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Submitter Information	Submission Status
Heather Lewis Address: 353 Law Building Berkeley CA 94720 Organization: UC Berkeley Environmental Law Clinic Email: hlewis@clinical.law.berkeley.edu Created: 2021-03-05 18:58:26.972471 Correspondence: 	 STATUS New  COMMENTS 0  OPEN COMMENTS 0

Text Correspondence 	6
<p>Dear Mr. Vollmann, Please find attached a letter requesting an extension of the public comment period for the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016), signed by Communities for a Better Environment, Public Advocates, East Bay Alliance for a Sustainable Economy, East Bay Housing Organizations, Faith in Action East Bay, Urban Peace Movement, Causa Justa: Just Cause, Faith Alliance for a Moral Economy, Urban Habitat, Asian Pacific Environmental Network, Communities United for Restorative Youth Justice, Oakland Tenants Union, Sierra Club San Francisco Bay Chapter, Oakland Heritage Alliance, AYPAL: Building API Community Power, Alliance of Californians for Community Empowerment, and the Ella Baker Center for Human Rights. Please let me know if you have any trouble accessing the attachment. Sincerely, Heather Lewis Clinical Supervising Attorney Environmental Law Clinic University of California, Berkeley School of Law 353 Law Building Berkeley, CA 94720-7200 (510) 642-7875</p>	

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COMMUNITIES
FOR A BETTER
ENVIRONMENT
established 1978

**PUBLIC
ADVOCATES**
MAKING RIGHTS REAL

E BASE
East Bay Alliance for a
Sustainable Economy



East Bay Housing Organizations

**FAITH IN
ACTION**
EAST BAY

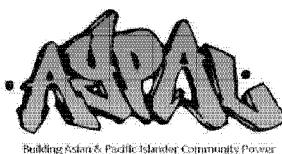
FAME
The Faith Alliance
for a Moral Economy
A Project of the East Bay Alliance for a Sustainable Economy

CAUSA JUSTA
UNITY IS POWER • LA UNIÓN HACE LA FUERZA
JUST CAUSE



URBAN PEACE
MOVEMENT

**URBAN
HABITAT**



March 5, 2021

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2214
Oakland, CA 94612
VIA EMAIL
PVollmann@oaklandca.gov

Re: Request for Adequate Time to Comment on the Draft Environmental Impact Report for the Oakland Waterfront Ballpark District Project (ER18-016)

Dear Mr. Vollmann:

Communities for a Better Environment, Public Advocates, East Bay Alliance for a Sustainable Economy, East Bay Housing Organizations, Faith in Action East Bay, Urban Peace Movement, Causa Justa: Just Cause, Faith Alliance for a Moral Economy, Urban Habitat, Asian Pacific Environmental Network, Communities United for Restorative Youth Justice, Oakland Tenants Union, Sierra Club San Francisco Bay Chapter, Oakland Heritage Alliance, AYPAL: Building API Community Power, Alliance of Californians for Community Empowerment, and the Ella Baker Center for Human Rights respectfully request that the City provide adequate time for members of the public to review and comment on the on the Draft Environmental Impact Report (“DEIR”) for the Oakland Waterfront Ballpark District Project (“Project”) at Howard Terminal. For the reasons more fully detailed below and pursuant to CEQA Guidelines section 15105, **we request a 90-day comment period for the public to adequately review the DEIR.**

Our organizations work with residents, workers, faith leaders, youth, unions, and community organizations in East and West Oakland. These low-income communities and communities of color will likely face significant impacts from the construction and operation of the Project. As the City outlined in its Notice of Preparation, this Project could result in significant environmental impacts on air quality, biological resources, cultural resources, hazards, land use, noise and vibration, population and housing, public services, public utilities, transportation and circulation, hydrology and water quality, and growth inducement.¹ The City must ensure that the scope and extent of these potential harms are adequately understood by the public.

Public participation is at the heart of the CEQA process.² CEQA directs the City to encourage “wide public involvement,”³ and requires that the City provide adequate time for members of the public to review and comment on a draft EIR.⁴ The City is authorized under CEQA to extend the comment period to at least 60 days, and beyond 60 days in unusual circumstances.⁵ The scope and magnitude of this Project warrant a finding of such unusual circumstances.

If constructed as proposed, the Project would result in a major redevelopment of the 55-acre Howard Terminal site, including not only the 35,000-seat stadium, but more than 1.7 million square feet of mixed-use development (presumably drawing thousands of workers), and up to 3,000 residential units⁶—a more than 150% increase in the number of housing units in the area.⁷ In addition, the DEIR and its appendices are more than 6,000 pages long, and will require significant time and resources to not only digest, but also inform and solicit feedback from the residents that our organizations serve. The public must be given sufficient time to study, evaluate and provide comments on the DEIR in its entirety. Given these circumstances, a 90-day comment period is warranted.

Additionally, the City, the Port of Oakland, and the Oakland A’s have committed to developing a comprehensive community benefits package, as required by Assembly Bill (“AB”) 734.⁸ In order to develop such a community benefits agreement, community members and advocates must be given adequate time to review and understand the environmental impacts of the Project. While we appreciate that the City, the Port, and the A’s convened a community benefits process beginning in 2019, and we appreciate all of the work of the stakeholders involved in that process, the release of the DEIR last week is the first time that stakeholders and other members of the public were provided with detailed information about the scope and extent of the environmental impacts of the Project. The City should ensure that these parties have adequate time to review and analyze the environmental impacts in order to inform the development of a robust community benefits agreement. The City has stated that the DEIR was ready for publication in February 2020, but at the A’s request the DEIR was not published in order

¹ Project Notice of Preparation at 4.

² CEQA Guidelines § 15201 (“Public participation is an essential part of the CEQA process.”)

³ CEQA Guidelines § 15201.

⁴ See CEQA Guidelines § 15203.

⁵ CEQA Guidelines § 15105(a).

⁶ DEIR at 2-1.

⁷ The latest US Census Bureau data indicates that the surrounding census tracts contain a total of 1,923 households. See Housing Data for Census Tracts [9820](https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx), [9819](https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx), [4025](https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx), [4026](https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx), and [9832](https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx), available at <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>.

⁸ Cal. Pub. Res. Code § 21168.6.7(3)(A)(v) (this Project must be “subject to a comprehensive package of community benefits approved by the Port of Oakland or City Council of the City of Oakland.”).

to allow more time for the Governor's review and certification of the Project pursuant to AB 734.⁹ It appears, then, that the City, the Port, and the A's have had knowledge of the impacts identified in the DEIR for the past year, while the public is expected to review those impacts in only 45 days. These unusual circumstances warrant a longer period of public review.

Finally, AB 734 establishes an expedited *judicial* review process. AB 734 does not expedite the *administrative* and essential environmental review of the Project. In fact, the plain language of AB 734 emphasizes the importance of public participation in environmental review of the Project:

It is therefore in the interest of the state to expedite judicial review of the proposed project, as appropriate, *while protecting the environment and the right of the public to review, comment on*, and, if necessary, seek judicial review of, the adequacy of the environmental review of the project under the California Environmental Quality Act.¹⁰

We appreciate the City of Oakland's community engagement efforts in the review of this Project. In order to adequately solicit feedback and community input at this critical stage of environmental review, it is imperative that the Bureau of Planning ensure the public has an adequate amount of time to review the DEIR. We request that the Bureau of Planning provide at least 90 days for the public to comment on the DEIR, consistent with the intent of CEQA and AB 734.

Sincerely,

Communities for a Better Environment
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Urban Peace Movement
Causa Justa: Just Cause
Faith Alliance for a Moral Economy
Urban Habitat
Asian Pacific Environmental Network
Communities United for Restorative Youth Justice
Oakland Tenants Union
Sierra Club San Francisco Bay Chapter
Oakland Heritage Alliance
AYPAL: Building API Community Power
Alliance of Californians for Community Empowerment
Ella Baker Center for Human Rights

⁹ Memorandum from Betsy Lake, Deputy City Administrator, to Mayor Schaff and City Council, Feb. 16, 2021, at 2, available at <https://cao-94612.s3.amazonaws.com/documents/Howard-Terminal-info-report-w-attachments.pdf>.

¹⁰ AB 734 Sec. 1(f) (emphasis added).