



March 16, 2021

Peterson Vollmann, Planner IV
City of Oakland Bureau of Planning
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Oakland, CA 94612
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Submitted Electronically

Re: Request for Extension of Comment Period on Draft EIR for Oakland Waterfront Ballpark District at Howard Terminal (SCH No. 2018112070)

Dear Mr. Vollmann:

The undersigned write to request a 45-day extension of the public comment period for the Draft Environmental Impact Report (“DEIR”) for the Oakland Waterfront Ballpark District Project at Howard Terminal (“Howard Terminal Project” or “Project”). The City of Oakland (“City”) gave notice of the publication of the DEIR on February 26, 2021, with a 45-day comment period expiring April 12, 2021. We request that the comment period be extended an additional 45 days until May 27, 2021.

The City has taken over two years to produce the Howard Terminal DEIR, resulting in a detailed and complex document over 1,600 pages long. The DEIR also has over 4,460 pages of appendices. In addition, the City's record of proceedings for the DEIR (*see* Pub. Res. Code § 21168.6.7(g)(2)), contains hundreds of complex and lengthy documents submitted or relied on by the City in the preparation of the DEIR. These documents include Planning Commission staff reports and agendas on the Project, responses to the Notice of Preparation for the DEIR, DEIR references, documents submitted during the AB 734 application process, and voluminous email correspondence regarding the DEIR.

Given this significant volume of documents, we request that the City extend the comment period an additional 45 days in the interest of allowing our community an equitable opportunity to consider and respond to the analysis and findings of the DEIR. It is unreasonable and unfair to expect members of our community to review, analyze, and respond to such lengthy and technical documents within 45 days. In particular, we are concerned that such a short window of time would leave the most vulnerable and underprivileged members of our community, including those who would most feel the negative impacts of the Howard Terminal Project, inadequate time to bring to the attention of the City any deficiencies in the DEIR and/or the Project itself. This Project has the potential to negatively impact Oakland residents in a myriad of ways, including in respect to air quality, water quality, and public health, while also conflicting with the highly industrialized maritime uses in and near the Port of Oakland. There is no reason to rush the public review and comment period in these circumstances.

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines establish a minimum public comment period of 45 days where the DEIR is submitted to the State Clearinghouse. The public comment period may be extended beyond 60 days in unusual circumstances. Pub. Res. Code § 21091(a); 14 Cal. Code Regs. § 15105(a). The Governor's Office of Planning and Research has stated, "CEQA establishes a floor and not a ceiling for public review and comment periods. Lead and responsible agencies may use their discretion to extend such time periods to allow for additional public review and comments."¹ The combination of (i) the scope and scale of the project and its potential impact on the City's residents and the working waterfront for many decades to come, and (ii) the challenges that the public faces in reviewing, analyzing and commenting on this massive DEIR in the midst of an on-going pandemic that the world has not experienced in more than a 100 years and that continues to impose massive disruptions on residents daily lives and business operations has created unique conditions that are the epitome of "unusual circumstances."

An extension of the minimum 45-day comment period is particularly important here where the City asserts that the Project is proceeding under AB 734, which provides that the lead agency "need not consider written comments submitted after the close of the public comment period," unless the comments address specified issues relating to new information. *See* Pub. Res. Code § 21168.6.7(f)(6). In light of the serious and complex issues raised by the DEIR, the large volume of documentation produced by the City in the DEIR and accompanying record of proceedings,

¹ *See* OPR, "CEQA Document Submission," available at: <https://opr.ca.gov/clearinghouse/ceqa/document-submission.html>.

and AB 734's limitation on consideration of comments after the close of the public comment period, a 45-day extension of the public comment period should be provided.

Regards,

Members of the East Oakland Stadium Alliance:

Bayporte Village Neighborhood Watch
California Trucking Association
Customs Brokers & Forwarders Association of Northern California
GSC Logistics
Harbor Trucking Association
Marine Engineers' Beneficial Association
Marine Firemen's Union
Pacific Merchant Shipping Association
Propeller Club of Northern California
Sailors' Union of the Pacific
Schnitzer Steel
SSA Terminals

cc: Betsy Lake, Deputy City Administrator
William Gilchrist, Director of Planning
Mayor Libby Schaaf
Vice Mayor Rebecca Kaplan
Council President Nikki Fortunato Bas
Councilmember Dan Kalb
Councilmember Carroll Fife
Councilmember Sheng Thao
Councilmember Noel Gallo
Councilmember Loren Taylor
Councilmember Treva Reid