

CHAPTER 4

COMMUNITY DESIGN

4.1 INTRODUCTION

4.1.1 Intent

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

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

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

4.2 URBAN DESIGN CHARACTER

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

Policies

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

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

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

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

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

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

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

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

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

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

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

4.5 BUILDING MASSING AND CHARACTER

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

Policies

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

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

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

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

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

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

4.6 SUSTAINABILITY AND HEALTH

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

General Policies

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

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

Resource Efficiency Policies

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

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

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

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

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

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

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

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

4.7 CONSISTENCY WITH CITY OF OAKLAND GENERAL PLAN AND STANDARDS

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

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

CHAPTER 5

TRANSPORTATION

5.1 OVERALL TRANSPORTATION GOAL AND OBJECTIVES

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

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

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

Objectives

Diverse Land Uses in a Compact Neighborhood

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

Proximity to Quality Transit Service

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

Pedestrian- and Bicycle-Friendly Design

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

Park Once Strategy

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

"Complete Streets"

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

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

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

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

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

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

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

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

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

5.4.2 Parking Operations

Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.5 TRANSIT AND ONSITE CIRCULATOR

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

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

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

Policies

AC Transit

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

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

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

BART

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

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

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

Urban Circulator

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

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

5.6 TRAVEL DEMAND MANAGEMENT (TDM)

Goal: Incentives that encourage walking, biking, and transit and discourage driving for Plan Area residents, workers, shoppers, and visitors.

Policies

TR Policy 5-48: Sports teams should be encouraged to provide ad hoc transit between the game venues and other transit stations, in order to avoid congestion at maximum event times.

TR Policy 5-49: All Travel Demand Management (TDM) efforts are to be coordinated through the proposed Transportation and Parking Management Agency (TPMA). Examples of TDM efforts include:

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in Chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (Chapter 17.117 of

the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.

- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, onsite signage and bike lane striping.
- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.

• Encourage or require the provision of free transit passes. Direct on-site sales of transit passes (purchased in bulk at a discounted rate and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency)) in conjunction with development cost savings from eliminating minimum parking requirements.

• Provision of a transit subsidy to employees and residents, determined by the project applicant and subject to review by the City, particularly low-income residents and workers, seniors, youth, and individuals with disabilities, if the employees or residents use transit or commute by other alternative modes.

- Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: (1) Contribution to AC Transit bus service; (2) Contribution to an existing area shuttle service; and (3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service.
- Guaranteed ride home program for employees, either through 511.org<<http://511.org>> or through a separate program.
- Pre-tax commuter benefits (commuter checks) for employees.

• Include 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.

- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Ensuring tenants provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five, eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Ensure tenants provide employees with opportunities to stagger work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.
- Parking spaces designated for electric vehicle parking including charging capabilities.
- Bicycle support facilities such as attendant bicycle parking/bike stations, and/or bike sharing/rental program for short trips within the Plan Area.
- Provide transit validation for visitors and those who attend special events and use transit to travel to the Plan Area.

CHAPTER 7

IMPLEMENTATION AND

ADMINISTRATION

7.1 INTRODUCTION

This chapter sets forth the implementation strategies and actions to be undertaken by the City, other responsible agencies and private developers (including a Master Developer, but potentially also including individual developers of separate components of the Plan) in order to achieve the development envisioned in the Specific Plan.

7.2 PHASING

Phasing plays a key role in the programming and physical development of this long-term, multi-use Project. Each phase must be flexible yet stand on its own, while accommodating future expansion and intensification of development activities.

The Specific Plan envisions that initial phasing could involve either, assumes:

A) Initial phasing would involve one or more new sports venues, as well as and that construction will be able to be completed by the applicable 2020 sport season. This initial phase would also require an initial increment of development which includes retail, hotel and residential along the concourse pedestrian connector. It is also envisioned that significant improvements to the transit hub would be a critical element of the success of this first phase of development. Subsequent phases of development under this scenario are envisioned to continue the expansion of the Sports and Entertainment District to create a mixed-use community that includes primarily retail, residential and hotel use. This development would support both the expanded fan experience during game days, and establish a viable new urban district that is critical for the private finance of the new venues; or

B) One or more new Transit Oriented Development (TOD) projects at or near the Coliseum BART station that could include an initial increment of residential, office, retail, and/or hotel. Subsequent phases of development under this scenario are envisioned to expand the TOD District to create a mixed use community on the Coliseum site that includes office, light industrial, retail, residential, and hotel use. This development would support establishment of a viable new urban district in the Coliseum area.

Subsequent phases of development would continue the expansion of the Sports and Entertainment District to create a mixed-use community that includes primarily retail, residential and hotel use. This development supports both the expanded fan experience during game days, and establishes a viable new urban district that is critical for the private finance of the new venues.

Figure 7.5 illustrate the potential phasing for full buildout potential land use scenarios.

7.2.1 Phasing Goals and Policies

Goal: Provide project phasing that establishes a strong initial character for the project, maximizes opportunities for retention of sports teams, and supports logical and cost-effective infrastructure investments.

Policies

Early phase projects should be configured and designed to establish a strong and appealing sense of place and to provide a high level of amenity features.

To the extent possible, the first phase should be concentrated within Sub-Area A in order to establish a "critical mass" that facilitates opportunities for new sports/entertainment venues and makes best use of transit access.

Project phasing should allow for logical and cost-effective construction and extension of infrastructure. Phasing should coordinate levels of development intensity with required infrastructure including improvements to transportation, utilities, and services.

Development within each Sub-Area may be phased independently, allowing infrastructure improvements to be implemented over time, based on market growth and demand.

To the extent feasible, phasing should allow the existing Coliseum to remain operational during the construction phase.

The first phase of retail entertainment should be an integral part of the elevated concourse pedestrian connector.

The development of the Sports and Entertainment District should be concurrent with the development of the new sports venues. This may require the existing Coliseum be removed as the new venues are being built. Mixed-use element of the program surrounding the event plaza linking the new stadium and new ballpark should be phased as an integral part of the retail/entertainment zone.

The phasing plans shown in Figures 7.1 - 7.5 are intended to guide efficient staging of development. However, phasing may be modified to respond to changing market conditions and development opportunities, provided that adequate onsite and offsite infrastructure improvements are made available to accommodate the pace of development, and the impacts of the project do not exceed the levels analyzed by the EIR.

Development of the Plan Area in excess of thresholds identified by the Specific Plan and EIR would be subject to the appropriate additional environmental review and certification, including any required mitigation measures.

Parking facilities and parking management/transportation management strategies should be phased to serve the needs of development areas within the Plan Area and the nearby major entertainment uses. Phasing of parking is addressed further in Section 5.4.

7.2.2 Proposed Phasing

The Plan Area's framework of parcels (see Figures 7.1 - 7.4) allows flexible development of the site over time. Each phase proposes a level of development that can be accommodated by the associated onsite and offsite infrastructure capacity. The intent of proposed phasing is to establish the ability to intensify land uses over time through structured parking and transit solutions that allow for urban densities and transit-driven development.

Phasing is contemplated according to the following approximate timeline, which is subject to change depending on market conditions and development opportunities. The above figures summarize one potential scenario for the phasing of development uses and related infrastructure. The information in this chapter may be subject to change as more detailed plans and specifications are developed as part of the design and development process.

7.2.3 Proposed Phasing

The Plan Area's framework of parcels (see Figures 7.1 - 7.5) allows flexible development of the site over time. Each phase proposes a level of development that can be accommodated by the associated onsite and offsite infrastructure capacity. The intent of proposed phasing is to establish the ability to intensify land uses over time through structured parking and transit solutions that allow for urban densities and transit-driven development.

Phasing is contemplated according to the following approximate timeline, which is subject to change depending on market conditions and development opportunities. The above figures summarize phasing of

and development types. The new D-CO-6 zone would replace the existing Industrial (M-40) zoning that applies. This zone would not permit residential activities.

Port of Oakland Land Use and Development Code Adjustments

Under the City of Oakland Charter, the Oakland Airport Business Park (most of Sub-Area B and all of Sub-Areas C and D) is under the independent land use jurisdiction of the Port of Oakland (a department of the City of Oakland, acting by and through its Board of Port Commissioners). Because of its independent jurisdiction, changes to the Port's regulatory Land Use and Development Code (LUDC) cannot be unilaterally made by the City of Oakland, nor does the Oakland Planning Code apply to land use decisions in the majority of the Airport Business Park. Throughout the planning process for this Specific Plan, City staff has coordinated with Port staff, and has requested that they consider a number of changes to their LUDC that would permit and enable development consistent with this Specific Plan. These proposed recommended changes include:

1. Expanding the existing "Commercial Corridor" designation in the LUDC to include properties between Oakport Street and Edgewater Drive, and between Damon Slough and Elmhurst Creek⁴; this change would conditionally permit the proposed sports/special events Arena as a unique use ("Group Assembly") within a portion of the Airport Business Park. An alternative approach to Plan implementation in this area could involve the Port agreeing to a transfer of land use jurisdiction to the City of Oakland of the few remaining properties that are not currently subject to City of Oakland land use regulation between Oakport Street and Edgewater Drive, and between Damon Slough and Elmhurst Creek.
2. Transferring land use jurisdiction to the City of Oakland of the waterfront sites between Edgewater Drive and San Leandro Bay, and between Damon Slough and Elmhurst Creek - In which case the City's proposed new D-CO-4 zone would apply to development in this area. The specific waterfront sites include property the City of Oakland currently leases from the Port of Oakland for its Public Works Agency corporation yard, and a privately-owned office and warehouse property. In general, land use regulations for Sub-Area B are intended to support commercial and employment uses. However, the Specific Plan proposes that a limited number of waterfront sites potentially be made available for mixed-use residential and/or hotel purposes as conditionally permitted uses, but only if such mixed-use development provides essential economic support for other public or private investments in the comprehensive redevelopment of the larger Coliseum District, including, but not limited to, economic support for the construction of new stadiums and other infrastructure elements of the larger Planning area.
3. Allowing design review authority and permitting of new buildings to be administered by the City of Oakland, under the City's design review standards.
4. Amending "Section 3. Development Standards" in the LUDC to reflect similar standards that currently apply in the City of Oakland's Commercial Zones.

Ultimately, the Port Board of Commissioners will need to make the decision as to whether these changes are acceptable and desirable, and will need to weigh the effect of these decisions against the compatibility of these new uses with the operation and safety requirements of the Airport Business Park and the Oakland International Airport. If the Port Board decides not to take any action to either cede land use authority to the City of Oakland in selected areas of the Business Park, or amend the Port's LUDC as recommended, then the proposed new Arena, and the proposed new waterfront residential mixed-use development would directly conflict with the LUDC, and those elements of the Coliseum Plan could not move forward.

7.4 SUBSEQUENT PRIVATE DEVELOPMENT PROCESSES AND PERMITS

Once the City and Port of Oakland have enacted the policy and regulatory planning actions described under Section 7.3 above, the City's ability to further implement this Specific Plan shifts into a partnership role with private development interests. A strong and effective public/private partnership is essential to further implementing this Plan's expectations of new sports venues for the City's current professional sports franchises, as well as all of the accompanying development envisioned under the Coliseum City Master Plan. The subsequent steps associated with this public/private partnership are summarized and described below. For the most part, these subsequent agreements, approvals and permits must be sought by private development interests, with the City potentially serving as co-applicant in certain cases.

7.4.1 Development and Disposition Agreement

In March 2012, the City entered into an Exclusive Negotiating Agreement (ENA) with a group of private development interests including JRDV Urban International, HKS Architects and Forest City Real Estate Services. The ENA was later amended which removed Forest City and added Bay Investment Group, LLC. Finally, the ENA has been most recently amended again to include New City Development, LLC as the lead master developer. The purpose of the ENA was to prepare the Coliseum City Master Plan, and the City committed up to \$16 million in pre-development funding for this effort. The Coliseum City Master Plan and the other pre-development deliverables agreed to under the ENA have been substantially completed. The final remaining items relating to operational management plans and additional financing plans have been agreed to be provided under an extended ENA period. Additionally, the ENA team has been modified to include a new investor/partner entity, New City Development, LLC.

The City is negotiating with this ENA team (as now configured or may be re-configured in the future) with the intention that, based on their financing and operational management plans, they intend to continue with ongoing negotiation efforts, and reach terms acceptable to all parties for a Development and Disposition Agreement (DDA) with the City of Oakland and Alameda County, which jointly owns and controls the Oakland Coliseum, the Arena and the underlying property, governed by the Oakland-Alameda County Coliseum Authority (known as the Joint Powers Authority or JPA). Approval of any such DDA requires an affirmative vote of the Oakland City Council, the Oakland-Alameda County Coliseum Authority, and the Alameda County Board of Supervisors. Execution of such a DDA would give the development group rights to build on City property, and/or City and County owned or controlled parcels, and could also include agreements related to cooperative funding of development costs, and purchase or lease of City property and/or City and County owned property. The DDA could also include, among other matters, agreements regarding the construction of a new Stadium, Ballpark and/or Arena, assuming that any or all of the current professional sports franchisees chose to become party to such an agreement, and agreements regarding a program of community benefits. Ultimately, realization of the Coliseum Area Specific Plan (particularly including the new sports venues) is dependent upon the feasibility of both public and private financing options. The terms and options under which either public or private investments may occur are expected to be included in the DDA, but have not yet been negotiated or agreed upon, as of publication of the final Specific Plan.

7.4.2 Land Assembly

New Stadium and/or Ballpark

The City of Oakland and Alameda County jointly own the land on which the current Oakland Coliseum Stadium, the Arena and their parking lots are located, governed by the Coliseum Authority (known as the JPA). This Oakland-Alameda County owned property includes approximately 1.2 acres. The City of Oakland also owns other properties within the Coliseum District in the immediate vicinity of the Coliseum. Part of the negotiated DDA (see 7.4.1 above) will seek to resolve whether any City owned or Oakland-Alameda County Coliseum Authority owned lands will be acquired by the Development team, or if they will be leased to the Development team and/or one or more of the professional sports franchisees. The transfer of any property (should property transfer be negotiated) would be conditioned on the developer demonstrating financial and legal ability to construct and operate a multi-purpose football stadium, a baseball facility, and/or other ancillary commercial and/or residential development.

Certain privately owned properties within the Coliseum District may also need to be acquired, depending upon the resolution of design decisions between the Development team, the Raiders, and the A's, and with input from the City and the County. The methods of any necessary property acquisition for the Stadium are expected to be a combination of private sales to the Developer team, and willing sales to the City and/or the JPA with funds provided by the Developer team. Some of these parcels may only require easements or temporary occupancy during construction. The Development team is continuing its due diligence pursuant to its land acquisition strategy, and the identification of properties to be acquired and the timing of acquisition is the subject of confidential negotiations.

Coliseum BART TOD

The Bay Area Rapid Transit District (BART) owns the parking lots to the east of the Coliseum BART station. BART has already entered into a separate Exclusive Negotiating Agreement (ENA) with a developer to construct a portion of the Coliseum BART TOD project on a portion of its parking lots, but other BART properties remain available for additional development. Further development of the remainder of the Coliseum

BART TOD on non-BART property (such as on San Leandro Street) is envisioned on several private properties not under the ownership or control of the City, BART or the Development team. To the extent that development of these as part of the Coliseum BART TOD proceeds, acquisition would likely occur only through willing private sale.

Port-Owned Lands

The mixed-use waterfront residential project envisioned for the San Leandro Bay shoreline within Sub Area B and other new development within portions of Sub Areas B, C and D are proposed to occur, in part, on properties currently owned by the Port of Oakland. Lands owned by the Port (even if leased to other operating entities) are subject to state Tidelands Trust requirements. Future sale or development of Port-owned land for uses inconsistent with the Tidelands Trust (including the proposed waterfront residential site) would be inconsistent with Tidelands Trust obligations. To remove conflicts with Tidelands Trust obligations and requirements, the developer of any future project that proposes to use land that is owned by the Port of Oakland must either:

Enter into an agreement with the Port of Oakland to ground lease and develop such project for uses deemed by the Port Board as consistent with the Public Trust; or

Enter into an agreement with the Port of Oakland to buy the underlying land from the Port, subject to the Board of Port Commissioners finding that the property is no longer needed or required for the promotion of the Public Trust, with the proceeds of the land sale to be used by the Port for public trust purposes; or

Arrange for an authorized exchange of Port-owned land, subject to the Board of Port Commissioners finding that the land is no longer needed or required for the promotion of the Public Trust, for other lands not now subject to the Public Trust. Such an exchange would also be subject to the approval of specific State legislation authorizing such an exchange, and pursuant to subsequent approval of an Exchange Agreement between the State Lands Commission and Port of Oakland.

Privately-owned Properties

Although there is a large amount of land within the Planning Area that is owned by public entities (i.e., the Oakland-Alameda County Coliseum Authority, the City of Oakland, the Port of Oakland or BART), the remainder of land within the Planning Area is under private ownership. The Specific Plan proposes a new vision for these lands, but does not compel property owners to share this vision, nor does it require them to participate in its implementation. To the extent that private property owners see a benefit to selling (or trading) their land to better enable development of this Plan to occur, any such sale (or trade) would only occur with the willing participation of the underlying owner.

7.4.13 Planned Unit Development Permits

The Specific Plan is intentionally flexible and visionary in its development requirements, guidelines, and policy direction. This flexibility is intended to permit a range of potential development programs, specifically for the Coliseum District, depending upon the development interests of the investor/developer team ultimately ready to move forward with a project. It is the City's expectation that greater clarity and specificity of the development program, particularly for the Coliseum District, will be achieved during the review development applications, which may involve the City's Planned Unit Development (PUD) permit process pursuant to Chapters 17.140 and 17.142 of the Oakland Planning Code. According to the Planning Code, a Planned Unit Development is, "a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way."

Preliminary Development Plan

The first step in the City's PUD permit process is submittal of a Preliminary Development Plan (PDP) of the entire portion of the site for which a developer intends to entitle and develop. It is possible that the Coliseum City Master Plan, as may be modified or amended to conform to an actual development proposal, may be used for much of the PDP requirements. The requirements of the PDP include a preliminary development plan of the entire development showing:

Streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;

Location and approximate dimensions of structures and the utilization of structures, including activities and the number of living units and estimated population;

Reservations for public uses, including schools, parks, playgrounds, and other open spaces;

Major landscaping features;

Relevant operational data;

Drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces, including a tabulation of the land area to be devoted to various uses, a tabulation of gross floor area to be devoted to various uses, and a calculation of the average residential density per net acre and per net residential acre; and

A development staging plan demonstrating that the developer intends to commence construction within one year after the approval of the Final Development Plan (FDP) and will proceed diligently to completion, unless FDPs are to be submitted in stages, in which case a schedule for submission of FDPs is required.

An application for a Planned Unit Development (PUD) permit would be considered by the City Planning Commission at a public hearing, and their decisions may be appealable to the City Council. The Planning Commission would determine whether the proposal conforms to the City's PUD permit criteria and regulations. Because the Planning Commission's decision on the PUD permit is discretionary, the Commission will also need to have considered the potential environmental consequences associated with the proposed development. Assuming that the PDP is in general conformance with its Specific Plan, the City intends to utilize the EIR prepared for this Specific Plan to the maximum extent practical and feasible for this purpose.

Final Development Plans

Within one year after approval of the PDP (although it may file concurrently for the first phase), the developer/applicant must file a Final Development Plan (FDP) for the first phase development. The FDP must be sufficiently detailed to indicate the ultimate operation and appearance of the development. The FDP must conform in major respects with the approved PDP and must also include the following information:

The location of water, sewerage, and drainage facilities (including a City Engineer's report regarding the acceptability of public improvements, including streets, sewers, and drainages);

Detailed building and landscaping plans and elevations;

The character and location of signs;

Plans for street improvements; and

Grading or earth-moving plans.

The Planning Commission must hold a public hearing before taking action on the FDP, and must determine whether each FDP conforms to all applicable criteria and standards, and whether it conforms in substantial respect to the previously approved PDP. Their decisions may be appealed to the City Council. Pursuant to consideration of the FDP, the City may also consider and act upon any additional Conditional Use Permits (CUP) as may be needed for the development pursuant to Chapter 17-154 of the Oakland Planning Code, and Design Review considerations pursuant to Chapter 17-146 of the Oakland Planning Code.

Development PUDs within the Airport Business Park

As envisioned under this Specific Plan, the Airport Business Park would be privately developed as a new center for science and technology, providing new space for future research and development, institutional and corporate campus-type uses. This type of development is expected to be large in scale, would likely be phased in over time, and would be highly dependent upon transportation and transit enhancements. New campus-style development that may ultimately be proposed within the Airport Business Park could potentially benefit from the provisions of the City's Planned Unit Development (PUD) process, which is specifically intended to facilitate development of comprehensively planned, high-amenity, urban campus sites.

However, not all future development within the Business Park (and likely, no new development within Sub Area D) will consist of urban campus-style development. One of the objectives for development of the Business Park is to encourage and promote the co-location of smaller partner businesses in immediate proximity to the larger institutional and corporate campuses. Rather than adding additional regulatory and permit processes to these smaller, individual business developments, this Specific Plan assumes that these types of development will be processed through the Port of Oakland's regular development permit process, but that their necessary

environmental review may be streamlined by reliance on the EIR prepared for this Specific Plan, to the greatest extent practical.

7.4.24 City Zoning Consistency Determinations and Port Development Permits

For future new development projects that are consistent with this Specific Plan and its accompanying General Plan amendments and new zoning, but which neither qualify (based on size and other criteria) for a Planned Unit Development, nor see the benefits of the PUD approach, the standard City of Oakland or Port of Oakland practices for determining zoning consistency will apply. These standard practices also include making determinations regarding the need for Conditional Use Permits (CUPs), City Design Review process, and other potentially required discretionary actions by the City prior to development approval.

For new development that is proposed within the Port of Oakland's land use jurisdiction, the Port's development permit procedures pursuant to its Land Use Development Code will continue to apply, as may be amended by the Port Board of Commissioners.

7.4.35 City Creek Permit and Other Related Agency Permits

In order to provide adequate room to accommodate construction of a proposed new Stadium, it may be necessary to move and/or culvert the existing segment of Elmhurst Creek that currently runs through an open engineered channel in the Coliseum parking lot. If the culverting proves necessary, an underground culvert would be constructed capable of conveying 100-year storm flows from upstream Elmhurst Creek to the existing outfall at San Leandro Bay. The underground culvert would be planned as a concrete box section designed to ACF&WCD standards, contained within an easement that may be located south of the existing Elmhurst Creek alignment or even parallel to or within the Hegenberger Road Right-of-Way. The underground culvert would outfall to the existing drainage ditch between Coliseum Way and I-880, which outfalls to Elmhurst Creek just upstream of the I-880 undercrossing and eventually flows into San Leandro Bay.

Any such realignment and/or culverting of Elmhurst Creek will be dependent upon obtaining a City of Oakland Creek Protection Permit in addition to other regulatory permits, and to comply with City of Oakland Standard Conditions of Approval pertinent to Creek Permits. The City anticipates that review of this Creek permit would be accompanied by a commensurate restoration and enhancement plan to increase the habitat and storm water filtration value of the other on-site channel at Damon Slough. Assuming the inclusion of satisfactory improvements to Damon Slough, the City is also prepared to assist and facilitate in the filing for and acquisition of numerous other subsequent permits required from other agencies, including:

United States Army Corps of Engineers Clean Water Act Section 404 permit;

California Department of Fish and Wildlife Section 1602 Streambed Alteration permits;

SF Regional Water Quality Control Board Clean Water Act Section 401 permits;

San Francisco Bay Conservation and Development Commission permits for any portion of Damon Slough located within their jurisdiction; and

Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permits.

7.4.46 Overhead Electrical Line Relocation Approval and Permits

There is currently a dual 115 KV overhead electrical power lines running through the south end of the Coliseum District site. These lines run in a path that interferes with the site location of the proposed new Stadium, and need to be relocated in order to facilitate planned development. To accomplish relocation, PGE will need to authorize a temporary line relocation to move the line less than 100' to the south, within an area owned by the City. The long-term strategy will be to underground the PGE line along the original alignment, which runs from the 66th Avenue bridge to Coliseum Way at Hegenberger. Although the two-phased plan allows time to work with PGE to plan, approve and design this solution, permits and approvals for this relocation have not been initiated.

7.4.57 Alameda County Airport Land Use Commission (ALUCP) and FAA Review

Federal Aviation Administration (FAA) Regulations, Part 77 (FAA Part 77) establishes a set of airspace surfaces around airports that provide guidance for the height of objects (including buildings) that may affect normal aviation operations. FAA review is required for any proposed structure more than 200 feet above the ground level of its site and for proposed structures which exceed the applicable Part 77 surface area criteria. Additions

or adjustment to these Part 77 surfaces may also take into account more complex restrictions pertaining to instrument approach (TERPS) surfaces. Objects that deviate from the Part 77 standards must be evaluated by the FAA and may require mitigation actions. Nearly all of the Coliseum District that is west of San Leandro Street falls within a Part 77 horizontal surface plane established under the Airport Land Use Compatibility Plan (ALUCP) at an elevation of 159.3 feet above mean sea level. The easterly portion of the Coliseum District (east of San Leandro Street) is outside of this horizontal surface plane, and building heights can exceed 159.3 feet at a 20:1 slope.

Based on initial proposals suggested as part of the Coliseum City Master Plan, there are several tall buildings (including the preliminary designs for the new Stadium and other tall residential towers) that would exceed the Part 77 horizontal surface plane. Prior to approval of any new development that exceeds the elevation of a Part 77 surfaces area, the City of Oakland is required to refer project proponents to the Alameda County Airport Land Use Commission (ALUC) for determination of consistency with the ALUCP prior to their approval. Any project submitted to the ALUC for airport land use compatibility review for reasons of height issues must also include a copy of an FAA Part 77 notification and the results of the FAA's analysis.

To clarify the City's position regarding consistency with ALUCP criteria for the maintenance of airport operations and avoidance of aircraft safety hazards, the Coliseum Plan EIR includes a mitigation measure indicating that no structure that exceeds 159.3 feet above mean sea level or otherwise exceed the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, or which exceed 200 feet above the ground level of its site, will be approved by the City, unless such a structure has been also reviewed by the FAA in accordance with FAA Part 77 and receives either:

- An FAA finding that the structure is not a hazard to air navigation and would not result in the FAA instituting any alterations or curtailing of flight operations; or
- A conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features;
- An FAA finding that the structure is "No Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner, and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and
- b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

Real estate disclosures and aviation easements dedicated to the Port of Oakland will be a condition for any discretionary approvals for future residential, or non-residential development within the Plan area.

7.4.8 Edgewater Freshwater Marsh

The Edgewater Freshwater Marsh (or "Seasonal Wetland") is located at the intersection of Damon Slough and Edgewater Drive. Edgewater is the site of a prior Port of Oakland wetlands mitigation requirement for an airport runway rehabilitation project. It was created as a joint project between the Port of Oakland, East Bay Regional Parks District (EBRPD), Golden Gate Audubon Society, BCDC, Save the Bay, the U.S. Army Corps of Engineers (USACE), the City of Oakland, the RWQCB, and the FAA. The mitigation included creating and enhancing wetland features on the approximately 8-acre site, and the transfer of the site to the EBRPD for long-term management for wildlife habitat preservation, resource enhancement, wetland preservation, creation and enhancement and public access.

The Specific Plan EIR studied the potential for new construction at the Seasonal Wetland, resulting in the loss and permanent fill of this Marsh. The EIR analyzed the potential compensation of the loss of this wetland by the creation of an approximately 15-acre freshwater seasonal wetland and associated Coastal and Valley freshwater wetland habitat in Sub Area 5, north of Damon Slough. The newly created wetland, located on lands currently owned by EBMUD and the City of Oakland, would be adjacent to brackish water habitat, salt marsh and San Leandro Bay.

Any implementation of this proposal will require additional CEQA analysis and permitting, and authorization from a number of public agencies, as detailed in the Final EIR for the Coliseum Area Specific Plan.

Implementation of the Plan. These costs will be significantly refined as the development project plan is refined for Area A and Area B. These costs are also envisioned to be phased as appropriate over the life of the development project.

The cost estimates presented below are for major improvements identified in the Specific Plan that are applicable to new development particular to the Coliseum District (primarily Sub-Area A) and to Sub-Area B, only. Costs are not presented for Sub-Areas C and D, as there are no major transportation and infrastructure improvements expected there, given the reduced level of redevelopment anticipated to occur in these areas (as compared to the changes proposed for the Coliseum District).

The Plan supports the ongoing improvements of the entire Business Park, *such as installation of fiber optic cabling, that would enhance the business capacity of the area.* But there are not major infrastructure changes proposed for Areas C and D. Sub-Area E is envisioned for continued operation of EBMUD, as well as for enhanced open space and shoreline habitat.

7.5.1 Coliseum District Infrastructure and Transportation Costs

Table 7.3 indicates the approximate costs attributable to the transportation and infrastructure improvements needed to support new development within the Coliseum District, including development of a new Stadium, Ballpark, creek improvements, and the ancillary commercial and residential development planned within the Coliseum District of the Specific Plan. These costs are not to be considered final, but are "best guess" estimates, and will be phased in over time as required by the development. The assignment of these costs between the developer, the City, the JPA, and any other entity are subject to on-going negotiations, so have not yet been determined.

An additional infrastructure cost, not yet estimated nor shown in Table 7.3, is the cost for the transit circulator podium concourse right of way. This is a critical element of the overall transit system. However, due to the fact that the concourse right of way would be jointly used by private entities and the public transit system, developing a cost estimate is complex. An estimate for this cost will be determined at a later date.

7.5.2 Sub-Area B Infrastructure and Transportation Costs

Table 7.4 indicates the approximate costs attributable to the transportation and infrastructure improvements needed to support new development within Sub-Area B, including development of a potential new Arena as well as a new Science and Technology District and a mixed-use waterfront residential area near the San Leandro Bay, pursuant to the Specific Plan. As with Table 7.3, these costs are not to be considered final, but are "best guess" estimates, and will be phased in over time as required by the development. The assignment of these costs between the developer, the City, the JPA, and any other entity are subject to on-going negotiations, so have not yet been determined.

7.6 Public & Private Financing Strategies

7.6.1 Overall Funding Strategy

The following discussion outlines a conceptual program for the financing of public infrastructure required for development of the Coliseum City Master Plan scenario pursuant to this Specific Plan, including the infrastructure necessary to support new development within the Coliseum District and Sub-Area B, as outlined in Section 7.5 (above).

City/Local Government Funding

The primary resource that the City of Oakland and the County of Alameda (through the Coliseum JPA) have to contribute toward implementation of the Specific Plan is their land resource. Together, the City and County currently owns the land on which the Coliseum stadium and Arena and their associated parking lots are located. This City and County property covers around 112 acres within the Coliseum District. Additionally, the City of

Measure B funds are distributed through a formula to cities. These funds are spent on transportation operations and capital projects wherever possible; most projects consist of paving and sidewalk repair, traffic signal replacement, and other basic transportation infrastructure that has already significantly outlived its useful life. The City of Oakland has received Measure B funding in 2013; the next cycle for application will be in 2016. Measure B funding is passed-through to the City until 2020, and is often the only source of local match funds for the City when applying for grants from other funding entities.

Alameda County Transportation Commission Sales Tax, Measure BB, adopted in November 2014, implemented a 30-year Transportation Expenditure Plan. Measure BB renewed the 0.5 percent transportation sales tax approved in 2000 through Measure B, and increased the tax by 0.5 percent. This resulted in a 1 percent sales tax in the county dedicated to transportation expenses alone, which is set to expire in 2045 without voter renewal. The tax revenue from this tax will be controlled by the Alameda County Transportation Commission (ACTC). Measure BB will generate nearly \$8 billion over 30 years for essential transportation improvements in every city throughout Alameda County.

Alameda County Transportation Commission Vehicle Registration Fees

Alameda County Vehicle Registration Fee (VRF) Program was approved by the voters in November 2010. The fee generates about \$10 million per year by a \$10 per year vehicle registration fee. The goal of the VRF program is to sustain the County's transportation network and reduce traffic congestion and vehicle related pollution.

In 2013/2014, ACTC distributed \$1.7m in these funds to the City of Oakland. Funds are distributed according to a yearly Allocation Plan, adopted by ACTC.

7.7 AFFORDABLE HOUSING STRATEGIES

To continue Oakland's long-standing commitment to providing affordable housing for its residents, the affordable housing goals of the Specific Plan are for at least 15 percent of all new units built in the Plan Area to be affordable for extremely low, very low, low, and moderate income households.

City policies promote the use of transit and seek to reduce private automotive vehicle trips, particular emphasis should be placed on providing workforce housing that is affordable to those who are employed in the Coliseum area's sports facilities, hotels and restaurants, and in its commercial and industrial businesses.

7.7.1 FUNDING CONTEXT

Most affordable housing in the Plan Area is expected to be funded with a mix of local and non-local sources, including Low Income Housing Tax Credits (LIHTC), Federal HOME funds, mortgage revenue bonds, and Federal Housing and Urban Development (HUD) funds, "boomerang funds" (a portion of City property taxes that used to be allocated to Redevelopment tax increment financing), the City's existing Jobs Housing Impact Fee, and any other affordable housing impact fee that the City may adopt in the future. With few exceptions, non-local subsidy sources are not adequate, even in combination, to fully subsidize the cost differential to make new housing development affordable to low and moderate income households. It is anticipated, however, that the City will continue its collaboration with the Oakland Housing Authority to provide project based vouchers that subsidize rents to market level, while sustaining affordability for residents.

Up until the dissolution of the City's Redevelopment Agency (ORA) on February 1, 2012, redevelopment-generated tax increment was the most important local source of funding for affordable housing. Prior to the loss of Redevelopment, Oakland dedicated 25 percent of its tax increment funds to affordable housing (10 percent more than required by state law). In the years prior to the Redevelopment Agency dissolution, up to approximately \$23 million was available for affordable housing development annually. With the loss of redevelopment and cuts to Federal funds, approximately \$7-\$10 million is available per year. The estimated local financing gap for affordable units is \$100,000 to \$141,000 per unit. Due to this gap, a menu of creative strategies is required to meet the affordable housing needs for the Plan Area. These affordable housing strategies are presented below.

ATTACHMENT L TO MARCH 24, 2015 CED
COMMITTEE AGENDA REPORT

LETTERS REVIEWED FOR THE MARCH 4 AND
MARCH 11, 2015 PLANNING COMMISSION
HEARINGS



**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT**

**Alex Briscoe, Director
Muntu Davis, Director and Health Officer**

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March 4, 2015

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

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

Dear Mr. Reiff:

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

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

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

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

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

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

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

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

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

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

Based on an analysis of the extent and progression of gentrification within Oakland neighborhoods, we found that East Oakland neighborhoods are already in susceptible to middle stages of gentrification, meaning that the pre-conditions for displacement are already in place.⁴ Gentrification and displacement have significant, negative health impacts on individuals and families who are displaced⁵, including: increased likelihood of exposure to overcrowded and substandard housing conditions; loss of community services and institutions; financial distress and relocation costs; disruptions to health care and prescription medications; fragmentation of community support networks; loss of social support and cohesion; and direct impacts on mental and physiological wellbeing. Furthermore, we found that displacement may harm health for the whole region by increasing the likelihood that residents who are forced into more affordable areas of the County will need to drive to reach jobs, social activities, and essential services. Research has suggested that when residents are displaced out of central city areas due to unaffordable housing conditions, they are likely to end up in neighborhoods that have lower levels of public transit access and fewer social and community support services than their previous neighborhoods.⁶ On the other hand, new residents moving into transit-oriented development projects are more likely to drive than previous residents, decreasing the potential public transit ridership benefits of these projects.⁷ Thus, it is crucial for the city to prioritize strong anti-displacement measures in all new development as part of its broader commitment to increasing public transit use, reducing vehicle miles traveled and associated greenhouse gas emissions, and mitigating the impacts of climate change.

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

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

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

³ Causa Justa::Just Cause, 2014. *Development Without Displacement: Resisting Gentrification in the Bay Area*. Available at: <http://www.acphd.org/media/343952/cjic2014.pdf>

⁴ Ibid.

⁵ Ibid.

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

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

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

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

Zoning Changes

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

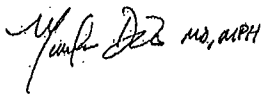
- *Residential Activities:* All residential activities allowed in these district zones should be subject to Table 17.101H.01, Limitation 4, which sets criteria to ensure no health, environmental or cumulative risks burden new residents. Permit criteria for the D-CO-1, 2 and 4 zones should include buffering and trees and dense landscaping requirements adjacent to BART, roadways and 880 freeway. Projects should utilize Crime Prevention Through Environmental Design guidelines. Last, parking requirements should be relaxed to help promote the use of active modes of transportation over driving and make space available for affordable housing.
- *D-CO-4:* I am concerned about putting residential uses within D-CO-4. Given the existing access issues, existing residents will have difficulty accessing the new services that come along with the development especially if the elevated transit and pedestrian bridge is not built over the 880 freeway. The new residents will also be impacted by a lack of pedestrian and bicycle and transit access to daily needs and services, parks and recreational spaces and emergency vehicle access.
- *Height and Density Limits:* The zoning allows for height limits at 159 feet (approximately 15 floors), which are the maximum limits before needing FAA approval. Staff have said in meetings that the BART transit oriented development project will be three to four stories high but other projects could be higher and that they would like to see higher heights further away from existing neighborhoods. I propose lowering the height limits and using height and density bonuses as a strategy to create more affordable housing in the Plan Area.
- *Warehousing, trucking and industrial operations:* A limitation should be added so that the commercial and industrial activities does not adversely affect the health, livability or development of abutting properties and the surrounding neighborhood in terms of traffic, noise, air and water pollution, hours of operation, odors and security. Furthermore, a buffering and landscaping requirement should be created for commercial or industrial lots abut to residential facilities. This should include requirements to plant and maintain dense landscaping, trees and installing decorative fencing. Commercial or industrial lots abut to residential lots should also be required to cleanup illegal dumping and trash surrounding their facility and abide and using lighting and other guidelines in Crime Prevention Through Environmental Design.
- *Urban Agriculture:* In Table 17.101H.01, Limitation 16, which requires a CUP for agriculture over 1 acre of land area, should be in alignment with the City's existing urban agriculture policies.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Muntu Davis MD, MPH". The signature is cursive and somewhat stylized.

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



PLANNING DEPARTMENT

March 4, 2015

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

Received
for
Planning Commission
Received March 4, 2015
Distributed March 4, 2015
Case # 0012000

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

Dear Mr. Reiff,

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

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

MM Land 7-A

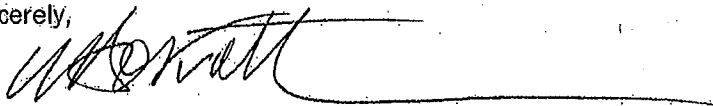
MM Land-7A: No structure that exceeds 159.3 feet above mean sea level, or otherwise exceeds the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77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

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

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

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

Sincerely,



Cindy Horvath
Senior Transportation Planner

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



DEPARTMENT OF TRANSPORTATION

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 Case # Coliseum



Serious Drought.
 Help save water!

March 3, 2015

ALA880709
 SF-880-PM 25.3-26.3
 SCH# 2013042066

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

Dear Mr. Reiff:

Oakland Coliseum Area Specific Plan – Final Environmental Impact Report

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

Response to Comment A3-3

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

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

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

Mr. Devan Reiff, City of Oakland
March 3, 2015
Page 2

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

Mitigation Monitoring

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

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

Sincerely,



PATRICIA MAURICE
Acting District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



February 24, 2015

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

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

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

Dear Mr. Reiff:

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

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

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

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

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

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

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

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

Devan Reiff, AICP
February 24, 2015
Page 3

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

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

Sincerely,



Elizabeth Z. Bialek
Engineering Manager

EZB:DAD



*Inspiring people to protect
Bay Area birds since 1917*

March 3, 2015

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

Re: Oakland Coliseum Final Environmental Impact Report January, 2015

Dear Chairwoman Patillo and Commissioners:

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

We support the Staff Report language found in Section L4 of Attachment B that states that the project is not considered permitted until:

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

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

We also ask that the following clause be added to L.3:

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

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

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

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

GOLDEN GATE AUDUBON SOCIETY

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for
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Case # COILeum

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

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

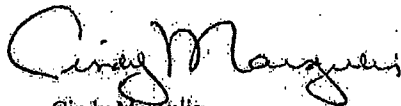
Recent advances in relating tidal marsh restoration to sea level rise has resulted in the concept of the horizontal levee. This consists of creating a very gradual slope of bay mud on the bay side of a levee. This slow increase in elevation allows for the creation of tidal marshes on the outboard side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

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

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

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

Thank you for your attention to our concerns,



Cindy Margulis
Executive Director

Al Minard
1201 Valdez Way
Fremont, CA 94539

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

March 4, 2015

RE: Coliseum City FEIR

Dear Planning Commissioners,

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

Here are my thoughts on this project:

1. The Oakland Alameda County Coliseum, under whatever name it is using today, is a historic building. All of the proposals except the "No Project" would include demolishing this building. This is more than a large baseball/football stadium it is a reference point along the freeway and from BART, it is also visible from the air which makes it an important building for more than just the residents of Oakland. I think in spite of the desire on my part as a historian to preserve this building that it will be demolished which sets up lots of mitigation to compensate the City of Oakland and Alameda County for the loss of a historic building.
2. Regarding mitigation The largest glaring error in this proposal is the introduction of approximately 10,000 new people under the age of 21, who will be living in high rise buildings with little or no access to playgrounds. This is East Oakland, which has a reputation of being an undesirable place to live because of all of the crime. When I look at the amount and location of playgrounds in this area I find that there is very few and that they are grossly overused now even before all of these new young people move into the area. Kids will be kids, if they are not engaged in acceptable behavior they will get into mischief, which includes graffiti, drugs, and other crimes. This is unacceptable, this project should put in about 1,000 acres of playgrounds to compensate for the lack of existing playgrounds in the area and to compensate for the new young people who will move in to this area. This should be one of the required mitigations for demolishing the historic building.
3. Also regarding mitigation, the developers have cleverly included existing and proposed wetlands as "parks", while this is in fact a broad interpretation of park land, it does not address the need for young people to have a place to play in organized and even un-organized sports. Then the developer talks about trading wetlands for wetland owned and used by other agencies, and I assume that they will then include this into the acreage for "parks" that this project needs. Wetlands is a "look but don't touch" type of park and it is great that it will be available for the residents to enjoy, but it is not suitable for children to play on or in.
4. Also regarding mitigation, While there is no law that I am aware of for forcing the developer to put in parks, even when there is, they generally find a cop-out, that include putting money into a fund to purchase land in another part of the City for a park. As responsible citizens of this planet, Earth, we are becoming more aware of our carbon footprint, and having a park that someone would have to take a bus or drive to is not a solution to the park situation in this area.

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

Thank you Very much for reading this letter.

Al Minard

March 2, 2015

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

Received
for
Planning Commission
Received March 2, 2015
Distributed March 4, 2015
Case # Coliseum

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

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

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

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

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

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

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

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

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

I. Specific Plan

A. **Community and Economic Benefits**

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

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

Those who experience displacement as a result of increased housing prices spurred by demand in the area around Coliseum City should be first in line for jobs that can help them afford to return to their community.

3. **Project labor agreements:** Strengthen LU Policy 3-44 (p.74) to read: "Require Consider Project Labor Agreements (PLAs) and labor peace agreements for developments in the

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

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

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

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

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

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

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

B. Affordable Housing and Family Housing

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

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

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

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

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

While the Specific Plan envisions small units averaging 1.74 to 2.50 people per household², which will not meet the needs of families with children, as the current median household size in the surrounding neighborhoods is approximately 3.62.³

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

The City has already established targets for affordable housing needs in its Housing Element. The large scale of this project, its location on public land, and the needs of the surrounding community make it particularly important in helping Oakland meet the goals adopted in its Housing Element. More than 50% of Oakland households qualify as extremely low-, very low- or low-income⁵, and many live in overcrowded, unhealthy, and unaffordable conditions due to the lack of adequate affordable housing opportunities. In the 94621 zip code, where Coliseum City will be located, the median household income is \$31,082, nearly 70% of households are renters, and nearly 70% of those renters are rent-burdened (paying more than 30% of their income for rent).

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

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

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

6. **Preference for local and displaced residents:**

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

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

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

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

C. **Anti-Displacement Protections**

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

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

increases.

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

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

D. Environmental Health

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

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

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

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

- b. **Indoor air quality improvements to both new and existing structures:** We support the Specific Plan Community Design provisions described above. The increase in traffic, however, will contribute to poor existing air quality in local building stock. The area includes many sensitive receptors, such as schools, senior centers and libraries. The Specific Plan's new building standards conveying benefits such as energy efficiency retrofits and state of the art air filtration should be directed at a minimum, to sensitive receptors and homes within a mile radius of the Plan Area.
- c. **Transportation and freight safety:** As noted above, the Specific Plan contemplates a significant increase in area residents. In addition, the Specific Plan anticipates attracting people from outside the project area to use "enhanced open space" (see Goal 5) in addition to fans coming to sporting events. However, Section 2.2.6 (p.28) correctly observes that "[n]o hospitals or major medical centers are located nearby – the closest are in downtown Oakland and San Leandro;...." Moreover, although the area hosts a fire station, staffed by eight highly qualified fire fighters, in the event of a serious accident, whether on the Union Pacific shared rail line or on Interstate 880, these emergency health services will not compensate for the lack of any nearby hospital.

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

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

- i. Crude by rail – the Union Pacific rail lines, which are shared by Amtrak and run through the Coliseum area, are slated to transport crude oil by rail.
- ii. Crude by truck – large trucks are prohibited on Interstate 580, so all transport of oil tanker trucks bisects the project area.
- iii. Truck routes – once they exit Interstate 880, trucks carrying all manner of freight travel the streets of East Oakland.

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

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

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

E. Transit

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

1. *Transit access and affordability goals:*

- a. Revise Core Goal 3 (p.4) to read: "Improve the area's existing investments in transit and transportation infrastructure; ensure that transit is accessible and affordable to transit-dependent populations, including low-income residents and workers, seniors, youth, and individuals with disabilities; create a Transit Oriented Development (TOD)...."
- b. Revise the Goal under section 5.1 (p.99) to read: "Provide a balanced and complete circulation network that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and accessible and affordable transit while continuing to serve automobile traffic."

2. **Expanded bus service:** Revise TR Policy 5-44 (p.115) to read: "Collaborate with AC Transit to improve bus service to the Plan Area and in surrounding neighborhoods by ~~either~~ providing new routes, ~~or~~ altering existing routes, increasing headways, and expanding service hours...."

Common challenge faced by transit riders in under-served communities include long waits at bus stops and the inability to get to work during early or late shifts.

3. **Discounted transit passes:** Revise TR Policy 5-49 (p.117) to read: "Provision of a transit subsidy to employees and residents, particularly low-income residents and workers, seniors, youth, and individuals with disabilities, by the project applicant...."

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

II. Planning Code Amendments

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

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

Although the same is true for the zoning throughout the city, Coliseum City presents an opportunity to be more inclusive, particularly as a transit-oriented development project intended to provide greater access to jobs, services, amenities, and transit that people with disabilities sorely need. Not only is it the right thing to do, but both California statutory law⁸ and recent federal case law⁹ interpreting federal and state fair housing and disability rights statutes prohibit this type of discrimination, even if unintentional.

3. **Meaningful density bonus:** Ensure that the allowable density does not preclude density bonuses for affordable housing and other benefits.

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

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

Sincerely,

Anthony Panarese
Alliance of Californians for Community Empowerment (ACCE)

Andreas Ferreira Cluver
Building & Construction Trades Council of Alameda County

Robbie Clark
Causa Justa :: Just Cause

Nehanda Imara
Communities for a Better Environment (CBE)

Kate O'Hara
East Bay Alliance for a Sustainable Economy (EBASE)

Gloria Bruce
East Bay Housing Organizations (EBHO)

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Notes

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

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

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

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

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

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

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

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

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



Devan Rieff, Ed Manasse, Scott Gregory
Planning Department
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Oakland, CA 94612

Received
for
Planning Commission
Received March 5, 2015
Distributed March 11, 2015
Case # Coliseum

Dear Coliseum Plan staff and consultant:

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

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

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

Sincerely,

Handwritten signature of Alison Finlay in cursive script.

Alison Finlay, President

Handwritten signature of Naomi Schiff in cursive script.

Naomi Schiff, Preservation Committee

Cc: Landmarks Preservation Advisory Board



PORT OF OAKLAND

March 3, 2015

Mr. Devan Reiff, AICP
Planner III
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Department of Planning and Building
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Received
for
Planning Commission
Received March 4, 2015
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Case # Coliseum

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

Dear Mr. Reiff:

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

Project Description and Purpose

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

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

CEQA: Port as Responsible Agency

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

Comments on FEIR

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

Our comments in this letter focus on the following areas:

- Airport Operations and Safety and
- Aircraft Noise

Airport Operations and Safety

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

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

- ~~a) an FAA finding that the structure is "not a hazard to navigation" and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable; or~~
 - ~~b) A conclusion by the ALUC that the proposed structure is acceptable (i.e. no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.~~
- a) an FAA finding that the structure is "No. Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and
 - b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

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

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

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

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

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

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

Aircraft Noise

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

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

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

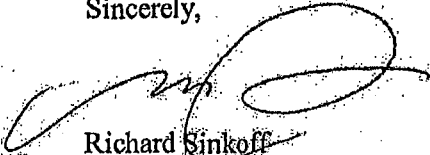
~~Recommendation Requirement~~ Noise-9: The developer of residential uses in the Waterfront Mixed Use District within Sub Area B ~~should consider~~ shall conducting noise studies to determine if overflight noise may warrant sound insulation and other design measures for new homes in Sub-Area B to reduce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

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

Conclusion

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

Sincerely,



Richard Sinkoff
Director of Environmental Programs and Planning

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

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



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for

Planning Commission

Received: March 4, 2015

Distributed: March 4, 2015

Case # Coliseum



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail. No hard copy to follow

March 3, 2015
CIWQS Place ID No. 809687

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

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

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

Dear Mr. Reiff:

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

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

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

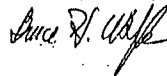
1516 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscoobay

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

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

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

Sincerely,



Bruce H. Wolfe
Executive Officer

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

Attachment

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

Attachment

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

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

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

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

Comment 1 on the FEIR

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

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

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

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

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

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

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

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

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

Comment 2 on the FEIR

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

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

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

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

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



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Received for
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Case # Coliseum

San Francisco Bay Chapter

Serving Alameda, Contra Costa, Marin and San Francisco Counties

March 3, 2015

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

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

Dear Chairwoman Patillo and Commissioners,

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

1. Comments on the FEIR

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

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

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

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

We suggest the following revision to L.3.:

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

Why?

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

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

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

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

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

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

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

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

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

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

Thank you very much for your consideration of our comments,

A handwritten signature in black ink, appearing to read "Arthur Feinstein", with a horizontal line underneath.

Arthur Feinstein
Conservation Committee Chair
Sierra Club San Francisco Bay Chapter

TransForm



Our communities. Our transportation. Our future.

March 4, 2015

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

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

Re: Comments on the Final Coliseum Area Specific Plan

Dear Oakland Planning Commission Chairperson Pattillo and Commissioners,

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

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

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

Policies we feel need to be amended or eliminated:

TR Policy 5-34 (p. 112)

Replace: "Consider excluding..." with "Exclude..."

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

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

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

TR Policy 5-49, 6th sub bullet or dash (-) (p. 117)

Replace: "Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency)" with "Provide free transit passes (purchased in bulk at a discounted rate by the developer as a TDM strategy) in conjunction with development cost savings from eliminating parking requirements." By eliminating parking requirements the developer can use development cost savings for the purchase of transit passes (purchased in bulk at discounted rates) to be offered to residents. In this transit rich area where options such as BART and AC Transit are available, TransForm feels that transit passes that could come with apartments in-lieu of parking spaces will incentivize residents to use these transit options as an avenue for transportation and as an alternative to vehicle ownership.

TR Policy 5-38: Replace: "Encourage" with "Require" Unbundled Parking

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

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

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

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

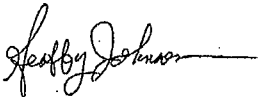
With the proposed amendments above, and once a development impact fee policy (that the City is working on) is developed, the Coliseum Area Specific Plan will provide a vision that will lead to a safer, more walkable, transit and bike friendly community that will dramatically improve the quality of life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

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

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

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

With gratitude,

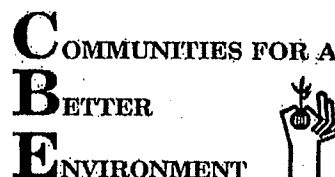


Geoffrey Johnson
Community Planner

CC:

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

Received
for
Planning Commission
Received March 11, 2015
Distributed March 11, 2015
Case # Coliseum



March 11, 2015

[Via Electronic Mail]

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

**Re: CBE Comments on Coliseum Area Specific Plan Draft Environmental Impact Report
(State Clearinghouse #2013042066, City Case #ER13-0004)**

Dear Mr. Reiff:

On behalf of Communities for a Better Environment (CBE), and its members who reside in the areas directly neighboring the Coliseum Area Specific Plan (Plan) in East Oakland, we submit the following brief comments on the Final Environmental Impact Report (FEIR) for the Plan.

As set forth briefly below, and in further detail in past correspondence including our comments on the Draft Environmental Impact Report (DEIR) for the Plan, as well as our recommendations regarding the Specific Plan and Zoning and Land Use changes themselves, and all other correspondence and public comments submitted before the Planning Commission, we respectfully request that the Planning Commission reject the FEIR and require a revised and re-circulated report with an improved significant impacts discussion and analyses, and improved mitigation.

As described in the Final Specific Plan document, the Plan proposes to re-zone and re-develop approximately 800 acres of East Oakland to accommodate three sports venues and significantly intensify residential, commercial, and business uses. The Plan aims to bring thousands of new homes and tens of thousands of new jobs to the Coliseum Area – creating significant and widespread environmental and socio-economic and socio-cultural impacts. As explained in detail in comments to the DEIR, it is imperative that an adequate environmental review document carefully consider and mitigate these impacts on the surrounding communities. Yet, the FEIR for the plan fails to do so.

Specifically, the FEIR fails to cure the following four areas of deficiencies previously identified.

1. Like the DEIR, the FEIR fails to provide and apply a stable, accurate, detailed project description to enable meaningful analysis, review and mitigation of the full range of significant environmental impacts that will result from the City's implementation of the Plan, and its related zoning and land use changes;
2. Also like the DEIR, the FEIR applies the same, inappropriately constricted study area, causing the document to omit key analyses regarding the impacts to surrounding residential neighborhoods and communities;
3. The FEIR further fails to evaluate the range of direct, indirect and cumulative impacts that the Plan will have not only within the designated Plan area, but in the areas surrounding the Plan's boundaries, and such deficiencies are not cured by the City's responses to comments; and
4. In large part for the reasons stated above, the FEIR fails to provide adequate mitigation measures to address the numerous significant impacts that will result from the Plan's implementation, including those identified in the FEIR as drafted, and those that remain omitted from the DEIR and FEIR document analyses.

For these reasons alone, the FEIR still fails as an informational document, and fails to meet CEQA's substantive requirement that the significant environmental impacts of a project be adequately identified, analyzed and mitigated where feasible.¹ Moreover, the FEIR and CEQA review process for the Plan suffers from serious procedural deficiencies, which resulted in an inadequate notice and public comment period for a project of such magnitude and long lasting impact. Oakland residents deserve more time than what the City appears to be providing, to comment on the FEIR and other Project documents.

At its March 4, 2015 meeting, the Planning Commission appropriately postponed its vote to approve or disapprove the FEIR document, and should now take action to address these deficiencies. Accordingly, we request that City Staff, including the City's Planning Staff be directed to do the following:

- I. Provide Oakland residents and community members with more time to comment on the significant impacts of the plan.**

As noted in comments to the DEIR, and additional correspondence as well as comments made to City Planning Staff, the DEIR suffered from deficiencies based on the fact that it was

¹ See, e.g., Pub.Res.Code §21081 prohibiting a public agency from approving a project for which an EIR identifies one or more significant effects unless such effects are adequately mitigated, or unless the agency finds that there are "specific economic, legal, social, technological or other considerations" rendering necessary mitigation measures infeasible.

released and published for comment and review, without release on the zoning language and land use changes involved in the Plan. This flaw not only caused an inadequate and incomplete DEIR, but also tainted the FEIR's analysis and review, as the FEIR borrowed most if not all of its points of impact and relative significance from the DEIR document. This category of errors has not been cured by the FEIR's incorporated responses to comments.

II. Require re-drafting and re-circulation of the FEIR to improve the document's impacts and mitigation analyses for the Plan's direct, indirect and cumulative impacts.

Notably, as described by numerous residents from the area, who have testified before the Planning Commission, and as documented by the Alameda County Department of Public Health, in comments to the Plan, and otherwise, East Oakland bears a disproportionately high burden of impacts from industrial development, air pollution, and toxic exposures.² East Oakland residents experience asthma hospitalization rates that are more than double the rates of Alameda County as a whole. A number of monitoring studies have shown extremely high levels of PM2.5 in East Oakland that exceed both state and federal standards, and East Oakland is home to some of the County's highest concentration of polluting sources, operating along what is referred to as "the Hegenberger Corridor," and impacting community residents along the same area.

The health outcomes for residents of the neighborhoods surrounding the Coliseum Specific Plan area, is, consequently, threatened not only by the direct and indirect impacts from the Plan's land use and zoning changes, as well as the demolition and construction activities to implement those changes, but they are also particularly vulnerable to suffering increased health impacts from such activities, as a result of the existing cumulative burden from diesel truck traffic, heavy industrial and manufacturing activities that continue to be permitted in their neighborhoods. Despite these existing burdens, and the FEIR's identification of a number of "significant and unavoidable" traffic, construction and demolition impacts on the surrounding area, however, the FEIR fails to provide adequate mitigation measures to address the increased concentration of these impacts, in light of the physical changes involved in the Specific Plan.

In order to approve an EIR with significant and unavoidable impacts, the lead agency must make a statement of overriding considerations explaining why the benefits of the project would outweigh the significant environment impacts.³ This statement must be supported by substantial evidence in the record.⁴ While the FEIR for the Plan identifies a number of impacts that it has found to be significant and unavoidable, the Planning Commission must make a finding that the benefits of the Plan, as described, proposed and approved outweigh those

² See Comment Letter submitted by Human Impact Partners and East Oakland Building Healthy Communities, submitted Oct. 17, 2014 on this DEIR. 2 Communities for a Better Environment, East Oakland Particulate Matter 2.5 Community-Based Air Monitoring Research Report (Sept. 2010), available at <http://www.cbecal.org/wp-content/uploads/2013/01/East-Oakland-PMMonitoring-Report-FINAL-2010.pdf>.

³ CEQA Guidelines §§ 15092, 15093.

⁴ *Id.* § 15093(b).

impacts.⁵

Because the FEIR fails include a detailed statement of over-riding consideration and because the Planning Commission has not drafted or released such a statement for public review, the FEIR should be rejected, and should be re-drafted and re-circulated to require such a statement before approval for the document can be made.

III. Require re-drafting and re-circulation of the FEIR to improve the document's impacts identification of necessary and feasible mitigation measures.

Finally, for the same reason as described above, the Planning Commission should reject the FEIR for its failure to state adequate mitigation measures to address the Plan's known, significant impacts. Some ideas for potential mitigation have been submitted separately, and include, *inter alia*, directing City Staff to re-visiting the existing zoning classifications in the neighborhoods directly surrounding the Plan area.

Sincerely,

/s

Yana Garcia

Shana Lazerow

Communities for a Better Environment

⁵ *Id.*

Received
for
Planning Commission

Received March 5, 2015

Distributed March 11, 2015

Case # Coliseum

(March 5, 2015)

Dear Ms. Patillo, Chair of the Oakland Planning Commission,

I write to you in regard to issues involving what is currently called "Coliseum City." I am a professor, a resident of East Oakland, and a member of the OaklandWORKS Alliance, a coalition of eight Oakland organizations. I am writing as an individual, but I believe my comments do, in the main, reflect the views of the Alliance. I understand that you may consider some of these issues outside the authority of the Planning Commission. However, we need to plan holistically in Oakland, particularly with an eye to resisting the displacement of the African-American population. And we need to do this before it is too late, with San Francisco and Berkeley as cautionary tales.

1. On the East side of 880 the building of a new stadium could be a good idea with the following provisions:
 - a. African-American workers make up 28% of Oakland residents and 5% of the hours worked on city-funded construction jobs. This means that African-Americans are underrepresented more than five-fold in city-funded employment!!! Any project on which this injustice is not rectified should not be built.
 - b. Residents of East Oakland should be involved at every step of every decision-making process. This has not occurred thus far. There was no community participation until the Specific Plan was completely developed, and then city staff provided "information" sessions for people to ask questions. This is contrary to everything we espouse about participatory planning in Oakland, and extensive community benefits are needed in the area.
 - c. Any residential development in the area should be affordable by those earning the median income of Oakland residents. Our land and city services should not be used to build housing for people who do not live here.
 - d. Increased revenues resulting from the development should be used in East Oakland and a participatory budgeting process should plan for these uses.
 - e. Both the consultant firms and the city staff working on this project are unrepresentative of Oakland's population, which is 75% people of color. No disrespect is intended to current members of the city staff; many have been very responsive to requests for information. However, city dollars, both for staff and consultants, should go to people who represent the diversity of the city.

2. The area East of Highway 880 should not be rezoned at this time. It houses approximately 150 businesses and employs 8065 workers, according to statistics provided by Oakland's economic development department. These businesses could be disrupted by: a) Increased land prices created by the possibility of residential uses; b) Restricting business activities which are allowed by the current zoning.
3. Residential building should not be allowed west of the 880:
 - a. Oakland has an industrial land use policy which does not allow rezoning to residential (passed March 5, 2008)
 - b. Virtually no one who currently lives in Oakland would be able to afford the housing as it is planned.
 - c. The waterfront areas of Oakland should be publicly designed and comfortable for use by all residents.
 - d. Businesses that currently exist in the business park and others could use this area to expand. These businesses include Revolution Foods, medical technology firms and other clean, green businesses with middle-class wages. Other businesses, such as the Produce Market, might find a home there. Expansion of such businesses in the waterfront area could be accomplished in such a way, through the design review process, that the waterfront "feels" public and is comfortable for resident use.
4. The Business Park has been neglected. A group of the business leaders and residents should be convened by the city to plan for its support and improvement.

Thank you for your work and for your consideration of these points.

Sincerely,

Kitty Kelly Epstein, PhD

Recipient of the Scholar-Activist Award from the Urban Affairs Association

Host of Education Today on KPFA Radio

Author of "Organizing to Change a City (2012) Peter Lang Publishers.

510-207-2833.



March 11, 2015

Sent by email

Robert Merkamp
Chair Pattillo and Members of the Planning Commission
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Commissioners and staff,

Received
for
Planning Commission
Received March 11, 2015
Distributed March 11, 2015
Case # Coliseum

We encourage you to support the cultural resources mitigation measures as they appear in the March 11, 2015 staff report.

Once again, we thank the staff and commission for reconfiguring these mitigations for potential demolition of the Coliseum and or Arena, as reflected in today's report. We are grateful for the attention to the wording of the mitigations, and look forward to working with you as subsequent projects become better defined, the environmental and planning documents are prepared, and the mitigations executed should they become relevant, with regard to any demolition.

We again thank you for your responsiveness and care in shepherding this complicated documentation and planning effort through its course.

Sincerely,

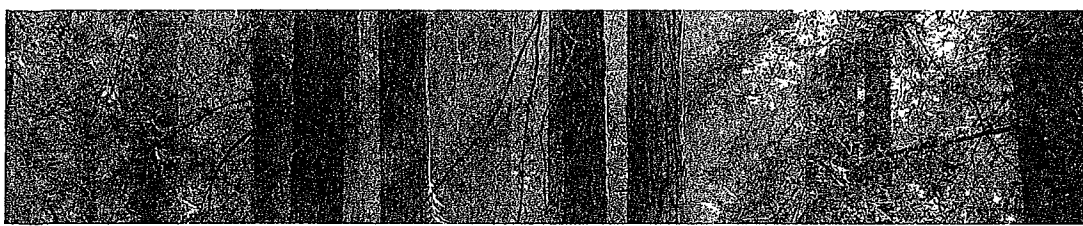
Handwritten signature of Alison Finlay in cursive script.

Alison Finlay, President

Handwritten signature of Naomi Schiff in cursive script.

Naomi Schiff, Preservation Committee.

Cc: Planning Commissioners, Landmarks Preservation Advisory Board



March 10, 2015

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

Received
for
Planning Commission
Received March 10, 2015
Distributed March 11, 2015
Case # Coliseum

Sent via email to dreiff@oaklandnet.com

RE: Coliseum Area Specific Plan and Draft EIR

Dear Mr. Reiff,

The East Bay Regional Park District (the 'District') appreciates the opportunity to continue to provide comments on the proposed Coliseum Area Specific Plan and Draft Environmental Impact Report (DEIR). As you know, the District owns and manages land within the plan area as part of the Martin Luther King Jr. Regional Shoreline.

The District has continually advocated that land that it owns in fee-title be rezoned to, and have a General Plan designation of, Open Space (OS). We appreciate your, and Strategic Planning Manager Ed Manasse's, efforts to accommodate our request, including specifically requesting direction from the Planning Commission at its March 4, 2015, meeting regarding Open Space designations for the 8-acre Edgewater Seasonal Wetland.

The Planning Commission seemed to largely support protection of this seasonal freshwater wetland area. However, Commissioner Patillo expressed some reservation and interest in designating the property to a Coliseum District zoning designation of D-CO-3 to initiate discussions regarding a potential wetland swap that might result in a greater amount of tidal wetlands that connect to the estuary and configured in a more aesthetically pleasing manner.

While the District appreciates Commissioner Patillo's intent, we continue to strongly advocate that the 8-acre Edgewater Seasonal Wetland be zoned to Open Space.

The Edgewater Seasonal Wetland is a unique wetland that could not be easily replaced. As opposed to the tidal wetlands that exist elsewhere in San Leandro Bay, the Edgewater Seasonal Wetland is one of the last freshwater wetlands that remain. These seasonal freshwater wetlands were once common along Elmhurst and San Leandro Creek, attracting an array of freshwater water fowl species. The Edgewater Seasonal Wetland is one of the last remaining freshwater wetland habitats for these species on the Oakland Shoreline.

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Mitigation of this seasonal wetland through creation of tidal wetland would not be considered "in-kind" mitigation and would result in a loss of habitat for the freshwater species that use the Edgewater Seasonal Wetland. The species that use this habitat differ from those that use the tidal marsh habitat throughout San Leandro Bay, resulting in an incredible diversity of bird life in this area of the Oakland shoreline.

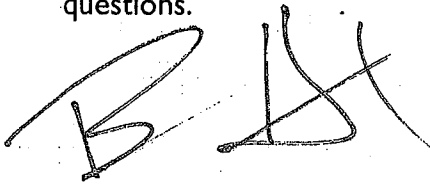
The Edgewater Seasonal Wetland has been a highly successful restoration project and was restored through a partnership with the District, Port of Oakland, Golden Gate Audubon Society, Bay Conservation and Development Commission, Save the Bay, US Army Corps of Engineers, Regional Water Quality Control Board, and Federal Aviation Administration as mitigation for a runway overlay project at the Oakland International Airport in 2002.

The property was transferred in 2012 after restoration and a monitoring period to the District for management as part of the Regional Shoreline. The grant deed conveying the land to the District restricts the property for use as wildlife habitat and wetlands in perpetuity. Further, the requirement for restoration of the Edgewater Seasonal Wetland as a mitigation requirement was a condition of approval of both the Regional Water Quality Control Board and the Bay Development and Conservation Commission.

The intent of the restoration project and the multiple agencies that partnered on it was that this seasonal wetland would remain in open space in perpetuity. We respectfully request that the Oakland Planning Commission honor this intent and designate the 8-acre Edgewater Seasonal Wetland as Open Space through the Coliseum Area Specific Plan.

We look forward to being a partner with the City of Oakland and the project proponents throughout implementation of the Coliseum Area Specific Plan including in working on restoration of Damon Slough, connecting the East Oakland community and Coliseum BART Station to the Martin Luther King Jr. Regional Shoreline, and in addressing sea level rise along the shoreline.

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



Brian W. Holt, AICP
Senior Planner

Cc: Robert Doyle, General Manager
John Sutter, Board of Directors
Doug Siden, Board of Directors