities generating greater than 90 dBA); *v.* Specify additional attenuation measures and best practices to further reduce construction noise impacts on the existing Phoenix Lofts, the Ellington Condominiums, and future occupants of Phase 1 residences; *vi.* Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and	Project sponsor and a qualified acoustical consultant *Implementation / Monitoring:* Project sponsor and a qualified acoustical consultant	Prior to any grading or construction permit, submit updated site-specific plan to City *Implementation / Monitoring:* *During construction*	Oakland Bureau of Building	Review and approve updated site-specific plan prior to any issuance of any grading or construction permit	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
vii. Monitor the effectiveness of noise attenuation measures by taking noise measurements. **b.** ***Public Notification Required***. The Project sponsor shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the Project sponsor shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.	Project sponsor	Submit proposed type and duration of extreme noise generating activities and the proposed public notice to City prior to issuing public notification Issue approved notification at least 14 calendar days before the start of extreme noise-generating construction activities	Oakland Bureau of Building	Review and approve request materials and proposed public notification prior to distribution of public notice and start of extreme noise-generating construction activities	
Mitigation Measure NOI-1d: Construction Noise Complaints. The Project sponsor shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include**:** a. Designation of an on-site construction complaint and enforcement manager for the Project; b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the Project complaint manager and City Code Enforcement unit; c. Protocols for receiving, responding to, and tracking received complaints; and d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.	Project sponsor *Complaint Log:* Project sponsor	Before and during Project construction *Complaint Log:* Upon City's request	Oakland Bureau of Building *Complaint Log:* Bureau of Building	Review and approve of complaint response procedures prior to approval of grading or construction-related permit *Complaint Log:* Review complaint log, if and when requested by the City	
Mitigation Measure NOI-1e: Physical Improvements or Off-site Accommodations for Substantially Affected Receptors.	Project sponsor	*Physical Improvements Option:*	Oakland Bureau of Planning	Review and approve of temporary relocation	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
The Project sponsor shall provide physical improvements or temporary accommodations for residents of the Phoenix Lofts and new Phase 1 receptors during impact or vibratory pile driving activities when it occurs within 300 feet with direct line of sight for the duration of the pile driving activity within the distances specified. • Physical improvements may consist of installation of storm windows in specific out-facing residences and/or temporary installation of acoustical blankets on the outside of the structure facing the pile driving activities. • The accommodation option may be provided for the duration of pile driving activities. A temporary relocation Plan shall be developed by the Project sponsor and submitted to the Oakland Bureau of Planning and Bureau of Building for review that specifies the duration of the accommodation and the type of accommodation (e.g., hotel or other). Once finalized, the affected residents shall be contacted six months prior to construction and provided with a description and the predicted severity and duration of construction-related noise exposure and provided the opportunity for temporary relocations as developed within the Temporary Relocation Plan.		During impact or vibratory pile driving activities occurring within designated distance *Accommodation Option:* Finalization of temporary relocation plan, followed by contact of residents six months before construction	Oakland Bureau of Building	plan prior to commencement of pile driving activities *Documentation of Compliance:* Throughout construction	
Mitigation Measure NOI-2a: Permit and Sound Control Agreement Requirement for Concert Events. The Project sponsor shall require each individual concert event obtain a concert event operation permit from the City Administrators office. Each operators permit will require the preparation and implementation of a Sound Control Agreement to be implemented for each concert event at the proposed ballpark to reduce the severity of potential noise impacts from amplified music. The Sound Control Agreement shall be submitted to the City's Administrators office when applying for the special event permit required pursuant to Chapter 12.56 of the City's Municipal Code. The Sound Control Agreement shall be vetted by the City Administrator's Office and shall contain the following elements: • **Operational Hours**: The Sound Control Agreement would restrict the event operator to prescribed hours and days for all amplified sound. • **Operational Setup**: Noise impacts are predicted to occur at receptor locations south of the proposed ballpark. Consequently, speakers and stages shall be oriented so as to avoid directing amplified sound toward the more impacted southerly locations. The directional limitation shall be enforced for all auxiliary	*Prepare/Submit Agreement:* Project sponsor *Implementation/ Monitoring:* Project sponsor	*Prepare/Submit Agreement:* With application for each individual special event permit pursuant to Oakland Municipal Code Chapter 12.56 *Implementation/ Monitoring:* During each individual special event	*Prepare/Submit Agreement:* Oakland City Administrators Office *Implementation/ Monitoring:* City staff, event operator, or a contracted technician	*Prepare/Submit Agreement:* Review and approve Agreement prior to issuance of each special event permit pursuant to Oakland Municipal Code Chapter 12.56 *Implementation/ Monitoring:* Assess compliance with the Agreement during each individual special event	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
stage set-ups as well as the main stage, with the preferred direction being speakers facing inward. • **Sound Level Limits**: For concert events the maximum allowable sound amplification shall be established at approximately 100 feet from the stage or at an alternative location otherwise approved by the City. • **Real-time Monitoring**: Sound monitoring during events would represent the most effective method of not only ascertaining whether the operator is in compliance with the Sound Control Agreement, but also establishing a mechanism by which an operator may reduce sound levels in excess of the standard while the event is occurring. Sound monitoring shall be performed either by City staff, the event operator, or by a contracted technician. This monitoring shall be conducted using a 10-minute L_{eq} average to assess compliance with the Sound Control Agreement. Sound levels shall be monitored at pre-established off-site receptor locations to be included in the Plan or at the sound board, if correlation to remote receptors can be established. If monitored sound levels are in excess of the standard in the Sound Control Agreement, the sound monitoring technician would contact the Sound Control Liaison (see below) by the manner agreed upon in the Sound Control Agreement. The Sound Control Liaison would then have the operator reduce noise levels. After this period, the technician would collect subsequent measurements to assess compliance throughout the balance of the concert event. Repeated occurrences of not meeting the response time would lead to future permit denials for the given operator. • **Sound Control Liaison**: As part of the Sound Control Agreement, the operator would designate a Sound Control Liaison to respond to notification of sound levels in excess of those established by the Sound Control Agreement. The Sound Control Liaison would be notified by the sound monitoring technician by cell phone or text. Once notified, the Sound Control Liaison would respond to the notification and reduce sound levels to acceptable levels.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Mitigation Measure NOI-2b: Egress Notifications. The Project sponsor shall disseminate information to event-goers identifying alternative egress routes without sensitive receptors and asking patrons for quiet post-event egress.	Project sponsor	Submit notice with application for each individual special event permit pursuant to Oakland Municipal Code Chapter 12.56, and at each ballgame *Implementation:* Prior to each for each individual special event and at each ballgame	Oakland City Administrators Office	Review and approve information to be disseminated at each individual special event and each ballgame *Monitor:* Throughout operation of the Project and special events	
Mitigation Measure NOI-2c: Operational Noise from Stationary Equipment. Noise levels from stationary equipment (e.g., HVAC systems) on the Project site after completion of the Project (i.e., during Project operation) shall comply with the noise standards in chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels caused by stationary equipment exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City. Methods of achieving this standard include low-noise-emitting HVAC equipment, locating HVAC and other mechanical equipment with a rooftop mechanical penthouse, and use of shields and parapets to reduce noise levels to adjacent land uses. For Generators, industrial grade silencers can reduce exhaust noise by 12 to 18 dB and residential grade silencers by 18 to 25 dBA (ASHRAE TC, 2006).	Project sponsor and a qualified acoustical engineer	Submit specifications with building permit plans	Oakland Bureau of Building	Review and approve specifications with building permit plans prior to issuance of building permit.	
Mitigation Measure NOI-3: Noise Reduction Plan for Exposure to Community Noise. Prior to approval of construction-related permit, once specific land use designations and building design plans are available, the Project sponsor shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. Exterior to interior noise reductions of 36 dBA have been demonstrated in modern urban residential uses (ESA, 2019), while attenuation of up to 45 dBA have been achieved at airport hotels. The Project sponsor shall	Project sponsor and a qualified acoustical engineer	Before approval of a construction-related permit, once specific land use designations and building design plans are available	Oakland Bureau of Building	Review and approve noise reduction plan prior to issuance of building permit	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
implement the approved Plan during construction. Interior noise levels shall not exceed the following: a. 45 dBA, DNL: Residential activities, civic activities, hotels b. 50 dBA, DNL: Administrative offices; group assembly activities c. 55 dBA, DNL: Commercial activities d. 65 dBA, DNL: Industrial activities					
Population and Housing					
No mitigation measures are applicable to Population and Housing impacts.	*N/A*				
Public Services					
Mitigation Measure PUB-1: For construction of the new public services facilities, implement **Mitigation Measures AIR-1a, *Dust Controls*; AIR-1b, *Criteria Air Pollutant Controls*; AIR-1c, *Diesel Particulate Matter Controls*; AIR-1d, *Super-Compliant VOC Architectural Coatings during Construction*; BIO-1a, *Disturbance of Birds during Nesting Season*; BIO-2, *Pre-Construction Assessments and Protection Measures for Bats*; BIO-3, *Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals*; BIO-4, *Compensation for Fill of Jurisdictional Waters*; CUL-1, *Maritime Resources Treatment Plan*; CUL-2, *Vibration Analysis for Historic Structures*; CUL-4a, *Archaeological Resources and Tribal Cultural Resources – Discovery During Construction*; CUL-4b, *Archaeologically Sensitive Areas – Pre-Construction Measures*; CUL-5, *Human Remains – Discovery During Construction*; GEO-1, *Site-Specific Final Geotechnical Report*; GEO-2, *Inadvertent Discovery of Paleontological Resources During Construction*; HAZ-1a, *Preparation and Approval of Consolidated RAP, LUCs and Associated Plans*; HAZ-1b, *Compliance with Approved RAP, LUCs and Associated Plans*; HAZ-1c, *Health and Safety Plan*; HAZ-1d, *Hazardous Building Materials*; HYD-1, *Creek Protection Plan*; NOI-1a, *Construction Days/Hours*; NOI-1b, *Construction Noise Reduction*; NOI-1c, *Extreme Construction Noise Measures*; NOI-1d, *Project-Specific Construction Noise Reduction Measures*; NOI-1e, *Construction Noise Complaints*; NOI-1f, *Physical Improvements or Off-site Accommodations for Substantially Affected Receptors*; and TRANS-4, *Construction Management Plan*.**	*See the "Air Quality," "Biological Resources," "Cultural and Tribal Cultural Resources," "Geology, Soils, and Paleontological Resources," "Hazards and Hazardous Materials," "Hydrology and Water Quality," "Noise and Vibration," and "Transportation and Circulation" sections.*				

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Recreation					
Mitigation Measure REC-1: Implement **Mitigation Measures AIR-1a, *Dust Controls*; AIR-1b, *Criteria Air Pollutant Controls*; AIR-1c, *Diesel Particulate Matter Controls*; AIR-1d, *Super-Compliant VOC Architectural Coatings during Construction*; BIO-1a, *Disturbance of Birds during Nesting Season*; BIO-2, *Pre-Construction Assessments and Protection Measures for Bats*; BIO-3, *Management of Pile Driving in the Water Column for Protection of Fish and Marine Mammals*; BIO-4, *Compensation for Fill of Jurisdictional Waters*; CUL-1, *Maritime Resources Treatment Plan*; CUL-2, *Vibration Analysis for Historic Structures*; CUL-4a, *Archaeological Resources and Tribal Cultural Resources – Discovery During Construction*; CUL-4b, *Archaeologically Sensitive Areas – Pre-Construction Measures*; CUL-5, *Human Remains – Discovery During Construction*; GEO-1, *Site-Specific Final Geotechnical Report*; GEO-2, *Inadvertent Discovery of Paleontological Resources During Construction*; HAZ-1a, *Preparation and Approval of Consolidated RAP, LUCs and Associated Plans*; HAZ-1b, *Compliance with Approved RAP, LUCs and Associated Plans*; HAZ-1c, *Health and Safety Plan*; HAZ-1d, *Hazardous Building Materials*; HYD-1, *Creek Protection Plan*; NOI-1a, *Construction Days/Hours*; NOI-1b, *Construction Noise Reduction*; NOI-1c, *Extreme Construction Noise Measures*; NOI-1d, *Project-Specific Construction Noise Reduction Measures*; NOI-1e, *Construction Noise Complaints*; NOI-1f, *Physical Improvements or Off-site Accommodations for Substantially Affected Receptors*; and TRANS-4, *Construction Management Plan*.**	*See the "Air Quality," "Biological Resources," "Cultural and Tribal Cultural Resources," "Geology, Soils, and Paleontological Resources," "Hazards and Hazardous Materials," "Hydrology and Water Quality," "Noise and Vibration," and "Transportation and Circulation" sections.*				
Transportation and Circulation					
Mitigation Measure TRANS-1a: Transportation and Parking Demand Management (TDM) Plan. This mitigation measure will ensure that the Project achieves a 20 percent project VTR for the non-ballpark development over conditions without a TDM Plan, as prescribed in AB 734. A separate TDM Plan shall be prepared for each building within the non-ballpark development unless otherwise approved by the City. The building owner or their designee shall submit a Transportation and Parking Demand Management (TDM) Plan for the non-ballpark development for review and approval by the City prior to building occupancy. A draft TDM Plan is included in Draft EIR Appendix TRA. To ensure implementation of the TDM Plan, the building owners or their designees shall actively participate in a Transportation Management Association (TMA) to be	Project sponsor; building owners in the non-ballpark development, or their designees	*Submittal of TDM Plan:* Before occupancy of each building within the non-ballpark development *Establishment of TMA:* Before occupancy of the first non-ballpark building *Physical Improvements Associated with TDM*	City of Oakland Bureau of Planning Oakland DOT	City review and approval of: • Each TDM Plan before building occupancy • Annual compliance reports each year through and including the fifth year following buildout of the non-	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
established by the Project sponsor prior to occupancy of the first non-ballpark building. The TMA at a minimum covers the non-ballpark development for the site but could also cover the ballpark or additional development in Jack London District and potentially downtown. The goals of the TDM Plan shall be the following: • Reduce vehicle traffic and parking demand generated by the Project to achieve at least a 20% reduction in vehicle trips. • Prioritize pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. The TDM Plan shall include the baseline calculations of non-ballpark development vehicle trips. These will be the baseline measurements that the TDM Plan will be measured against. The TDM Plan shall comply with the requirements of AB 734 (Section 21168.6.7(a)(3)(A)(iii)), which states that the Project must have a TDM Plan that achieves a 20 percent reduction in vehicle trips as compared to operations absent the plan. A separate TDM Plan shall be prepared for each building in the non-ballpark development, unless otherwise approved by the City. The TDM plan for each building shall achieve the 20 percent reduction within one year after the completion of that building. The TDM Plan for each building shall include the mandatory measures identified in this measure and additional services and programs designed as necessary to meet the 20 percent reduction. As stated in Table 4 of the City's *Transportation Impact Review Guidelines*, the following TDM strategies (Error! Reference source not found.) are required to be incorporated into the TDM Plan based on the project location or other characteristics. These strategies should be identified as a credit toward a project's VTR. The performance venue shall establish a TDM Plan that incorporates traffic management strategies to minimize its traffic impact on neighboring communities, including the Seaport, that may include traffic and/or parking control offices or other personnel acceptable to the City to manage traffic at key intersections and railroad crossings.		*Plan Measures for Vehicle Trip Reduction:* Before completion of Project Phase 1, unless the physical improvement is required as part of a specific building in which case the improvement must be completed prior to occupancy of the building in question. All other TDM strategies shall be implemented per each building's TDM Plan. *Compliance Reports:* Submit to City each year through and including the fifth year following buildout of the non-ballpark development		ballpark development • A Corrective Action Plan if the VTR goals are not satisfied in two successive years	

TABLE 4.15-1
NON-BALLPARK DEVELOPMENT TRANSPORTATION AND PARKING DEMAND MANAGEMENT PLAN (CITY REQUIREMENTS)

Improvement	Required by code or when…	Required for Proposed Project?
1. Bus boarding bulbs or islands	• Bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or • Bus stop along project frontage serves a route with 15 minutes or better peak-hour service and has a shared bus-bike lane curb	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would, depending on design, provide bus boarding bulbs or islands.
2. Bus shelter	• A stop with no shelter is located within the project frontage, or • Project is located within 0.10 miles of a flag stop with 25 or more daily boardings	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would include bus shelters or other, comparable amenities.
3. Concrete bus pad	• A bus stop is located along the project frontage and a concrete bus pad does not already exist	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c) on 2nd Street would incorporate concrete bus pads.
4. Curb extensions or bulb-outs	• Identified as an improvement within site analysis	**Yes.** Project would construct bulb-outs where additional pedestrian waiting space is needed at intersections and where truck and emergency access can still be accommodated (Mitigation Measure TRANS-1e).

Mitigation Measure			Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
5. Implementation of a corridor-level bikeway improvement	• A buffered Class 2 or Class 4 bikeway facility is in a local or county adopted plan within 0.10 miles of the project location: and • The project would generate 500 or more daily bicycle trips	**Yes.** Bike lanes on Martin Luther King Jr. Way between the site and 8th Street (Mitigation Measure TRANS-2b); on 7th Street between Mandela Parkway and Martin Luther King Jr. Way (Mitigation Measure TRANS-2a); on Embarcadero West, south side of the railroad tracks, between Martin Luther King Jr. Way and Oak Street (Mitigation Measure TRANS-3a); and completed bike lanes Washington Street between Embarcadero West and 10th Street (Mitigation Measure TRANS-2c) would constitute multiple corridor-level bikeway improvements.					
6. Implementation of a corridor-level transit capital improvement	• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and • The project would generate 400 or more peak period transit trips	**Yes.** The Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c) together with bus-only lanes on Broadway to connect the Transportation Hub and the 12th Street BART Station (Mitigation Measure TRANS-1d) would constitute a corridor-level transit capital improvement.					

Mitigation Measure			Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
7. Installation of amenities: lighting; pedestrian-oriented green infrastructure, trees, and greening landscape; trash receptacles per Pedestrian Master Plan and applicable streetscape plans.	• Always required	**Yes.** Pedestrian amenities to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).					
8. Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	• When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection	**Yes.** Construct railroad safety improvements between Schnitzer Steel and Oak Street which requires CPUC approval (Mitigation Measure TRANS-3a). Pedestrian safety improvements to be installed throughout the site together with off-site upgrades to sidewalks, lighting, curb ramps, and crosswalks on several transportation corridors serving the Project (Mitigation Measure TRANS-1e).					
9. In-street bicycle corral	• A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.	**Yes.** In-street bicycle corrals or bicycle parking of similar ease and density to be provided on-site.					

Mitigation Measure			Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
10. Intersection improvements [1]	• Identified as an improvement within site analysis	**Yes.** On- and off-site intersections would be designed to address these concerns.					
11. New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	• Always required	**Yes.** All on-site sidewalks, curb ramps, curbs, and gutters would meet current City and ADA standards.					
12. No monthly permits and establish minimum price floor for public parking [2]	• If proposed parking ratio exceeds 1:1000 sf. (commercial)	**Yes.** Monthly permits would be prohibited for all publicly available spaces, and a price floor would be established for all publicly available parking.					
13. Parking garage is designed with retrofit capability	• Optional, if proposed parking ratio exceeds 1.25 spaces per unit (residential) or 1:1000 sf. (commercial)	**Yes.** Residential parking would be limited to 1 space per unit. Commercial developments with parking more than 1:1000 s.f. could be designed with retrofittable garages.					
14. Parking space reserved for car share	• If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.	**Yes.** Project would include car share parking that meets these residential ratios and car share parking for commercial parking at one car share space per 200 parking spaces. And regularly monitor car share parking usage and adjust, as necessary.					

Mitigation Measure			Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
15. Paving, lane striping or restriping, and signs to midpoint of street section	• Typically required	**Yes.** All on-site streets would be newly constructed.					
16. Pedestrian crossing improvements	• Identified as an improvement within site analysis	**Yes.** New on-site streets and intersections as well as off-site transportation improvements would include pedestrian crossing features.					
17. Pedestrian-supportive signal changes [3]	• Identified as an improvement within operations analysis	**Yes.** All new and modified on- and off-site signals would have pedestrian supportive signal features.					
18. Real-time transit information system	• Project frontage includes bus stop or BART station and is on a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better	**Yes.** The Transportation Hub (Mitigation Measure TRANS-1c), each building, and the ballpark would make real time transit information available for transit serving the Hub, BART, Amtrak, and ferries.					
19. Relocating bus stops to far side	• A project is located within 0.10 miles of any active bus stop that is currently on the near side	**Yes.** Construct Transportation Hub on 2nd Street (Mitigation Measure TRANS-1c). Bus stops would either have parallel pull-in or saw-tooth designs depending on Class 2 Bike Lanes and parking priorities.					
20. Signal upgrades [4]	• Project size exceeds 100 residential units,	**Yes.** All new and upgraded traffic signals,					

Mitigation Measure			Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
	80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage abuts intersection with signal infrastructure older than 15 years	whether on- or off-site, would meet city standards in effect at the time of installation or upgrade.					
21. Transit queue jumps	• Identified as a needed improvement within project operations analysis with frontage on a Tier 1 transit route with 2 or more routes or peak period frequency of at least 15 minutes	**Yes.** The bus-only lanes on Broadway between Embarcadero West and 11th Street (Mitigation Measure TRANS-1d) function as transit queue jumps.					
22. Trenching and placement of conduit for providing traffic signal interconnect	• Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage is identified for signal interconnect as part of a planned ITS project; and • A major transit improvement is identified requiring traffic signal interconnect	**Yes.** New and modified traffic signal installations, whether on- or off-site, would be interconnected to City standards at the time of installation or upgrade.					
23. Unbundled parking	• If proposed parking ratio exceeds 1.25	**Yes.** Residential parking would be unbundled from					

Mitigation Measure			Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
	spaces per unit (residential)	residential leases and residential purchases					

NOTES:

[1] Such as limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

[2] May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

[3] Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.

[4] Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.

SOURCES: City of Oakland *Transportation Impact Review Guidelines*, 2017. Fehr & Peers

Other TDM strategies, some of which are described in City's *Transportation Impact Review Guidelines*, that could be included for each building in the non-ballpark development as needed to meet the 20% trip reduction requirement include, but are not limited to, the following, as well as applicable strategies that may be stipulated in Transportation Management Plan for the ballpark (Mitigation Measure TRANS-1b). The required strategies noted below shall apply to all TDM Plans for the non-ballpark development:

1. Provide long-term and short-term bicycle parking and (for commercial uses) shower and locker facilities more than the minimums set forth in chapter 17.117 of the Oakland Planning Code. (Optional)
2. Provide additional access to bikeways per the Let's Bike Oakland Plan: construction of priority bikeway projects, on-site signage, and bike lane striping. (Optional)
3. Provide additional safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. (Optional)
4. Provide additional amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan Update, the Master Street Tree List and Tree Planning Guidelines, which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively) and any applicable streetscape plan. (Optional)

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
5. Provide additional transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. (Optional)					
6. Provide direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). (Optional)					
7. Provide transit subsidy to employees and residents (per bedroom) in the form of an AC Transit EasyPass (currently up to $154.10 per year per person) or Clipper Card loaded with the equivalent of half of an AC Transit unlimited monthly pass (currently $42.30 per month per person). (Required)					
8. Provide ongoing contribution to transit service to the area between the Project and nearest mass transit station prioritized as follows: (1) Contribution to AC Transit bus service such as extending Line 6 to the Project; (2) Contribution to an existing area shuttle or streetcar service; and (3) Establishment of new shuttle service with 10 minute headways during peak demand periods. (Required)					
9. Provide guaranteed ride home program for employees, either through 511.org or through separate program. (Optional)					
10. Provide pre-tax commuter benefits (commuter checks) for employees. (Optional)					
11. Provide free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. Designate at least the minimum number of on-site residential parking spaces for car-sharing (as required by Oakland Municipal Code, Section 17.116.105). (Required)					
12. Provide on-site carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools. (Optional)					
13. Provide information concerning alternative transportation options. (Optional)					
14. Sponsor a bike share station in the project vicinity. (Optional)					
15. Designate a staff person from each tenant as their TDM representative to coordinate, monitor, and publicize TDM activities that are being implemented by the building management. (Optional)					
16. Designate a TDM representative for the building management that coordinates TDM strategies with residents and tenants, participates in the					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Transportation Management Association, and oversees the annual building TDM Plan monitoring. (Required) 17. Provide parking spaces sold/leased separately for residential units (Required) and for office and commercial uses (Required). 18. Charge employees for parking or provide a cash incentive or transit pass alternative to a free parking space for all non-residential properties (Optional). 19. Prohibit monthly parking permits and establish a minimum price floor for publicly accessible parking. (Required) 20. Provide less parking than parking demand with the following maximums at buildout: 0.85 spaces per residential unit; 2.0 spaces per ksf for office; 2.6 spaces per ksf for commercial i.e., restaurant, retail, entertainment; and 0.5 spaces per hotel unit (Required). 21. Provide shared parking opportunities and/or parking districts to optimize parking use without increasing vehicle trip reduction goals. (Optional) 22. Allow employees to work off-site. (Optional) 23. Allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). (Optional) 24. Allow employees to stagger work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. (Optional) The TDM Plan shall include an ongoing monitoring and enforcement program to ensure that the TDM Plan is implemented on an ongoing basis during project operation. The program shall comply both with the AB 734 legislation as well as the requirements of the Oakland Municipal Code Chapter 10.68 (Employer-Based Trip Reduction Program). The TDM Plan shall also specify the topics to be addressed in an annual report as explained below. A separate TDM Plan shall be prepared for each building (unless otherwise approved by the City) prior to building occupancy. • TDM Implementation – For VTR strategies involving physical improvements, the Project sponsor shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the Project Phase 1 unless the physical improvement is required as part of a specific building in which case the improvement must be completed prior to occupancy of the building in					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
question. All other TDM strategies shall be implemented per each building's TDM Plan. • TDM Monitoring – The owner or their designee for each building of the non-ballpark development, through the TMA, shall submit an annual compliance report each year through and including the fifth year following buildout of the non-ballpark development for review and approval by the City. The annual report shall document the status and effectiveness of the TDM strategies, including the actual VTR achieved during building operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the building's owner or their designee, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the building has failed to achieve the VTR goal, additional measures shall be implemented until the goal is met. If in two successive years, the VTR goals are not satisfied, the building's owner or their designee shall prepare and submit for City Staff approval a Corrective Action Plan to bring the TDM Plan into conformance with VTR goals. The Corrective Action Plan shall detail the additional measures for the building to be implemented and their expected vehicle trip reduction. If the required automobile trip reduction target is still not being met one year after the Corrective Action Plan is implemented, or if the building's owner or manager fails to submit the reports described above, or if the reports do not meet City requirements, the building will be considered in violation of the Mitigation Measure and the City may initiate enforcement action as provided for in the Project's Conditions of Approval and Oakland Planning Code Chapter 17.152, including but not limited to imposition of a penalty, in an amount to be determined by the City, at least sufficient to fund and manage transportation improvements that would bring vehicle trips to the targeted level.					
Mitigation Measure TRANS-1b: Transportation Management Plan. The Project sponsor shall submit a draft Transportation Management Plan (TMP) for the ballpark for review and approval by the City together with its application for building permits for the ballpark. The TMP shall incorporate by reference Mitigation Measure TRANS-1a, which shall apply to the ballpark and Project sponsor employees. The TMP shall outline operational strategies to optimize access to and from the ballpark within the constraints inherent to a large public event. The TMP must be approved by the City prior to the issuance of the Temporary Certificate of Occupancy (TCO) for the ballpark. The TMP will be a living document requiring periodic updates over time as travel patterns change because of development and changes to transportation infrastructure and operations. All revisions to the TMP shall be subject to the review and approval of the City.	Project sponsor	*Submittal of Draft TMP:* Together with application for building permits for the ballpark *Physical Improvements Associated with TMP Measures for Vehicle Trip Reduction:* Before opening day of the ballpark *Implementation of Strategies Presented*	City of Oakland Bureau of Planning, Oakland DOT	City review and approval of: • The TMP before issuance of the TCO • Annual compliance reports each year the ballpark is in operation	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
The following are the City's overarching goals for the TMP: • To ensure improvements benefit the community at large and contribute to equitable opportunities for all people and communities. • To provide residents, workers, and visitors with safe, efficient, affordable, convenient, and reliable mobility options including public transit, walking, carpooling, and biking. • To manage how the project interacts with the surrounding area, including residential neighborhoods, the Port of Oakland, and local industries and businesses. The City of Oakland has prioritized walking and public transit as critical to achieving these goals. Transit will have minimal impacts on community, neighborhood and Port operations, the environment, and safely move the maximum number of people. The TMP shall have the following high-level objectives: • Minimize auto mode share to achieve at least a 20% reduction in vehicle trips. • Facilitate and promote safe use of non-automobile transportation by people attending and supporting ball games and other events as well as other uses on-site. • Highlight and optimize the use of transit by attendees and employees to ball games and other events. • Facilitate and maximize bicycle use by attendees and employees to ball games and other events. • Facilitate a high-quality walking experience to the ballpark from adjacent neighborhoods by identifying key walking routes and major street crossing locations, so that wayfinding, infrastructure improvements, and/or personnel (e.g. traffic control officers, parking control officers, or other personnel acceptable to the City) can be located at critical points to manage the interaction of pedestrians and vehicles during medium and large events. • Maximize safety for all transportation users at key locations in and around the ballpark and broader neighborhood during event ingress and egress. • Minimize conflicts between ridesourcing, i.e., Lyft, Uber, and taxi operations and key transit, walking, biking, and Port truck access streets near the ballpark.		*in **Bold**:* By opening day of the ballpark *Meetings regarding TMP Implementation Inaugural Events:* In advance of each ballpark event until the transportation patterns are established; then quarterly the first two years, and at least annually thereafter *Compliance Reports:* Each year the ballpark is in operation			

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
• Facilitate the safe and efficient flow of vehicle traffic into and out of the site and the adjacent neighborhoods during event and no-event conditions. • Minimize event-related vehicular, bicycle, and pedestrian impacts to surrounding residential and commercial areas, including warehouse and industrial operations and the Port. • Minimize conflicts with Seaport operations, including freight movement by roadway and rail. The TMP shall include the baseline calculations of ballpark development vehicle trips as set forth in the EIR, which would reflect the ballpark at the Project site absent a TMP. These will be the baseline measurements that the TMP will be measured against. A Parking Management Plan for the ballpark shall be one component of the TMP. But the TMP shall have many other elements as described below including modal strategies addressing transit, pedestrians, bicycles, automobiles, parking, and ridesourcing, i.e., Lyft, Uber, and taxis. The TMP shall address the railroad crossings, event-day operations and communication, curb management, freight, and emergency vehicle access. The TMP shall provide the framework for monitoring, refinement, and performance standards. Refer to the Draft TMP in Appendix TRA for more details. The TMP shall comply with requirements of AB 734 (Section 21168.6.7(a)(3)(A)(iii)), which states that the Project must have a TMP that achieves a 20 percent reduction in vehicle trips as compared to operations absent the plan. The TMP for the ballpark development shall achieve the 20 percent reduction within one year after the completion of the first baseball season. The TMP shall include mandatory measures set forth herein and a menu of additional measures to meet the 20% reduction, including permanent infrastructure changes and operational changes designed to reduce the number of vehicle trips, including temporarily expanding the capacity of bus transit, as appropriate, to serve the baseball park events, use of traffic and/or parking control officers or other personnel acceptable to the City to manage the flow of people to and from the ballpark, and a range of services and programs to reduce vehicle trips, including providing incentives for transit usage and carpools, bicycle parking and support, signage, and real-time transit information. The City identified the following priorities for the TMP that are consistent with the City of Oakland's Transit First Policy as well as AB 734. The strategies in **bold** represent strategies that are mandatory to be implemented by opening day of the					

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ballpark and will be adopted as specific mitigation measures (as identified below) or conditions of approval, as applicable. **1. Extending transit service such as Line 6, 72, 72M, and 72R to and constructing the Transportation Hub on 2nd Street in coordination with AC Transit and the City of Oakland.** 2. Additional regular AC Transit bus service connecting the Project site to Downtown, as well as the West Oakland, 12th Street, and Lake Merritt, BART stations. **3. Bus priority lanes serving the 12th Street BART station and Downtown Oakland to increase the speed, reliability, and attractiveness of transit services.** 4. Bus priority lanes serving the West Oakland and Lake Merritt BART stations to increase the speed, reliability, and attractiveness of transit services. **5. Supplemental shuttle service (provided by AC Transit or a private operator) to the 12th Street BART station using high capacity multidoor buses to increase frequency and capacity of transit connections to BART stations on event days.** 6. Supplemental shuttle service (provided by AC Transit or a private operator) to the West Oakland and/or Lake Merritt BART stations using high capacity multidoor buses to increase frequency and capacity of transit connections to BART stations on event days. **7. Pedestrian improvements along 7th Street, Market Street, Martin Luther King Jr. Way, Washington Street, Broadway and 8th Street connecting the BART stations and the ballpark as well as improvements on streets serving the Transportation Hub and the Pedestrian Bridge over the railroad tracks. (Required as Mitigation Measure TRANS-1e and TRANS-3b).** **8. Bicycle network improvements on 7th Street, Market Street, Martin Luther King Jr. Way, Washington Street, and 2nd Street. (Required as Mitigation Measure TRANS-2a, TRANS-2b, and TRANS-2c)**. **9. Wayfinding between the West Oakland BART station and the ballpark via 7th Street, between the 12th Street BART station and the ballpark via Broadway and Washington Street, and between the Lake Merritt BART station and the ballpark via 8th Street.**					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
10. At-grade railroad crossing improvements along the project's frontage and extending to Oak Street. (Required as Mitigation Measure TRANS-3a and TRANS-3b).					
11. Transit subsidies to provide reduced cost transit (for example equivalent to an average roundtrip BART fare at 12th Street BART station which is currently $6.70) for ballpark attendees and/or employees.					
12. No parking subsidies for ballpark employees and contractors.					
13. A combination of standard, secure, and valet bicycle parking at multiple locations, identified in collaboration with OakDOT.					
14. Identification of geofenced micromobility parking (such as scooters and bike share), as well as priority and coordination for on-site and/or site-adjacent shared micromobility services identified in collaboration with OakDOT.					
15. Coordination with transit providers to provide timed transit service before and/or after the game or event, including but not limited to AC Transit, BART, Amtrak, and WETA.					
16. Coordination between the City, A's and TNC operators (such as Lyft and Uber) to use geofencing or similar methods to restrict pick-up and drop-off zones to designated locations significantly farther from the ballpark than bus transit and shared micromobility options.					
17. Enforcement of local access restrictions to limit circulation of vehicles other than local traffic within the neighborhoods adjacent to the Project site before, during, and after ballgames.					
18. Implementation of TNC fee (through private agreements between A's and TNC operators) for access to designated locations to limit demand to support VTR goals.					
19. Implementation of the Parking Management Plan titled *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan* to manage the off-site parking garages within one mile of the Project site.					
20. Implementation of the Parking Management Plan titled *Toward a High-Performance Parking Management System for a Thriving Oakland: a Plan* to manage on-street parking on-site and in adjacent neighborhoods					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
within at least one mile of the Project site, including the implementation of RPPs. 21. Further reduction of on-site parking as needed to achieve VTR goals. 22. Additional measures and technology. With approval from the City of Oakland, the TMP may include additional or substitute measures and technology to reduce Project-generated trips that are not currently known or available, provided that the VTR plan demonstrates to the City's satisfaction that such measures are equally or more effective as existing available measures, are consistent with the City's various published plan documents, as amended, and meet the City's policy goals and values. **23. The A's shall actively market and disseminate information to employees, ballpark attendees, and contractors regarding travel to and from the ballpark events such as carpooling, reserving parking, using AC Transit, BART, bicycling, and bikeshare, as well as other non-auto modes and services. Active marketing campaigns shall be coordinated with transit providers and other local groups as appropriate and may include "event" days that celebrate and promote specific non-auto travel modes.** **24. Provide BART personnel or other personnel acceptable to BART to manage pre- and post-event attendees accessing the West Oakland, 12th Street, and Lake Merritt BART stations to ensure safe and efficient access for all people traveling to and from ballpark events through the BART stations.** **25. Provide Traffic Control Officers or other personnel acceptable to the City of Oakland to manage pre- and post-event attendees to ensure safe and efficient access for all people traveling to and from ballpark events.** The TMP shall include an ongoing monitoring and enforcement program to ensure that the TMP is implemented on an ongoing basis during project operation. The program shall comply with the AB 734 legislation. • TMP Implementation of Physical Improvements – For VTR strategies involving physical improvements, the Project sponsor shall obtain the necessary permits/approvals from the City and install the improvements prior to opening day of the ballpark. Functionally equivalent interim measures may be considered by the City in circumstances where such measures are needed to address unforeseen construction delays to off-site improvements.					

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
• TMP Implementation Inaugural Events – The Project sponsor shall work with a designated team of ballpark and city and Port staff to establish, implement, monitor, debrief, and adjust the TMP during each ballpark event until the transportation patterns are established. Once transportation patterns are established the designated team shall meet quarterly the first two years, and at least annually thereafter, to coordinate transportation efforts and adjust, remove, or add measures to refine the TMP. • TMP Monitoring – The Project sponsor shall follow the monitoring and performance requirements described in the TMP. Annual compliance reporting will be required each year that the ballpark is in operation and be submitted for review and approval by the City. The annual report shall document the status and effectiveness of the TMP, including but not limited to the actual VTR achieved by the Project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the Project sponsor, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the Project sponsor has failed to implement the TMP, or if the reports do not meet City requirements, the Project sponsor will be considered in violation of the Mitigation Measure and the City may initiate enforcement action as provided for in the Project's Conditions of Approval and Oakland Planning Code Chapter 17.152, including but not limited to imposition of a penalty, in an amount to be determined by the City, at least sufficient to fund and manage transportation improvements that would bring vehicle trips to the targeted level.					
Mitigation Measure TRANS-1c: Implement a Transportation Hub on 2nd Street. The Project sponsor shall construct a Transportation Hub on the south side of 2nd Street between Martin Luther King Jr. Way and Clay Street with the ability to expand the Hub operations before and after events at the ballpark to Brush Street to the west and Washington Street to the east. The first phase of the Hub shall include features that can be implemented within the public right-of-way generally from the face of curb to the property line. The first phase shall be the responsibility of the Project sponsor and shall be completed and in operation prior to opening day of the ballpark. As the corridor land uses change, other features such as waiting and meeting spaces, restrooms, bicycle repair, cafes, car share, and information centers could be provided within buildings lining 2nd Street between Martin Luther King Jr. Way and Clay Street. The mitigation measure shall include the following measures to support the Hub.	Project sponsor	Before opening day of the ballpark	Oakland DOT	Before opening day of the ballpark, review and approve Transportation Hub by the City, and verify coordination conducted with AC Transit regarding bus stop location and design,	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
• Reconstruct the sidewalk and landscape on the south side of 2nd Street between Jefferson and Clay Streets to maximize the sidewalk width for pedestrians at the Hub particularly before and after events at the ballpark. • Expand by 8 feet the sidewalk on Clay Street between Embarcadero West and 2nd Street by removing on-street parking on the west side of Clay Street. • Provide a uniform sidewalk and streetscape experience along the Transportation Hub between Martin Luther King Jr. Way and Clay Street with bus shelters, benches, pedestrian-scale lighting and landscaping, wayfinding, real-time transit arrival information, and concrete bus pads to support daily AC Transit operations. • Provide a uniform sidewalk and streetscape experience with concrete bus pads between Castro Street and Martin Luther King Jr. Way and between Clay and Washington Streets to support event-day shuttle service. • Install a traffic signal on 2nd Street at Broadway as part of the Transportation Hub to facilitate transit, bicycle, and pedestrian movements to and through Broadway. • Provide bike riders an alternative route to 2nd Street through the Transportation Hub between Martin Luther King Jr. Way and Washington Street via the planned multiuse path on Embarcadero West which would connect Martin Luther King Jr. Way, Clay Street, and Washington Street. • Provide designated space for shared micromobility. The Transportation Hub on 2nd Street requires review and approval by the City of Oakland and coordination with AC Transit regarding bus stop location and design.					
Mitigation Measure TRANS-1d: Implement Bus-Only Lanes on Broadway. Unless transit lanes have already been installed, the Project sponsor shall implement bus-only lanes on Broadway generally between Embarcadero West and 11th Street by converting one motor vehicle lane in each direction to a bus-only lane while maintaining the existing vehicle throughput at the 5th and 6th Street intersections particularly to the Webster Tube. The mitigation measure shall include the following measures to support the bus-only lanes and shall be completed and in operation prior to opening day of the ballpark.	Project sponsor	Before opening day of the ballpark	Oakland DOT	Before opening day of the ballpark, review and approve bus-only lanes on Broadway; Verify Caltrans approval of bus-only lanes through the 5th and 6th Street intersections; verify coordination conducted with AC Transit regarding bus stop location and design	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
• Consider providing pull-out bus stops concentrated between 3rd and 4th Streets and between 8th and 10th Streets where on-street parking and commercial loading would be prohibited. • Install new traffic signals at 2nd and 4th Streets; left-turn lanes and protected signal phasing on Broadway at each intersection to separate left turning traffic from pedestrian crossings and facilitate turning movements to Jack London District or an alternative approved by the City. • Coordinate traffic signal timings and transit signal priority on Broadway generally between Embarcadero West and 11th Street. • Install a signal protected southbound left-turn lane at the 7th to facilitate turning movements to Chinatown District and prohibit northbound left turns at 8th Street to separate left turning traffic on Broadway from pedestrian crossings at both intersections or an alternative approved by the City. The bus-only lanes on Broadway require review and approval by the City of Oakland as well as Caltrans approval through the 5th and 6th Street intersections. In addition, the bus-only lanes require coordination with AC Transit regarding bus stop location and design. Absent Caltrans approvals the bus-only lanes would continue to be effective providing reliable transit service to the Broadway corridor.					
Mitigation Measure TRANS-1e: Implement Pedestrian Improvements. The Project sponsor shall construct pedestrian improvements along the primary corridors connecting the BART stations and the project site to support the high numbers of transit riders generated by the ballpark that would walk between transit and the ballpark. The mitigation measure shall include the following measures and shall be completed and in operation prior to opening day of the ballpark. • Upgrade the sidewalk on the south side of 7th Street between Mandela Parkway and Market Street connecting the West Oakland BART station and the ballpark to provide a 6-foot clear space at sidewalk obstacles, and pedestrian lighting; Correct sidewalk tripping hazards on both sides of the street. Daylight intersections and driveways on both sides of the street with red curb per City guidance. • Upgrade the sidewalk on both sides of Market Street between 7th Street and the Project site to provide 8-foot clear space at sidewalk obstacles, maximize sidewalk waiting areas within 30 feet of intersections, provide pedestrian lighting, correct sidewalk tripping hazards, provide 15-foot north/south crosswalks, daylight intersections and driveways with red	Project sponsor	Before opening day of the ballpark	Oakland DOT	Before opening day of the ballpark, review and approve pedestrian improvements; verify Caltrans approval for sidewalk segments passing under the freeway	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)

curb per City guidance and provide pedestrian wayfinding signage to direct patrons to the ballpark. In addition, widen the sidewalks on both sides of Market Street between 3rd Street and the Project site from face of existing curb to the public right-of-way to maximize the clear space sidewalk width accessing the site.
• Unless another street that directly connects the Lake Merritt BART station and Broadway is identified and agreed upon by the City, upgrade the sidewalk on both sides of 8th Street between Oak Street and Washington Street to provide minimum 8-foot clear space at fixed sidewalk obstacles; maximize sidewalk waiting areas within 20 to 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; daylight intersections and driveways with red curb per City guidance; and provide pedestrian wayfinding signage to direct patrons to the ballpark.
• Upgrade the sidewalk on both sides of Martin Luther King Jr. Way between 12th Street and the Project site to provide 8-foot clear space at sidewalk obstacles on the east side of the street (6-foot on the west side); maximize sidewalk waiting areas within 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; provide 15-foot north/south crosswalks; daylight intersections and driveways with red curb per City guidance; and remove the sidewalk on the west side of the street between the Project site and 2nd Street to minimize pedestrian crossing locations at the railroad tracks.
• Along Washington Street provide traffic and/or parking control officers (or other personnel acceptable to the City) before and after ballpark events that exceed 21,000 attendees to facilitate the safe and efficient flow of people to the ballpark. Monitor pedestrian flows on Washington Street pursuant to the TMP and adjust personnel to ensure pedestrian safety. Alternatively, upgrade Washington Street sidewalks as follows:
  • Provide 8-foot clear space at sidewalk obstacles, maximize sidewalk waiting areas within 30 feet of intersections, provide pedestrian lighting as necessary, correct sidewalk tripping hazards, provide 15-foot north/south crosswalks, daylight intersections and driveways with red curb per City guidance and provide pedestrian wayfinding signage to direct patrons to the ballpark.
  • Curb extensions may be necessary at several locations where 30-foot sidewalk waiting areas at intersections along					

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Washington Street cannot be provided. Locations include the northwest and northeast corners at Embarcadero West; northwest corner at 2nd Street; northeast corner of 7th Street; northwest, southwest and southeast corners of 8th Street; and southwest corner of 9th Street. • Widen Washington Street sidewalks to provide 8-foot clear space at sidewalk obstacles between 5th and 6th Streets by removing on-street parking and provide pedestrian lighting, as necessary; upgrade the existing traffic signals to current design and operating standards for pedestrian features; add 3-inch yellow reflective sheeting to signal backplates; and replace any existing 8-inch signal heads with 12-inch signal heads. • Upgrade Broadway sidewalks between 12th Street BART station and Water Street to provide minimum 8-foot clear space at sidewalk obstacles; maximize sidewalk waiting areas within 30 feet of intersections; provide pedestrian lighting as necessary; correct sidewalk tripping hazards; provide 15-foot north/south crosswalks; daylight intersections and driveways with red curb per City guidance; and provide pedestrian wayfinding signage to direct patrons to the ballpark. • Remove the separate westbound right-turn lane from 6th Street at Broadway bringing the movement to the signalized intersection unless already constructed by the Oakland Alameda Access Project. The pedestrian improvements require review and approval by the City of Oakland as well as Caltrans approval for sidewalk segments passing under the freeway structure. Absent Caltrans approvals the pedestrian improvements would continue to be effective providing benefit to pedestrians walking between transit and the ballpark.					
Mitigation Measure TRANS-2a: Implement Buffered Bike Lanes on 7th Street from Mandela Parkway to Martin Luther King Jr. Way. Unless Class 2B or Class 4 bike lanes have already been installed, the Project sponsor shall implement Class 2B Buffered Bike Lanes on 7th Street between Mandela Parkway and Martin Luther King Jr. Way by converting one motor vehicle lane in each direction to provide bike lanes while maintaining on-street parking and providing transit boarding islands at bus stops. The mitigation measure shall be completed and in operation prior to opening day of the ballpark.	Project sponsor	Before opening day of the ballpark	Oakland DOT	Review and approve bike lanes on 7th Street with sufficient time for the Project sponsor to implement the measure before opening day Review and approve of documentation of compliance before	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
The bike lanes on 7th Street require review and approval by the City of Oakland.				opening day of the ballpark	
Mitigation Measure TRANS-2b: Implement Bike Lanes Consistent with the Bike Plan on Martin Luther King Jr. Way from Embarcadero West to 8th Street. The Project sponsor shall implement bike lanes consistent with the Bike Plan on Martin Luther King Jr. Way between Embarcadero West and 8th Street by converting one motor vehicle lane in each direction to provide bike lanes with raised features (i.e., landscape opportunities to distinguish between the bike lanes and motor vehicle lanes). The mitigation measure shall be completed and in operation prior to opening day of the ballpark. The bike lanes require review and approval by the City of Oakland and review and approval by the CPUC at the railroad track crossing on Martin Luther King Jr. Way. Absent the CPUC approval the bike lanes would continue to provide benefit connecting to the existing bike lane system on 2nd Street.	Project sponsor	Before opening day of the ballpark	Oakland Bureau of Planning Oakland DOT	Review and approve the bike lanes; verify CPUC approval (if granted) for the railroad track crossing on Martin Luther King Jr. Way with sufficient time for the project sponsor to implement the measure before opening day Review and approval of documentation of compliance before opening day	
Mitigation Measure TRANS-2c: Implement Bike Lanes Consistent with the Bike Plan on Washington Street from Embarcadero West to 10th Street. The Project sponsor shall implement bike lanes consistent with the Bike Plan on Washington Street between Embarcadero West and 10th Street. The mitigation measure shall be completed and in operation prior to opening day of the ballpark. The bike lanes require review and approval by the City of Oakland and review and approval by the CPUC at the railroad track crossing on Washington Street. Absent the CPUC approval the bike lanes would continue to provide benefit connecting to the existing bike lane system on 2nd Street.	Project sponsor	Before opening day of the ballpark	Oakland Bureau of Planning Oakland DOT	Review and approve bike lanes; verify CPUC approval (if granted) for the railroad track crossing on Washington Street with sufficient time for the project sponsor to implement the measure before opening day Review and approve documentation of compliance before opening day	
Mitigation Measure TRANS-3a: Implement At-Grade Railroad Crossing Improvements. Subject to obtaining necessary approvals from CPUC and other responsible agencies, the Project sponsor shall install at-grade railroad crossing improvements including fencing and railroad crossing features to enhance multimodal safety along and across the railroad tracks including elements that would facilitate a Quiet Zone (if pursued by others) designation through Jack London District. The	Project sponsor	Before opening day of the ballpark	Oakland Bureau of Planning Oakland DOT	Confirm implementation of at-grade railroad crossing improvements, if approved by CPUC and other responsible agencies	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
mitigation measure would substantially improve safety along the railroad corridor and shall include the measures like those listed below. • Install fencing along both sides of the railroad corridor extending along the Project site's frontage starting at the Schnitzer Steel boundary and continuing to Oak Street. This change would alter Embarcadero West circulation as follows: o Between Market Street and Schnitzer Steel Embarcadero West would remain two-way with a signalized intersection at Market Street. o Between Market Street and Martin Luther King Jr. Way the street would be abandoned such that there would no longer be a motor vehicle intersection at Martin Luther King Jr. Way. o Between Jefferson and Webster Streets Embarcadero West on the north side of the active UPRR tracks would remain as a public street if the fence line separating the railroad tracks and Embarcadero would be offset from the active track by approximately 10 feet. o The portion of Embarcadero that is south of the active UPRR tracks and between Martin Luther King Jr. Way to Broadway would be physically separated from the railroad tracks by a fence. A multi-use path would be constructed between Martin Luther King Jr. Way and Jefferson Street and between Clay Street and Washington Street (and potentially to Broadway). The multi-use path would replace the vehicle street that exists today (emergency vehicles would be accommodated to the extent feasible). The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by approximately 10 feet, or the minimum allowable by UPRR and/or the CPUC. The multi-use path would be up to 30 feet wide between the fence and the existing buildings if the fence is offset from the active track. The portion of Embarcadero between Washington Street and Broadway and potentially Oak Street could also accommodate a multi-use path between the fence and the existing buildings, to the extent feasible, if the existing 12-foot wide vehicle lane were combined with the 8-foot wide sidewalk. The portion of Embarcadero between Jefferson and Clay Streets would remain a vehicle access with sidewalk serving the Vistra Power Plant where bicyclists would share the street with motor vehicle traffic. The portion of Embarcadero that is south of the active UPRR tracks and between Broadway and Webster Street would be physically separated from the railroad tracks by a fence. The fence line separating the railroad tracks and Embarcadero would be offset from the active track or third track by				Review and approval of documentation of compliance once final improvements are constructed	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
approximately 10 feet, or the minimum allowable by UPRR and/or CPUC. If offset from the active track, the remaining width between the fence and the sidewalk would be used as a service access and emergency vehicle route. If offset from the third track, there would be no width for a service access or emergency vehicle route serving the Jack London Square businesses along the south side of Embarcadero West between Broadway and Webster Street. • Upgrade the existing at-grade railroad crossings at Market Street, Martin Luther King Jr. Way, Clay Street, Washington Street, Broadway, Franklin Street, Webster Street, and Oak Street with features like quad gates for motor vehicles and separate signals and gates for pedestrians and bicyclists. Provide improved pedestrian and bicycle surfaces at each crossing and clearly defined staging areas for pedestrians and bicyclists to wait as a train passes by. • Install a traffic signal at the Market Street at-grade crossing and its intersection with Embarcadero West as well as a traffic signal on Market Street at 3rd Street. These signals would be part of the railroad preemption system[6] and include queue cutter loops[7] on Market Street that would be tied to both traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3rd Street that are activated during railroad preemption. • While there is no motor vehicle intersection at the Martin Luther King Jr. Way at-grade crossing, install a traffic signal at the at-grade crossing as well as traffic signals at 2nd Street where left turns would be prohibited and at 3rd Street where a left-turn lane would be provided to separate left turning and through movement traffic. These signals would be part of the railroad preemption system and include a queue cutter loop on Martin Luther King Jr. Way that would be tied to all three traffic signals to minimize the potential for motor vehicles to queue across the railroad tracks. Also, install blankout turn restriction signs for the eastbound right turn and the westbound left turn at 3rd Street that are activated during railroad preemption. The Project sponsor shall be responsible for undertaking the necessary Diagnostic Study based, in part, on the suite of improvements described above and					

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

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

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
coordinating with the City, CPUC and affected railroads and obtaining all necessary permits/approvals, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings), and constructing the at-grade improvements prior to opening day of the ballpark. The final suite of at-grade crossing improvements shall be established through the GO 88-B Request.					
Mitigation Measure TRANS-3b: Pedestrian and Bicycle Overcrossing. Prior to opening day of the ballpark, Project sponsor shall design and construct a grade-separated overcrossing for pedestrians and bicyclists seeking to access the Project site. The overcrossing, which would require review and approval by CPUC as well as the City and the Port, consultation with the Capital Corridor Joint Powers Authority, and potentially affected property owners such as the UPRR, shall be located at Jefferson Street (Figure 4.15-48) or Clay Street (Figure 4.15-49), or a comparable nearby location and shall create a safe and accessible route for pedestrians and bicyclists traveling to the Project site on both event and non-event days, connecting 2nd Street, which is north of the railroad tracks, to Athletics' Way to the south. Pedestrian facilities serving the bridge shall be upgraded on Jefferson and Clay Streets to correct tripping hazards and daylight intersections and driveways with red curb per City guidance. Along 3rd Street between Market Street and Broadway gaps in the pedestrian network would be closed by converting diagonal and perpendicular parking to parallel parking to provide a pedestrian path of travel between buildings and parking where no sidewalk exists today. The overcrossing could include some combination of stair and elevator system potentially with ADA-compliant ramping that could also be used by bicycle riders. The tallest point at the overcrossing would be about 40 feet above grade taking into consideration architecture features of the bridge such as railing and fencing. The overcrossing could include a viewing space, providing views of the rail corridor, the ballpark, the Inner Harbor of the Estuary, the Oakland Hills, and downtown Oakland, as well as interpretive information celebrating the history of the railroad in Oakland. If constructed along Jefferson Street, the overcrossing would border the PG&E Station C API, a historical resource, and be immediately adjacent to the National Register-eligible PG&E Station C contributor located at 601 Embarcadero West. Therefore, to avoid any adverse impacts on 601 Embarcadero West and the API, the design of the pedestrian and bicycle overcrossing along Jefferson Street shall incorporate transparent materials, small-dimension structural elements, and/or design features that maintain views from the street directly adjacent to the resource. Also, the structural design, including foundations, shall be subject to	Project sponsor	Before opening day of the ballpark	Oakland Bureau of Building Oakland Bureau of Planning Oakland DOT	Review and approve improvement plans following confirmation of CPUC and Port approval (if granted) and consultation with the CCJPA and property owners, such as UPRR. Final inspection prior to use and ballpark opening	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
review by the Planning Director or the Director's designee, prior to the City Council's review and approval of a major encroachment permit.					
Mitigation Measure TRANS-4: Construction Management Plan. The Project sponsor and general contractor shall prepare a Construction Management Plan (CMP) and the plan shall be submitted to the City of Oakland for review and approval prior to the City issuing the first construction-related permit. The Plan shall be reviewed by the City's Bureau of Planning and Bureau of Building, Fire Department, Department of Transportation, Public Works Department, and others as needed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Mitigation Measures (and additional conditions of approval if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management. In order to minimize site grading, infrastructure and ballpark construction impacts on access for nearby residences, institutions, and businesses, the Project sponsor shall provide nearby residences and businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours, excavation), and travel lane closures via a website and/or quarterly construction update meetings with neighbors. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, litter/debris clean-up plan, and others as needed) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project. The CMP shall also consider construction activities in the public-right-of-way including obtaining an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops. If obstructions impact vehicle or bicycle travel lanes, bus stops, or sidewalks, the Project sponsor shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The Project sponsor shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, truck, transit, bicycle, and pedestrian accommodations (or detours, if	Project sponsor and general contractor	Before issuance of the first grading or construction-related permit *Implementation of approved CMP:* During Project construction *Repair of any damage to public right-of-way:* • Within one week of the damage or excessive wear; or • If further damage or excessive wear may continue, before approval of final inspection of the construction permit; or • In case of damage that is a threat to public health or safety, immediately	Oakland Bureau of Building	Review and approve Plan before issuance of first grading or construction-related permit	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicycles, and Bus Facilities in Construction Zones. The Project sponsor shall implement the approved Plan during construction and coordinate with the City and the Port to adjust, if necessary, to respond to transportation-related issues that arise out of the implementation. In addition, the Project sponsor shall repair any damage to the public right-of way, including streets and sidewalks caused by Project construction at their expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.					
Utilities and Service Systems					
Mitigation Measure UTIL-1: Preparation and Approval of Final Design Wastewater Conveyance System Plans and Analysis. Prior to approval of any construction related permits, the Project sponsor shall prepare and submit a Sanitary Sewer Impact Analysis to City and EBMUD for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines and EBMUD's Wastewater Control Ordinance, respectively. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the Project site. In the event that the Impact Analysis indicates that the net increase in Project wastewater flow exceeds City- or EBMUD-projected increases in wastewater flow in the sanitary sewer system, the Project sponsor shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.	Project sponsor	Before approval of any construction-related permits for each phase or subphase, submit a Sanitary Sewer Impact Analysis and EBMUD confirmation of compliance with its Wastewater Control Ordinance, to the City and pay applicable fees	Oakland Bureau of Building Oakland Public Works	Review and approve Sanitary Sewer Impact Analysis, and documentation of EBMUD's confirmed compliance with its Wastewater Control Ordinance, before approval of any construction-related permits for each phase or subphase; review documentation of fee payment	
Mitigation Measure UTIL-2: Preparation and Approval of Final Design Storm Drainage System Plans. Prior to approval of any construction related permits, the Project sponsor shall design and submit Project Storm Drainage System plans to the City for review and approval in accordance with the City of Oakland's Drainage Design Standards and Guidelines. To the maximum extent practicable, peak stormwater runoff from the Project site shall be reduced by at least 25 percent compared to the pre-Project condition.	Project sponsor	Before approval of any construction-related permits, submit to the City design and submit Project Storm Drainage System plans for each phase or subphase	Oakland Bureau of Building Oakland Public Works	Review and approve Project Storm Drainage System plans for each phase or subphase before approval of any construction-related permits for the respective phase or subphase	

Mitigation Measure	Implementing Party	Timing of Implementation	Monitoring Party	Timing and Method of Monitoring	Compliance Status (for City of Oakland use only)
Mitigation Measure UTIL-3: Recycling Collection and Storage Space. Prior to the approval of a construction-related permit, the Project sponsor shall comply with the City of Oakland Recycling Space Allocation Ordinance (Chapter 17.118 of the Oakland Planning Code). The Project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.	Project sponsor	Before approval of any construction-related permits for each new building, submit to the City Project drawings showing specifications in this mitigation measure	Oakland Bureau of Building	Review and approve Project drawings showing the specifications in this mitigation measure prior to approval of any construction-related permits	

KEY TO ACRONYMS AND OTHER ABBREVIATIONS:

$\mu g/m^3$ = micrograms per cubic meter
AB = Assembly Bill
AC Transit = Alameda-Contra Costa Transit District
ACM = asbestos-containing materials
ADA = Americans with Disabilities Act
Air District, BAAQMD = Bay Area Air Quality Management District
AQMD = Air Quality Management District
API = Area of Primary Importance
ARB, CARB = California Air Resources Board
ARDTP = Archaeological Research Design and Treatment Plan
ASHRAE = American Society of Heating, Refrigerating and Air-Conditioning Engineers
BART = Bay Area Rapid Transit
BFE = Base Flood Elevation
BMP = best management practice
Caltrans = California Department of Transportation
CBC = California Building Code
CAPCOA = California Air Pollution Control Officers Association
CC&Rs = Covenants, Conditions, and Restrictions
CCR = California Code of Regulations
cd/m^2 = candela per square meter
CDFW = California Department of Fish and Wildlife
CEQA = California Environmental Quality Act
CIE = International Commission on Illumination
City = City of Oakland
CMP = Construction Management Plan
COC = contaminant of concern
CPM Plan = Criteria Pollutant Mitigation Plan
CPUC = California Public Utilities Commission
dB = decibels
dBA = A-weighted decibels
DEIR = draft environmental impact report
DNL = Day/Night Average Sound Level
DOSP = Downtown Oakland Specific Plan
DPM = diesel particulate matter
DTSC = California Department of Toxic Substances Control
EBMUD = East Bay Municipal Utility District
ECAP = Energy and Climate Action Plan
EIR = environmental impact report
Emissions Plan = Construction Emissions Minimization Plan
EPA = U.S. Environmental Protection Agency
EV = electric vehicle
GHG = greenhouse gas
GWP = global warming potential
HABS = Historic American Buildings Survey
HASP = Health and Safety Plan
HVAC = heating, ventilation and air conditioning
ITS = Intelligent Transportation Systems
K = Kelvin
lbs. = pounds
LBP = lead-based paint
LED = light-emitting diode
LEED = Leadership in Energy and Environmental Design
LTMS = Long Term Management Strategy
LUC = land use covenant
MERV = Minimum Efficiency Reporting Value
MLB = Major League Baseball
MOU = memorandum of understanding
mph = miles per hour
$MTCO_2e$ = metric tons of carbon dioxide equivalent
N/A = not applicable
NAHC = Native American Heritage Commission
NOAA = National Oceanic and Atmospheric Administration
NO_X = nitrogen oxides
NPDES = National Pollutant Discharge Elimination System
O&M = operations and maintenance
OakDOT = Oakland Department of Transportation
OFD = Oakland Fire Department
OMC = Oakland Municipal Code
OPD = Oakland Police Department
PG&E = Pacific Gas and Electric Company
Plan = Greenhouse Gas Reduction Plan
PM = particulate matter
$PM_{2.5}$ = particulate matter that is 2.5 microns or less in diameter
PM_{10} = particulate matter that is 10 microns or less in diameter
Port = Port of Oakland
Project = Oakland Waterfront Ballpark District Project
PV = photovoltaic
RAP = Remedial Action Plan
ROG = reactive organic gases
RPP = residential parking permit
RWQCB = Regional Water Quality Control Board
sf. = square feet
SFHA = Special Flood Hazard Area
TAC = toxic air contaminant
TCO = Temporary Certificate of Occupancy
TDM = Transportation and Parking Demand Management
TMA = Transportation Management Association
TMP = transportation management plan
TNC = transportation network company
TRU = Transportation Refrigeration Units
U.S. EPA = U.S. Environmental Protection Agency
UC Berkeley = University of California, Berkeley
UPRR = Union Pacific Railroad
USACE = U.S. Army Corps of Engineers
USS = United States Ship
UV = ultraviolet
VdB = vibration decibels
VDECS = Verified Diesel Emissions Control Strategies
VOC = volatile organic compound
VTR = vehicle trip reduction
WETA = Water Emergency Transportation Authority