Draft

195 HEGENBERGER ROAD HOTEL

Focused Environmental Impact Report

Prepared for
Port of Oakland

June 2014

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CHAPTER 1
Introduction and Background

A. Introduction

The project sponsor, Monarch Equity Investments, Inc., proposes to construct a 140-room hotel intended to serve patrons of Oakland International Airport, located about one mile south of the proposed project. The five-story hotel would occupy an 84,953-square-foot (sq. ft.) (1.95 acres) interior lot set back approximately 270 feet west of Hegenberger Road and approximately 390 feet northeast of Pardee Drive. Vehicular access to the site would be provided by recorded driveway easements from both Hegenberger Road and Pardee Drive.

The proposed building would have a footprint of 19,380 sq. ft. and would provide a total building area of 95,927 sq. ft. Based on the total area of the site, the building would have a floor area ratio (FAR) of 1.13. In addition to 140 guest rooms, the hotel would include a 1,928 sq. ft. meeting room with a capacity of 80 seats, a restaurant, a bar/lounge, a small gym with exercise equipment, a pool, and an outdoor patio. The building would also provide an employee break room, laundry, food preparation area, offices, miscellaneous work areas, electrical and mechanical rooms, and various storage rooms.

Prior Environmental Review

In August 2002, the Port of Oakland published the *Lincoln Airport Business Park Project Initial Study and Mitigated Negative Declaration*. That project evaluated the development of a business park on a 14.2-acre site fronting on both Hegenberger Road and Pardee Drive. The project consisted of construction and operation of a business center with three one-story commercial buildings (containing 48,000 sq. ft., 33,600 sq. ft., and 42,000 sq. ft., respectively) and a two–story office building containing 72,000 sq. ft of space, along with parking, landscaping, a public plaza, and onsite stormwater treatment facilities. The project also included public access improvements and trailhead parking for a recreation trail alongside a channelized section of San Leandro Creek, which abuts the northern site boundary.

The *Lincoln Airport Business Park Project Initial Study and Mitigated Negative Declaration* tiered off of and incorporated mitigation from the *Coliseum Redevelopment Project Area Environmental Impact Report* prepared by the City of Oakland in 1995.

Since adoption of the *Lincoln Airport Business Park Initial Study and Mitigated Negative Declaration* in 2002, three of the four proposed buildings have been developed and are currently occupied. The center of the site, currently remains vacant, and is now the subject of the proposed

hotel project addressed in this Focused EIR. This specific site was also analyzed in 2009 for a proposed 157-room aLoft hotel, in the *Draft Subsequent Mitigated Negative Declaration and Initial Study for the Lincoln Airport Business Park (including hotel)*, which was circulated for public review between July 2 to August 3, 2009, but never adopted.

This environmental analysis does not rely on the previous environmental reviews noted above.

B. CEQA Process

The Port of Oakland, as lead agency, determined that preparation of an Environmental Impact Report (EIR) was necessary for the project because there was "substantial evidence that the proposed project may have a significant effect on the environment" for specific topic areas. An Initial Study Checklist was prepared and circulated from March 3, 2014 to April 3, 2014. The Initial Study Checklist identified the issues that would be the focus of the EIR (see **Appendix A**). The California Environmental Quality Act (CEQA) requires that, before a project with potentially significant environmental effects may be approved, an EIR must be prepared that fully describes the environmental effects of the project, identifies mitigation measures to lessen or eliminate adverse impacts, and examines feasible alternatives to the project. The information contained in the EIR is to be reviewed and considered by the lead agency prior to the ultimate decision to approve, disapprove, or modify the proposed project.

Notice of Preparation

The Port of Oakland posted a Notice of Preparation (NOP) on March 3, 2014, to solicit input and to identify any concerns or issues that should be included in the EIR from governmental agencies, organizations and persons interested in the proposed project. The NOP provided a general description of the proposed action, the location of the Project and the Initial Study Checklist. The NOP and Initial Study Checklist were posted on the Port of Oakland's website. The NOP was circulated for 30 days, with the review period closing on April 3, 2014. The Notice of Preparation is included in Appendix A to the EIR.

Public Scoping Period

Pursuant to CEQA *Guidelines* Section 15083, the Port of Oakland provided an opportunity for government agencies and the public to provide comments on the resource areas and scope of the EIR during the 30-day period from March 3, 2014 to April 3, 2014. The Port of Oakland held a public scoping meeting on March 19, 2014 at the Holiday Inn, 77 Hegenberger Road, Oakland. Three members of the public attended and provided comments during the meeting. An additional comment letter was received by the Port of Oakland by mail. Written comments and oral comments received during the scoping period are part of the project record and are included in **Appendix B**. The Port of Oakland has reviewed and considered the oral and written comments in the preparation of this EIR.

Draft Focused Environmental Impact Report

Topics Addressed in this EIR

This EIR was prepared based on the comments received on the Notice of Preparation and the project information provided. Pursuant to CEQA *Guidelines* Section 15063(c)(3), through preparation of the Initial Study, the Port of Oakland concluded that additional environmental review in a Focused EIR shall be conducted for the following topics:

- Air Quality
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Transportation and Circulation

The environmental analysis for each of the topics listed above is presented in Chapter 4 of this document.

Topics Not Addressed In Detail in This EIR Based on Preparation of the Initial Study

The information and analysis presented in the Initial Study provides substantial evidence for the conclusion, for all the issues listed below (i.e., those *not* addressed in detail this EIR), that 1) CEQA standards triggering preparation of further environmental review do not exist for those issues; and 2) impacts under these topics would be less than significant with incorporation of appropriate mitigation measures. Topics not addressed in this EIR in detail are listed below by impact determination category identified in Appendix G, the Environmental Checklist Form. These topics are, however, analyzed for full disclosure of the environmental determination, in the Initial Study, within Appendix A of this EIR.

- Aesthetics
- Agricultural and Forest Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

This document constitutes the Draft Focused EIR. It describes the proposed hotel at 195 Hegenberger Road in Oakland and the environmental setting for the project. It also evaluates the project impacts, identifies mitigation measures for impacts found to be significant and presents and analysis of project alternatives. This EIR is an informational document that does not, in and of itself, determine whether the project will be approved; rather it is intended to aid the planning and decision-making process by disclosing the physical environmental effects of the proposed project and identifying possible ways of reducing or avoiding any potentially significant impacts.

The following provisions of the guidelines for implementing CEQA (known as the "CEQA *Guidelines*") help define the role of this EIR:

> **CEQA *Guidelines* Section 15121(a): Informational Document.** An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect(s) of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information, which may be presented to the agency.

> **CEQA *Guidelines* Section 15151: Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Further, CEQA states that the lead agency should not "approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects…" (Public Resources Code Section 21002). If the lead agency approves the project despite residual significant adverse impacts that cannot be mitigated to less-than-significant levels, the agency must adopt a "Statement of Overriding Considerations" stating the reasons for its action in writing.

CEQA *Guidelines* Section 15382 defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project…" Therefore, in identifying the significant impacts of the project, this EIR concentrates on the project's substantial physical effects and on mitigation measures to avoid, reduce, or otherwise alleviate those effects.

Alternatives to the Project

CEQA requires that an EIR discuss a reasonable range of alternatives to the proposed project. This EIR describes and analyzes a reasonable range of alternatives, including a "No Project" alternative as required under CEQA (CEQA *Guidelines* Section 15126.6[e]). Chapter 5 of this document discusses the environmental effects of each alternative, compares the environmental effects of each alternative with the environmental setting and with the effects of the project and each other alternative, and addresses the relationship of each alternative to the project objectives. The determinations of the lead agency concerning the feasibility, acceptance, or rejection of each and all alternatives considered in this EIR will be addressed and resolved in the Port's findings, when the Port of Oakland considers approval of the project, as required by CEQA.

Environmental Baseline

Under CEQA, the environmental baseline for a proposed project analyzed in an EIR is typically the physical environmental conditions that exist in the vicinity of the project at the time the Notice of Preparation (NOP) is published (see Appendix A). The NOP for this project was published on March 3, 2014, and this is the date assumed for the "baseline" conditions against which the environmental impacts of the proposed project will be analyzed.

Public Review of the Draft Focused EIR

This Draft EIR is available for public review for the period indicated on the Public Notice of Availability of this document. Publication of this Draft EIR marks the beginning of a 45-day public review period, during which the Port of Oakland will accept comments on the EIR.

During the 45-day public review period, written comments on the adequacy of the Draft EIR may be submitted to:

Port of Oakland
Colleen Liang, Environmental Scientist
Environmental Programs and Planning Division
530 Water Street
Oakland, CA 94607
Email: CLiang@portoakland.com

Final EIR and Certification

Written and oral comments received on this Draft EIR will be addressed in a Response to Comments document which, together with this Draft EIR, will constitute the Final EIR. The Response to Comments document will also stipulate any changes to the Draft EIR resulting from public and agency input. The Final EIR will also be made publicly available through the Port of Oakland's website.

Responses to all substantive comments received on the adequacy of the Draft EIR and submitted within the specified review period will be prepared and included in the Responses to Comments/Final EIR. Prior to approval of the project, the Port of Oakland must certify the Final EIR and adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures identified in the EIR, in accordance with the requirements of Public Resources Code Section 21001.

C. Organization of this EIR

This EIR is organized as follows:

- **Chapter 1, *Introduction***, introduces the project, the relevant CEQA requirements, and the intended use of the EIR.
- **Chapter 2, *Summary***, contains an overview of the document and allows the reader to easily reference the analysis of potentially significant effects, proposed mitigation measures,

residual environmental impacts after mitigation, if any, and alternatives to the project that reduce or avoid significant effects on the environment. Table 2-1, Summary of Impacts and Mitigation Measures, is provided at the end of Chapter 2.

- **Chapter 3, *Project Description***, identifies the project location and includes a description of the project, the objectives of the project, the anticipated phasing of the project, the required project approvals, and the other agencies that must consider aspects of the project.

- **Chapter 4, *Environmental Setting, Impacts and Mitigation Measures***, contains a discussion of the setting (existing conditions and regulatory framework), the environmental impacts (including cumulative impacts) that could result from the project, and the mitigation measures that would reduce or eliminate the identified adverse impacts. As appropriate and relevant, the project has been assessed for potential impacts during both construction and operation, and mitigation measures are identified accordingly. The criteria used to assess the significance of adverse environmental effects are identified, and the significance of the impact both before and after mitigation is reported.

- **Chapter 5, *Alternatives to the Project***, evaluates a reasonable range of alternatives to the proposed project. This chapter provides a discussion of the environmental impacts associated with each alternative, compares the relative impacts of each alternative to those of the project and the other alternatives, and discusses the relationship of the alternatives to the project sponsor's objectives.

- **Chapter 6, *Other Statutory Sections***, discusses the project's potential for inducing growth and summarizes cumulative impacts, unavoidable significant impacts, and effects found not to be significant.

- **Chapter 7, *Report Preparers***, identifies the EIR preparers, including the lead agency staff and consultants. Persons and documents consulted during preparation of the EIR are listed in the Reference section at the end of each analysis section in Chapter 4.

All reference documents listed at the end of each analysis section in Chapter 4 are available for public review at the Port of Oakland, Environmental Programs and Planning, 530 Water Street, Oakland, CA.

The Appendices include the NOP and Initial Study, comments received on the NOP and Initial Study, supporting background documents, and technical information used in the impact analyses.

D. Intended Uses of the EIR

This EIR provides the environmental information and evaluation necessary for the planning, construction, and operation of the proposed project. This EIR also provides the CEQA compliance documentation upon which the Port's consideration of, and action on, all applicable approvals (collectively, "approvals") may be based. These include all approvals set forth in this EIR, as well as any additional approvals that may be necessary or useful to such activities such as planning, construction, operation, and maintenance. This EIR also provides this information and evaluation for use by any other agencies from which permits or other approvals may be required (see Chapter 3).

CHAPTER 2
Summary

A. Project Description

The project sponsor, Monarch Equity Investments, Inc., proposes to construct a 140-room hotel intended to serve patrons of Oakland International Airport, located about one mile south of the proposed project. The five-story hotel would occupy an 84,953-square-foot (sq. ft.) (1.95 acres) interior lot set back approximately 270 feet west of Hegenberger Road and approximately 390 feet northeast of Pardee Drive.[1] Vehicular access to the site would be provided by recorded driveway easements from both Hegenberger Road and Pardee Drive.

The proposed building would have a footprint of 19,380 sq. ft. and would provide a total building area of 95,927 sq. ft. Based on the total area of the site the building would have a floor area ratio (FAR) of 1.13. In addition to 140 guest rooms, the hotel would include a 1,928 sq. ft. meeting room with a capacity of 80 seats, a restaurant, a bar/lounge, a small gym with exercise equipment, a pool, and an outdoor patio. The building would also provide an employee break room, laundry, food preparation area, offices, miscellaneous work areas, electrical and mechanical rooms, and various storage rooms.

B. Project Objectives

CEQA Guidelines Section 15124(b) requires that the project description of an EIR contain a statement of objectives for the proposed project. The project sponsor, Monarch Equity Investments, Inc. has identified the following objectives:

- Develop an Oakland Airport Business Park hotel that will attract regional, national, and international visitors.
- Increase visitor-serving facilities along the Oakland Airport-Hegenberger Road corridor
- Promote economic growth by creating new employment opportunities within the City.
- Complement the existing land uses in that vicinity of Hegenberger Road which has developed into an area with retail, recreation and visitor-serving uses.
- Complement existing retail, recreation and visitor-serving land uses in the vicinity;

[1] Note that the flag-shaped lot has a northeast-southwest orientation. Directional information presented in this report is based on the absolute direction.

- Further the goals and policies of the General Plan;
- Encourage and provide economic development stimulus and redevelopment efforts along Hegenberger Road and its vicinity.
- Create additional income to the General Funds of the City by generating increased property tax, Transient Occupancy Tax and sales tax.

C. Environmental Impacts and Mitigation Measures

Potentially significant environmental impacts of the proposed project are summarized in **Table 2-1**. This table lists impacts and mitigation measures in three major categories: significant impacts that would remain significant even with mitigation (significant and unavoidable); significant impacts that could be mitigated to a less than significant level (significant but mitigable); and impacts that would not be significant (less than significant). For each significant impact, the table includes a summary of mitigation measure(s) and an indication of level of significance after implementation of mitigation measures. A complete discussion of each impact and associated mitigation measures are provided in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures.*

D. Alternatives

Chapter 5 of this EIR analyzes a range of reasonable alternatives to the proposed project, including the No Project Alternative (required by the CEQA for all EIRs). Per CEQA Guidelines Section 15126.6[f] the Lead Agency, the Port of Oakland, identified the following reasonable range of project alternatives to be addressed in this EIR:

- Alternative 1: No Project Alternative (Existing Conditions, No Change)
- Alternative 2: Reduced Development Alternative

The Alternatives discussion of this Focused EIR was prepared in accordance with Section 15126[d] of the CEQA Guidelines and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the proposed project while feasibly attaining most of the basic objectives. This Focused EIR identifies Alternative 2: the Reduced Development Alternative, as the “environmentally superior” alternative, as it would eliminate impacts to transportation as these impacts could be reduced to a less-than-significant level with mitigation.

E. Issues of Concern

Issues of concern regarding the proposed project include construction, traffic circulation and parking, and the potential for exposure to hazardous materials. These issues are fully addressed in the analyses sections in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*, of this document.

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
A. Air Quality		
4.A-1: Construction of the proposed project would result in increased emissions of criteria air pollutants. (Significant)	**4.A-1:** The following BAAQMD Best Management Practices for particulate control will be required for all construction activities within the project site. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities by also during vehicle and equipment movement on unpaved project sites: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, § 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.	Less than Significant
4.A-2: Construction of the proposed project would increase emission of toxic air contaminants (TACs), and increase health risks for nearby residents. (Less than Significant)	None required.	Less than Significant
4.A-3: Operation of the proposed project would result in increased emissions of criteria air pollutants. (Less than Significant)	None required.	Less than Significant
4.A-4: Operation of the proposed project would potentially expose sensitive receptors to increased localized concentrations of pollutants including toxic air contaminants. (Less than Significant)	None required.	Less than Significant
4.A-5: The proposed project could conflict with or obstruct implementation of the applicable air quality plan. (Less than Significant)	None required.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
A. Air Quality (cont.)		
4.A-6: The proposed project would contribute to a cumulative air quality impact in which the project region is non-attainment. (Less than Significant)	None required.	Less than Significant
B. Climate Change and Greenhouse Gas Emissions		
4.B-1: The proposed project would result in an increase in GHG emissions. (Significant)	**4.B-1:** The following BAAQMD-suggested measures shall be implemented during project construction: • Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15% of the fleet; • Use locally sourced building materials for at least 10% of overall materials brought to site; and • Recycling or reusing at least 50 percent of construction waste or demolition materials.	Less than Significant
4.B-2: The proposed project would not conflict with the AB 32 Scoping Plan or City of Oakland Plans and Policies for reducing GHG emissions. (Less than Significant)	None required.	Less than Significant
C. Transportation and Circulation		
4.C-1: Construction activities associated with the proposed project could potentially result in temporary circulation impacts on the street system. (Significant)	**4.C-1:** The project applicant and its construction contractor(s) will develop a construction management plan for review and approval by the Port of Oakland prior to the start of construction. The plan will include at least the following items and requirements to reduce, to the maximum extent feasible and traffic congestion during construction:: • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes; • Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area; • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur; and • Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
C. Transportation and Circulation (cont.)		
4.C-2: The proposed project would increase traffic at local intersections in the project vicinity. (Less than Significant)	None required.	Less than Significant
4.C-3: The proposed project could potentially increase hazards due to a design feature or incompatible uses. (Significant)	**4.C-3:** The proposed project site plan will be altered to include removable bollards, a gate, or similar traffic control device for the driveway at the rear of the hotel (southwest corner of the property) which would eliminate hotel traffic exiting or entering hotel parking through the shared Harley Davidson easement. The traffic control device will be designed to maintain emergency access. If the traffic control device will be removed in the future, the project applicant will submit a technical memorandum prepared by a licensed traffic engineer or certified transportation planner that documents that the circulation impact no longer exists.	Less than Significant
4.C-4: The proposed project could potentially result in inadequate emergency access. (Less than Significant)	None required.	Less than Significant
4.C-5: The proposed project could potentially conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Less than Significant)	None required.	Less than Significant
4.C-6: The project would contribute to cumulative increases in traffic at local intersections in the project area in 2035. (Less than Significant)	None required.	Less than Significant
D. Hazards and Hazardous Materials		
4.D-1: Construction of the proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, such as contaminated subsurface soil. (Significant)	**4.D-1a:** Prior to issuance of building permit, the project applicant shall notify the San Francisco Regional Water Quality Control Board (RWQCB) of planned construction activities. The applicant shall retain a qualified environmental consultant to prepare a *Soil Management Plan* to protect site workers and the environment. The Soil Management Plan should include pre-construction and pre-development controls, construction controls, and post construction controls along with any modifications or requests made by the RWQCB or DTSC (overseeing agency) into project specifications. Construction controls shall include the preparation of a health and safety plan along with the requirement that all workers including subcontractors have OSHA 40-hour health and safety training. The health and safety plan shall include at a minimum, a summary of the known contaminants at the site, a copy of the Material Data Safety Sheets for each contaminant, a description of required personal protective equipment to be worn by site workers, protocol for the discovery of any suspected contaminated materials during excavation, a map of the nearest emergency medical facility, and emergency contact information.	Less than Significant

TABLE 2-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation
D. Hazards and Hazardous Materials (cont.)		
4.D-1 (cont.)	**Measure 4.D-1b:** During construction and grading activities, the project applicant shall adequately profile any excavated soils to establish the proper classification of the soils for either hazardous or non-hazardous waste disposal. The soils shall be handled, stored and transported according to all applicable regulations for the appropriate classification. Sampling and analysis of soils shall be accomplished in accordance with the requirements of the disposal facility. Any reuse of soils shall be conducted only with prior approval from the appropriate oversight agency which could include either the RWQCB or the DTSC.	
4.D-2: Construction of the proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions of hazardous materials used during construction. (Significant)	**4.D-2:** Hazardous materials and spill prevention measures shall be incorporated into the SWPPP for project construction. This portion of the plan shall include, but is not limited to: (1) measures for containing hazardous materials such as fuels according to manufacturers' recommendations that include storage in fire proof containers and visible labeling with hazard placards; (2) protocol for accidental fuel spills including the storage and use of absorbent materials and notification requirements; (3) the designation of a controlled area for all refueling and/or maintenance of heavy equipment; (4) a requirement for maintaining absorbent materials at locations where hazardous materials are used or stored to capture spilled materials in the event of an accidental release; and (5) An emergency response plan including training requirements, emergency contact numbers, and routes to nearest medical emergency facility, for all jobsite employees.	Less than Significant
4.D-3: The operation of the proposed project would not create a significant hazard to the public or the environment through a reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. (Less than Significant)	None required.	Less than Significant
4.D-4: The proposed project would result in safety hazards for people residing or working at the project site due to the proximity to the Oakland Airport. (Less than Significant)	None required.	Less than Significant
4.D-5: The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Less than Significant)	None required.	Less than Significant
4.D-6: Development proposed as part of the project, when combined with past, present and other foreseeable development in the vicinity, would not result in cumulative hazardous materials impacts. (Less than Significant)	None required.	Less than Significant

CHAPTER 3
Project Description

A. Project Background

The project sponsor, Monarch Equity Investments, Inc., proposes to construct a 140-room hotel intended to serve patrons of Oakland International Airport, located about one mile south of the proposed project. The five-story hotel would occupy an 84,953-square-foot (sq. ft.) (1.95 acres) interior lot set back approximately 270 feet west of Hegenberger Road and approximately 390 feet northeast of Pardee Drive.[1] Vehicular access to the site would be provided by recorded driveway easements from both Hegenberger Road and Pardee Drive.

The proposed building would have a footprint of 19,380 sq. ft. and would provide a total building area of 95,927 sq. ft. Based on the total area of the site the building would have a floor area ratio (FAR) of 1.13. In addition to 140 guest rooms, the hotel would include a 1,928 sq. ft. meeting room with a capacity of 80 seats, a restaurant, a bar/lounge, a small gym with exercise equipment, a pool, and an outdoor patio. The building would also provide an employee break room, laundry, food preparation area, offices, miscellaneous work areas, electrical and mechanical rooms, and various storage rooms.

B. Project Objectives

CEQA *Guidelines* Section 15124(b) requires that the Project Description of an EIR include a statement of objectives for the proposed project. The project applicant, Monarch Equity Investment, Inc, seeks to develop a hotel and guest suites at Oakland Airport Business Park, 195 Hegenberger Road, Oakland. The project applicant's objectives for the project are to:

- Develop an Oakland Airport Business Park hotel that will attract regional, national, and international visitors.
- Increase visitor-serving facilities along the Oakland Airport-Hegenberger Road corridor.
- Promote economic growth by creating new employment opportunities within the City.
- Complement the existing land uses in that vicinity of Hegenberger Road which has developed into an area with retail, recreation and visitor-serving uses.
- Further the goals and policies of the General Plan.

[1] Note that the flag-shaped lot has a northeast-southwest orientation. Directional information presented in this report is based on the absolute direction.

- Encourage and provide economic development stimulus and redevelopment efforts along Hegenberger Road and its vicinity.
- Create additional income to the General Funds of the City by generating increased property tax, Transient Occupancy Tax and sales tax.

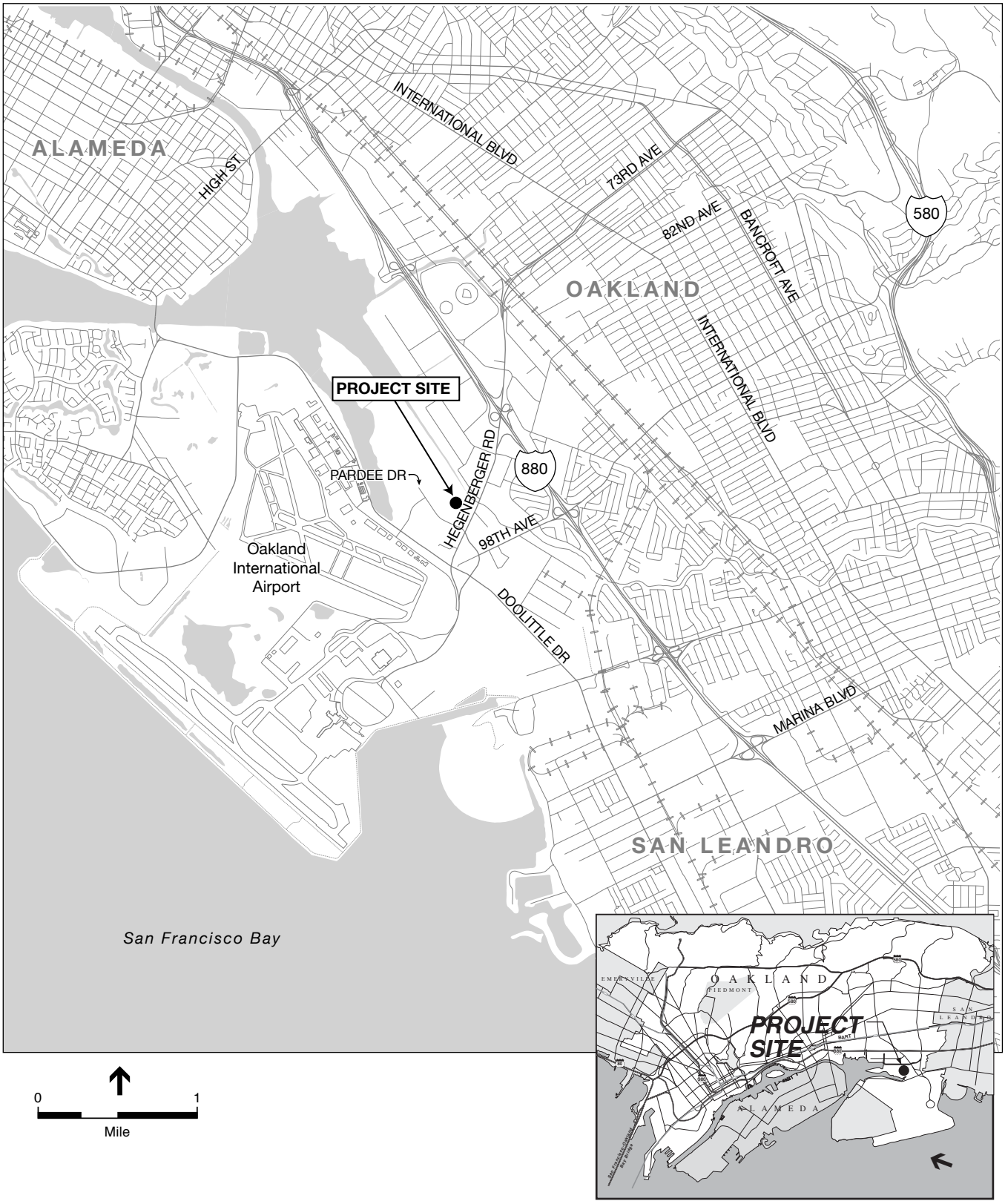
C. Project Location and Setting

The project site is located in the southwestern portion of the City of Oakland, in the vicinity of Oakland International Airport and Interstate 880 (I-880). The address of the proposed project at 195 Hegenberger Road, which is on an interior parcel (Assessor's Parcel No. 042-4420-014) set back approximately 270 feet west of Hegenberger Road and approximately 390 feet north of Pardee Drive.

The project site is about one-half mile east of Bay Farm Island, which hosts Oakland International Airport. As shown on **Figure 3-1**, the project site is about one mile north of the airport and about 3,400 feet west of I–880, the major north–south regional freeway connecting cities located on the eastern shore of San Francisco Bay. San Leandro Bay is located 1.5 miles northeast of the project and the island City of Alameda is 2.2 miles to the northeast. A manmade channel that is the terminus to San Leandro Creek prior to its discharge into San Leandro Bay runs in a northwesterly direction about 400 feet north of the site. A paved recreation trail runs along the edge of the channel and into the Martin Luther King Jr. Regional Shoreline Arrowhead Marsh (MLK Park), owned and operated by the East Bay Regional Park District (EBRPD). The trail is part of the San Francisco Bay Trail, a planned 500–mile recreational trail network ringing the Bay, approximately 330 miles of which have been completed.

The site is located within the "Port Area" of the City of Oakland, and within the Oakland Airport Business Park, established by Port Ordinance No. 2832 by the Board of Port Commissioners on September 6, 1998. It is also within the Coliseum/Hegenberger Planning District of the Coliseum Area Redevelopment Project Area established by the City of Oakland in 1995, and expanded to a total of 6,764 acres in 1997.

Primary access to the site would be via Hegenberger Road, which is a major arterial providing connection between I–880 and Oakland International Airport. Hegenberger Road is lined with a variety of commercial uses, many of which provide direct and indirect support to the airport, such as hotels, restaurants, and private offsite airport parking lots with shuttle service to the airport. A number of office buildings, up to eight stories in height, also line Hegenberger Road. Secondary access to the site would be via Pardee Drive, which provides access to distribution, warehouse, and light industrial land uses.



SOURCE: ESA

195 Hegenberger Road . 130713

Figure 3-1
Project Location

The project site is an interior flag-shaped lot located approximately 270 feet west of Hegenberger Road and approximately 390 feet north of Pardee Drive. The vacant lot is level, at a uniform elevation of 7 feet above mean sea level. The surface of the site is covered with weeds interspersed with patches of exposed soil. A 6-foot–high chain link fence surrounds the main portion of the site. The "flagpole" section of the site, which would provide vehicular access to the site from Pardee Drive, is currently used as a driveway and would provide a row of parking spaces for the proposed project. Standpipes, apparently demarking groundwater monitoring wells, are located in the southwest and northeast corners of the site. There are no other improvements on the site. Existing views of the site are depicted on **Figure 3-2**.

Existing commercial development surrounds the project site. Immediately to the east, fronting on Hegenberger Road, is a Harley Davidson motorcycle sales and service facility. Existing parking along the north side of this building, which is located on the proposed project site, would be shared with the proposed project. Offices and parking for Northern California Carpenters is located immediately north and northeast of the project site. Just north of this building is the San Leandro Creek and recreation trail. Adjacent to the west of the project site, accessed via Pardee Drive, is the Comcast Customer Service Center, including an office building and a parking lot for company service vans, shown on Figure 3-2. West of this facility is the UPS Distribution Center. At the western terminus of Pardee Drive are three freight/warehouse facilities, with MLK Park located beyond, about 1,900 feet northwest of the project.

Immediately to the south of the project is a large fenced parking lot for Francesco's Restaurant, which is at the northwest corner of Pardee Drive and Hegenberger Road. The south side of Pardee Drive is lined with a variety of uses, including offices for the International Longshore and Warehouse Union Local 6, Oakland Fire Department Engine No. 27, U.S. Postal Service Airport Station, and FedEx Worldwide Service Center.

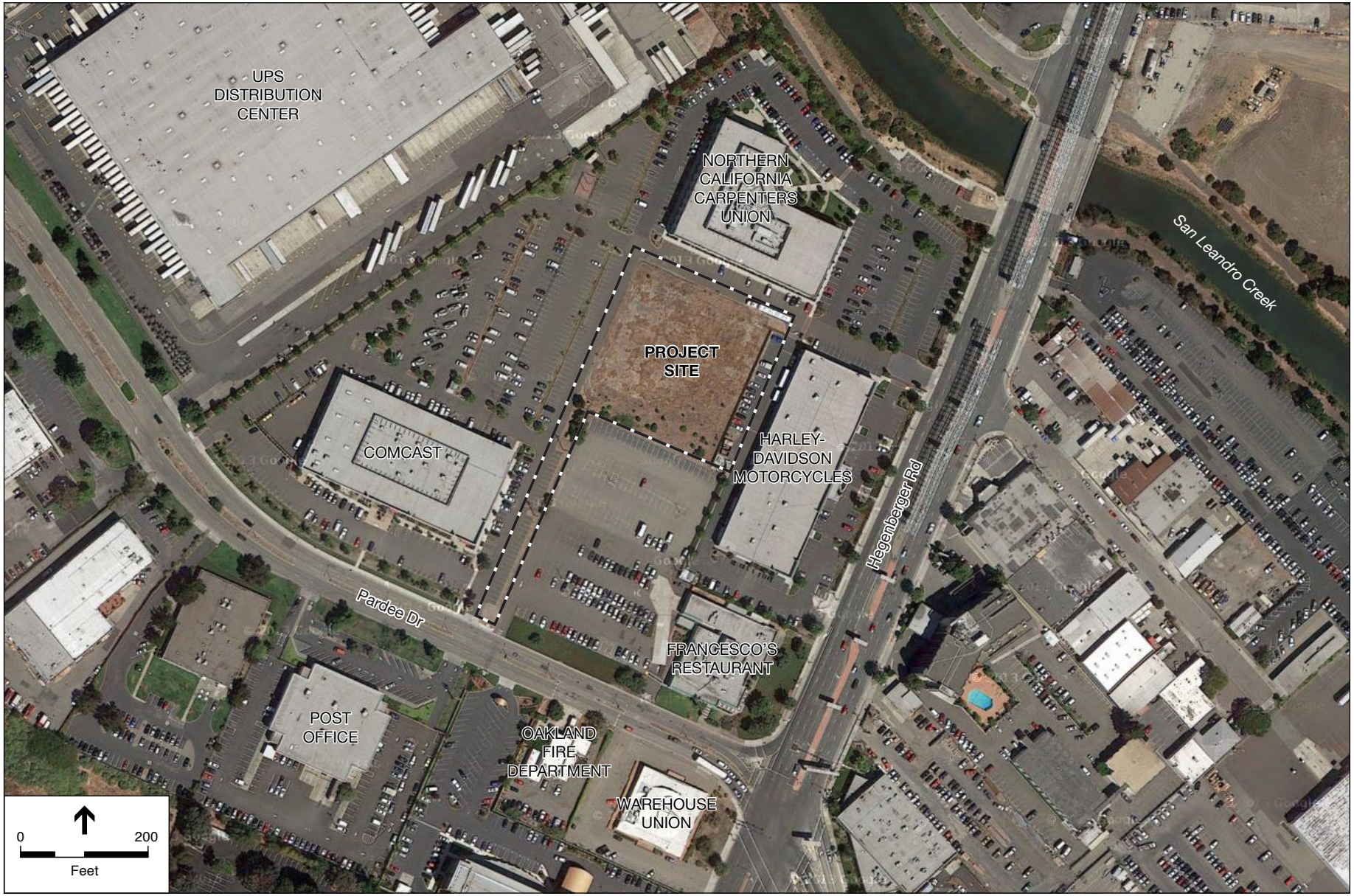
The east side of Hegenberger Road in the vicinity of the project is developed with a six-story Red Lion Hotel, a tire sales and service center, and a sports bar with various light industrial uses lining Hegenberger Place. South of Pardee Drive, Hegenberger Road is lined with a four-story Holiday Inn & Suites, Hilton Hotel, Econolodge Inn & Suites, and a Speed Oil Change business. A variety of private airport parking facilities are located within a half-mile radius of the project site.

D. Project Characteristics

The project sponsor proposes to construct a five-story, 140-room hotel on an approximately 1.95 acre (84,953 sq. ft.) parcel at 195 Hegenberger Road. The proposed hotel would be a free-standing 65-foot tall structure and would include parking for 141 vehicles (**Figure 3-3**).

The proposed hotel would provide 62 king rooms, 70 double king rooms and 8 accessible rooms;[2] 12 rooms would contain provisions for the hearing impaired. The main floor would have 16 guest rooms and the second through fifth floors would each contain 31 rooms each.

[2] Accessible rooms would comply with the Americans with Disabilities Act (ADA).

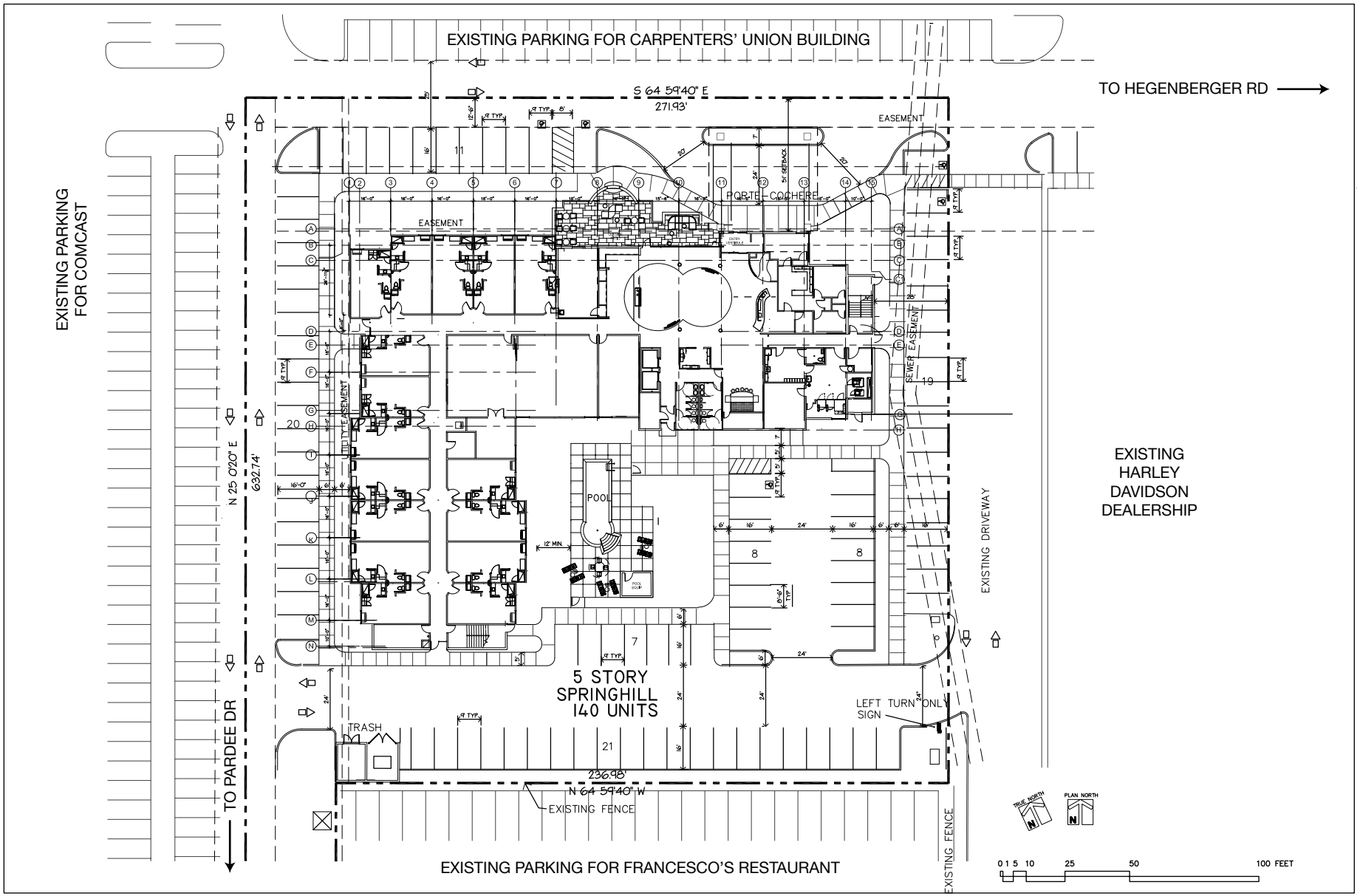


SOURCE: ESA

195 Hegenberger Road . 130713

Figure 3-2

Aerial View of Project Site



SOURCE: Lee Gage & Associates, Inc.

195 Hegenberger Road . 130713

Figure 3-3

Project Site Plan

The ground floor of the hotel would include a public lobby, 16 guest rooms, an 80-seat meeting room (1,938 sq. ft.), a lounge and bar, restaurant and buffet area, exercise room, an outdoor swimming pool, and an outside patio. The building would also provide an employee break room, laundry, food preparation area, offices, miscellaneous work areas, electrical and mechanical rooms, and various storage rooms. Access to the upper stories would be provided by two centrally–located elevators and stairways at the east and south ends of the L–shaped building.

Rendering of the proposed hotel.

The exterior architecture would have a contemporary design with a 160 sq. ft. distinctive illuminated SpringHill Suites Marriott logo sign distinguishing the front entrance and an identical illuminated sign mounted on the south side. Two smaller illuminated mounted signs would also be located on the east and southwest sides of the building, where they would be generally visible from Hegenberger Road and Pardee Drive over the top of the intervening building. Additional signage includes one 15-foot high pole sign located at Hegenberger Road, and two 7-foot high monument signs, one on Hegenberger Road at the access point from Hegenberger Road to the hotel driveway and one at Pardee Drive bringing the total sign area to 590 square feet. A variance is required from the Port of Oakland's Land Use and Development Code on standards for Business, Directional, Realty, and Special signs. Under this code, free-standing (i.e., pole) signs are limited to 10 feet, wall mounted signs are limited to two building frontages only, and total sign area is limited to 200 sq. ft. The Notice of Decision for Approval of Variance from the Sign Standards is attached in Appendix C.

One tree would be removed at the location of the pole sign off of Hegenberger Road and replanted with annuals. The building would be finished with stucco and decorative plastering and simulated brick/stone at lower level. The windows will be vinyl, dual glazed glass. The stucco and plastering would be dark earth-tone with articulations of the building in a lighter color to break-up the mass of the building.

Circulation and Parking

Parking would be located on all four sides of the building. A total of 141 off-street parking spaces would be provided, including 89 full–size spaces, 34 compact spaces, 5 handicap spaces, and 13 reciprocal spaces adjacent to the driveway easement from Hegenberger Road, to be shared with the business located immediately east of the project site. A porte-cochere[3] would cover the

[3] A covered main entrance to the building for vehicles to pass through.

primary building entrance on the north side of the building. An enclosed trash and recyclables collection area would be located in the southeast corner of the site. Vehicular access to the proposed hotel from Hegenberger Road and Pardee Drive would be via access easements shared between the project site and neighboring parcels.

Landscaping

A Landscape Plan has been developed for the project site that would introduce approximately 91 trees to the site and numerous shrubs, vines and ground cover (**Figure 3-4**). This vegetation would be installed along the perimeter of the parking spaces and around the perimeter of the hotel building. Bio-filtration swales would be constructed at the corners of the hotel building as well. The Landscaping Plan would be subject to review and approval by the Port's Design Review Committee.

Lighting

A lighting plan was prepared in compliance with the Port's Exterior Lighting Policy (2003). The plan features 18 20-foot pole light fixtures around the perimeter of the building, and nine pathway bollard lights around the pool courtyard and entrance area. Additional exterior fixtures would be attached to the sides of the building. Light spill from these fixtures would remain within the hotel boundary.

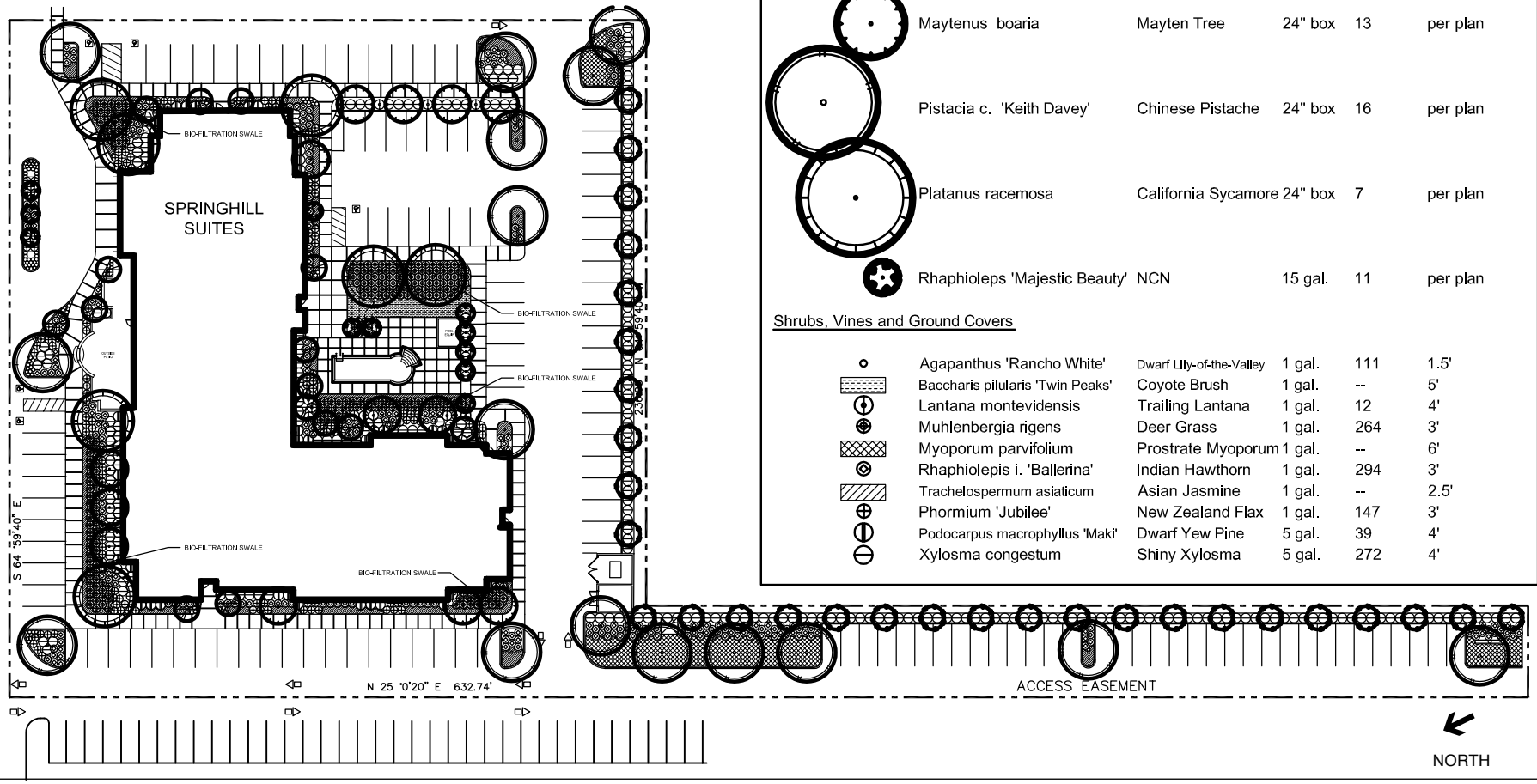
Project Operation

The project would include secure enclosed structures to house recycling and trash containers. The project site would be regularly monitored by hotel landscape/maintenance staff to ensure that trash would not collect outside the refuse structures. During construction and operation, trash and other waste would be regularly collected and properly disposed or recycled by a certified waste management company. During hotel operations, hotel management would contract with a local waste management company to provide collection services.

East Bay Municipal Utility District (EBMUD) water is available to the project using existing waterlines. The project would connect to an existing sewer main on site. Drainage would be provided by biofiltration located at the corners of the hotel building, pervious pavers and flow-through planters. Stormwater would flow through these filtration systems before it is channeled to the site drainage system. These utilities would reach the site via existing easements on neighboring parcels.

Project Schedule and Construction

Construction is expected to commence in the Fall of 2014 and last for 15 months. Construction activities would comply with the City of Oakland standards and occur Monday-Saturday from 7:00 a.m. to 6:00 p.m. The number of construction workers would be approximately 10-25 workers per day during non-peak construction and 25-40 workers per day during peak



Planting Legend:

Symbol	Latin Name	Common Name	Size	Quan.	Spacing
Trees					
	Acer palmatum 'Bloodgood'	Red Japanese Maple	24" box	15	per plan
	Geijera parvifolia	Australian Willow	24" box	29	per plan
	Maytenus boaria	Mayten Tree	24" box	13	per plan
	Pistacia c. 'Keith Davey'	Chinese Pistache	24" box	16	per plan
	Platanus racemosa	California Sycamore	24" box	7	per plan
	Rhaphioleps 'Majestic Beauty'	NCN	15 gal.	11	per plan
Shrubs, Vines and Ground Covers					
	Agapanthus 'Rancho White'	Dwarf Lily-of-the-Valley	1 gal.	111	1.5'
	Baccharis pilularis 'Twin Peaks'	Coyote Brush	1 gal.	--	5'
	Lantana montevidensis	Trailing Lantana	1 gal.	12	4'
	Muhlenbergia rigens	Deer Grass	1 gal.	264	3'
	Myoporum parvifolium	Prostrate Myoporum	1 gal.	--	6'
	Rhaphiolepis i. 'Ballerina'	Indian Hawthorn	1 gal.	294	3'
	Trachelospermum asiaticum	Asian Jasmine	1 gal.	--	2.5'
	Phormium 'Jubilee'	New Zealand Flax	1 gal.	147	3'
	Podocarpus macrophyllus 'Maki'	Dwarf Yew Pine	5 gal.	39	4'
	Xylosma congestum	Shiny Xylosma	5 gal.	272	4'

SOURCE: Linda Fish Landscape Architect

195 Hegenberger Road . 130713

Figure 3-4
Landscape Plan

construction. No construction activities will be allowed on weekends until after the building is enclosed, without prior authorization of the Port of Oakland, and no extreme noise generating activities shall be allowed on weekends and holidays.

Construction activities for the project would include soil excavation, trenching, and compaction. No soil would be imported or exported from the site and all excavated material would be utilized on site. Construction vehicles and equipment required include a concrete truck, material and supplies delivery trucks and trailers, boom vehicles, and forklifts. The project would not require pile driving. The construction staging area would be on-site.

Vehicular trips would be generated by an estimated maximum of 40 construction employees on the site at any one time. Parking for construction workers would be located onsite; there would be no staging of vehicles or equipment on or along existing roadways.

As described above, the work day for construction workers would typically commence at or prior to 7:00 a.m. and would end at 6:00 p.m.; therefore, construction employee-generated trips would not have a significant effect on the traffic operations on the roadway during typical peak commute hours (7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m.). There would likely be multiple destination for off-haul materials and origins for on-haul materials. Construction workers would also be arriving from different directions. Travel routes for workers, spoils export and material import would be determined in consultation with the City and scheduled to avoid peak traffic periods.

E. Project Approvals

The proposed project would require the certification of this Focused EIR, approval of the project, design review, and other permits from the Port of Oakland.

The project site is located in the Port of Oakland's Oakland Airport Business Park, thus the proposed project would be required to comply the Port of Oakland's Land Use and Development Code (Code) for the Oakland Airport Business Park. The Code regulates the construction, alteration, and operation of buildings and structures in the area designated as the Oakland Airport Business Park (Port of Oakland, 2011). This document was prepared in compliance with this Code.

The project would not be required to comply with the zoning and related regulations of the City of Oakland's Municipal Code because it is within the Port Area and no City Planning Commission or Design Review approval is necessary.

Other approvals may be required from the following agencies:

- Alameda County Airport Land Use Commission
- Federal Aviation Administration (FAA)
- City of Oakland Building Services Division, Planning and Building Department
- State Water Resources Control Board
- Department of Toxics Substance Control

References

Port of Oakland, 2011. *Land Use and Development Code for the Oakland Airport Business Park*, June 2011.

CHAPTER 4
Environmental Setting, Impacts, and Mitigation Measures

This chapter contains the analysis of the potential effects to environmental topics considered under CEQA from construction and operation of a hotel at 195 Hegenberger Road. This chapter describes the existing setting for each topic, the potential impacts that could result from the hotel development and relevant plans and policies that would minimize or avoid potential adverse environmental effects that could result. Finally, this chapter identifies mitigation measures necessary to reduce the potential impacts resulting from hotel development.

The following provides an overview of the scope of the analysis included in this chapter, organization of the sections, the methods for determining what impacts are significant.

Environmental Topics

This document is a Focused EIR, which only evaluates potential impacts on a limited number of environmental issue areas that the Lead Agency determined to be significant (CEQA *Guidelines* Section 15063(c)(3)). After preparation of the Initial Study Checklist (see Appendix A), the Port of Oakland determined that the EIR would focus on the potentially significant impacts of the proposed project on: Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Transportation and Circulation.

Format of Environmental Topic Sections, Impact Statements, and Mitigation Measures

Each environmental topic section generally includes two main subsections:

- *Existing Setting*, which includes baseline conditions, regulatory setting, Thresholds/Criteria of Significance; and
- *Impacts and Mitigation Measures*, which identifies and discusses the potential impact and mitigation measures that would, to the extent possible, reduce or eliminate adverse impacts identified in this chapter.

This EIR identifies all impacts with an alpha-numeric designation that corresponds to the environmental topic addressed in each section (e.g., “4.C” for Section 4.C, *Transportation and Circulation*). The topic designator is followed by a number that indicates the sequence in which the impact

statement occurs within the section. For example, "Impact 4.C-1" is the first transportation resource impact identified in the EIR. All impact statements are presented in **boldface** text.

The Impact Classification (discussed below) of the project's effects prior to implementation of mitigation measures is stated in parentheses immediately following the impact statement.

Similarly, each mitigation measure is numbered to correspond with the impact that it addresses. Where multiple mitigation measures address a single impact, each mitigation measure is numbered sequentially. For example "Mitigation Measure 4.C-1" is the first mitigation identified to address the first transportation resource impact (i.e., "4.C-1"). All mitigation measure statements are presented in bold text.

Thresholds/Criteria of Significance

The CEQA *Guidelines* Section 15382 defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." Determinations of significance vary with the physical conditions affected and the setting in which the change occurs. The significance criteria used in this EIR are the thresholds for determining significance of potential impacts and are based on Appendix G of the CEQA *Guidelines*.

Impact Classifications

The following level of significance classifications are used throughout the impact analysis in this EIR:

- **Less than Significant (LS) –** The impacts of the proposed project, either before or after implementation of standard conditions of approval and/or feasible mitigation measures, do not reach or exceed the defined Threshold/Criteria of Significance. Generally, no mitigation measure is required for a LS impact.

- **Significant (S)** – The impact of the proposed project is expected to reach or exceed the defined Threshold/Criteria of Significance. Feasible mitigation measures and/or standard conditions of approval may or may not be identified to reduce the significant impact to a less than significant level.

- **Significant Unavoidable (SU)** – The impact of the proposed project reaches or exceeds the defined Threshold/Criteria of Significance. No feasible mitigation measure is available to reduce the S impact to LS. In these cases, feasible mitigation measures are identified to reduce the S impact to the maximum feasible extent, and the significant impact is considered SU. Impacts are also classified as SU if a feasible mitigation measure is identified that would reduce the impact to LS, but the approval and/or implementation of the mitigation measure is not within the Port of Oakland' or a project applicant's sole control, in which case the analysis cannot presume implementation of the mitigation measure and the resulting LS

impact. It is important to clarify that SU is an impact classification that only applies *after* consideration of possible mitigation measures.

- **No Impact (N)** – No noticeable adverse effect on the environmental would occur.

Environmental Baseline

Overall, pursuant to CEQA *Guidelines* Section15125(a), this EIR measures the physical impacts of the proposed project (i.e., the development on the potential sites for rezoning) against a "baseline," or setting, of physical environmental conditions at and in the vicinity of city and the potential sites for rezoning. The environmental baseline is the combined circumstances existing around the time the NOP of the EIR was published, which is March 2014.[1] In most cases, the baseline condition relevant to the environmental topic being analyzed is described within each environmental topic section in this chapter. In some cases (such as Section 4.A, *Air Quality*), discussion of the baseline condition is detailed or restated in the Impacts Analysis to provide the impact analysis in the most reader-friendly format and organization. The baseline also includes the policy and planning context in which development facilitated by the proposed project is proposed, such as the existing design review policies and procedures that currently govern proposed development.

Cumulative Analysis

Approach to the Cumulative Analysis

CEQA defines cumulative as "two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impact." CEQA *Guidelines* Section 15130 requires that an EIR evaluate potential environmental impacts when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, present, existing, approved, pending and reasonably foreseeable future projects. These impacts can result from a combination of the proposed project together with other projects causing related impacts. "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects" (CEQA *Guidelines* Section13555(b)). The Port of Oakland's analysis approach specifies "past, present, existing, approved, pending and reasonably foreseeable future projects."

Cumulative Context

The context used for assessing cumulative impacts typically varies depending on the specific topic being analyzed to reflect the different geographic scope of different impact areas. For example, in assessing air quality impacts, all development within the air basin contributes to regional

[1] Except as specified otherwise, any reference to "existing" conditions throughout this EIR refers to the baseline condition as of generally March 2014.

emissions of criteria pollutants, and basin-wide projections of emissions is the best tool for determining the cumulative effect. The cumulative development analysis is intended to capture all of the intersections considered in the traffic analysis for the proposed project. Accordingly, the geographic setting and other parameters of each cumulative analysis discussion can vary and are described under their respective cumulative analysis impact in Chapter 4.

Generally, cumulative development beyond the project area could potentially result in an incremental impact when added to the proposed project. Therefore, the list of known development projects within the Port of Oakland and the project vicinity was used to identify past, present, existing, approved, pending and reasonably foreseeable future projects. As discussed above, cumulative projects considered in the cumulative context can vary by environmental topic; therefore, some of the list above may not be directly relevant to the cumulative context, depending on the environmental topic.

In some cases, the cumulative context may include more development than the specific known projects. A primary example is the transportation analyses (and transportation-related traffic and air quality), which uses a growth rate to account for background traffic from projects citywide and the broader regional context.

The cumulative discussions in each topical section throughout this chapter describe the cumulative geographic context considered for each topic at a level appropriate to the analysis presented in this EIR.

The proposed project is located within the Port Area of the City of Oakland, and within the Oakland Airport Business Park. A distribution storage facility that would consist of a 374,725-square-foot facility is under construction at 8350 Pardee Drive (0.4 miles from the project site). The Oakland Coliseum Area Specific Plan proposes a build-out of up to three new sports venues totaling nearly 1.7 million square feet of building space or 131,000 seats; just over 14 million square feet of Science & Technology, office, light industrial, logistics and retail space; and 6,370 residential units for an increase of approximately 8.3 million square feet of new building space within the Plan area.

Based on information provided by the Port of Oakland, **Table 4-1** presents other projects at the Oakland International Airport land and vicinity.

TABLE 4-1
APPROVED AND FUTURE PROJECTS

Project Name	Description
Present Projects	
New FAA Air Traffic Control Tower (ATCT) Lighting	Installation of additional lighting on the airfield and around the ATCT.
Oakland International Airport Terminal Improvements	Renovation and retrofits of Terminal 1, including a utility plant; upgrade security systems; and replacing Terminal 2 roof (Building M130).
Oakland International Airport Runway Safety Area (RSA) Improvement Project	Runway shifts, resurfacing, and other improvements for the four Airport runways. This project would not change operations or increase aircraft activity at the airport.
BART Airport Connector	Construction of a link from OAK via an automated guide way transit system from the Coliseum BART Station to a new BART station at the Airport. The 3.2-mile elevated connector is located primarily within the median of Hegenberger Road from the Coliseum BART Station to Doolittle Drive, and on Airport property. The automated guide way transit will be operated in its own exclusive right-of-way. This project is currently under construction.
Rolls-Royce Engine Services – Oakland Inc. Test Cell Upgrade Project	Modification to the internal conditions of the Test Cell Facility to include the conversion of the indoor propeller test stand, Test Cell #1, into a dynamometer test stand configuration.
Federal Express	Construction of a new 200,000-square-foot International Sort Building for handling cargo, and a 4,000-square-foot building for security administrative purposes; minor interior renovations to the existing international and Metroplex buildings; expansion of the GSE maintenance facility; and relocation of the loading docks and container decks. Installation of a fuel cell power generation facility (converts natural gas to electricity).
Future Projects	
Pump House 6 Replacement	Reconstruction of Pump House 6 within the same forebay and outfall location.
Demolition of South Field ATCT	Demolition of floors 3 through 10 (which extend above Terminal 1).
Ron Cowan Parkway Class I Bike Path	Extension of a Class 1 bike trail along the south side of Ron Cowan Parkway, connecting Air Cargo Road to Harbor Bay Parkway.
Utility Program Upgrade	Replacement of critical and deteriorating utility infrastructure, a Terminal 1 substation, and a sanitary sewer along Airport Drive.
South and North Field Runway, Apron and Taxiway Improvements	Overlay of Taxiway S and B, and Runway 12-30 on the South Field, and the overlay of Runway 15/33, and apron improvements at Hangars 3, 4,5, 6 and L-118, and Taxiway Q.

A. Air Quality

Introduction

This section addresses the impacts of the proposed hotel on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthful pollutant concentrations, including the type and quantity of emissions that would be generated by construction and occupancy of the hotel. The analysis of emissions focuses on whether the proposed project would cause an exceedance of a State or national ambient air quality standard, a health based standard for exposure to toxic air contaminants, or a CEQA threshold proposed by the Bay Area Air Quality Management District (BAAQMD).

Environmental Setting

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features that influence pollutant movement and dispersal. Atmospheric conditions such as wind speed, wind direction, atmospheric stability, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants, and consequently affect air quality.

Physical Setting

Climate and Meteorology

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The project area is located in the City of Oakland and is within the boundaries of the San Francisco Bay Area Air Basin (Bay Area). The Bay Area Air Basin encompasses the nine-county region including all of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin and Napa counties, and the southern portions of Solano and Sonoma counties. The climate of the Bay Area is determined largely by a high-pressure system that is almost always present over the eastern Pacific Ocean off the West Coast of North America. During winter, the Pacific high-pressure system shifts southward, allowing more storms to pass through the region. During summer and early fall, when few storms pass through the region, emissions generated within the Bay Area can combine with abundant sunshine under the restraining influences of topography and subsidence inversions to create conditions that are conducive to the formation of photochemical pollutants, such as ozone and secondary particulates, such as nitrates and sulfates.

More specifically, the project site lies approximately two miles east of San Francisco Bay in the Northern Alameda and Western Contra Costa Counties climatological subregion. This subregion extends from Richmond to San Leandro with San Francisco Bay as its western boundary, and its eastern boundary defined by the Oakland-Berkeley Hills. In this area, marine air traveling through the Golden Gate, as well as across San Francisco and the San Bruno Gap (a gap in the Coastal Range between the ocean and the San Francisco Airport), is a dominant weather factor. The Oakland-Berkeley Hills cause the westerly flow of air to split off to the north and south of Oakland,

which causes diminished wind speeds. The air pollution potential in this subregion is relatively low for portions close to the Bay, due to the largely good ventilation and less influx of pollutants from upwind sources (Bay Area Air Quality Management District [BAAQMD], 2012a).

Wind measurements taken at Oakland International Airport indicate that the predominant wind flow is out of the west-northwest. Northwest winds occur approximately 46 percent of the time. Average wind speeds vary from season to season with the strongest average winds occurring during summer and the lightest average winds during winter. Average wind speeds are 9.7 miles per hour (mph) during summer and 7.4 mph during winter. Temperatures in Oakland average 58 ^{o}F annually, ranging from an average of 40°F on winter mornings to an average of mid-70s in the late summer afternoons. Daily and seasonal oscillations of temperature are small because of the moderating effects of the nearby ocean. In contrast to the steady temperature regime, rainfall is highly variable and confined almost exclusively to the "rainy" period from early November to mid-April. Oakland averages 18 inches of precipitation annually, but because much of the area's rainfall is derived from the fringes of mid-latitude storms, a shift in the annual storm track of a few hundred miles can mean the difference between a very wet year and near drought conditions.

Existing Air Quality

The BAAQMD operates a regional monitoring network that measures the ambient concentrations of the six criteria air pollutants. Existing and probable future levels of air quality in Oakland can generally be inferred from ambient air quality measurements conducted by the BAAQMD at its nearby monitoring stations. The monitoring stations closest to the project site are the International Boulevard and West Oakland stations in Oakland, approximately 1.8 mile east and 7.3 miles northwest from the project site, respectively. The West Oakland station began monitoring sulfur dioxide (SO_2) in 2009. All other pollutant data are from the International Boulevard station which is closer to the project site.

Since the major pollutants of concern in the San Francisco Bay Area are O_3 and PM, **Table 4.A-1** shows a four-year summary of monitoring data (2009 through 2012) for these pollutants from the International Boulevard station. Due to the proximity of the project site to the stations in Oakland, air quality measurements gathered in Oakland are understood to be generally representative of conditions within the project area. Table 4.A-1 also compares measured pollutant concentrations with State and national ambient air quality standards (see Regulatory Setting below).

Criteria Air Pollutants

Ozone (O_3)

Short-term exposure to ozone can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, ozone can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema. Ozone is not emitted directly into the atmosphere, but is a secondary air pollutant produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and nitrogen oxides (NO_X). ROG and NO_X are known as precursor compounds for ozone. Significant ozone production generally requires ozone precursors

TABLE 4.A-1
AIR QUALITY DATA SUMMARY (2008-2011) FOR THE PROJECT AREA[a]

Pollutant	State Standard[b]	National Standard[b]	Monitoring Data by Year			
			2009	2010	2011	2012
Ozone hourly						
Highest 1-hour average, ppm[c]	0.09	NA	0.092	0.097	0.091	0.072
Days over State Standard			0[f]	0	0	0
Ozone 8-hour						
Highest 8-hour average, ppm[c]	0.07	0.075	0.062	0.058	0.051	0.045
Days over National Standard			0	0	0	0
Days over State Standard			0	0	0	0
Carbon Monoxide (CO) 8-hour						
Highest 8-hour average, ppm[c]	9.0	9	2.0	1.6	1.5	1.6
Days over National Standard			0	0	0	0
Days over State Standard			0	0	0	0
Nitrogen Dioxide (NO_2)						
Highest 1-hour concentration, ppm[c]	0.18	0.10	0.062	0.064	0.056	0.065
Days over National Standard			0	0	0	0
Days over State Standard			0	0	0	0
Sulfur Dioxide (SO_2)						
Highest 24-hourconcentration, ppm[c]	0.04	0.14	0.005	0.004	0.003	0.008
Days over National Standard			0	0	0	0
Days over State Standard			0	0	0	0
$PM_{2.5}$						
Highest 24-hour average, µg/m3[c]	NA	35	36.3	25.2	49.3	33.6
Estimated days over National Standard[d]			1	0	3	0

a All data are from the BAAQMD's International Boulevard station in Oakland, approximately 1.8 mile east from the Project Area except for SO_2 data which is from the BAAQMD's West Oakland station at 1100 21st Street in Oakland, approximately 7.3 mile northwest of the Project Area.
b Generally, State standards and national standards are not to be exceeded more than once per year.
c ppm = parts per million; µg/m3 = micrograms per cubic meter.
d Exceedance based on the previous National Standard of 65µg/m3.
e The CARB states that an exceedance is not necessarily a violation.
f A violation occurs only if the standard is exceeded. Because 0.092 rounds to 0.09, it is not considered a violation. A recorded concentration of 0.095 or greater would constitute a violation of the State standard.

NA = Not Available or Not Applicable.

SOURCE: BAAQMD, CARB, 2013.

to be present in a stable atmosphere with strong sunlight for approximately three hours. Ozone is a regional air pollutant because it is not emitted directly by sources, but is formed downwind of sources of ROG and NO_X under the influence of wind and sunlight. Ozone concentrations tend to be higher in the late spring, summer, and fall, when the long sunny days combine with regional subsidence inversions to create conditions conducive to the formation and accumulation of secondary photochemical compounds, like ozone.

Carbon Monoxide (CO)

Ambient carbon monoxide concentrations normally are considered a local effect and typically correspond closely to the spatial and temporal distributions of vehicular traffic. Wind speed and atmospheric mixing also influence carbon monoxide concentrations. Under inversion conditions, carbon monoxide concentrations may be distributed more uniformly over an area that may extend some distance from vehicular sources. When inhaled at high concentrations, carbon monoxide combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease, or anemia, as well as for fetuses.

Carbon monoxide concentrations have declined dramatically in California due to existing controls and programs and most areas of the state including the project area region have no problem meeting the carbon monoxide state and federal standards. CO measurements and modeling were important in the early 1980s when CO levels were regularly exceeded throughout California. In more recent years, CO measurements and modeling have not been a priority in most California air districts due to the retirement of older polluting vehicles, fewer emissions from new vehicles, and improvements in fuels. The clear success in reducing CO levels is evident in the first paragraph of the executive summary of the California Air Resources Board (CARB) *2004 Revision to the California State Implementation Plan for Carbon Monoxide Updated Maintenance Plan for Ten Federal Planning Areas* (CARB, 2004), shown below:

> "The dramatic reduction in carbon monoxide (CO) levels across California is one of the biggest success stories in air pollution control. Air Resources Board (ARB or Board) requirements for cleaner vehicles, equipment and fuels have cut peak CO levels in half since 1980, despite growth. All areas of the State designated as non-attainment for the federal 8-hour CO standard in 1991 now attain the standard, including the Los Angeles urbanized area."

Nitrogen Dioxide (NO_2)

NO_2 is a reddish brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO_2. NO_2 may be visible as a coloring component of a brown cloud on high pollution days, especially in conjunction with high ozone levels.

Nitrogen dioxide is an air quality concern because it acts as a respiratory irritant and is a precursor of ozone. Nitrogen dioxide is a major component of the group of gaseous nitrogen compounds commonly referred to as nitrogen oxides (NO_X). Nitrogen oxides are produced by fuel combustion in motor vehicles, industrial stationary sources (such as industrial activities), ships, aircraft, and rail transit. Typically, nitrogen oxides emitted from fuel combustion are in the form of nitric oxide (NO) and nitrogen dioxide (NO_2). NO is often converted to NO_2 when it reacts with ozone or undergoes photochemical reactions in the atmosphere. Therefore, emissions of NO_2 from combustion sources are typically evaluated based on the amount of NO_X emitted from the source.

Sulfur Dioxide (SO_2)

SO_2 is a combustion product of sulfur or sulfur-containing fuels such as coal and diesel. SO_2 is also a precursor to the formation of atmospheric sulfate, particulate matter, and contributes to potential atmospheric sulfuric acid formation that could precipitate downwind as acid rain.

Particulate Matter (PM)

PM_{10} and $PM_{2.5}$ consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively (a micron is one-millionth of a meter). PM_{10} and $PM_{2.5}$ represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Some sources of particulate matter, such as wood burning in fireplaces, demolition, and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. Very small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorides or ammonium) that may be injurious to health. Particulates also can damage materials and reduce visibility. Large dust particles (diameter greater than 10 microns) settle out rapidly and are easily filtered by human breathing passages. This large dust is of more concern as a soiling nuisance rather than a health hazard. The remaining fraction, PM_{10} and $PM_{2.5}$, are a health concern particularly at levels above the federal and state ambient air quality standards. $PM_{2.5}$ (including diesel exhaust particles) is thought to have greater effects on health, because these particles are so small and thus, are able to penetrate to the deepest parts of the lungs. Scientific studies have suggested links between fine particulate matter and numerous health problems including asthma, bronchitis, acute and chronic respiratory symptoms such as shortness of breath and painful breathing. Recent studies have shown an association between morbidity and mortality and daily concentrations of particulate matter in the air. Children are more susceptible to the health risks of PM_{10} and $PM_{2.5}$ because their immune and respiratory systems are still developing.

Mortality studies since the 1990s have shown a statistically significant direct association between mortality (premature deaths) and daily concentrations of particulate matter in the air. Despite important gaps in scientific knowledge and continued reasons for some skepticism, a comprehensive evaluation of the research findings provides persuasive evidence that exposure to fine particulate air pollution has adverse effects on cardiopulmonary health (Dockery and Pope, 2006).

Lead (Pb)

Ambient lead concentrations meet both the federal and state standards in the project area. Lead has a range of adverse neurotoxin health effects, and was formerly released into the atmosphere primarily via leaded gasoline products. The phase-out of leaded gasoline in California resulted in decreasing levels of atmospheric lead. Adoption and development under the proposed project would not introduce any new sources of lead emissions; consequently, lead emissions are not required to be quantified and are not further evaluated in this analysis.

Toxic Air Contaminants (TACs)

Toxic Air Contaminants (TACs) are air pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations. Potential human health effects of TACs include birth defects, neurological damage, cancer, and death. There are hundreds of different types of TACs with varying degrees of toxicity. Individual TACs vary greatly in the health risk they present; at a given level of exposure, one TAC may pose a hazard that is many times greater than another.

TACs do not have ambient air quality standards, but are regulated by the BAAQMD using a risk-based approach. This approach uses a health risk assessment to determine what sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis of exposure to toxic substances in which human health risks from exposure to toxic substances are estimated, based on the potency of the toxic substances.[1]

The BAAQMD provides a publicly available inventory of TAC-related health risks for permitted stationary sources throughout the San Francisco Bay Area Air Basin as well as for freeways. The inventory presents community risk and hazards from screening tools and tables that are intentionally conservative. The screening-level risk factors derived from the BAAQMD's tool are intended to indicate whether additional review related to the impact is necessary and are not intended to be used to assess actual risk for all projects. The BAAQMD's most recently updated (May 2012) Google Earth-based inventory of stationary source risks and hazards indicates three permitted TAC sources within 1,000 feet of the project site. These sources are all gasoline dispensing facilities. Conservatively estimated increased cancer risk values for these sources vary from 10.5 in one million at the shell service station across the street. The UPS facility 300 feet from the project site has no screening risk value and BAAQMD does not have available information for this facility (Kirk, 2014). The third facility is a fuel station at Oakland International Airport and is inaccurately located on the BAAMD's web-based inventory site (Kirk, 2014).

Odorous Emissions

Though offensive odors from stationary sources rarely cause any physical harm, they still remain unpleasant and can lead to public distress generating citizen complaints to local governments. The occurrence and severity of odor impacts depend on the nature, frequency and intensity of the source; wind speed and direction; and the sensitivity of receptors. The CEQA Guidelines recommends that odor impacts be considered for any proposed new odor sources located near existing receptors, as well as any new sensitive receptors located near existing odor sources. Generally, increasing the distance between the receptor and the source would mitigate odor impacts.

The BAAQMD provides examples of odor sources which include wastewater treatments plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries

[1] A health risk assessment is required for permitting approval if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggest a potential public health risk. In these instances, a health risk assessment for the source in question must be prepared. Such an assessment generally evaluates chronic, long-term effects, calculating the increased risk of cancer as a result of exposure to one or more TACs.

and chemical plants. Few odor sources currently exist in the project area, however, most of the project area is within maximum buffer areas delineated in accordance with the BAAQMD factors.

Sensitive Land Uses

Some receptors are considered more sensitive than others to air pollutants. The reasons for greater than average sensitivity include pre-existing health problems, proximity to emissions source, or duration of exposure to air pollutants. Land uses such as schools, children's day care centers, hospitals, and convalescent homes are considered to be more sensitive than the general public to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress and other air quality-related health problems. Persons engaged in strenuous work or exercise also have increased sensitivity to poor air quality. Residential areas are considered more sensitive to air quality conditions than commercial and industrial areas, because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions.

The BAAQMD specifically defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas. The project area consists of a mixture of commercial and office space, as well as distribution warehouses.

The nearest sensitive receptors to the project site are residences along Empire Road in the Columbia Gardens neighborhood approximately 1,500 feet east of the project site.

Regulatory Framework for Air Quality

The United States Environmental Protection Agency (U.S. EPA) is responsible for implementing the programs established under the federal Clean Air Act, such as establishing and reviewing the federal ambient air quality standards and judging the adequacy of State Implementation Plans (SIPs). However, the U.S. EPA has delegated the authority to implement many of the federal programs to the states while retaining an oversight role to ensure that the programs continue to be implemented. In California, CARB is responsible for establishing and reviewing the State ambient air quality standards, developing and managing the California SIP, securing approval of this plan from U.S. EPA, identifying TACs, regulating mobile emissions sources in California, and overseeing the activities of air quality management districts, which are organized at the county or regional level. Air quality management districts, such as the BAAQMD, are primarily responsible for regulating stationary emissions sources at facilities within their geographic areas and for preparing the air quality plans that are required under the federal and State Clean Air Acts.

Federal

The Federal Clean Air Act requires the U.S. EPA to identify National Ambient Air Quality Standards (NAAQS or "national standards") to protect public health and welfare. National standards have been established for O_3, CO, NO_2, sulfur dioxide, respirable particulate matter

(PM_{10} and $PM_{2.5}$), and lead. **Table 4.A-2** shows current national and State ambient air quality standards, as well as the Bay Area attainment status and common sources for each pollutant.

TABLE 4.A-2
AMBIENT AIR QUALITY STANDARDS AND BAY AREA ATTAINMENT STATUS

Pollutant	Averaging Time	State Standard	Bay Area Attainment Status for California Standard	Federal Primary Standard	Bay Area Attainment Status for Federal Standard	Major Pollutant Sources
Ozone	8 hour	0.070 ppm	Non-Attainment	0.075 ppm	Non-Attainment	Formed when ROG and NOx react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial/ industrial mobile equipment.
	1 hour	0.090 ppm	Non-Attainment	---	---	
Carbon Monoxide	8 hour	9.0 ppm	Attainment	9.0 ppm	Attainment	Internal combustion engines, primarily gasoline-powered motor vehicles
	1 Hour	20 ppm	Attainment	35 ppm	Attainment	
Nitrogen Dioxide	Annual Average	0.030 ppm	---	0.053 ppm	Attainment	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads
	1 Hour	0.180 ppm	Attainment	0.100 ppm	Unclassified	
Sulfur Dioxide	Annual Average	---	---	0.03 ppm	Attainment	Fuel combustion, chemical plants, sulfur recovery plants and metal processing
	24 Hour	0.04 ppm	Attainment	0.14 ppm	Attainment	
	1 Hour	0.25 ppm	Attainment	0.075 ppm	Attainment	
Particulate Matter (PM10)	Annual Arithmetic Mean	20 μg/m3	Non-Attainment	---	---	Dust- and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays)
	24 hour	50 μg/m3	Non-Attainment	150 μg/m3	Unclassified	
Particulate Matter (PM2.5)	Annual Arithmetic Mean	12 μg/m3	Non-Attainment	15 μg/m3	Attainment	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; also, formed from photochemical reactions of other pollutants, including NOx, sulfur oxides, and organics.
	24 hour	---	---	35 μg/m3	Non-Attainment	
Lead	Calendar Quarter	---	---	1.5 μg/m3	Attainment	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	30 Day Average	1.5 μg/m3	Attainment	---	---	
Hydrogen Sulfide	1 hour	0.03 ppm	Unclassified	No Federal Standard	---	Geothermal Power Plants, Petroleum Production and refining

SOURCE: BAAQMD, 2012b.

Pursuant to the 1990 Federal Clean Air Act amendments, the U.S. EPA classifies air basins (or portions thereof) as “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the national standards had been achieved. Table 4.A-2 shows the current attainment status for the State and the Bay Area Air Basin.

The Federal Clean Air Act requires each state to prepare an air quality control plan referred to as the SIP. The Federal Clean Air Act amendments added requirements for states containing areas that violate the national standards to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The U.S. EPA has responsibility to review all SIPs to determine if they conform to the mandates of the Federal Clean Air Act amendments and will achieve air quality goals when implemented. If the U.S. EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and may impose additional control measures. Failure to submit an approvable SIP or to implement the plan within mandated timeframes can result in sanctions being applied to transportation funding and stationary air pollution sources in the air basin.

Regulation of TACs, termed Hazardous Air Pollutants (HAPs) under federal regulations, is achieved through federal, state and local controls on individual sources. The 1977 Federal Clean Air Act amendments required the U.S. EPA to identify National Emission Standards for HAPs to protect public health and welfare. These substances include certain volatile organic chemicals, pesticides, herbicides, and radionuclides that present a tangible hazard, based on scientific studies of exposure to humans and other mammals.

State

CARB manages air quality, regulates mobile emissions sources, and oversees the activities of county Air Pollution Control Districts and regional Air Quality Management Districts. CARB establishes State ambient air quality standards and vehicle emissions standards. California has adopted ambient standards that are more stringent than the federal standards for the criteria air pollutants. California has air quality standards for some pollutants for which there is no corresponding national standard. These are shown in Table 4.A-2. Under the California Clean Air Act (which is patterned after the Federal Clean Air Act), areas have been designated as attainment or nonattainment with respect to the State standards. Table 4.A-2 summarizes the Bay Area’s attainment status with regard to California standards.

The Health and Safety Code defines TACs as air pollutants which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. The State Air Toxics Program was established in 1983 under Assembly Bill (AB) 1807 (Tanner). A total of 243 substances have been designated TACs under California law; they include the 189 (federal) Hazardous Air Pollutants adopted in accordance with AB 2728. The Air Toxics “Hot Spots” Information and Assessment Act of 1987 (AB 2588) seeks to identify and evaluate risk from air toxics sources; however, AB 2588 does not regulate air toxics emissions. Toxic air contaminant emissions from individual facilities are quantified and prioritized. “High-

priority" facilities are required to perform a health risk assessment and, if specific thresholds are violated, are required to communicate the results to the public in the form of notices and public meetings.

In August of 1998, CARB identified DPM as a TAC. CARB subsequently developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles* (CARB, 2000). The document contains proposals to reduce diesel particulate emissions, with the goal of reducing emissions and associated health risks by 75 percent by 2010 and by 85 percent by 2020. The program aims to require the use of state-of-the-art catalyzed diesel particulate filters and ultra low sulfur diesel fuel on diesel-fueled engines.

In April 2005, CARB published *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB, 2005). This handbook is intended to give guidance to local governments in the siting of sensitive land uses, such as residences, schools, daycare centers, playgrounds, or medical facilities, near sources of air pollution. In the vicinity of the project site, there are several TAC sources. Most of these are associated with commercial uses, including gasoline dispensing facilities and dry cleaning operations.

Regional

Air Quality Plans

The 1977 Federal Clean Air Act amendments require that regional planning and air pollution control agencies prepare a regional Air Quality Plan to outline the measures by which both stationary and mobile sources of pollutants can be controlled in order to achieve all standards specified in the Clean Air Act. The 1988 California Clean Air Act also requires development of air quality plans and strategies to meet state air quality standards in areas designated as non-attainment (with the exception of areas designated as non-attainment for the state PM standards). Maintenance plans are required for attainment areas that had previously been designated non-attainment in order to ensure continued attainment of the standards. Air quality plans developed to meet federal requirements are referred to as SIPs, discussed above.

Bay Area plans are prepared with the cooperation of the BAAQMD, Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG). On September 15, 2010, the BAAQMD adopted the most recent revision to the Clean Air Plan - the *Bay Area 2010 Clean Air Plan* (BAAQMD, 2010). The *Bay Area 2010 Clean Air Plan* serves to:

- Update the *Bay Area 2005 Ozone Strategy* in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone;
- Consider the impacts of ozone control measures on particulate matter, air toxics, and greenhouse gases in a single, integrated plan;
- Review progress in improving air quality in recent years; and
- Establish emission control measures to be adopted or implemented in the 2010 – 2012 timeframe.

BAAQMD Rules, Regulations, and CEQA Guidelines

The BAAQMD is the regional agency responsible for rulemaking, permitting, and enforcement activities affecting stationary sources in the Bay Area. BAAQMD does not have authority to regulate emissions from motor vehicles. Specific rules and regulations adopted by the BAAQMD limit the emissions that can be generated by various stationary sources, and identify specific pollution reduction measures that must be implemented in association with various activities. These rules regulate not only emissions of the six criteria air pollutants, but also TACs Emissions sources subject to these rules are regulated through the BAAQMD's permitting process and standards of operation. Through this permitting process, including an annual permit review, the BAAQMD monitors generation of stationary emissions and uses this information in developing its air quality plans. Any sources of stationary emissions constructed as part of the Project would be subject to the BAAQMD Rules and Regulations. Both federal and State ozone plans rely heavily upon stationary source control measures set forth in BAAQMD's Rules and Regulations.

With respect to construction activities associated with Project development, applicable BAAQMD regulations would relate to portable equipment (e.g., concrete batch plants, and gasoline- or diesel-powered engines used for power generation, pumps, compressors, pile drivers, and cranes), architectural coatings, and paving materials. Equipment used during Project construction would be subject to the requirements of BAAQMD Regulation 2 (Permits), Rule 1 (General Requirements) with respect to portable equipment unless exempt under Rule 2-1-105 (Exemption, Registered Statewide Portable Equipment); BAAQMD Regulation 8 (Organic Compounds), Rule 3 (Architectural Coatings); and BAAQMD Regulation 8 (Organic Compounds), Rule 15 (Emulsified and Liquid Asphalts). In addition, the BAAQMD regulates the demolition of buildings or structures that may contain asbestos through Regulation 11 (Hazardous Pollutants) Rule 2 (Asbestos Demolition, Renovation, and Manufacturing).

BAAQMD adopted updated *CEQA Air Quality Guidelines*, including new thresholds of significance in June 2010, and revised them in May 2011 (BAAQMD, 2012a). The Air Quality Guidelines advise lead agencies on how to evaluate potential air quality impacts, including establishing quantitative and qualitative thresholds of significance. The thresholds BAAQMD adopted were set aside by an Alameda County Superior Court ruling in March 2012. In May 2012, BAAQMD updated its CEQA Air Quality Guidelines to continue to provide direction on recommended analysis methodologies, but without recommended quantitative significance thresholds. In August 2013, the First District Court of Appeal reversed the Superior Court judgment and upheld the BAAQMD's CEQA thresholds. This case is now pending before the California Supreme Court, and BAAQMD has not formally re-instated the thresholds.

The air quality impact analysis in this EIR uses the previously-adopted thresholds and methodologies from the 2011 BAAQMD *CEQA Air Quality Guidelines* to determine the potential impacts of the Project. While the significance thresholds adopted by BAAQMD in 2011 are not currently recommended by the BAAQMD, these thresholds are based on substantial evidence identified in BAAQMD's 2009 *Justification Report* and are therefore used within this document.

Local

City of Oakland General Plan

The Open Space, Conservation and Recreation (OSCAR) Element of the Oakland General Plan contains the following Air Quality objective and policies that would apply to the adoption and development under the Specific Plan (City of Oakland, 1996).

- ***Objective CO-12: Air Resources:*** To improve air quality in Oakland and the surrounding Bay Region.

- ***Policy CO-12.1:*** Promote land use patterns and densities which help improve regional air quality conditions by: (a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, mixed use development, and office development with ground floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis.

- ***Policy CO-12.4:*** Require that development projects be designed in a manner which reduces potential adverse air quality impacts. This may include: (a) the use of vegetation and landscaping to absorb carbon monoxide and to buffer sensitive receptors; (b) the use of low-polluting energy sources and energy conservation measures; and (c) designs which encourage transit use and facilitate bicycle and pedestrian travel.

- ***Policy CO-12.6:*** Require construction, demolition and grading practices which minimize dust emissions.

Port of Oakland Land Use and Development Code for the Oakland Airport Business Park

Section 3.12 of the Port's Land Use and Development Code addresses air quality issues through establishment of development standards for nuisance control. This section contains the following development standard for nuisances:

- No industry, business or firm whose operation produces odors, fume, smoke, dust, noise, vibration, interference with radio communication, or air pollution in amounts which the Port or other applicable governmental or regulatory entities finds to be objectionable, or whose operation is considered to be hazardous by reason of danger of fire, radioactivity, or explosion, shall be permitted in the Business Park.

City of Oakland Municipal Code

Per the City of Oakland Municipal Code, Title 15 Buildings and Construction, Chapter 15.36 Demolition Permits, 15.36.100 Dust Control Measures,

> "Best Management Practices" shall be used throughout all phases of work, including suspension of work, to alleviate or prevent fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any city or regional air pollution control rules, regulations, ordinances, or statutes. Water or dust palliatives or combinations of both shall be applied continuously and in sufficient quantity

> during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning and sweeping or other means as necessary. A dust control plan may be required as condition of permit issuance or at other times as may be deemed necessary to assure compliance with this section. Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies. (Ord. 12152 Section 1, 1999)

The City of Oakland has implemented Green Building principles in City buildings through the following programs: Civic Green Building Ordinance (Ordinance No. 12658 C.M.S., 2005), requiring, for certain large civic projects, techniques that minimize the environmental and health impacts of the built environment through energy, water and material efficiencies and improved indoor air quality, while also reducing the waste associated with construction, maintenance and remodeling over the life of the building; Green Building Guidelines (Resolution No. 79871, 2006) which provides guidelines to Alameda County residents and developers regarding construction and remodeling; and Green Building Education Incentives for private developers.

Impacts and Mitigation Measures

This analysis evaluates the proposed project's impacts related to air quality. The evaluation considered project plans, current Appendix G significance conditions of the State CEQA Guidelines at the project site, and applicable regulations and guidelines.

Significance Criteria – Air Quality

In accordance with Appendix G of the state CEQA *Guidelines*, the impact of the proposed project on air quality or climate change would be considered significant if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any nonattainment pollutant;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

The following Appendix G criterion of the State CEQA Guidelines is not considered relevant to the project based upon the proposed project plans and data research; therefore, it will not be evaluated further in this EIR:

> ***Creation of objectionable odors:*** The project would not involve the development of the types of land uses typically associated with odor issues, such as wastewater treatment plants, landfills, composting facilities, refineries, or chemical plants. Nor would the project locate sensitive receptors within proximity of these types of odor-producing sources. Therefore the following analysis relates to the project's potential to result in a significant air quality impact based on the other four significance criteria.

Assessment Methodology

Approach to Analysis – Criteria Air Pollutants

Potential impacts are assessed by modeling the estimated daily emissions generated by project construction and project operations using the CalEEMod land use emissions model version 2013.2. Project emissions are then compared to the significance criteria in the BAAQMD 2011 *CEQA Air Quality Guidelines,* which include the following:

- Result in total construction emissions of Reactive Organic Gases (ROG), NOx, or $PM_{2.5}$ (exhaust) of 10 tons per year or greater or 54 pounds per day or greater.
- Exceed a construction emission threshold for PM_{10} (exhaust) of 15 tons per year or greater, or 82 pounds per day or greater.
- For PM_{10} and $PM_{2.5}$ as part of fugitive dust generated during construction, the BAAQMD Guidelines specify compliance with Best Management Practices as the threshold.
- Result in total operational emissions of ROG, NOx, or $PM_{2.5}$ of 10 tons per year or greater, or 54 pounds per day or greater.
- Exceed an operational emission threshold for PM_{10} of 15 tons per year or greater, or 82 pounds per day.
- Result in CO concentrations of 9.0 ppm (8-hour average) and 20.0 ppm (1-hour average) as estimated by roadway vehicle volumes exceeding 44,000 vehicles per hour at any intersection.

Cumulative Approach

If the project's impact individually would be significant (i.e., if it exceeds the BAAQMD's quantitative thresholds), that project would also have a cumulative significant air quality impact. A project would also have a cumulative significant impact if the effects from the project, along with other relevant projects, would be significant and the project would contribute considerably to this cumulative significant effect.

Impact Analysis

Impact 4.A-1: Construction of the proposed project would result in increased emissions of criteria air pollutants. (Significant)

Construction of the proposed project would result in emissions of criteria pollutants from the use of heavy-duty construction equipment, haul truck trips, and vehicle trips generated from construction workers traveling to and from the site. In addition, fugitive dust or PM_{10} emissions would result from excavation, trenching, and other construction activities.

Construction-related emissions from the proposed project were calculated using the California Emissions Estimator Model (CalEEMod), assuming 96,000 square feet of hotel land use, over an approximately 1.95 acre site. The site is vacant and no demolition would be required. Construction

was assumed to occur over approximately a 15-month period beginning in 2014. There would be no cut or fill of material required. Construction activities were divided into four phases: site preparation, grading, building construction, and architectural coating. All model inputs and outputs are provided in **Appendix D**.

As can be seen in **Table 4.A-3**, estimated peak-day construction-related exhaust emissions would not exceed the thresholds for NOx, ROG, PM_{10} or $PM_{2.5}$. Because estimated emissions are in excess of the daily thresholds, this impact is less than significant.

TABLE 4.A-3
AVERAGE DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS
(pounds per day) WITHOUT MITIGATION

Year – 2014-2015	ROG	NO_x	Exhaust PM_{10}[a]	Exhaust $PM_{2.5}$[a]
Project Construction Emissions	8.23	22.83	1.47	1.42
BAAQMD Considered Construction Threshold	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix D)

The BAAQMD's approach to analysis of construction-related particulate impacts (other than exhaust PM) is to emphasize implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The BAAQMD considers construction-related fugitive dust impacts of projects to be less than significant if a suite of recommended dust-control measures are implemented. Therefore, BAAQMD-identified Best Management Practices for control of fugitive dust are included as a mitigation measure. BAAQMD recognizes the Best Management Practices in Mitigation Measure 4.A-1 to be sufficient reduce construction-related non-exhaust particulate matter impacts to a less than significant level (BAAQMD, 2012).

Mitigation Measure 4.A-1: The following BAAQMD Best Management Practices for particulate control will be required for all construction activities within the project site. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities by also during vehicle and equipment movement on unpaved project sites:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, § 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Significance after Mitigation: Less than Significant.

Impact 4.A-2: Construction of the proposed project would increase emission of toxic air contaminants (TACs), and increase health risks for nearby residents. (Less than Significant)

Construction-related activities could result in the generation of TACs, specifically diesel PM, from on-road haul trucks and off-road equipment exhaust emissions. Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (ARB 2005).

As discussed in the Environmental Setting section, above, the nearest sensitive receptors are located over 1,000 feet to the east. Health risk screening tables published by BAAQMD indicate that provision of a 150 meter (482 feet) buffer distance from TAC emissions from construction of a 100,000 square foot commercial building would be sufficient to maintain increased cancer risks to sensitive receptors to below 10 in one million (BAAQMD, 2010). As stated in the Environmental Setting section, BAAQMD specifically defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals and residential areas.

Other land uses exist in the immediate project area that would not be considered sensitive receptors relative to the definition by BAAQMD and the state Office of Environmental Health Hazard Assessment (OEHHA); such as commercial retail uses, office uses, and warehouses. Occupants of these uses would have reduced exposure to annualized average DPM concentrations which are the basis for calculating health risks. OEHHA recommends that districts assume a minimum of two years of exposure for health risk analysis which is more than the proposed 16 month construction duration of the proposed project (BAAQMD, 2010). Consequently the location of the proposed project with respect to sensitive receptors is sufficiently distant from these sensitive receptors to ensure that construction related health risks would be less than significant and the overall duration of construction would be sufficient to avoid any expected health impacts to adjacent non-sensitive land uses.

Mitigation: None required.

Impact 4.A-3: Operation of the proposed project would result in increased emissions of criteria air pollutants. (Less than Significant)

Operational emissions of criteria pollutants were estimated using the CalEEMod version 2013.2.2 emissions inventory model. All model inputs and outputs are provided in Appendix D.

One of the major sources of operational emissions would be vehicle emissions from employees commuting to and from the site, deliveries, etc. Project operations would generate an estimated 880 daily vehicle trips, as described in Section 4.C, *Traffic and Circulation*. In addition to exhaust emissions, vehicles would also generate PM_{10} and $PM_{2.5}$ from entrained road dust and tire and brake wear.

Emissions would also be generated by onsite natural gas combustion, operation of landscape maintenance equipment, maintenance application of paint and other architectural coatings, and testing and operation of an emergency diesel-powered generator.

Table 4.A-4 presents estimated operational emissions. As shown in the table, operational emissions would not exceed the significance thresholds for NOx, ROG, PM_{10} or $PM_{2.5}$ as they would be below threshold levels. Operational emissions from the proposed project would be less than significant.

Mitigation: None required.

TABLE 4.A-4
OPERATIONAL CRITERIA POLLUTANT EMISSIONS

Air Pollutant	Estimated Emissions (lbs/day)			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Mobile Sources[a]	3.53	8.79	3.68	1.06
Area Sources[a]	2.33	<0.01	<0.01	<0.01
Natural gas combustion	0.11	0.98	0.07	0.07
Total	**5.96**	**9.77**	**3.76**	**1.13**
Regional Significance Threshold	54	54	82	54
Significant Impact?	No	No	No	No

[a] Mobile sources are motor vehicles and trucks. Area sources include landscape maintenance (equipment used for these activities such as gasoline-powered lawnmowers and blowers), maintenance application of paints and other interior and exterior surface coatings, and increased use of consumer products that result in emissions of ROG. Natural gas combustion is for space and water heating.

SOURCE: ESA, 2014 (see Appendix D).

Impact 4.A-4: Operation of the proposed project would potentially expose sensitive receptors to increased localized concentrations of pollutants including toxic air contaminants. (Less than Significant)

The proposed project would not result in the siting of a new source of toxic air contaminants (TAC). Common stationary source types of TAC emissions include gasoline stations, dry cleaners, and diesel backup generators, which are subject to BAAQMD permit requirements. The other, often more common source type is on-road diesel vehicles on freeways and high volume roadways. The proposed project would not result in construction of a new source of TAC or result in a substantial increase in diesel truck operations.

The proposed hotel land use would not be considered a sensitive receptor for the purposes of air quality. While residences and schools are considered to be sensitive receptors, a hotel land use would not be regularly occupied as would a residence and would primarily be occupied by adults, who would ordinarily be present for periods of eight hours or less and would therefore be no more sensitive than occupants of a commercial or office building. There would be no impacts related to exposure of sensitive populations to TACs. Consequently, the operational air quality impact of the proposed project would have a less than significant regional air quality impact with regard to exposure of sensitive receptors to substantial pollutant concentrations.

Mitigation: None required.

Impact 4.A-5: The proposed project could conflict with or obstruct implementation of the applicable air quality plan. (Less than Significant)

The most recently adopted air quality plan in the San Francisco Bay Area Air Basin is the BAAQMD's 2010 Clean Air Plan (2010 CAP) (BAAQMD, 2010). The 2010 CAP is a roadmap showing how the San Francisco Bay Area will achieve compliance with the State one-hour ozone standard as expeditiously as practicable, and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. The control strategy includes stationary source control measures to be implemented through BAAQMD regulations; mobile source control measures to be implemented through incentive programs and other activities; and transportation control measures to be implemented through transportation programs in cooperation with the Metropolitan Transportation Commission (MTC), local governments, transit agencies, and others. The 2010 CAP also represents the Bay Area's most recent triennial assessment of the region's strategy to attain the State one-hour ozone standard.

BAAQMD guidance states that "if approval of a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project would be considered consistent with the 2010 CAP." As indicated in the discussion of the previous impacts, the Project would not result in significant and unavoidable air quality impacts. Consequently, based on BAAQMD guidance, the project may also be considered consistent with the 2010 CAP (air quality Plan). This would be a less than significant impact.

Mitigation: None required.

Cumulative Impacts

Impact 4.A-6: The proposed project would contribute to a cumulative air quality impact in which the project region is non-attainment. (Less than Significant)

Regional air quality impacts are by their very nature cumulative impacts. Emissions from past, present and future projects contribute to adverse regional air quality impacts on a cumulative basis. By nature, air quality is largely a cumulative impact, and according to the BAAQMD, in the case of criteria pollutants, no single project would be sufficient in size, by itself, to result in emissions that are considered significant (BAAQMD, 2009). Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Therefore, if a project exceeds the identified project-level significance thresholds for criteria pollutants, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As described in the discussion of Impact AIR-3emissions of oxides of ROG, NOx, PM_{10} and $PM_{2.5}$ would be below BAAQMD CEQA thresholds of significance. These thresholds are based on the federal Clean Air Act New Source Review Program, under which BAAQMD requires that new stationary sources of pollutants must offset a portion of their emissions above a specified threshold, to ensure that these new sources do not cause or contribute to a violation of an air quality standard. Thus, the BAAQMD CEQA thresholds for regional criteria pollutants represent emissions levels at which new sources would not contribute to an air quality violation or result in a considerable net increase in criteria air pollutants, within the context of existing and future cumulative air quality conditions. Thus, while the region is in non-attainment for pollutants including ozone, PM_{10} and $PM_{2.5}$, because the proposed project would not exceed the applicable CEQA thresholds with respect to criteria pollutants, the BAAQMD judges that the proposed project would not make a considerable contribution to cumulative air quality impacts, and the cumulative impact of the proposed project would be less than significant.

With regard to the potential for the proposed project to contribute to more localize cumulative health risk from emissions of toxic air contaminants (TACs), Table 4-1 identifies other recent and current projects. BAAQMD recommends identifying sites within 1,000 feet for assessment of localized impacts. Other projects within 1,000 feet of the project site include:

- BART Airport Connector. An elevated light rail transit project 250 southeast of the project site. While not yet operational, construction for the railway is complete.
- Birtcher Development and Investments LLC distribution storage facility that would consist of a 374,725-square-foot facility at 8350 Pardee Drive (0.4 miles from the project site). While not yet operational, construction is currently in the final stages.

As noted in the discussion of Impacts 4.A-2 and 4.A-4, during project construction TAC emissions (DPM and PM 2.5) would result from use of diesel-powered construction equipment, but at relatively low levels and for a relatively brief duration. During project operations there would be no stationary sources of DPM or PM 2.5). Both of these cumulative projects have completed the intensive construction activities involving diesel powered construction equipment and would not contribute to localized concentrations of construction-related DPM or PM 2.5 from the proposed project. Additionally, none of the cumulative projects would locate new sensitive receptors within 1,000 feet of the proposed project.

Therefore, there would be a less-than-significant cumulative impact from the proposed construction activities from the proposed project, along with other cumulative projects in the area.

Mitigation: None required.

References – Air Quality

Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report, CEQA Thresholds of Significance Air Quality Guidelines, October 2009. Available at www.baaqmd.gov.

BAAQMD, 2010. Bay Area 2010 Clean Air Plan, September 15, 2010.

BAAQMD, 2012a. CEQA Air Quality Guidelines. Adopted June 2011, updated May 2012. Available at www.baaqmd.gov.

BAAQMD, 2012b. Air Quality Standards and Attainment Status. Available at: http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm

South Coast Air Quality Management District (SCAQMD), 2013. CalEEMod, California Emissions Estimator Model. Version 2013.2.2. Available at http://www.caleemod.com/.

California Air Resource Board (CARB). 2000. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. October 2000.

California Air Resources Board (CARB), 2004. 2004 Revisions to the California State Implementation Plan for Carbon Monoxide. July 22, 2004.

California Air Resources Board (CARB), 2005. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005.

CARB, 2013. Top 4 Summary, 2010-2012. Available at: http://www.arb.ca.gov/adam/topfour/topfour1.php. Accessed March 11, 2014.

Dockery, D. W., and Pope, C.A., III. 2006. “Health Effects of Fine Particulate Air Pollution: Lines that Connect.” Journal Air & Waste Management Association, pp. 30-37. June 2006.

Kirk, Alison, Senior Environmental Planner, Bay Area Air Quality Management District, e-mail communication, March 19, 2014.

Port of Oakland, 2011. *Land Use and Development Code for the Oakland Airport Business Park*, June 2011.

State of California, Office of Environmental Health Hazard Assessment (OEHHA), 2009. Technical Support Document for Cancer Potency Factors. May 2009. Available at http://oehha.ca.gov/air/hot_spots/2009/TSDCancerPotency.pdf.

B. Climate Change and Greenhouse Gas Emissions

Introduction

This section presents an overview of global and local climate change, and examines the potential for the proposed project to result in increased greenhouse gas (GHG) emissions, which contribute to climate change. The impact analysis also includes an evaluation of the consistency of the proposed project with statewide and local planning efforts to reduce GHG emissions.

Environmental Setting

"Global warming" and "global climate change" are the terms used to describe the increase in the average temperature of the earth's near-surface air and oceans since the mid-20th century and its projected continuation. Warming of the climate system is now considered to be unequivocal (IPCC, 2007), with global surface temperature increasing approximately 1.33 degrees Fahrenheit (°F) over the last 100 years. Continued warming is projected to increase global average temperature between 2 and 11°F over the next 100 years.

Natural processes and human actions have been identified as the causes of this warming. The International Panel on Climate Change (IPCC) concludes that variations in natural phenomena such as solar radiation and volcanoes produced most of the warming from pre-industrial times to 1950 and had a small cooling effect afterward. After 1950, however, increasing GHG concentrations resulting from human activity such as fossil fuel burning and deforestation have been responsible for most of the observed temperature increase. These basic conclusions have been endorsed by more than 45 scientific societies and academies of science, including all of the national academies of science of the major industrialized countries. Since 2007, no scientific body of national or international standing has maintained a dissenting opinion.

Increases in GHG concentrations in the earth's atmosphere are the main cause of human-induced climate change. GHGs naturally trap heat by impeding the exit of solar radiation that has reached the earth. Some GHGs occur naturally and are necessary for keeping the earth's surface inhabitable. However, increases in the concentrations of these gases in the atmosphere during the last 100 years have decreased the amount of solar radiation that is reflected back into space, intensifying the natural greenhouse effect and resulting in the increase of global average temperature.

Greenhouse Gases

Carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are the principal GHGs. When concentrations of these gases exceed natural concentrations in the atmosphere, the greenhouse effect may be enhanced. CO_2, CH_4, and N_2O occur naturally but are also generated through human activity. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing[1] associated with agricultural practices and landfills. Other human-generated GHGs, which have much higher heat-absorption potential than CO_2, include

[1] Off-gassing is defined as the release of chemicals under normal conditions of temperature and pressure.

fluorinated gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6), which are byproducts of certain industrial processes.

CO_2 is the reference gas for climate change because it is the predominant GHG emitted. The effect that each of the aforementioned gases can have on global warming is a combination of the mass of their emissions and their global warming potential (GWP). GWP indicates, on a pound-for-pound basis, how much a gas is predicted to contribute to global warming relative to how much warming would be predicted to be caused by the same mass of CO_2, CH_4, and N_2O are substantially more potent GHGs than CO_2, with GWPs of 25 and 310 times that of CO_2, respectively.

In emissions inventories, GHG emissions are typically reported in terms of pounds or metric tons (MTs) of CO_2 equivalents (CO_2e). CO_2e are calculated as the product of the mass emitted of a given GHG and its specific GWP. While CH_4 and N_2O have much higher GWPs than CO_2, CO_2 is emitted in such vastly higher quantities that it accounts for the majority of GHG emissions in CO_2e.

Fossil fuel combustion, especially for the generation of electricity and powering of motor vehicles, has led to substantial increases in CO_2 emissions (and thus substantial increases in atmospheric concentrations of CO_2). In pre-industrial times (c. 1860), concentrations of atmospheric CO_2 were approximately 280 parts per million (ppm) (GRID-Arendal, 2013).By August 2013, atmospheric CO_2 concentrations had increased to 395 ppm, by over 40% above pre-industrial concentrations (ESRL, 2013). There is international scientific consensus that human-caused increases in GHGs have contributed and will continue to contribute to global warming.

Impacts of Climate Change

Impacts in California

Global warming impacts in California include loss in snow pack, rise in sea level, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include the displacement of thousands of coastal businesses and residences, loss of infrastructure, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. Global warming would cause detrimental effects to some of the state's largest industries, including agriculture, winemaking, tourism, skiing, commercial and recreational fishing, forestry, and electrical power generation:"[t]he impacts of global warming are already being felt in California. The Sierra snowpack, an important source of water supply for the state, has shrunk 10 percent in the last 100 years. It is expected to continue to decrease by as much as 25 percent by 2050. World-wide changes are causing sea levels to rise – about 8 inches of increase has been recorded at the Golden Gate Bridge over the past 100 years – threatening low coastal areas with inundation and serious damage from storms" (CARB, 2008).

Ecosystem and Biodiversity Impacts

Climate change is expected to have effects on diverse types of ecosystems, from alpine to deep-sea habitat (U.S. EPA, 2008a). As temperatures and precipitation change, seasonal shifts in vegetation would occur; this could affect the distribution of associated flora and fauna species. As the range of species shifts, habitat fragmentation could occur, with acute impacts on the

distribution of certain sensitive species. The IPCC states that "20 percent to 30 percent of species assessed may be at risk of extinction from climate change impacts within this century if global mean temperatures exceed 2 to 3°C (3.6 to 5.4°F) relative to pre-industrial levels"(IPCC, 2007). Shifts in existing biomes could also make ecosystems vulnerable to encroachment by invasive species. Wildfires, which are an important control mechanism in many ecosystems, may become more severe and more frequent, making it difficult for native plant species to repeatedly re-germinate. In general terms, climate change is expected to put a number of stressors on ecosystems, with potentially catastrophic effects on biodiversity.

Human Health Impacts

Climate change may increase the risk of vector-borne infectious diseases, particularly those found in tropical areas and spread by insects such as malaria, dengue fever, yellow fever, and encephalitis (U.S. EPA, 2008b). Cholera, which is associated with algal blooms, could also increase (NCBI, 1993). While these health impacts would largely affect tropical areas, effects would also be felt in California. For example, warming of the atmosphere is expected to increase smog and particulate pollution, which will adversely affect individuals with heart and respiratory problems, such as asthma. Extreme heat events are also expected to occur with more frequency. The elderly, children, and the homeless are particularly vulnerable to extreme heat events. Finally, the water supply impacts and seasonal temperature variations expected as a result of climate change could affect the viability of existing agricultural operations, making the food supply more vulnerable.

Greenhouse Gas Emissions Estimates

Global Emissions

Worldwide emissions of GHGs in 2011 were 25 billion tons of CO_2e per year (UNFCCC, 2013). This figure includes ongoing emissions from industrial and agricultural sources, but excludes emissions from land use changes.

U.S. Emissions

In 2009, the United States emitted about 6.7 billion tons of CO_2e or about 21 tons/ person/ year. Of the four major sectors nationwide — residential, commercial, industrial, and transportation — transportation accounts for the highest fraction of GHG emissions (approximately 33%); these emissions are entirely generated from direct fossil fuel combustion (U.S. EPA, 2011).

State of California Emissions

In 2011, California emitted approximately 448 million tons of CO_2e, or about 7% of U.S. emissions. This large number is due primarily to the sheer size of California compared to other states. By contrast, California has one of the lowest per capita GHG emission rates in the country, due to the success of its energy efficiency and renewable energy programs and commitments that have lowered the state's GHG emissions rate of growth by more than half of what it would have been otherwise (CEC, 2007). Another factor that has reduced California's fuel use and GHG emissions is its mild climate compared to that of many other states.

The California Environmental Protection Agency's Climate Action Team stated in its March 2006 report that the composition of gross climate change pollutant emissions in California in 2002 (expressed in terms of CO_2 equivalence) were as follows (CalEPA, 2006):

- Carbon dioxide (CO_2) accounted for 83.3%;
- Methane (CH_4) accounted for 6.4%;
- Nitrous oxide (N_2O) accounted for 6.8%; and
- Fluorinated gases (HFCs, PFC, and SF_6) accounted for 3.5%.

The California Energy Commission (CEC) found that transportation is the source of approximately 41% of the state's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23% and industrial sources at 20%. Agriculture and forestry are the source of approximately 8.3%, as is the source categorized as "other," which includes residential and commercial activities (CEC, 2007).

Bay Area Emissions

In the San Francisco Bay Area, the transportation sector and industrial/commercial sector represent the largest sources of GHG emissions, accounting for 36.4% each of the Bay Area's 95.8 million tons of CO_2e in 2007. Electricity/co-generation sources account for about 15.9% of the Bay Area's GHG emissions, followed by residential fuel usage at about 7.1%. Off-road equipment and agricultural/farming sources currently account for approximately 3% and 1.2% of the total Bay Area GHG emissions, respectively (BAAQMD, 2010).

City of Oakland Emissions

The City of Oakland has developed a GHG emissions inventory estimating citywide GHG emissions for the year 2005 (City of Oakland Energy and Climate Action Plan Appendix, 2011). This citywide GHG emissions inventory includes "local government focus area" emissions associated with energy used and waste produced within the Oakland city limits, as well as other emission sources associated with activities occurring in Oakland, such as industrial point sources, energy used to convey water to Oakland, pass-through highway travel, and energy used to manufacture products purchased and used in Oakland. **Table 4.B-1** describes Oakland's local government focus area emissions.

TABLE 4.B-1
OAKLAND FOCUS AREA CITYWIDE GHG EMISSIONS SUMMARY – 2005 (tons/year)

GHG Emissions Source	Metric Tons of Carbon Dioxide Equivalent (CO_2e)
Transportation on Local (Non-Highway) Roads	759,884
Commercial/Industrial Electricity	320,151
Commercial/Industrial Natural Gas	288,514
Residential Electricity	150,077
Residential Natural Gas	350,162
Landfilled Solid Waste	126,361

SOURCE: City of Oakland, 2009.

Regulatory Framework

Federal

U.S. Environmental Protection Agency "Endangerment" and "Cause or Contribute" Findings

In *Massachusetts v. Environmental Protection Agency* et al., 12 states and cities, including California, together with several environmental organizations, sued to require the U.S. EPA to regulate GHGs as pollutants under the Clean Air Act (127 S. Ct. 1438 (2007)). The U.S. Supreme Court ruled that GHGs fit within the Clean Air Act's definition of a pollutant and the U.S. EPA had the authority to regulate GHGs.

On December 7, 2009, the U.S. EPA Administrator signed two findings regarding GHGs under Section 202(a) of the federal Clean Air Act:

- **Endangerment Finding:** The current and projected concentrations of six key GHGs—CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The combined emissions of these GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.

Mandatory Greenhouse Gas Reporting Rule

On September 22, 2009, the U.S. EPA released its final Greenhouse Gas Reporting Rule (Reporting Rule). The Reporting Rule is a response to the fiscal year (FY) 2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110-161), that required the U.S. EPA to develop "…mandatory reporting of GHGs above appropriate thresholds in all sectors of the economy…." The Reporting Rule applies to most entities that emit 25,000 metric tons of CO_2e or more per year. Starting in 2010, facility owners were required to submit an annual GHG emissions report with detailed calculations of facility GHG emissions. The Reporting Rule also mandates recordkeeping and administrative requirements in order for the U.S. EPA to verify annual GHG emissions reports.

State

The legal framework for GHG emission reduction in California has come about through Executive Orders, legislation, and regulation. The major components of California's climate change initiative are reviewed below.

Executive Order S-3-05

In 2005, in recognition of California's vulnerability to the effects of climate change, then-Governor Arnold Schwarzenegger established Executive Order S-3-05, which sets forth the following target dates by which statewide GHG emissions would be progressively reduced: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80% below 1990 levels.

Assembly Bill 32 and the California Climate Change Scoping Plan

In 2006, the California legislature passed Assembly Bill 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires CARB to design and implement feasible and cost-effective emission limits, regulations, and other measures, such that statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25% reduction in emissions). AB 32 anticipates that the GHG reduction goals will be met, in part, through local government actions. CARB has identified a GHG reduction target of 15% from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions. Pursuant to AB 32, CARB adopted a Scoping Plan in December 2008 (re-approved by CARB on August 24, 2011 [CARB, 2008]) outlining measures to meet the 2020 GHG reduction goals. In order to meet these goals, California must reduce its GHG emissions by 30% below projected 2020 business-as-usual emissions levels or about 15% from today's levels. The Scoping Plan recommends measures for further study and possible State implementation, such as new fuel regulations. It estimates that a reduction of 174 million metric tons of CO_2e (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and other sources could be achieved should the State implement all of the measures in the Scoping Plan. The Scoping Plan relies on the requirements of Senate Bill (SB) 375 (discussed below) to implement the carbon emission reductions anticipated from land use decisions. The Scoping Plan is currently being updated by CARB and is expected to be considered for approval in late spring of 2014.

Cap-and-Trade Program

The Scoping Plan identifies cap-and-trade as a key strategy for helping California reduce its GHG emissions (CARB, 2008). A cap-and-trade program sets the total amount of greenhouse gas emissions allowable for facilities under the cap and allows covered sources, including producers and consumers of energy, to determine the least expensive strategies to comply. AB 32 required CARB to adopt the cap-and-trade regulation by January 1, 2011, and the program itself was to begin in 2012. However, a San Francisco Superior Court judge issued a final order implementing a decision that found flaws in CARB's adoption of the Scoping Plan. CARB appealed the judge's order, which blocked CARB from implementing its recently adopted cap-and-trade program, and has obtained a temporary suspension from the appellate court. The first auction of "carbon offset credits" was held in November 2012.

Carbon offset credits are created through the development of projects, such as renewable energy generation or carbon sequestration projects, that achieve a reduction of emissions or an increase in the removal of carbon from the atmosphere from activities not otherwise regulated, covered under an emissions cap, or resulting from government incentives. Offsets are verified reductions of emissions whose ownership can be transferred to others. As required by AB 32, any reduction of GHG emissions used for compliance purposes must be real, permanent, quantifiable, verifiable, enforceable, and additional. Offsets used to meet regulatory requirements must be quantified according to CARB-adopted methodologies, and CARB must adopt a regulation to

verify and enforce the reductions. The criteria developed will ensure that the reductions are quantified accurately and are not double-counted within the system (CARB, 2008).

Executive Order S-1-07

Executive Order S-1-07, signed by then-Governor Arnold Schwarzenegger in 2007, proclaimed that the transportation sector is the main source of GHG emissions in California, at over 40% of statewide emissions. The order established a goal of reducing the carbon intensity of transportation fuels sold in California by a minimum of 10% by 2020. It also directed CARB to determine whether this Low Carbon Fuel Standard could be adopted as a discrete, early-action measure after meeting the mandates in AB 32. CARB adopted the Low Carbon Fuel Standard on April 23, 2009.

California Environmental Quality Act and Senate Bill 97

The California Environmental Quality Act (CEQA) requires lead agencies to disclose, consider, and mitigate the adverse environmental effects of projects they are considering for approval. GHG emissions have the potential to adversely affect the environment because they contribute to global climate change. Senate Bill 97 and other California regulations address global climate change through revisions to the CEQA *Guidelines* and implementation of GHG emission reduction programs as described below.

SB 97, signed in August 2007, acknowledges that climate change is a prominent environmental issue requiring analysis under CEQA. This bill directed the Governor's Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Natural Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, no later than July 1, 2009. The California Natural Resources Agency was required to certify or adopt those guidelines by January 1, 2010.

On December 30, 2009, the Natural Resources Agency adopted the State CEQA Guidelines amendments, as required by SB 97. These State CEQA *Guidelines* amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in draft CEQA documents. The amendments became effective March 18, 2010.

The CEQA *Guidelines* § 15064.4 specifically address the significance of GHG emissions. Section 15064.4 calls for a "good-faith effort" to "describe, calculate or estimate" GHG emissions in CEQA environmental documents. Section 15064.4 further states that the analysis of GHG impacts should include consideration of (1) the extent to which the project may increase or reduce GHG emissions, (2) whether the project emissions would exceed a locally applicable threshold of significance, and (3) the extent to which the project would comply with "regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions." The revisions also state that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is

located (§ [h]{3}). The CEQA *Guidelines* revisions do not, however, set a numerical threshold of significance for GHG emissions.

The revisions also include the following guidance (§ 15126.4[c]) on measures to mitigate GHG emissions, when such emissions are found to be significant:

> Consistent with § 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:
>
> (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;
>
> (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures;
>
> (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
>
> (4) Measures that sequester greenhouse gases; and
>
> (5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

Assembly Bill 1493 (Pavley Standards)

In 2002, then-Governor Gray Davis signed Assembly Bill (AB) 1493, which required the California Air Resources Board (CARB) to develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the state."

To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004, adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 (13 CCR 1900, 1961), and adoption of Section 1961.1 (13 CCR 1961.1), require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty passenger vehicle weight classes (i.e., any medium-duty vehicle with a gross vehicle weight [GVW] rating of less than 10,000 pounds and that is designed primarily for the transportation of persons), beginning with model year 2009. For passenger cars and light-duty trucks with a loaded vehicle weight (LVW) of 3,750 pounds or less, the GHG emission limits for model year 2016 are approximately 37% lower than the limits for the first year of the regulations, model year 2009. For light-duty trucks with an LVW of

3,751 pounds to a GVW of 8,500 pounds, as well as for medium-duty passenger vehicles, GHG emissions will be reduced approximately 24% between 2009 and 2016.

Because the Pavley standards (named for the bill's author, State Senator Fran Pavley) would impose stricter standards than those under the federal Clean Air Act, California applied to the U.S. EPA for a waiver under the federal Clean Air Act; this waiver was denied in 2008. In 2009, however, the U.S. EPA granted the waiver.

Senate Bills 1078 and 107 and Executive Orders S-14-08 and S-21-09

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20% of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which increased the State's Renewable Portfolio Standard to 33% renewable power by 2020. In September 2009, Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs CARB under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33% renewable energy by 2020.

The 33% by 2020 goal was codified in April 2011 with Senate Bill X1-2, which was signed by Governor Brown. This new Renewable Portfolio Standard preempts the CARB 33% Renewable Electricity Standard and applies to all electricity retailers in the State, including publicly owned utilities (POUs), investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities must adopt the new Renewable Portfolio Standard goals of 20% of retail sales from renewables by the end of 2013 and 25% by the end of 2016, with the 33% requirement being met by the end of 2020.

Senate Bill 1368

SB 1368 is the companion bill of AB 32 and was signed by then-Governor Schwarzenegger in September 2006. SB 1368 requires the California Public Utilities Commission (PUC) to establish a GHG emission performance standard for baseload generation from investor-owned utilities by February 1, 2007. The California Energy Commission (CEC) was also required to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards cannot exceed the GHG emission rate from a baseload combined-cycle natural gas-fired plant. The legislation further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the PUC and California Energy Commission.

Senate Bill 375

In addition to policy directly guided by AB 32, the legislature in 2008 passed SB 375, which provides for regional coordination in land use and transportation planning and funding to help meet the AB 32 GHG reduction goals. SB 375 aligns regional transportation planning efforts,

regional GHG emissions reduction targets, and land use and housing allocations. SB 375 requires Regional Transportation Plans (RTPs) developed by the State's 18 metropolitan planning organizations (MPOs) to incorporate a "sustainable communities strategy" (SCS) that will achieve GHG emission reduction targets set by CARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects, such as transit-oriented development. The Metropolitan Transportation Commission (MTC) is responsible for developing RTPs for the San Francisco Bay Area. MTC's 2013 RTP will be its first plan subject to SB 375.

Regional

In June 2010, the Bay Area Air Quality Management District (BAAQMD) issued its *CEQA Air Quality Guidelines*, replacing former guidelines adopted in December 1999, and adopted new thresholds of significance to assist lead agencies in determining when potential air quality impacts would be considered significant under CEQA. Updated in May 2012, these guidelines include recommendations for analytical methodologies to determine air quality impacts and identify mitigation measures that can be used to avoid or reduce air quality impacts, including impacts of GHGs (BAAQMD, 2012).

In May of 2011 the BAAQMD adopted new Thresholds of Significance (2011 Thresholds) for GHG impacts. Subsequently, the Alameda Superior Court issued a stay and required the BAAQMD to conduct additional environmental review in connection with its adoption of the thresholds. However, in August 2013 the State Court of Appeal issued a full reversal of the Superior Court ruling, although at the time of this analysis, BAAQMD has not formally readopted these thresholds. Notwithstanding formal adoption, the 2011 Thresholds are based on substantial evidence provided by BAAQMD (BAAQMD, 2009), and have been accepted by the City of Oakland for use in this EIR.

The threshold for stationary sources is 10,000 metric tons of CO_2e per year (i.e., emissions above this level may be considered significant). For non-stationary sources, three separate thresholds have been established:

- Compliance with a Qualified Greenhouse Gas Reduction Strategy (i.e., if a project is found to be out of compliance with a Qualified Greenhouse Gas Reduction Strategy, its GHG emissions may be considered significant); or
- 1,100 metric tons of CO_2e per year (i.e., emissions above this level may be considered significant); or
- 4.6 metric tons of CO_2e per service population (SP) per year (i.e., emissions above this level may be considered significant). "Service population" is the sum of residents plus employees expected for a development project.

For quantifying a project's GHG emissions, BAAQMD recommends that all GHG emissions from a project be estimated, including a project's direct and indirect GHG emissions from operations. Direct emissions refer to emissions produced from onsite combustion of energy, such as natural gas used in furnaces and boilers, emissions from industrial processes, and fuel combustion from mobile sources. Indirect emissions are emissions produced offsite from energy production and water

conveyance due to a project's energy use and water consumption. BAAQMD has provided guidance on detailed methods for modeling GHG emissions from proposed projects (BAAQMD, 2012). The above stated thresholds apply only to operational emissions. To date, the BAAQMD has not adopted numeric thresholds for the assessment of construction-related emissions.

Local

City of Oakland Energy and Climate Action Plan

An Oakland Energy and Climate Action Plan (ECAP) has been developed to identify, evaluate and recommend prioritized actions to reduce energy consumption and GHG emissions in Oakland. The ECAP identifies energy and climate goals, clarifies policy direction, and identifies priority actions for reducing energy use and GHG emissions. On July 7, 2009, the Oakland City Council directed staff to develop the draft Oakland ECAP using a GHG reduction target equivalent to 36 percent below 2005 GHG emissions by 2020 (City of Oakland, Resolution No. 82129 C.M.S., 2009). The City adopted the ECAP on December 4, 2012.

The ECAP outlines a ten year plan including more than 150 actions that will enable Oakland to achieve a 36% reduction in GHG emissions with respect to each of these GHG sources. Oakland can accomplish this goal by 2020 through:

- 20% reduction in vehicle miles traveled annually as residents, workers and visitors meet daily needs by walking, bicycling, and using transit;
- 24 million gallons of oil saved annually due to less driving and more fuel efficient vehicles on local roads
- 32% decrease in electricity consumption through renewable generation, conservation and energy efficiency
- 14% decrease in natural gas consumption through building retrofits, solar hot water projects and conservation
- 62 million kWh and 2.7 million therms annually of new renewable energy used to meet local needs
- 375,000 tons of waste diverted away from local landfills through waste reduction, reuse, recycling, and composting

The ECAP also recommends a Three Year Priority Implementation Plan; a prioritized subset of actions recommended for implementation in the next three years. These priority actions will capitalize on near term opportunities and lay the groundwork for long term progress. Some of the recommended priority actions can be implemented with existing and anticipated resources. Others will require the identification of new, in some cases significant, resources to move forward.

The following Priority Actions of the ECAP apply to the Plan Area/and or proposed Specific Plan:

- PA1: Identify and Adopt Priority Development Area (PDA). The Plan area is designated by the City and in the Sustainable Communities Strategy pursuant to SB375 as an identified PDA.
- PA7: Adopt a Green Building Ordinance for Private Development. This was adopted in 2011 as discussed later in this section.
- PA31: Improve Transportation and land Use Planning Integration in Every Land Use Effort. The proposed Specific Plan area is located in a transit corridor with both active AC Transit Service and BART service within the Plan area.
- PA37: Plan for Electric Vehicle Infrastructure.
- PA46: Consider Energy Benchmarking for Commercial Buildings.
- PA50: Facilitate Community Solar Programs.

Impacts and Mitigation Measures

This analysis evaluates the Project's impacts related to greenhouse gases emission and climate change. The evaluation considered Project plans, current CEQA *Guidelines* Appendix G significance thresholds, conditions at the Project site, and applicable regulations and guidelines.

Significance Criteria

Significance criteria used in this analysis are based on Appendix G of the CEQA *Guidelines*, and the BAAQMD's 2011 Thresholds for GHG emissions. Specifically, the Project would have a significant effect on the environment if it were to:

- Generate greenhouse gas emissions in excess of 1,100 metric tons of CO_2e annually and 4.6 MT CO_2e/SP/yr; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Approach to Analysis

Potential impacts are assessed by modeling the estimated CO_2 emissions generated by Project construction and operations, using the CalEEMod version 2013.2.2 land use emissions model, and comparing modeled emissions to the significance thresholds.

Both BAAQMD and California Air Pollution Control Officers Association (CAPCOA) consider GHG impacts to be exclusively cumulative impacts, in that no single project could, by itself, result in a substantial change in climate. (BAAQMD, 2012 and CAPCOA, 2008). Therefore, the evaluation of GHG impacts evaluates whether the project would make a considerable contribution to cumulative climate change effects.

Impact Analysis

Impact 4.B-1: The proposed project would result in an increase in GHG emissions. (Significant)

The proposed project would generate GHG emissions from a variety of sources, including project construction and project operations.

Construction Emissions

Construction emissions from the proposed project were estimated using the CalEEMod emissions model. Sources would include fossil fuel combustion by construction vehicles and equipment. Construction-related GHG emissions for each year of the anticipated two-year construction period are presented in **Table 4.B-2**. All model inputs and output are provided in **Appendix C**. Estimated emissions are 112 metric tons of carbon dioxide equivalent greenhouse gases (CO_2e) in 2014 and 159 metric tons CO_2e in 2015. As discussed earlier, BAAQMD has not established a quantitative threshold relative to construction-related emissions. In lieu of any proposed or adopted thresholds relative to construction-related emissions, these emissions are considered significant unless best management practices are implemented to reduce GHG emissions during construction, as feasible. Consequently, **Mitigation Measure 4.B-1** is identified to ensure implementation of best management practices during construction.

TABLE 4.B-2
ESTIMATED CONSTRUCTION-RELATED GHG EMISSIONS

Emission Source (year)	Total Emissions (MT CO_2e)			
	CO_2	CH_4	N_2O	Total CO_2e
2014	112	0.02	<0.01	112
2015	158	0.03	<0.01	159
Total	–	–	–	271

Project CO_2 emissions estimates were made using CalEEMod v.2013.2.2.

Mitigation Measure 4.B-1: The following BAAQMD-suggested measures shall be implemented during project construction:

- Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15% of the fleet;
- Use locally sourced building materials for at least 10% of overall materials brought to site; and
- Recycling or reusing at least 50 percent of construction waste or demolition materials.

Operational Emissions

Area, Energy, and Indirect Sources

Operational GHG emissions associated with the Project would result from electrical and natural gas usage, water and wastewater transport (the energy used to pump water and wastewater to and from the Project site), and solid waste generation. GHG emissions from electrical usage are generated when energy consumed on the site is generated by the electrical supplier, PG&E. GHG emissions from natural gas are direct emissions resulting from on-site combustion for heating and other purposes. GHG emissions from water and wastewater transport are also indirect emissions resulting from the energy required to transport water from its source, and the energy required to treat wastewater and transport it to its treated discharge point. Solid waste-related emissions are generated when the increased waste generated by the Project is disposed in a landfill where it decompose, producing methane gas.[2]

GHG emissions from electrical usage, natural gas combustion, mobile transportation, water and wastewater conveyance, and solid waste were estimated using the CalEEMod model, and are presented in **Table 4.B-3**. Energy use (electrical and natural gas) represents approximately 26 percent of estimated operational GHG emissions and include improvements required by the 2013 update to the Title 24 Building Code. Solid waste represents approximately 3 percent of operational GHG emissions and water usage represents less than 1 percent.

TABLE 4.B-3
INCREMENT OPERATIONAL GHG EMISSIONS

	Total Emissions (MT)/Year			
Emission Source	**CO_2**	**CH_4**	**N_2O**	**Total CO_2e**
Area Sources	<1	<0.01	<0.011	<1
Energy Sources	284	0.01	<0.01	286
Mobile Sources	745	0.03	<0.01	746
Solid Waste	15.6	0.92	<0.01	34.9
Water and Wastewater	4.71	<0.01	<0.01	5.67
Total	**1,049**	**0.96**	**<0.01**	**1,073**
Threshold				**1,100**
Significant?				**No**

Columns may not total precisely due to rounding. Rows do not total because last column (CO_2e) accounts for global warming potential of CH_4 and N_2O.

Mobile Emission Sources

Once operational and fully occupied, the proposed development would result in an increase of an estimated 880 daily vehicle trips above existing levels, as described in Section 4.C, *Traffic and Circulation*. GHG emissions from motor vehicle sources were calculated using the CalEEMod.

[2] CH_4 from decomposition of municipal solid waste deposited in landfills is counted as an anthropogenic (human-produced) GHG (USEPA, 2006). Waste in the city of Oakland is disposed at Altamont landfill which has methane capture and energy recovery which is considered in the modeling results.

Table 4.B-2 presents the incremental mobile source GHG emissions associated with the Project, which represent approximately 66 percent of the total operational GHG emissions.

As shown in Table 4.B-2, the sum of both direct and indirect GHG emissions resulting from operation of the Project would result in an estimated 1,073 metric tons per year of CO_2e.[3] This is less than the 1,100 metric ton per year threshold established by the BAAQMD. Operational GHG emissions would therefore be less than significant. Implementation of Mitigation Measure 4.B-1 would ensure that the applicant employs feasible, effective measures to reduce GHG emissions during project construction.

Mitigation: None required.

Impact 4.B-2: The proposed project would not conflict with the AB 32 Scoping Plan or City of Oakland Plans and Policies for reducing GHG emissions. (Less than Significant)

The State of California's Climate Change Scoping Plan identifies 39 Recommended Actions (qualitative measures) to address climate change. Of the 39 measures identified, those that would be considered to have the greatest potential applications to the Project would be those actions related to electricity and natural gas use (E), and green building design (GB).

Scoping Plan Actions E-1 and GB-1 together aim to reduce electricity demand by increased efficiency of Utility Energy Programs and adoption of more stringent building and appliance standards. The proposed project would be designed to meet Title 24 building energy requirements which were recently updated in 2013 to address these Scoping Plan Actions. Additionally, **Mitigation Measure 4.B-1** identified above to address quantitative GHG emissions would also serve to ensure consistency with the goals of the Scoping Plan.

Consequently, as the proposed project would implement a variety of green building design measures it would be consistent with the Recommended Actions of the Climate Change Scoping Plan adopted by CARB to achieve the goals of AB 32, Therefore, the proposed project would not conflict with the GHG reduction measures identified in CARB's AB 32 Scoping Plan or other applicable plan or policy for reducing GHG emissions, and therefore would ensure that the proposed project's impact on GHGs is less-than-significant.

Mitigation: None required.

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[3] CO_2e in all calculations of Project impact include CO_2, CH_4 and N_2O.

References

Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance. October 2009.

BAAQMD, 2010. Source Inventory of Bay Area Greenhouse Gas Emissions. Updated February 2010.

BAAQMD, 2012. CEQA Air Quality Guidelines. Adopted June 2011, updated May 2012. Available at www.baaqmd.gov.

California Air Pollution Control Officers Association (CAPCOA), 2008. CEQA and Climate Change.

California Air Resources Board (CARB), 2008. Climate Change Scoping Plan. Adopted December 11, 2008, re-approved by CARB on August 24, 2011.

California Energy Commission (CEC), 2007. Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004.

California Environmental Protection Agency (CalEPA), 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature.

Earth System Research Laboratory (ESRL), 2013. Recent Monthly Mean CO2 at Mauna Lora. Available at: http://www.esrl.noaa.gov/gmd/ccgg/trends/. Accessed on October 8, 2013.

GRID-Arendal, 2013. Global Atmospheric Concentration of CO2. Available at http://www.grida.no/publications/vg/climate/page/3062.aspx. Accessed on October 8, 2013.

Intergovernmental Panel on Climate Change (IPCC), 2007. Climate Change 2007: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change [Parry, Martin L., Canziani, Osvaldo F., Palutikof, Jean P., van der Linden, Paul J., and Hanson, Clair E. (eds.)]. Cambridge University Press, Cambridge, United Kingdom.

National Center for Biotechnology Information, 2013. Algal Blooms in the Spread and Persistence of Cholera. Available at: http://www.ncbi.nlm.nih.gov/pubmed/8155853. Accessed on October 8, 2013.

PG&E, 2013. Greenhouse Gas Emission Factors: Guidance for PG&E Customers. Available at: http://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf.

Port of Oakland, 2011. *Land Use and Development Code for the Oakland Airport Business Park*, June 2011.

United Nations Framework Convention on Climate Change (UNFCCC), 2013. GHG total excluding LULUCF: Total CO_2 Equivalent Emissions without Land Use, Land-Use Change and Forestry. Available at http://unfccc.int/ghg_emissions_data/predefined_queries/items/3814.php, viewed October 11, 2013.

United States Environmental Protections Agency (U.S. EPA), 2006. Solid Waste Management and Greenhouse Gases, A Lifecycle Assessment of Emissions and Sinks, September, 2006.

U.S. EPA, 2008a. Climate Change – Ecosystems and Biodiversity. Available at: http://www.epa.gov/climatechange/effects/eco.html. Accessed on August 28, 2013.

U.S. EPA, 2008b. Climate Change – Health and Environmental Effects. Available at: http://www.epa.gov/climatechange/effects/health.html#climate. Accessed on August 28, 2013.

U.S. EPA, 2011. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2009; Executive Summary. Available at http://www.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2011-Executive-Summary.pdf. Accessed on August 28, 2013.

C. Transportation and Circulation

This section describes and evaluates issues related to Transportation and Circulation in the context of the proposed project. Discussed are the physical and regulatory setting; the baseline for determining environmental impacts; the criteria used for determining the significance of environmental impacts; and potential impacts and appropriate mitigation measures.

Environmental Setting

The existing transportation-related context for the project is described below, beginning with a description of the street network that serves the project site and surroundings. Existing transit service, and bicycle and pedestrian facilities in the vicinity of the project are also described. Intersection levels of service criteria are then defined, and current operating conditions for intersections in the project vicinity are summarized.

Existing Roadway Network

The project site is located in the southwestern portion of the City of Oakland, in the vicinity of Oakland International Airport and Interstate 880 (I-880), set back approximately 270 feet west of Hegenberger Road and approximately 390 feet north of Pardee Drive.[1] A site vicinity map showing the project location and surrounding roadway network is provided in **Figure 4.C-1**. Vehicular access to the site would be provided by recorded driveway easements from both Hegenberger Road and Pardee Drive. Roadways serving the project area are described below.

Regional Roadways

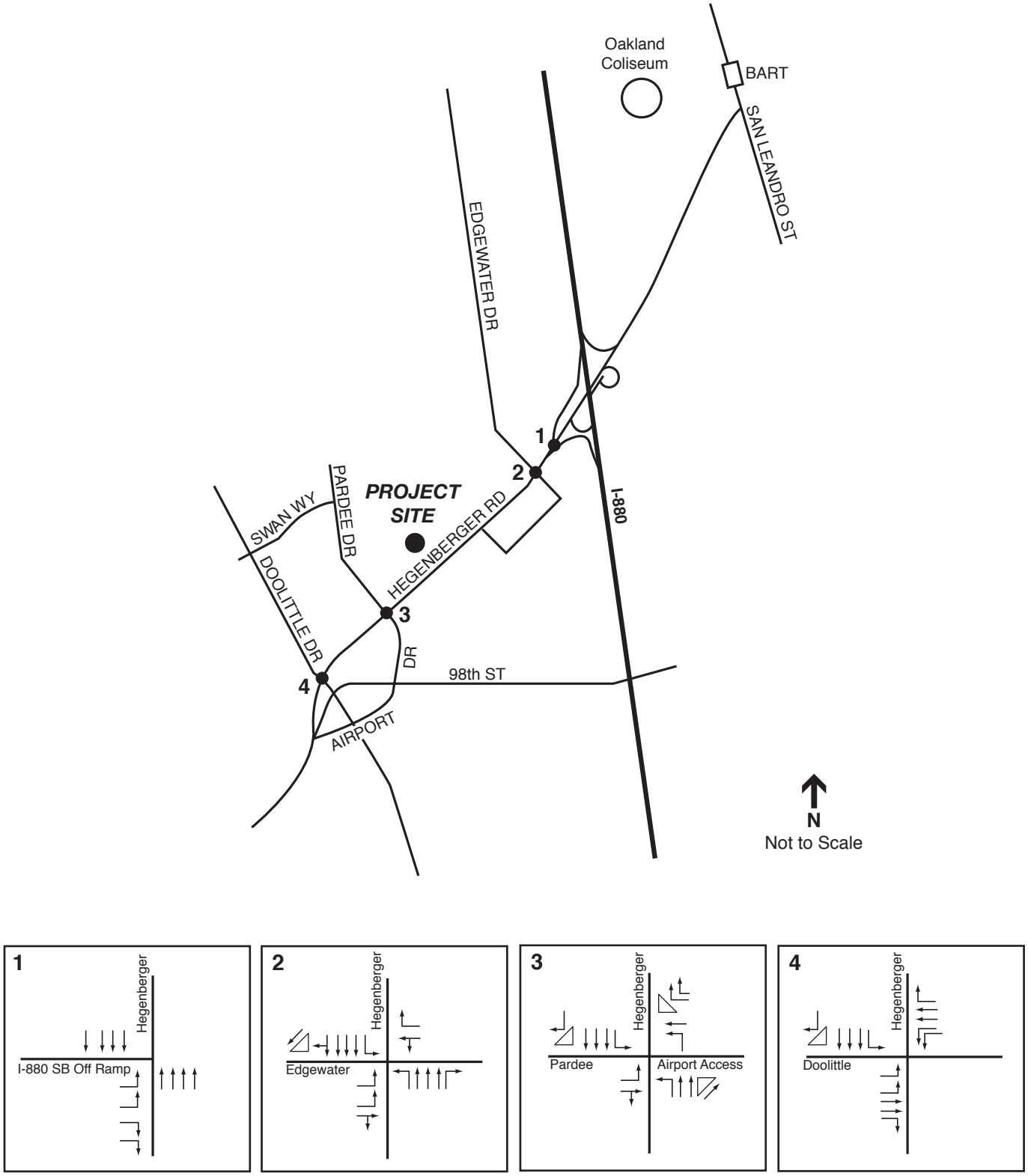
Interstate 880 (I-880, Nimitz Freeway) is a major north-south regional freeway located east of the project site, running between I-80 / I-580 to the north (serving parts of the City of Oakland, including the downtown area) and I-280 in San Jose to the south (serving other East Bay cities, including San Leandro, Hayward and Fremont). Four lanes are generally provided in each direction on this freeway in the project area. Ramps to and from I-880 to the project site are located at the Hegenberger Road interchange.

Doolittle Drive (State Route 61) is a north-south state highway located west of the project site with two travel lanes in each direction are provided on this roadway. Doolittle Drive forms the eastern boundary of the Oakland International Airport, and connects to the City of Alameda to the north and the City of San Leandro to the south.

Local Roadways

Hegenberger Road is a major east-west arterial that connects to the Oakland International Airport to the west and the I-880 freeway (and beyond) to the east. Three travel lanes are provided in each direction along the project site to the west; four lanes are provided in each

[1] For the purposes of this discussion, direction orientation in the study area assumes that I-880 is a north-south roadway and that all cross streets (e.g., Hegenberger Road) are east-west roadways.



SOURCE: ESA

195 Hegenberger Hotel . 130713

Figure 4.C-1
Project Area Roadways and Lane Configurations
at Study Intersections

direction east of Edgewater Road. Hegenberger Road becomes one-way westbound west of its intersection with Doolittle Drive and operates as a one-way couplet with Airport Access Road with access into the Oakland International Airport. There are signalized intersections in the project area at Hegenberger Loop, Edgewater Road, Pardee Drive, and Doolittle Drive.

Pardee Drive is a north-south oriented roadway located west of the project site. North of Hegenberger Road, two travel lanes are provided in each direction. South of Hegenberger Road, Pardee Drive continues as Airport Access Road.

Airport Access Road operates as a one-way couplet with Hegenberger Road with access out of the Oakland International Airport. Two travel lanes are generally provide in each direction with the provision of turning lanes at intersections. North of Hegenberger Road, Airport Access Road continues as Pardee Drive.

Transit Service

The Alameda Contra Costa Transit District (AC Transit) provides transit service in the project vicinity. There is effectively one bus line serving the project site directly, with connection the other lines in the AC Transit system, and to the BART system (Coliseum Station). The local line 73 operates every 15 minutes from about 5:30 a.m. to midnight, and the all-nighter line 805 operates hourly from midnight to 5:30 a.m. (AC Transit, 2014).[2] There are bus stops at the Hegenberger Road / Pardee Drive – Airport Access Road intersection, and the Hegenberger Road / Hegenberger Place intersection.

Currently, the Bay Area Rapid Transit (BART) District provides a direct shuttle (AirBART) between the Oakland Airport and the Oakland Coliseum BART station; there are no stops for the shuttle near the project site. In the future, an elevated BART Airport Connector transit line will replace AirBART as the transit connection, with the same non-stop between the airport and the Coliseum BART station; the BART Connector is scheduled to start service in fall 2014 (BART, 2014).

Bicycle and Pedestrian Facilities

Bicycle facilities comprise bike paths (Class I facilities), bike lanes (Class II facilities), and bike routes (Class III facilities). Bike paths are paved trails that are separated from the roadways. Bike lanes are lanes on roadways designated for bicycle use by striping, pavement legends, and signs. Bike routes are roadways that are designate for bicycle use with signs. There are no bike lanes or routes on area roads, but bike lanes are proposed for Hegenberger Road as part of the Oakland Bicycle Master Plan update (City of Oakland, 2007).

Pedestrian facilities include sidewalks, pedestrian paths, crosswalks, pedestrian signals and other pedestrian amenities. Sidewalks are generally provided on all roadways within a quarter mile of the project, with the exception of Pardee Drive, which has discontinuous sidewalk. In addition

[2] There are two other bus line running on Hegenberger Road in the project area, but local line 314 operates only one trip midday twice weekly, and local line 356 operates only one trip midday three times weekly. .

crosswalks and audible pedestrian signals are provided at the intersection of Hegenberger Road and Pardee Drive.

Existing Traffic Conditions

Intersection Level of Service Analysis Methodologies

The operation of a local roadway network is commonly measured and described using a grading system called Level of Service (LOS). The LOS grading system qualitatively characterizes traffic conditions associated with varying levels of vehicle traffic, ranging from LOS A (indicating free-flow traffic conditions with little or no delay experienced by motorists) to LOS F (indicating congested conditions where traffic flows exceed design capacity and result in long queues and delays). This LOS grading system applies to both signalized and unsignalized intersections. LOS A, B, and C are generally considered satisfactory service levels, while the influence of congestion becomes more noticeable (though still considered acceptable) at LOS D. LOS E and F are generally considered to be unacceptable.

At the signalized study intersections, traffic conditions were evaluated using the 2000 *Highway Capacity Manual* operations methodology. The operation analysis uses various intersection characteristics (such as traffic volumes, lane geometry, and signal phasing and timing) to estimate the average delay experienced by motorists traveling through an intersection. **Table 4.C-1** summarizes the relationship between delay and LOS for signalized intersections.

TABLE 4.C-1
DEFINITIONS FOR SIGNALIZED INTERSECTION LEVEL OF SERVICE

Level of Service	Average Delay Per Vehicle (Seconds)	Description
A	≤ 10.0	Free Flow or Insignificant Delays: Operations with very low delay, when signal progression is extremely favorable and most vehicles arrive during the green light phase. Most vehicles do not stop at all.
B	10.1 to 20.0	Stable Operation or Minimal Delays: Generally occurs with good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average delay. An occasional approach phase is fully utilized.
C	20.1 to 35.0	Stable Operation or Acceptable Delays: Higher delays resulting from fair signal progression and/or longer cycle lengths. Drivers begin having to wait through more than one red light. Number of vehicles stopping is significant. Most drivers feel somewhat restricted.
D	35.1 to 55.0	Approaching Unstable or Tolerable Delays: Influence of congestion becomes more noticeable. Longer delays result from unfavorable signal progression, long cycle lengths, or high volume to capacity ratios. Many vehicles stop. Drivers may have to wait through more than one red light. Queues may develop, but dissipate rapidly, without excessive delays.
E	55.1 to 80.0	Unstable Operation or Significant Delays: Considered to be the limit of acceptable delay. High delays indicate poor signal progression, long cycle lengths and high volume to capacity ratios. Individual cycle failures are frequent occurrences. Vehicles may wait through several signal cycles. Long queues form upstream from intersection.
F	> 80.0	Forced Flow or Excessive Delays: Occurs with oversaturation when flows exceed the intersection capacity. Represents jammed conditions. Many cycle failures. Queues may block upstream intersections.

SOURCE: Transportation Research Board, 2000 *Highway Capacity Manual*.

Study Intersections

Analysis of peak-hour traffic condition was conducted at four signalized intersections in the project vicinity (see list below and Figure 4.C-1). These intersections were selected based on their proximity to the project site, and an examination of the expected dispersion of project traffic volumes on the area's road network.

1. Hegenberger Road / I-880 Southbound Off-Ramp
2. Hegenberger Road / Edgewater Drive / Hegenberger Loop North
3. Hegenberger Road / Pardee Drive / Airport Access Road
4. Hegenberger Road / Doolittle Drive (State Route 61)

The study intersections were analyzed during weekday a.m. and p.m. peak-hour conditions, which typically occur during the morning and evening commute periods (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). Manual turning movement counts were conducted at the study intersections during the two-hour peak periods in November 2013. Intersection operations were evaluated for the one hour during each peak period when the highest traffic volumes were measured. The a.m. and p.m. peak-hour volumes are shown in **Figure 4.C-2**; the raw count data are included in **Appendix F**. The existing intersection lane geometrics are presented in Figure 4.C-1.

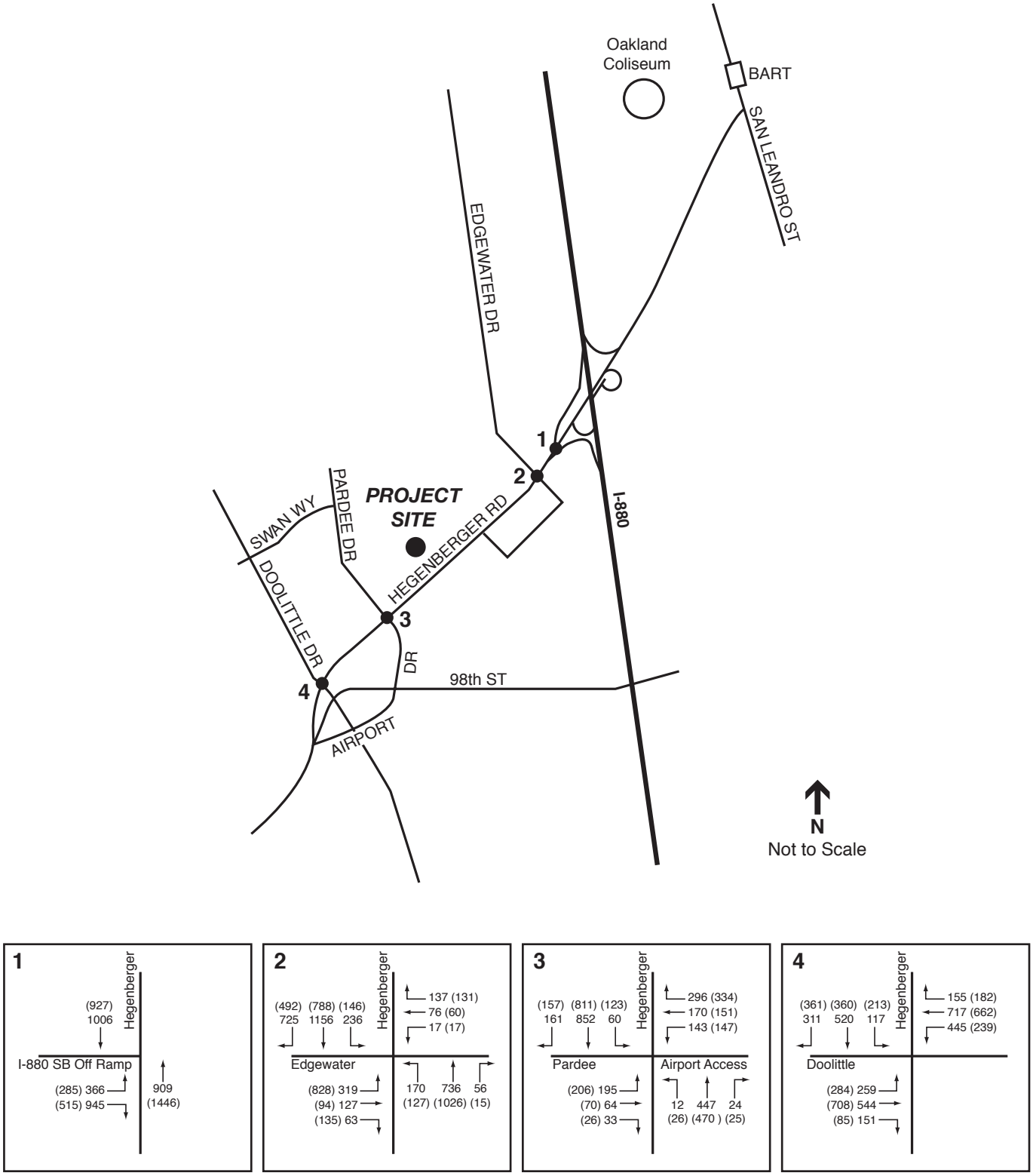
Existing Intersection Levels of Service

As shown in **Table 4.C-2**, the study intersections are currently operating acceptably, at LOS C or better, during both peak hours. LOS calculation sheets are provided in Appendix F.

TABLE 4.C-2
EXISTING (2013) INTERSECTION LEVELS OF SERVICE (LOS) AND AVERAGE VEHICLE DELAY (seconds per vehicle)

	A.M. Peak Hour		P.M. Peak Hour	
Study Intersection(*all signalized*)	**Delay**	**LOS**	**Delay**	**LOS**
1. Hegenberger Road / I-880 Southbound Off-Ramp	16.9	B	13.2	B
2. Hegenberger Road / Edgewater Drive	33.8	C	33.4	C
3. Hegenberger Road / Pardee Drive – Airport Access Road	20.4	C	21.0	C
4. Hegenberger Road / Doolittle Drive	22.6	C	24.1	C

SOURCE: ESA, 2013



SOURCE: ESA

195 Hegenberger Hotel . 130713

Figure 4.C-2

Existing Peak Hour Turning-Movement Volumes

Regulatory Setting

Regional

Alameda County Transportation Commission

The Alameda County Transportation Commission (Alameda CTC) is a joint powers authority that plans, funds and delivers transportation programs and projects that expand access and improve mobility to foster a vibrant and livable Alameda County. It was formed in 2010 from the merger of two organizations – the Alameda County Transportation Improvement Authority and the Alameda County Congestion Management Agency.

Among other responsibilities, Alameda CTC serves as the Congestion Management Agency of Alameda County. As required by State law, Alameda CTC must update its Congestion Management Program (CMP) every two years; the current CMP was adopted in October 2013. Alameda CTC requires evaluation of road segments on the CMP network per the requirements of the Land Use Analysis Program of the CMP for land use development projects that involve an EIR and that would generate 100 or more p.m. peak hour trips above the existing condition. As stated below, the proposed project would generate fewer than 100 new p.m. peak-hour trips.

Local

City of Oakland

The project site is located in the City of Oakland, in the Port of Oakland's Oakland Airport Business Park, and thus, the proposed project would be required to comply with the City's General Plan and the Port of Oakland Land Use and Development Code's standards and regulations for the Oakland Airport Business Park. The project would not be required to comply with the zoning and related regulations of the City of Oakland's Municipal Code because it is within the Port Area, and no City Planning Commission or Design Review approval is necessary.

The Port relies on the City of Oakland's standards of significance for evaluating transportation and circulation impacts. These criteria are described below.

Impacts and Mitigation Measures

Significance Criteria

Based on CEQA *Guidelines* Appendix G, a project would cause a significant impact on transportation and traffic if it would:

a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

e. Result in inadequate emergency access.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

The City of Oakland has adopted standards of significance for evaluating transportation and circulation impacts. Therefore, in addition to the significance criteria above, this EIR shall determine impacts using the following thresholds of significance:

- At a signalized intersection that is located *outside* the Downtown[3] area and that does not provide direct access to Downtown, the project would cause the motor vehicle level of service (LOS) to degrade to worse than LOS D (i.e., LOS E or F) and cause the total intersection average vehicle delay to increase by four or more seconds;

- At a signalized intersection *outside* the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four or more seconds;

- At a signalized intersection *outside* the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause an increase in the average vehicle delay for any of the critical movements of six seconds or more;

- At a signalized intersection *for all areas* where the motor vehicle level of service is LOS F, the project would cause:

  (a) the overall volume-to-capacity ("v/c") ratio to increase 0.03 or more, or
  (b) the critical movement v/c ratio to increase 0.05 or more.

- At an unsignalized intersection the project would add ten or more vehicles to the critical movement and after project completion satisfy the California Manual on Traffic Control Devices (MUTCD) peak hour volume traffic signal warrant;

- The project would result in substantially increased travel times for AC Transit buses;

[3] Downtown is defined in the Land Use Transportation Element of the General Plan (page 67) as the area generally bound by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland estuary to the south and I-980/Brush Street to the west. Intersections that provide direct access to Downtown are generally defined as principal arterials within two miles of the Downtown area and minor arterials within one mile of the Downtown area, provided that the street connects directly to the Downtown area. Thus, all of the analysis intersections are located outside, and do not provide direct access to, the Downtown area.

- The project would directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard due to a new or existing physical design feature or incompatible uses;
- The project would directly or indirectly result in a permanent substantial decrease in pedestrian safety;
- The project would directly or indirectly result in a permanent substantial decrease in bicyclist safety;
- The project would directly or indirectly result in a permanent substantial decrease in bus rider safety;
- The project would fundamentally conflict with adopted City policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect and result in a physical change in the environment;
- The project would result in a substantial, though temporary, adverse effect on the circulation system during construction of the project; or
- The project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Cumulative Impacts

- A project's contribution to cumulative impacts would be considered "considerable" (i.e., significant) when the project would exceed at least one of the thresholds listed above in a future-year scenario.

Impacts Not Further Evaluated

Due to the nature of the project, there would be no impacts related to the following criterion; therefore, no impact discussion is provided for this topic for the reasons described below:

- **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in locations that result in substantial safety risks**. There would be no impacts related to air traffic patterns. The project site is located approximately one mile from Oakland International Airport. The project would not affect the level of air traffic, nor would it relocate facilities that could affect the safety of air traffic. The height of the proposed hotel would not intrude into airspace needed for safe air traffic patterns.

Approach to Analysis

The transportation impacts of the proposed project are discussed below. First, the method used to estimate the amount of traffic added to the roadway system by the project is described. Then, the results of the intersection levels of service calculations with the project conditions are presented under existing plus project and cumulative conditions. The project's impacts to alternative modes of transportation (i.e., transit, bicycles and pedestrians), traffic safety, and access are also discussed. The project's proposed onsite parking supply, compared to Port requirements and estimated peak parking demand, is discussed herein, for information purposes only.

The amount of traffic associated with a project is estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In the first step, the amount of traffic entering and exiting the site is estimated. In the second step, the directions the trips use to approach and depart the site are projected. The trips are then assigned to specific street segments and intersection turning movements in the third step.

Analysis Scenarios

The following scenarios are analyzed in this section:

- Existing + Proposed Project
- 2035 Cumulative Baseline
- 2035 Cumulative + Proposed Project

Project Trip Generation

Traffic trip generation was estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition (ITE, 2012), using the "Hotel" land use category (310). As shown in **Table 4.C-3**, the proposed 140-room hotel would generate about 880 daily vehicle trips, with 74 trips during the a.m. peak hour and 84 trips during the p.m. peak hour.

TABLE 4.C-3
PROJECT TRIP GENERATION

	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
Project	**Total**	**Total**	**In**	**Out**	**Total**	**In**	**Out**
Hotel	880	74	44	30	84	43	41

SOURCE: ESA (2013), based on ITE, *Trip Generation Manual*, 9th edition, 2012.

Project Trip Distribution and Assignment

The vehicle trip distribution pattern for the project was estimated based in part on the existing travel patterns of regional traffic, and locations of complementary land uses, primarily commercial land uses, the airport, and job centers. The major directions of approach and departure for the project are presented in **Table 4.C-4**.

Impacts Analysis

Construction Impacts

Impact 4.C-1: Construction activities associated with the proposed project could potentially result in temporary circulation impacts on the street system. (Significant)

Construction of the proposed project is expected to last for 15 months and would occur Monday-Saturday from 7:00 a.m. to 6:00 p.m. Construction activities that would generate off-site traffic would include the initial delivery of construction vehicles and equipment to the project site, the

TABLE 4.C-4
PROJECT TRIP DISTRIBUTION

Gateway / Direction	Percentage
From/to the East:	
on I-880 North	45%
on I-880 South	20%
on Hegenberger Road (east of I-880)	4%
From/to the West:	
on Hegenberger Road (Airport)	25%
From/to the North:	
on Doolittle Drive	5%
From/to the South:	
on Doolittle Drive	1%
TOTAL	**100%**

SOURCE: ESA (2013)

daily arrival and departure of construction workers, and the delivery of materials throughout the construction period, and removal of construction debris. Construction activities for the project would include soil excavation, trenching, and compaction. No soil would be imported or exported from the site, i.e., all excavated material would be utilized onsite. The construction staging area would be onsite. Parking for construction workers would be located onsite or in immediately adjacent parking areas.

The number of construction workers would be approximately 10-25 workers per day during no-peak construction and 25-40 workers per day during peak construction, generating an estimated maximum of 100 daily one-way vehicle trips (80 commute trips, plus up to about 20 miscellaneous midday trips). On the basis of the above-cited construction hours, workers are expected to travel to and from the site outside the typical peak commute hours (7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m.). There would likely be multiple destination for off-haul materials and origins for on-haul materials. Construction workers would also be arriving from different directions. Travel routes for workers, spoils export and material import would be determined in consultation with the Port and the City, and scheduled to avoid peak traffic periods.

Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on any project roadways. The impact of construction-related traffic would be a temporary and intermittent lessening of the capacities of project area streets because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. However, given the location of the project site on a major arterial (Hegenberger Road), and proximity to I-880, construction trucks would have relatively easy and direct routes. Most construction traffic would be dispersed throughout the day. Thus, the temporary increase would not significantly disrupt traffic flow on any of the study area roadways.

However, to ensure that construction traffic would not impede travel in the project site vicinity, **Mitigation Measure 4.C-1** is required to reduce these temporary construction traffic impacts to less-than-significant levels.

Mitigation Measure 4.C-1: The project applicant and its construction contractor(s) will develop a construction management plan for review and approval by the Port of Oakland prior to the start of construction. The plan will include at least the following items and requirements to reduce, to the maximum extent feasible and traffic congestion during construction:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
- Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur; and
- Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.

Significance after Mitigation: Less than Significant.

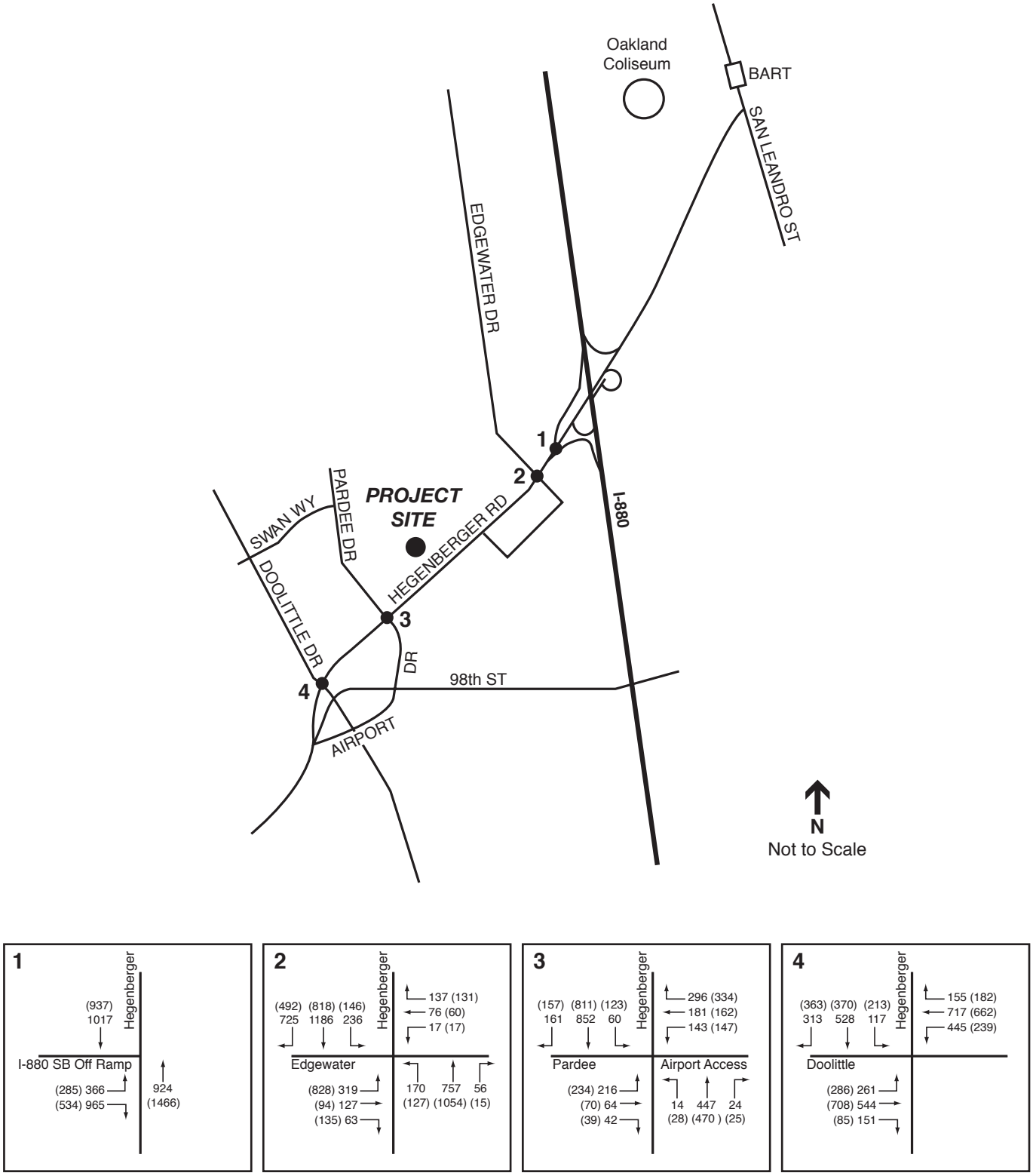
Operational Impacts

Existing plus Project Conditions

Impact 4.C-2: The proposed project would increase traffic at local intersections in the project vicinity. (Less than Significant)

The trips generated by the proposed project were assigned to the roadway system based on the directions of approach and departure discussed under trip distribution. **Figure 4.C-3** illustrates the traffic volumes at the study intersections under existing plus project conditions. With the addition of project-generated traffic, all of the study intersections are projected to continue to operate acceptably at the same LOS (see **Table 4.C-5**). LOS calculation sheets are provided in Appendix F. The project impact on local intersections would be less than significant.

Mitigation: None required.



XX(XX) = AM(PM)

SOURCE: ESA

195 Hegenberger Hotel . 130713

Figure 4.C-3

Existing Plus Project Peak Hour Turning-Movement Volumes

TABLE 4.C-5
LEVELS OF SERVICE (LOS) AND AVERAGE VEHICLE DELAY (seconds per vehicle)
EXISTING vs. EXISTING PLUS PROJECT CONDITIONS

	Existing				Existing Plus Project			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Study Intersection (*all signalized*)	**Delay**	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**
1. Hegenberger Road / I-880 Southbound Off-Ramp	16.9	B	13.2	B	17.0	B	13.4	B
2. Hegenberger Road / Edgewater Drive	33.8	C	33.4	C	33.8	C	33.4	C
3. Hegenberger Road / Pardee Drive – Airport Access Road	20.4	C	21.0	C	20.8	C	21.5	C
4. Hegenberger Road / Doolittle Drive	22.6	C	24.1	C	22.6	C	24.1	C

SOURCE: ESA, 2013

Impact 4.C-3: The proposed project could potentially increase hazards due to a design feature or incompatible uses. (Significant)

Although the proposed project would generate new vehicle trips to surrounding roadways, the project would neither alter the existing roadway network and access driveways that serve the project site, nor would it introduce traffic that is incompatible with existing traffic. More so, the project would not change the character of nearby or adjacent roadways nor would the project create any obstructions that would disrupt access to neighboring uses or degrade the level of safety to users of the roadways. Circulation and parking aisles for the project site, including access easements on adjacent property between the site and Hegenberger Road, would serve two-way traffic and provide perpendicular parking spaces on both sides of the aisles. Onsite circulation would be wide enough for vehicle maneuvering.

Onsite circulation in the parking easement between the existing Harley Davidson dealership located at 151 Hegenberger Road and the proposed hotel would be altered with the addition of the proposed project. Under existing conditions the area is used by Harley Davidson for employee parking, delivery truck access and as a practice area for motorcycle customers. The proposed project would alter the parking along the shared easement to accommodate hotel guest parking, introducing additional vehicular and pedestrian traffic to the area. The circulation, as shown on the site plan (see Figure 3-3 in Chapter 3, Project Description), would allow vehicles at the rear of the hotel to enter and exit the parking area through the easement area between the two properties, and hotel guest to park along the south side of the hotel, between the hotel itself and the Harley Davidson dealership. This would allow hotel patrons parking at the rear of the hotel (and, potentially, trucks and other vehicles making deliveries and service calls to the hotel) to exit the site and turn left in to the service area behind (north of) the Harley Davidson building. In addition, hotel guests parked along the south side of the hotel would also travel in this access easement between the two buildings. Because of the potential conflicts that could develop

between hotel traffic and Harley Davidson traffic in this relatively confined area, this is considered a significant impact. **Mitigation Measure 4.C-3** would reduce the amount of vehicular traffic that would use the shared easement to the parking along the easement on the south side of the hotel. Reducing the potential number of conflicts would reduce the impact to less-than-significant levels. The mitigation measure is illustrated in **Figure 4.C-4**.

Pedestrian circulation would be accommodated along internal sidewalks and would connect the hotel entrance and exits with the existing sidewalks on Hegenberger Road.

The proposed project, as designed in the site plan, would not increase traffic hazards to bicyclists. The project is expected to generate a minimal number of bicycle trips given the project's land use and land uses in the project vicinity (i.e., lack of bicycle facilities).

Site access to the proposed project would be from existing driveways on Hegenberger Road and Pardee Drive. Although pillars for the BART Airport Connector have been added in the median of Hegenberger Road, the available sight distance for drivers exiting from the project remains acceptable (i.e., greater than the stopping sight distance standard set in the Caltrans Highway Design Manual (Caltrans, 2014). In addition, the 16- to 18-foot-wide median serves as a refuge for vehicles making two-stage left turns.[4]

> **Mitigation Measure 4.C-3:** The proposed project site plan will be altered to include removable bollards, a gate, or similar traffic control device for the driveway at the rear of the hotel (southwest corner of the property) which would eliminate hotel traffic exiting or entering hotel parking through the shared Harley Davidson easement. The traffic control device will be designed to maintain emergency access.
>
> If the traffic control device will be removed in the future, the project applicant will submit a technical memorandum prepared by a licensed traffic engineer or certified transportation planner that documents that the circulation impact no longer exists.

Significance after Mitigation: Less than Significant.

Impact 4.C-4: The proposed project could potentially result in inadequate emergency access. (Less than Significant)

The road network serving the project site currently accommodates the movements of emergency vehicles that travel in the area. In the event of an emergency, vehicles would be able to access the project site is the same manner as under existing conditions. The proposed project's impact to emergency vehicle access, therefore, would be less than significant.

[4] A two-stage left turn is when drivers seek refuge in a median after crossing the first stream of traffic (e.g., the westbound traffic stream on Hegenberger Road) before crossing a second stream of traffic (e.g., the eastbound Hegenberger Road traffic stream).

Mitigation: None required.

Impact 4.C-5: The proposed project could potentially conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. (Less than Significant)

The project is located in an established urban area, and development of the project would not directly or indirectly eliminate alternative transportation corridors or facilities (e.g., bicycle lanes, bus routes/stops, pedestrian pathways, etc.). In addition, the proposed project would not include changes in policies or programs that support modes of alternative transportation. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. As a result, the project would result in a less-than-significant impact to alternative modes of transportation and would not result in an adverse effect to the performance or safety of such facilities.

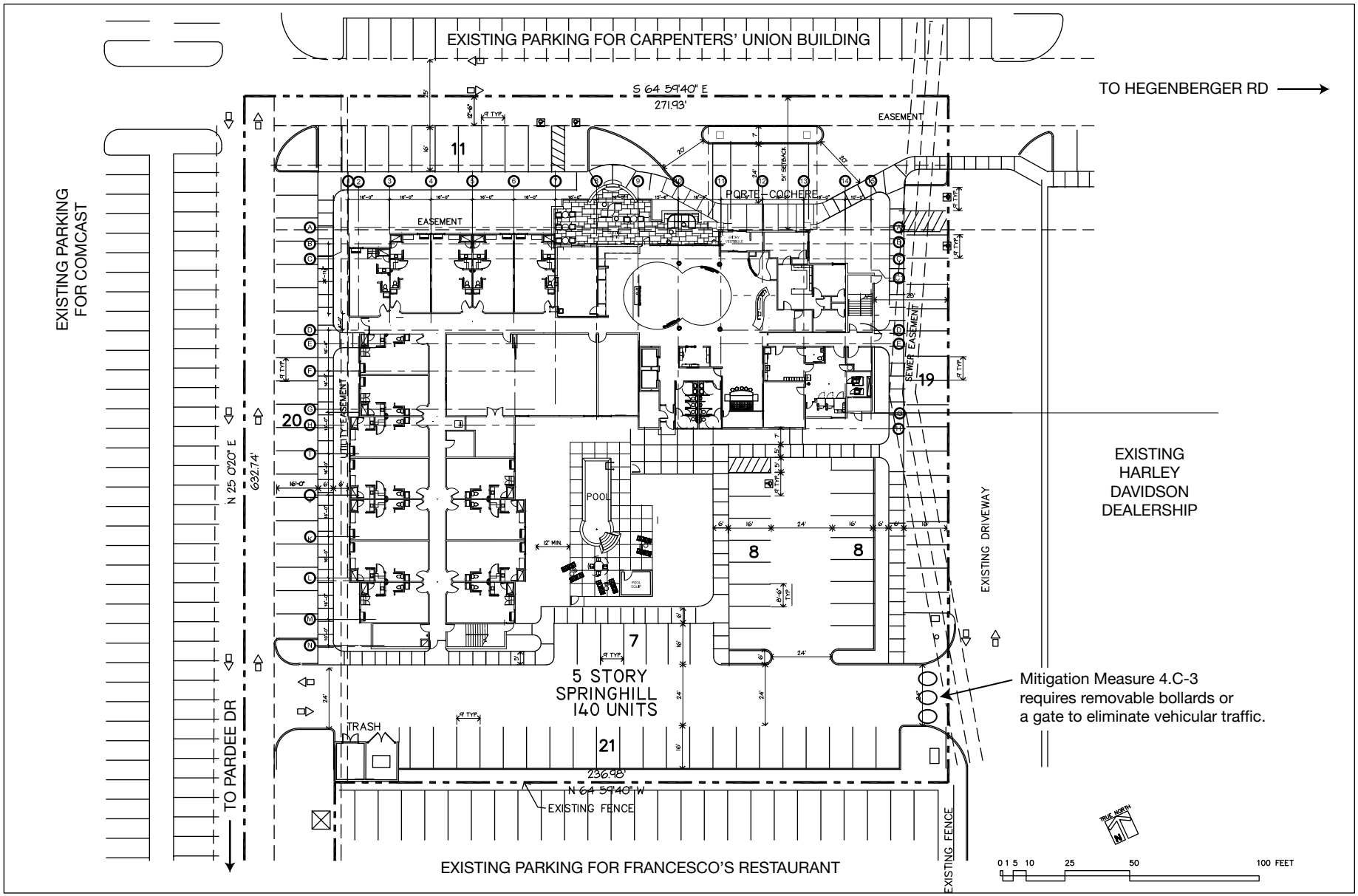
Mitigation: None required.

Cumulative Impacts

Cumulative (2035) Plus Project Conditions

Impact 4.C-6: The project would contribute to cumulative increases in traffic at local intersections in the project area in 2035. (Less than Significant)

The cumulative year scenario was developed using the latest version of the Alameda County Transportation Commission (ACTC) Countywide Travel Demand Model (herein referred to as the “model”). This regional model includes multiple links (roadways), nodal regions (major/minor intersecting link locations), and traffic analysis zones (TAZs) throughout the San Francisco Bay Area. For analysis purposes, only the model parameters specific to the project area were considered. The model was used to identify travel demand forecasts for two specific years: Year 2005 (base year) and Year 2035 (future year) and the model provides daily, one-hour morning and one-hour evening peak traffic volumes along specific links. Because the project would generate traffic during both weekday peak hours, morning and evening peak hour volumes from the model were used for both forecast years. Due to the location of the project, model volume data from all roadways affected by the project were available. Based on the link volumes from the model, an annual average growth rates of 0.65 percent and 0.72 percent during the morning and evening peak hours, respectively, were applied to the existing traffic counts to develop cumulative (no project) peak hour traffic volumes (extrapolation method). In addition, trips generated by the 8350 Pardee Drive warehouse project (currently under construction) were included in the cumulative (no project) volumes. Peak-hour turning movement volumes under cumulative conditions are presented in **Figures 4.C-4** (no project) and **4.C-5** (plus project).

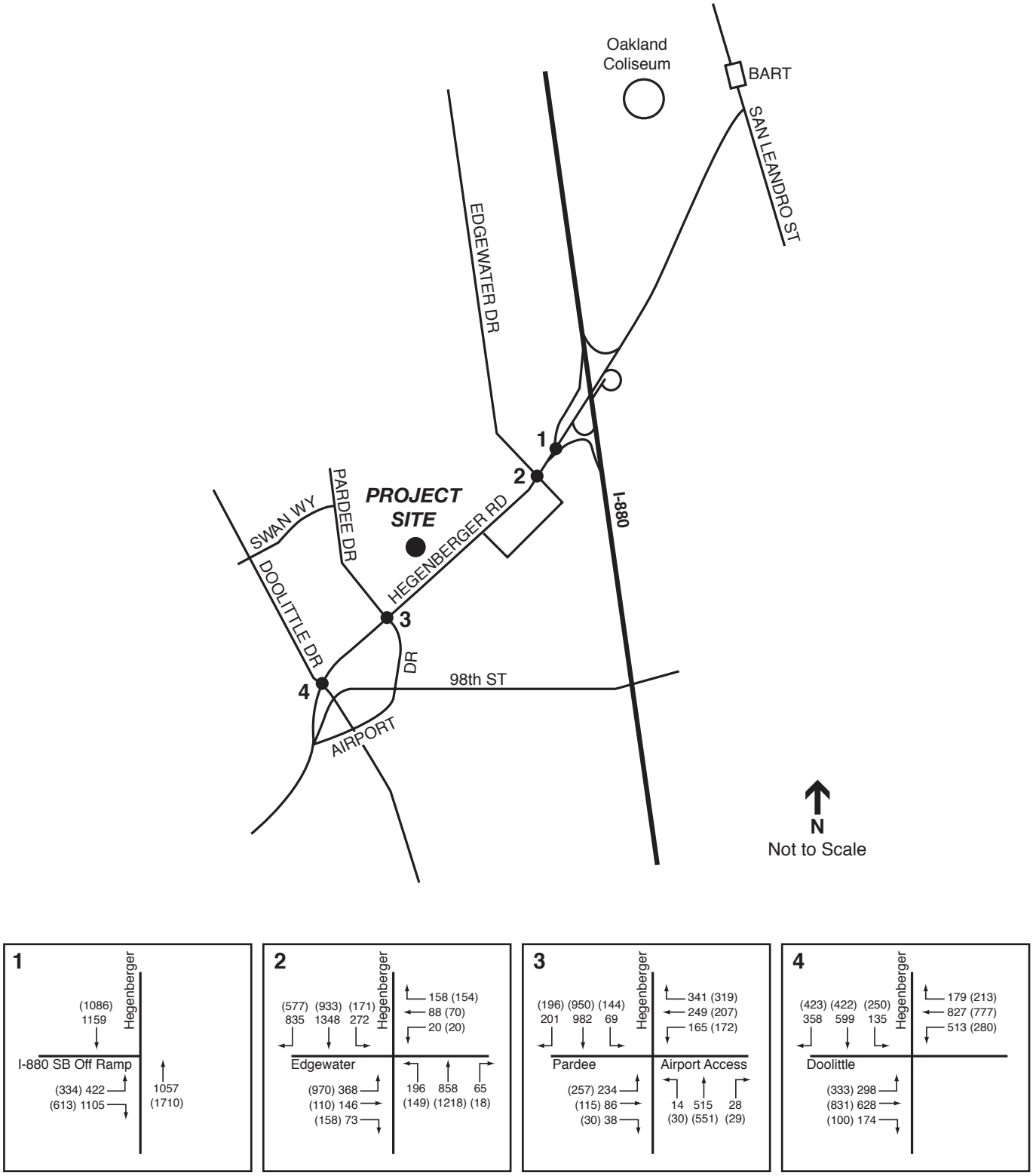


SOURCE: Lee Gage & Associates, Inc.

195 Hegenberger Road . 130713

Figure 4.C-4

Illustration of Mitigation Measure 4.C-3



SOURCE: ESA

195 Hegenberger Hotel . 130713

Figure 4.C-5

Cumulative (2035) Peak Hour Turning-Movement Volumes

Table 4.C-6 shows peak-hour LOS and delay conditions at the study intersections under cumulative and cumulative plus project conditions. LOS calculation sheets are provided in Appendix F. As shown, the increase in project-generated traffic would not worsen traffic conditions, as all of the study intersections would continue to operate acceptably, at LOS D or better, and the project would not contribute to any cumulative significant traffic impacts.

TABLE 4.C-6
LEVELS OF SERVICE (LOS) AND AVERAGE VEHICLE DELAY (seconds per vehicle)
CUMULATIVE vs. CUMULATIVE PLUS PROJECT CONDITIONS (2035)

	Cumulative				Cumulative Plus Project			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Study Intersection (*all signalized*)	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Hegenberger Road / I-880 Southbound Off-Ramp	18.1	B	13.9	B	18.3	B	14.1	B
2. Hegenberger Road / Edgewater Drive	43.2	D	39.1	D	42.9	D	39.0	D
3. Hegenberger Road / Pardee Drive – Airport Access Road	21.6	C	22.1	C	22.3	C	22.6	C
4. Hegenberger Road / Doolittle Drive	23.9	C	26.4	C	24.0	C	26.4	C

SOURCE: ESA, 2013

Based on the results presented above, project-generated vehicle trips would not contribute in a considerable (significant) way to cumulative (2035) conditions at the study intersections during the a.m. and p.m. peak hours. Therefore, the project would result in a less-than-significant cumulative impact, and no mitigation measures are required.

Mitigation: None required.

Planning-Related Non-CEQA Issues

Parking Considerations

The proposed 140-room hotel would provide 141 onsite parking spaces, which would meet the Port of Oakland requirements, as stipulated in the Land Use and Development Code for the Oakland Airport Business Park (Port of Oakland, 2011) as follows:

112 spaces for hotel guests (1 space per room at 80% occupancy)

8 spaces for hotel staff (3 spaces per 4 employees, with 1 employee per 13 rooms)

2 spaces for hotel management (1 space per manager, based on 2 managers)

15 spaces for meeting/banquet attendees (1 space per 3 seats, based on 80 seats at 60% occupancy)

4 spaces for meeting/banquet staff (1 space per 2 employees, with 7 employees per 60% of seats, based on 80 seats)

The proposed 140-room hotel would generate a parking demand, at 0.91 spaces per room, for approximately 127 spaces, which the project would accommodate (ITE, 2010).

References

Alameda-Contra Costa Transit District (AC Transit), 2014. Maps and Schedules at http://www.actransit.org/maps/, accessed April 3, 2014.

Bay Area Rapid Transit District (BART), 2014. Oakland Airport Connector News at http://www.bart.gov/about/projects/oac/news, accessed April 3, 2014.

California Department of Transportation (Caltrans), 2012. *California Manual on Uniform Traffic Control Devices for Streets and Highways - Part 6 Temporary Traffic Control* (January 2012).

California Department of Transportation (Caltrans), 2014. *Highway Design Manual – Chapter 200 (Geometric Design and Structural Standards* (March 2014).

City of Oakland, 2007. City of Oakland Bicycle Master Plan, December 2007.

Institute of Transportation Engineers (ITE), 2012. *Trip Generation*, 9th edition, 2012.

Institute of Transportation Engineers (ITE), 2010. *Parking Generation Handbook*, 4th edition, 2010.

Port of Oakland, 2011. *Land Use and Development Code for the Oakland Airport Business Park*, June 2011.

Transportation Research Board (TRB), *Highway Capacity Manual* (December 2000).

D. Hazards and Hazardous Materials

This section provides an overview of the presence of hazardous materials within the project area, the potential hazards and hazardous materials impacts from project construction and operation, and the regulations applicable to environmental protection and health and safety.

Definitions

The California Code of Regulations (CCR) defines a hazardous material as a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either: (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed (CCR, Title 22, Division 4.5, Chapter 10, Article 2, Section 66260.10). Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated, or are being stored prior to disposal.

Hazardous materials and hazardous wastes are classified according to four properties: toxicity, ignitability, corrosivity, and reactivity (CCR, Title 22, Chapter 11, Article 3). Factors that influence the health effects of exposure to a hazardous material include the dose to which the person is exposed, the frequency of exposure, the exposure pathway, and individual susceptibility. In some cases, past industrial or commercial land uses on a site can result in spills or leaks of hazardous materials and petroleum to the ground, resulting in soil and groundwater contamination. Federal and state laws require that soils having concentrations of contaminants such as lead, gasoline, or industrial solvents that are higher than certain acceptable levels must be handled and disposed as hazardous waste during excavation, transportation, and disposal. The CCR, Title 22, §66261.20-24 contains technical descriptions of characteristics that would cause a soil to be classified as a hazardous waste.

Environmental Setting

The area of Oakland between the I-880 corridor and the Oakland International Airport, including the project site, was once part of an extensive marshland plain supporting various tidal sloughs. Aerial photography review indicates that marshland filling in this area began in the late 1940s/early 1950s and various times thereafter. According to the Phase I report for the site, fill materials were placed around 1968 (ACC, 2013). Typically, fill materials placed over these marshland sediments consisted of rubble, soils, and demolition debris but varied greatly depending on the locations. According to a Phase I/II investigation just south of the project site there are Port maps that show a decommissioned underground fuel pipeline which could potentially be present near the western boundary of the Project site (Baseline, 1999). The project site is currently vacant with no structures or improvements (ACC, 2013).

Groundwater at the project site was encountered during the recent geotechnical investigation at approximately 11 feet below ground surface (bgs) (TRC, 2013). Shallow groundwater conditions

are expected as this area is a former tidal marshland and a historic high of 5 feet bgs has been estimated for the site (TRC, 2013). Shallow groundwater in Oakland is of generally poor quality and is not used for potable municipal supply. The groundwater gradient is anticipated to be relatively low and towards the Bay.

Regional Setting

Regional land use in the vicinity of the project site is characterized by industrial and commercial development. Industrial development, especially older industrial activities that operated under less stringent environmental regulations of the past, can commonly be associated with soil and groundwater contamination from leaking underground storage tanks (USTs), careless waste discharge practices, and commercial uses that handled hazardous materials in an irresponsible manner. In addition, existing structures that may require demolition for the construction of new buildings can contain hazardous building materials such as asbestos, lead-based paint, polychlorinated biphenyls, and polycyclic aromatic hydrocarbons. Disturbance of hazardous building materials or existing soil and groundwater contamination can have adverse impacts to construction workers, the public, and the physical environment. In addition, improper storage or use or accidental release of hazardous materials from operations of newly proposed businesses and industries can result in adverse environmental and public health impacts.

Soil and Groundwater Contamination

The presence of undocumented disposal of hazardous wastes and debris can lead to the release of hazardous substances to the subsurface. Soils with any fine grained components such as clays and silts have a tendency to adsorb these hazardous substances and contribute to the contamination of groundwater below. Shallow fluctuating groundwater is typically considered a higher risk because of its higher potential to interface with shallow soil contamination, if present. Soil and groundwater contamination in the region may include petroleum fuels or oils from leaking above- or below-ground petroleum storage tanks, hazardous or solid wastes from illegally disposed drums or from previous onsite uses, or chemicals or other raw hazardous materials from past spills. Construction or demolition activities that would require excavation and earthwork can result in uncovering localized soil and groundwater contamination that may be harmful to workers, the public, and/or the environment.

The project site has been the subject of several subsurface investigations in order to characterize the fill materials for the potential presence of contaminants. A Phase I/II investigation was completed at the site in 2001 which identified elevated levels of total lead and zinc (ACC, 2013). The detections of these two metals were considered to be consistent with naturally occurring concentrations for the East Bay and unlikely to require regulatory action (ACC, 2013). However, one sample had a concentration of lead which could require further sampling if soils require offsite disposal to ensure that the soluble lead concentration does not exceed DTSC criteria.

Polycyclic Aromatic Hydrocarbons (PAHs)

PAHs are a group of organic compounds found in a wide variety of materials, including crude oil, asphalt, and creosote timber. Most refined petroleum products also contain PAHs, either retained

from the original crude or produced during the refining process. PAHs are produced as combustion products and therefore occur in many burned or charred materials and are commonly found after structural or large forest fires. Elevated concentrations of PAHs may occur in soils or offshore sediment due to the presence of historic fill.

Wildland Fires

Factors that contribute to the risk of fire include dense and fire-prone vegetation, poor access to fire-fighting equipment because of slopes or inadequate roads, lack of adequate water pressure and service in fire-prone locations, and seasonal atmospheric conditions that result in warm, dry fire seasons with strong afternoon winds. The project site is surrounded by urban lands or open space areas with low vegetation that have a low risk of wildfires.

Surrounding Sites

Commercial and industrial use within the vicinity of the project site includes past and present usage, storage and disposal of hazardous materials. The area surrounding the project site has a long history of uses that include numerous industrial and commercial land uses. A limited survey of regulatory agency records was conducted for the project site and surrounding areas for the preparation of this document. Regulatory databases, provided by numerous federal, state, and local agencies, included the State Water Resources Control Board (SWRCB) Geotracker database for leaking underground storage tanks (LUSTs) and USTs, the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Spills, Leaks, Investigations, and Cleanup Database (SLIC), and the State of California's Envirostor database maintained by the California Department of Toxic Substances Control (DTSC). There were no sites listed on these databases that included the project site (SWRCB, 2013; DTSC, 2013).

However, numerous LUST sites in the Geotracker were identified in the vicinity of the project site (SWRCB, 2013). According to these databases, the current status of many of these sites in the vicinity of the project site are listed as closed and no further action required. Typically, sites are closed once it has been demonstrated that based on existing site use, the levels of existing contamination present no significant risk to human health or the environment.

Regulatory Framework

Federal

Occupational Safety and Health Administration

The federal Occupational Safety and Health Administration (OSHA) regulates worker safety. As established in the Code of Federal Regulations (CFR) Title 29, OSHA requires 40 hours of training for hazardous materials operators, plus eight hours of ongoing training annually. The training includes personal safety, hazardous materials storage and handling procedures, and emergency response procedures.

Resource Conservation and Recovery Act

Under the federal Resource Conservation and Recovery Act (RCRA), individual states may implement their own hazardous waste programs in lieu of RCRA as long as the state program is at least as stringent as the federal RCRA requirements and is approved by the EPA. EPA approved California's RCRA program, called the Hazardous Waste Control Law (HWCL) in 1992. The California Environmental Protection Agency (Cal EPA) and the DTSC, a department within Cal EPA, regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. The DTSC has primary regulatory responsibility over hazardous materials and delegates enforcement responsibilities to local jurisdictions that enter into agreements with DTSC for the generation, transport, and disposal of hazardous materials under the HWCL.

Toxic Substance Control Act

The 1976 Toxic Substances Control Act (TSCA) gives EPA the ability to track the 75,000 industrial chemicals currently produced or imported into the U.S. EPA repeatedly screens these chemicals and can require reporting or testing of those that may pose an environmental or human-health hazard. EPA can ban the manufacture and import of those chemicals that pose an unreasonable risk.

Federal Aviation Administration

The Federal Aviation Administration (FAA) is the branch of the U.S. Department of Transportation with regulatory responsibility for civil aviation. FAA is responsible for establishing policies and regulations to ensure the safety of the traveling public. FAA oversees publicly-owned airports that are open to the public or airports that receive federal funding. FAA Advisory Circular 150/5200-33B addresses hazardous wildlife attractants on or near airports (FAA, 2007). This Advisory Circular is intended to provide guidance on siting certain land uses that have the potential to attract potentially hazardous wildlife to a public-use airport or its vicinity. FAA Advisory Circular recommends against "land use practices that attract or sustain populations of hazardous wildlife within the vicinity of airports or cause movement of hazardous wildlife onto, into, or across the approach or departure airspace, aircraft movement area, loading ramps, or aircraft parking area of airports." The Advisory Circular recommends a separation distance of 10,000 feet between an airport and a potential hazardous wildlife attractant. For projects that are located outside the 5,000/10,000-foot criteria but within five statute miles of the airport's air operations area[1], the FAA may review development plans, proposed land-use changes, operational changes, or wetland mitigation plans to determine whether such changes in land use would create potential wildlife hazards to aircraft operations.

FAA is also responsible for enforcing the Federal Aviation Regulation (FAR) Part 77, *Objects Affecting Navigable Airspace*, which provides guidance for the height of objects that may affect normal aviation operations. Tall structures, trees, other objects, or high terrain on or near airports, may constitute hazards to aircraft. Through the 7460 review process, implementing agencies or project proponents submit design plans for proposed projects in the vicinity of airports in order

[1] Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.

for FAA to evaluate whether or not the project, or construction of the project, has the potential to interfere with normal aviation operations and create safety hazards for air travelers and those on the ground.

State

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (Cal OSHA) regulates worker safety in the state. Cal OSHA has developed worker safety regulations for the safe abatement of lead-based paint and primers (Lead in Construction Standard, Title 8 CCR 1532.1).

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

In January 1996, Cal EPA adopted regulations, which implemented a Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program). The program has six elements: (1) hazardous waste generators and hazardous waste onsite treatment; (2) USTs; (3) ASTs; (4) hazardous materials release response plans and inventories; (5) risk management and prevention programs; and (6) Unified Fire Code hazardous materials management plans and inventories. The plan is implemented at the local level and the agency responsible for implementation of the Unified Program is called the Certified Unified Program Agency (CUPA). The Oakland Fire Department, Fire Prevention Bureau is the designated CUPA in the project area.

Caltrans Division of Aeronautics

The State Aeronautics Act, Public Utilities Code (PUC) Section 21001 *et seq*., provides the foundation for the California Department of Transportation's (Caltrans) aviation policies. The Division of Aeronautics issues permits for and annually inspects public-use airports throughout the State, and provides grants and loans for safety, maintenance and capital improvement projects at airports. To foster compatible land use around airports, the Division administers noise regulation and land use planning laws and encourages environmental mitigation measures to lessen noise, air pollution, and other impacts caused by aviation.

The State Aeronautics Act[2] requires local jurisdictions that operate public airports to establish Airport Land Use Commissions (ALUCs) or an equivalent designated body to protect the public health, safety, and welfare. The ALUC or equivalent is responsible for promoting the orderly expansion of airports and adoption of land use measures by local public agencies to minimize exposure to excessive noise and safety hazards near airports. Each ALUC or equivalent designated body is responsible for preparing and maintaining an Airport Land Use Compatibility Plan (ALUCP) that identifies compatible land uses near each public use airport within its jurisdiction. The ALUCP must provide policies for reviewing certain types of development that occur near airports. State law requires consistency between airport land use compatibility plans and any associated general plans.

[2] The State ALUC law is contained in Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 *et seq*., and Government Code Section 65302.3 *et seq*.

Local Regulations

City of Oakland General Plan

The City of Oakland adopted the Safety Element of the Oakland General Plan in November 2004 which was updated in 2012 (previously the Environmental Hazards Element, adopted in 1974). The Safety Element includes goals that address the effects that safety hazards can pose to the health and safety of Oakland's populations, Oakland's economic welfare, and Oakland's natural resources. Specific policies and detailed actions are identified to address public safety, geologic hazards, fire hazards, hazardous materials, and flooding hazards.

Given the topics that are addressed in the Safety Element, most of its policies generally apply citywide. However the following policies address conditions particularly associated with hazards and hazardous materials at the proposed project site:

- ***Policy HM-1*:** Minimize the potential risk to human and environmental health and safety associated with the past and present use, handling, storage and disposal of hazardous materials.
- ***Policy HM-2:*** Minimize the public's exposure to toxic air contaminants through appropriate land use and transportation strategies.
- ***Policy HM*-**3: Seek to prevent industrial and transportation accidents involving hazardous materials, and enhance the city's capacity to respond to such incidents.

Alameda County Airport Land Use Policy Plan

In accordance with the State Aeronautics Act, Public Utilities Code (PUC) section 21001 *et seq*., Alameda County (County) adopted its *Airport Land Use Policy Plan* (ALUPP) in 1986. The intent of the ALUPP is to encourage compatibility between County airports and the various land uses that surround them. The compatibility criteria set forth in this document are used by local agencies to prepare and amend land use plans and ordinances. California State law dictates that the County and affected cities modify their general and specific plans to be consistent with the ALUC's plan, or to take steps to overrule the ALUC. Similarly, the ALUPP is used by the County's ALUC when reviewing development plans that occur within the influence area (also referred to as the general referral area) of one the three public-use airports in its jurisdiction.

The proposed project is located within the general referral area for Oakland International Airport (OAK), and therefore, is subject to ALUC review for a determination of the project's consistency with the land use compatibility policies set forth in the ALUPP. The following height and hazard prevention zone policies would apply to the proposed project:

8 The ALUC adopts height restriction policies on new structures and vegetation within the height referral boundary. Compatible land use is defined consistent with standards and procedures set forth in FAR Part 77, including Subpart D. Although findings contained in an FAA Aeronautical Study of a particular proposal are necessary and important background information for the Commission, the ALUC will review for Plan Consistency and may conduct an independent analysis and evaluation of proposals.

9 Proposed new land uses must be consistent with ALUC Policy No. 8. To be consistent with the ALUC Policy Plan, affected local general plans or zoning ordinances shall not permit uses inconsistent with FAR Part 77.

10 The Hazard Prevention Zone corresponds to the General Referral Area for each airport.

11 Within a hazard prevention zone, the following are incompatible:

11.1 Any use which would direct a steady light or flashlight of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA approved navigational signal light or visual approach slope indicator.

11.2 Any use which would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing at an airport.

11.3 Any use which would generate smoke or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within this area.

11.4 Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

Impacts and Mitigation Measures

Significance Criteria

According to Appendix G of the California Environmental Quality Act (CEQA) *Guidelines*, the project would result in a significant hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would be project result in a safety hazard for people residing or working in the project area
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- Expose people or structures to a significant risk of loss or injury involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

The following Appendix G criterion is not considered relevant to the project based upon the proposed project plans and data research; therefore, it will not be evaluated further in this EIR:

Location Proximate to a School: The project site is not within one quarter mile of a school.

Hazardous Materials Site: The project site is not included on a list of hazardous materials sites and thus would not be subject to risk of contamination from such a site.

Emergency Response and Evacuation Plans: The project site is within a developed urban area with adequate roadway access. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Exposure to Wildfire Risk: The project site is within an urban area and is not surrounded by or subject to dense vegetation, steep slopes, or inadequate access routes. Therefore, the proposed project would not be subject to substantial risk of wildland fire.

The following analysis relates to the project's potential to result in a significant impact related to hazards or hazardous materials based on the other significance criteria noted above.

Impacts

Construction

Impact 4.D-1: Construction of the proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, such as contaminated subsurface soil. (Significant)

The project site is primarily vacant with no known history of hazardous materials use. Previous Phase I and Phase II Site Assessments (Phase I/II) were conducted in 1999, 2001 and 2013 to identify recognized environmental conditions[3] at the project site and adjoining properties, nearby offsite sources of potential impact, characterize potential contaminants in site surface soils, and the potential environmental impact on the site from surrounding conditions or activities.

The 2001 Phase I report concluded that there was sufficient evidence to indicate further testing of site soils and groundwater based on historic fill activities of the area. The subsequent Phase II investigation included collection of ten soil samples for laboratory analysis. The study determined that lead and zinc were found at concentrations that exceed regulatory screening

[3] The American Society of Testing and Materials defines "recognized environmental condition" as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

levels (ACC, 2013). The metals concentrations were determined to be within ranges commonly found in background soils of the East Bay and not related to any releases that might require regulatory action. However, the report recommended that if any materials are to be offhauled from the site further testing of the soluble lead concentration would be necessary (ACC, 2013).

Therefore, based on the collected sample results and experience with other sites in the vicinity of the project area, the fill materials at the project site may contain contaminates that could potentially adversely affect site workers through ground disturbing activities. Improper handling, storage, or disposal of potentially contaminated soil during construction could pose health hazards to construction workers, the public, and the environment. This could be a significant impact, which would be reduced to less-than-significant levels with implementation of **Mitigation Measures 4.D-1a** and **4.D-1b**.

> **Mitigation Measure 4.D-1a:** Prior to issuance of a building permit, the project applicant shall notify the San Francisco Regional Water Quality Control Board (RWQCB) of planned construction activities. The applicant shall retain a qualified environmental consultant to prepare a *Soil Management Plan* to protect site workers and the environment. The Soil Management Plan should include pre-construction and pre-development controls, construction controls, and post construction controls along with any modifications or requests made by the RWQCB or DTSC, if applicable. Construction controls shall include the preparation of a health and safety plan along with the requirement that all workers including subcontractors have OSHA 40-hour health and safety training. The health and safety plan shall include at a minimum, a summary of the known contaminants at the site, a copy of the Material Data Safety Sheets for each contaminant, a description of required personal protective equipment to be worn by site workers, protocol for the discovery of any suspected contaminated materials during excavation, a map of the nearest emergency medical facility, and emergency contact information.
>
> **Mitigation Measure 4.D-1b:** During construction and grading activities, the project applicant shall adequately profile any excavated soils to establish the proper classification of the soils for either hazardous or non-hazardous waste disposal. The soils shall be handled, stored and transported according to all applicable regulations for the appropriate classification. Sampling and analysis of soils shall be accomplished in accordance with the requirements of the disposal facility and shall include analysis for lead. Any reuse of soils shall be conducted only with prior approval from the appropriate oversight agency which could include either the RWQCB or the DTSC. If the project requires dewatering of groundwater, additional groundwater sampling will be required for proper management and disposal.

Significance after Mitigation: Less than Significant.

Impact 4.D-2: Construction of the proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions of hazardous materials used during construction. (Significant)

During project construction, minor amounts of hazardous materials would be handled at the project site. Construction activities typically involve use of potentially hazardous substances,

such as paints, fuels, and solvents, which if handled inappropriately could result in spills. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose both a hazard to construction employees as well as the environment. Construction activities would be subject to federal, state, and local laws and requirements designed to minimize and avoid the potential health and safety risks associated with hazardous materials such as use of appropriate containers, labeling and storage of hazardous materials, and notification of the –appropriate regulatory agencies in the event of an accidental release. Furthermore, the project applicant will be required to develop and prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act as discussed in Section 4E, Hydrology and Water Quality. The SWPPP would outline measures to protect against the accidental release of construction-related chemicals into site runoff. Implementation of **Mitigation Measure 4.D-2** would ensure that the potential project impacts associated with the potential release of hazardous materials into the environment would be less than significant.

> **Mitigation Measure 4.D-2:** Hazardous materials and spill prevention measures shall be incorporated into the SWPPP for project construction. This portion of the plan shall include, but is not limited to: (1) measures for containing hazardous materials such as fuels according to manufacturers' recommendations that include storage in fire proof containers and visible labeling with hazard placards; (2) protocol for accidental fuel spills including the storage and use of absorbent materials and notification requirements; (3) the designation of a controlled area for all refueling and/or maintenance of heavy equipment; (4) a requirement for maintaining absorbent materials at locations where hazardous materials are used or stored to capture spilled materials in the event of an accidental release; and (5) An emergency response plan including training requirements, emergency contact numbers, and routes to nearest medical emergency facility, for all jobsite employees.

Significance after Mitigation: Less than Significant.

Operation

Impact 4.D-3: The operation of the proposed project would not create a significant hazard to the public or the environment through a reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. (Less than Significant)

Project operation would include the storage, use, and disposal of hazardous materials associated with operation of the hotel. Maintenance activities typically require the use of various hazardous substances such as cleaning products, solvents, oils, lubricating oils and others.

Local regulations include the preparation of a Hazardous Materials Business Plan with the Oakland Fire Department which specifies the types, quantities, applications, emergency response procedures and contingency plan (spill response) measures for the hazardous materials used during operation of the facility. With adherence to the Hazardous Materials Business Plan and any other applicable fire code requirements that pertain to the storage and handling of hazardous materials or other local

hazardous materials management requirements would reduce the potential impact related to upset or accident conditions to less than significant levels.

Mitigation: None required.

Impact 4.D-4: The proposed project would result in safety hazards for people residing or working at the project site due to the proximity to the Oakland Airport. (Less than Significant)

The project site is located within approximately a half mile of Runway 10L/28R at Oakland International Airport (OAK). Development in this proximity is guided by the *Oakland International Airport Land Use Compatibility Plan* (ALUCP). The purpose of the Plan is to guide Alameda County airport land use commission's (ALUC's) review of proposed local agency actions to ensure compatibility with current and anticipated airport operations. Relevant policies include those regarding height and hazards of proposed improvements. The project site is located within the ALUCP Height Referral Area which limits building heights to reduce potential obstructions to safe air navigation. Other project components, such as light standards, would also be evaluated in order to ensure that they do not create hazards for aviators.

The project site is also within the General Referral Area which delineates the planning area for which any "project," or proposed action subject to review by a local public agency, is also subject to ALUC review for determination of project consistency or inconsistency with the policies in the ALUCP. Prior to final design, the project proponent would be required to submit the proposed project plans to the Alameda County ALUC for review and comment regarding compliance with the ALUCP. All ALUC comments regarding compliance with ALUCP would be required to be incorporated into the final project design.

As part of these requirements, a letter along with a completed copy of FAA Form 7460-1 "Notice of Proposed Construction and Alteration" has been submitted to the Federal Aviation Administration (FAA) requesting an obstruction evaluation and airport airspace analysis for the proposed project (ref: 2013-AWP-7636). If during the FAA's airport airspace analysis any objections are identified, the implementing agencies, airport staff, and FAA would identify appropriate steps to adjust project plans or include appropriate markings to identify hazards to aviators. To date, the building height has been approved by the FAA, however any other adjustments such as lighting requirements, or other safety markings would be incorporated into the final design. Thus, the impact would be less than significant.

Mitigation: None required.

Impact 4.D-5: The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Less than Significant)

As noted above in the Environmental Setting section, the project site is located in an area that has been mapped in a fire threatened community (ABAG, 2013). However, this mapping is not intended for site specific analysis and the site is surrounded by primarily by commercial development and parking lots with little vegetation. Regardless, the proposed project would comply with all sections of the California Fire Code as enforced locally by the City of Oakland that outline fire suppression and safety requirements to minimize fire hazards. Therefore, with adherence to all Fire Code safety requirements, the proposed project would have a less than significant impact related to wildland fires.

Mitigation: None required.

Cumulative Impacts

Cumulative Context

As discussed above, the proposed project would not result in a significant project-level hazardous material impacts related to construction and remediation activities with implementation of the identified mitigation measures. Hazardous material impacts typically occur in a local or site-specific context versus a cumulative context combined with other development projects.

Impact 4.D-6: Development proposed as part of the project, when combined with past, present and other foreseeable development in the vicinity, would not result in cumulative hazardous materials impacts. (Less than Significant)

The proposed project, with implementation of the identified mitigation measures above including the implementation of the Soil Management Plan, spill prevention measures of the SWPPP, and emergency response measures of the health and safety plan, would have a less than significant hazardous materials impact to the public or the environment within the vicinity of the project area. In general, the potential impacts related to hazardous materials are site specific and not cumulatively additive. Other past, present and foreseeable development within the area, although likely increasing the potential to disturb existing contamination and the handling of hazardous materials, would be required to comply with the same regulatory framework as the project. This includes federal and state regulatory requirements for transporting (Cal EPA and Caltrans) hazardous materials or cargo (including fuel and other materials used in all motor vehicles) on public roads, operating a fueling station and AST, or disposing of hazardous materials (Cal EPA, DTSC, Alameda County Environmental Health Department (ACEHD)). Therefore, given the various regulatory compliance measures that will be implemented for completion of the proposed project, the project's incremental effect, when viewed in the context of other past, present and foreseeable future projects, would not be cumulatively considerable.

Mitigation: None required.

References

ACC Environmental Consultants, Subsurface Investigation Report, 101-265 Hegenberger Road, Oakland, California, January 22, 2001.

ACC Environmental Consultants, *Phase I Environmental Assessment Update, Hegenberger Annex Site, Oakland, California*, December 19, 2013.

Alameda County Airport Land Use Commission (ALUC), *Alameda County Airport Land Use Policy Plan*. Adopted July 16, 1986.

Association of Bay Area Governments (ABAG) website, http://gis3.abag.ca.gov/output/firethreat_wui_echus4600562027.pdf, accessed December 6, 2013.

Baseline Environmental Consulting (Baseline), Phase I/II Site Assessment, Hegenberger/Pardee Site, Parcels PO 596 and PO 598, 101-201 Hegenberger Road and 8520 Pardee Drive, Oakland, CA, December 29, 1999.

Department of Toxic Substances Control (DTSC) website, *DTSC's Envirostor Database*, http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&x=-119&y=37&zl=18&ms=640,480&mt=m&findaddress=True&city=195%20Hegenberger,%20Oakland%20CA&zip=&county=&federal_superfund=true&state_response=true&voluntary_cleanup=true&school_cleanup=true&ca_site=true&tiered_permit=true&evaluation=true&military_evaluation=true&school_investigation=true&operating=true&post_closure=true&non_operating=true, accessed December 6, 2013.

Federal Aviation Administration (FAA), *Advisory Circular (AC) 500/5200-33B: Hazardous Wildlife Attractants on or Near Airports*. Adopted August 28, 2007.

Federal Aviation Administration (FAA), Department of Transportation, Code of Federal Regulations, Title 14, Volume 2, Part 77: *Objects Affecting Navigable Airspace*. Revised as of January 1, 2004.

State Water Resources Control Board (SWRCB) website, *Geotracker*, http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=195+Hegenberger%2C+Oakland+CA, accessed December 9, 2013.

CHAPTER 5
Alternatives to the Project

A. Introduction

CEQA *Guidelines* Section 15126.6 requires than an EIR describe and evaluate a range of reasonable alternatives to the project or to the location of the project that could avoid or substantially lessen any of the significant effects of the project and feasibly attain most of its basic objectives. The CEQA Guidelines further require discussion of the "No Project" Alternative.

The CEQA *Guidelines* generally define "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable amount of time, taking into account economic, environmental, social, technological, and legal factors. In addition, the following may be taken into consideration when assessing the feasibility of alternatives: site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (CEQA *Guidelines* Section 15126.6(f)(1)). As stated in Section 15126.6(f)(3) of the CEQA *Guidelines*, "An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative."

The requirement that an EIR evaluate alternatives to the proposed project, or alternatives that address the location of the proposed project, is a broad one; the primary intent of the alternatives analysis is to disclose other ways that the objectives of the project could be attained while reducing the magnitude of, or avoiding, the environmental impacts of the proposed project. The description or evaluation of alternatives does not need to be exhaustive. An EIR need not describe or evaluate the environmental effects of alternatives in the same level of detail as the proposed project, but must include enough information to allow meaningful evaluation, analysis, and comparison with the proposed project.

CEQA requires that an environmentally superior alternative be selected among the alternatives. In general, the environmentally superior alternative is defined as that alternative with the least adverse impacts on the project site and its surrounding environment. When the "No Project" Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA *Guidelines* Section15126.6 (e)(2).)

The following two alternatives are evaluated in this chapter of the Draft EIR:

- Alternative 1: No Project Alternative
- Alternative 2: Reduced Development Alternative

The purpose of this chapter is to describe and evaluate the alternatives to the hotel, as proposed. The alternatives were developed to reduce or eliminate the significant or potentially significant adverse environmental effects that would result from implementation of the proposed project as identified in Chapter 4 of this EIR.

B. Factors in the Selection of Alternatives

The CEQA *Guidelines* recommend that an EIR briefly describe the rationale for selecting the alternatives to be discussed, identify any alternatives that were considered by the lead agency but were rejected as infeasible, and briefly explain the reasons underlying the lead agency's determination (CEQA *Guidelines* Section 15126.6(c)). The following factors were considered in identifying the reasonable range of alternatives to the project for this EIR:

- The extent to which the alternative would accomplish most of the basic goals and objectives of the project;
- The extent to which the alternative would avoid or lessen the identified significant and/or unavoidable environmental effects of the project;
- The feasibility of the alternative, taking into account site suitability, availability of infrastructure, general plan consistency, and consistency with other applicable plans and regulatory limitations;
- The extent to which an alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice; and
- The requirement of the CEQA Guidelines to consider a No Project Alternative and to identify an "environmentally superior" alternative in addition to the No Project Alternative (CEQA Guidelines Section 15126.6 (e)).

Project Objectives

As discussed in Chapter 3 of the EIR, the following are the identified objectives for the project:

- Complement the existing land uses in that vicinity of Hegenberger Road which has developed into an area with retail, recreation and visitor-serving uses.
- Develop an Oakland Airport Business Park hotel that will attract regional, national, and international visitors.
- Promote economic growth by creating new employment opportunities within the City.
- Increase visitor-serving facilities along the Oakland Airport-Hegenberger Road corridor;

- Complement existing retail, recreation and visitor-serving land uses in the vicinity;
- Further the goals and policies of the General Plan;
- Encourage and provide economic development stimulus and redevelopment efforts along Hegenberger Road and its vicinity.
- Create additional income to the General Funds of the City by generating increased property tax, Transient Occupancy Tax and sales tax.

C. Description and Analysis of Alternatives

A description of each alternative is followed by a discussion of its impacts and how the alternative would differ from the impacts of the proposed project. As permitted by CEQA, the significant effects of the alternatives are discussed in less detail than are the effects of the proposed project (CEQA *Guidelines* Section 15126.6(d)). However, the analysis is conducted at a sufficient level of detail to provide decision-makers adequate information to fully evaluate the alternatives and to approve any of the alternatives without further environmental review, should that be the desire of the decision-makers if the proposed project is not approved.

Unless otherwise indicated, the impacts associated with the proposed project and with the alternatives addressed would be for full buildout conditions.

Alternative 1 – No Project Alternative

Consideration of a No Project Alternative is required under CEQA. Under this alternative, no development of the hotel would occur at the site. No changes to the site would take place and the site would remain a vacant lot. No new landscaping would be added to the site. While the site might ultimately be developed at some time in the future, it would be speculative to forecast the nature of such development. Accordingly, this alternative assumes that the project site would remain vacant for the foreseeable future.

Impacts

The following sub-sections briefly describe environmental impacts associated with the No Project Alternative. It is noted that, with the exception of Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Transportation, the evaluation of the impacts below with respect to the proposed project is contained in the Initial Study, published in March 2014 and included, along with the Notice of Preparation, in Appendix A of this Draft EIR.

Aesthetics

Existing visual conditions would remain unchanged at the site. No new landscaping would be added to the perimeter of the site as proposed by the project. No trees would be removed and no new lighting would be introduced to the site.

Air Quality and Greenhouse Gas Emissions

With the No Project Alternative, there would be no construction-related emissions, nor would there be any operation-related emissions.

Biological Resources

No potential impacts to nesting birds (including construction-related noise impacts) would occur with the No Project Alternative. In addition, no potential impacts due to bird strikes associated with building windows and night lighting would occur.

Cultural and Historic Resources

With the No Project Alternative there would be no ground disturbance, so there would be no potential impacts related to the discovery of previously unknown archaeological or paleontological resources.

Hazards and Hazardous Materials

There would be no potential disruption to contaminated soils or nor any remediation of contaminated soils prior to construction. No hazardous materials would be located on the project site, including everyday compounds used for cleaning and maintenance.

Hydrology and Water Quality

No changes in runoff water quality would occur with the No Project Alternative. The site would remain unpaved and no new landscaping would occur. As such, no construction-related or operational water-quality impacts would occur.

Transportation

No increased trips associated with the proposed project would occur. The project would not contribute to overall cumulative traffic growth in the area or peak hour trips. No new parking would occur on the site, and no new egress/ingress issues would occur.

Noise

No changes in noise levels would occur with the No Project Alternative. Specifically, construction noise would not occur.

Other Issues

Other issues were found to entail less than significant impacts in the Initial Study Checklist completed for the project (see Appendix A). Thus, these other topics are summarized briefly here. No changes to the ground surface would occur with the No Project Alternative and there would be no geologic or soil impacts. No changes in public service demands (fire, police, medical) would result with the No Project Alternative. Demands for water and wastewater services would not change with the No Project Alternative nor would there be any impacts to land use,

population and housing, recreation or utilities and service systems. As with the proposed project, there would be no effects on historic architectural resources, mineral resources, or agriculture and forest resources.

Ability to Meet Project Objectives

The No Project Alternative would not meet any of the applicant's objectives.

Alternative 2 – Reduced Development Alternative

This alternative would propose a smaller hotel with ten fewer rooms than the proposed project, or 130 rooms. By eliminating two rooms on each floor on the southern side of the hotel, the footprint of the hotel would be reduced by moving the northeast wall of the building inward by approximately 16 feet. As shown in **Figure 5-1**, this extra space would allow the design of the hotel to move some of the parking spaces on the eastern side of the hotel inward to reduce the potential circulation and safety conflicts between the proposed hotel and the adjacent Harley Davidson building.

Impacts

Aesthetics

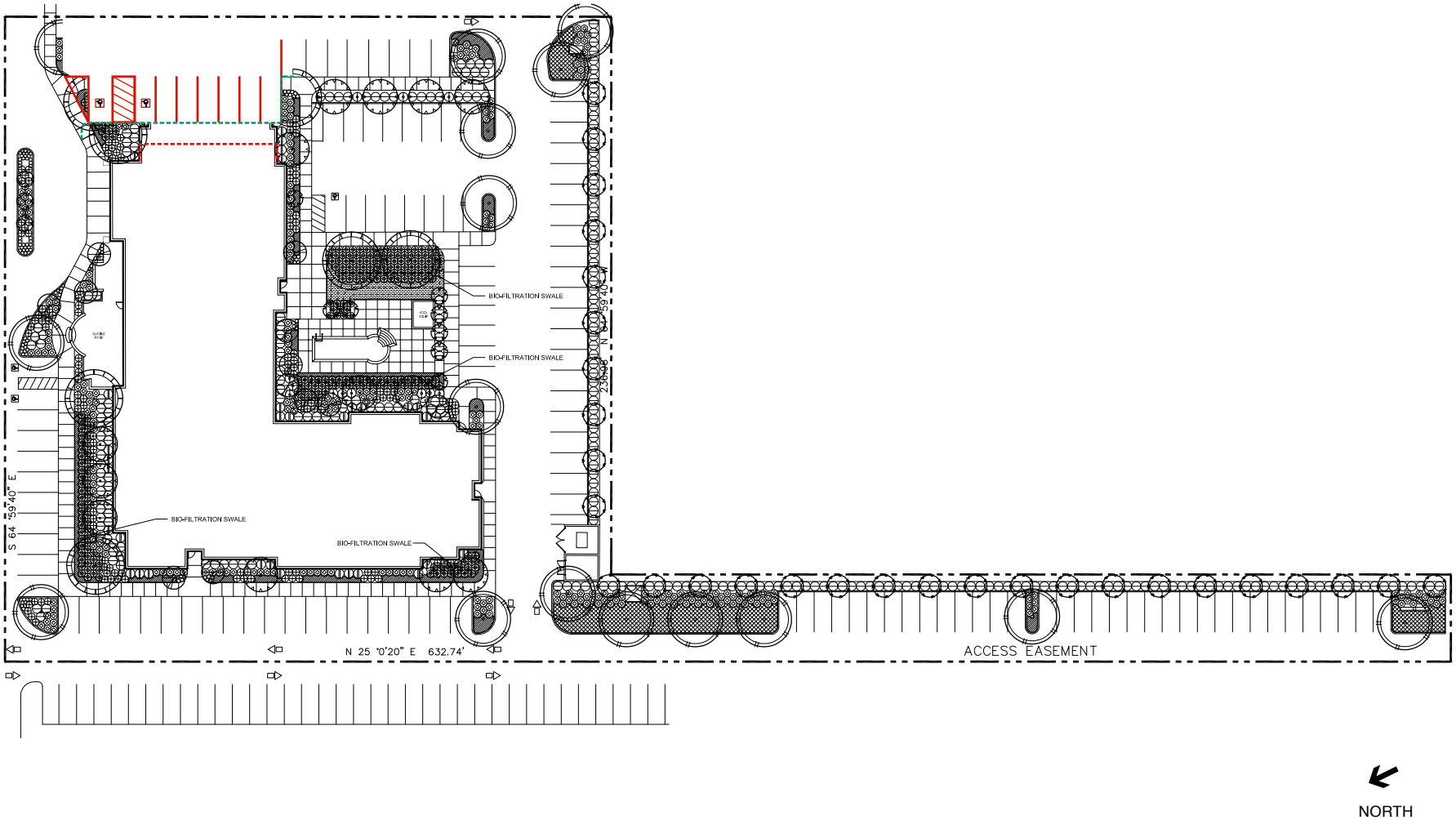
The Reduced Development Alternative would result in a slightly smaller footprint as shown in Figure 5-1 and therefore could incrementally reduce the overall visual impacts in terms of the mass of the building. Like the proposed project, this alternative would not result in a substantial adverse effect on scenic resources and would not substantially degrade the visual character of the site and its surroundings. As described in the Initial Study (see Appendix A), potential impacts resulting from lighting and glare would be reduced to a less-than-significant impact through the implementation of Mitigation Measure AES-1.

Air Quality and Greenhouse Gas Emissions

Under the Reduced Development Alternative, the amount of development would be incrementally less as described for the proposed project resulting in slightly less air emissions in the project area compared to that of the proposed project both during construction and operation. Mitigation Measures 4.A-1, 4.B-1a and 4.B-1b would apply to the alternative.

Biological Resources

The Reduced Development Alternative would include a similar level of development as the proposed project. Biological Resource impacts from this alternative would be similar to the proposed project. As with the proposed project, implementation of Mitigation Measures BIO-1 and BIO-2 would reduce potential impacts to nesting birds from construction activity and to bird strikes associated with building night lighting to a less-than-significant level.



SOURCE: Linda Fish Landscape Architect as modified by ESA

195 Hegenberger Road . 130713

Figure 5-1

Alternative 2 Reduced Development

Cultural Resources

The Reduced Development Alternative would include a similar level of development as the proposed project. Cultural Resource impacts from this alternative would be similar to the proposed project. As with the proposed project, implementation of Mitigation Measures CUL-1 through CUL-3 would reduce potential impacts to cultural resources during construction to a less-than-significant level.

Hazards and Hazardous Materials

Under this alternative, potential impacts related to encountering contaminated soils or groundwater during excavation would be similar to the proposed project. Similar to the proposed project, implementation of Mitigation Measures 4.D-1a and 4.D-1b, which require the project sponsor to retain a qualified environmental consultant to prepare a soil management plan prior to construction and to profile excavated soils, as well as the implementation of 4.D-2, which would require a SWPPP would reduce potential impacts to a less-than-significant level.

Hydrology and Water Quality

Impacts to hydrology and water quality from the Reduced Development Alternative would be similar to the proposed project. Similar to the proposed project, implementation of Mitigation Measures HYD-1 through HYD-3, which would require the project sponsor to prepare a SWPPP, hydrology/hydraulics calculations and a drainage plan would reduce potential impacts to a less-than-significant level.

Transportation

The Reduced Development Alternative would reduce the impacts related to circulation and safety conflicts between the proposed hotel and the adjacent Harley Davidson dealership as it would allow for the eight of the shared parking spaces to be moved 16 feet inwards, allowing additional right-of-way for turning movements and reducing the potential for conflicting movement between traffic serving the two uses. Mitigation Measure 4.C-3, eliminating circulation access from the rear of the hotel through the shared easement would apply to the Reduced Development Alternative.

Noise

Noise associated with the construction of the project under this alternative would be similar to the proposed project. However, by moving the hotel footprint inwards by 16 feet on the southern side, the easternmost hotel rooms would be farther removed physically from the noise that could occur during the daytime business hours from the Harley Davidson motorcycle sales and service facility, which is adjacent to the site. Therefore, noise impacts would be incrementally reduced compared to the proposed project. Implementation of Mitigation Measures NOI-1a through NOI-1c, regarding the reduction of noise-related construction impacts described in the Initial Study (Appendix A) would still apply and would reduce effects to a less-than-significant level.

Other Issues

Under the Reduced Development Alternative, and similar to the proposed project, impacts related to geology, soils, and seismicity would be similar since the same type of construction activities would be employed within the similar but slightly reduced footprint. Impacts related to public service demands (e.g., fire, police, medical), water and wastewater services, and other utilities would be similar to those of the proposed project since the Reduced Development Alternative would generate a similar amount of onsite development. Land use, population and housing, and recreation impacts would also be similar to those of the project. Lastly, as with the proposed project, no impacts to agricultural and forest resources or mineral resources would occur. As with the proposed project, all other effects would be less than significant.

Ability to Meet Project Objectives

This alternative would substantially meet all of the above-described objectives for the project, although to an incrementally lesser degree than would the proposed project. Similar to the proposed project, this alternative would still provide a visitor-serving facility along the Oakland Airport-Hegenberger Road corridor through the development of a hotel. The alternative project would complement existing retail, recreation and visitor-serving land uses in the vicinity, further the goals and policies of the General Plan, and encourage and provide economic development stimulus and redevelopment efforts along Hegenberger Road and its vicinity.

D. Environmentally Superior Alternative

A summary table showing the differences between the alternatives and the proposed project (after mitigation) is provided in **Table 5-1**.

CEQA requires that an environmentally superior alternative be identified. The No Project Alternative is environmentally superior to the Reduced Development Alternative as it would avoid most environmental impacts of the proposed project. However, the No Project Alternative would not be consistent with the project objectives, which are presented above and in Chapter 3.

When the No Project Alternative is the environmentally superior alternative, an additional alternative must also be identified. In this case, the Reduced Development Alternative would be the environmentally superior alternative as it would meet many of the project objectives while also reducing, although not eliminating, some of the impacts identified for the proposed project related to transportation and traffic. In particular, the Reduced Development Alternative would reduce impacts related to potential for circulation conflicts in the shared easement between the project site and the Harley Davidson.

TABLE 5-1
COMPARISON OF IMPACTS OF PROJECT ALTERNATIVES (AFTER MITIGATION)

Environmental Issue Area	Proposed Project	ALT 1 No Project	ALT 2 Reduced Development
Aesthetics	LTS	NI	LTS-
Agricultural and Forest Resources	NI	NI	NI
Air Quality	LTS	NI	LTS-
Biological Resources	LTS	NI	LTS
Climate Change and Greenhouse Gas Emissions	LTS	NI	LTS-
Cultural Resources	LTS	NI	LTS
Geology, Soils, and Seismicity	LTS	NI	LTS
Hazards and Hazardous Materials	LTS	NI	LTS
Hydrology and Water Quality	LTS	NI	LTS
Land Use and Land Use Planning	LTS	NI	LTS
Mineral Resources	NI	NI	NI
Noise	LTS	NI	LTS-
Public Services	LTS	NI	LTS
Recreation	LTS	NI	LTS
Transportation and Traffic	LTS	NI	LTS-
Utilities and Service Systems	LTS	NI	LTS

NOTES:
LTS = Less than significant impact (with mitigation)
\+ = Greater adverse impact than proposed project
\- = Lesser adverse impact than proposed project
NI = No Impact
SU = Significant unavoidable impact
LTS/SU = Depending on the significance criteria, some impacts may be less than significant while other may remains significant and unavoidable.

SOURCE: ESA, 2014.

E. Alternatives Considered but Rejected

As part of the redevelopment of the 195 Hegenberger Road property, the project applicant explored multiple land use alternatives, including the construction of an office building, warehouse or automobile parking. All of these land use alternatives were rejected because they did not meet the project objectives of promoting a visitor-serving facility along the Oakland Airport-Hegenberger Road corridor and would not as successfully complement existing retail, recreation and visitor-serving land uses in the vicinity.

References

Port of Oakland, 2011. *Land Use and Development Code for the Oakland Airport Business Park*, June 2011.

CHAPTER 6
Other Statutory Sections

A. Growth-Inducing Impacts

The CEQA *Guidelines r*equire that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2[d]). A growth-inducing impact is defined by the CEQA *Guidelines* as:

> [T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth .... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA *Guidelines* also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The proposed project does not involve construction of new housing or require a large number of new employees – permanent or during construction – that warrants new housing be constructed. While the proposed hotel would provide employment for approximately 15 employees, it is not expected to increase employment such that there would be a direct or indirect increase population nor contribute to future population growth.

In addition, the proposed project does not propose new infrastructure that would induce substantial growth in the project vicinity that was not previously considered for development. The project, like other future development in the project vicinity, would connect to existing utilities and occur within a largely built-out, urban area adequately served by transportation systems and infrastructure. No utility or transportation system improvements are required to accommodate future growth associated with the proposed project.

In conclusion, the proposed project would not result in growth-inducing effects on the environment, directly or indirectly.

B. Significant Irreversible Changes

CEQA *Guidelines* Section 15126.2(c) specifies that the EIR shall discuss impacts associated with a proposed project may be considered to be significant and irreversible for the following reasons:

- Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes the removal or non-use thereafter unlikely;
- Primary impacts (e.g., removal of agricultural lands) and, particularly, secondary impacts (such as a highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses; and
- Irreversible damage can result from environmental accidents associated with the project.

The construction of a hotel and other site improvements would constitute an irreversible use of these lands, as it is unlikely that the improvements would be removed. The project site has previously been used for automobile parking, pump manufacturing, and container storage. It is currently a vacant parcel (Baseline, 1999). The proposed project would irretrievably commit materials to the construction and maintenance of the proposed hotel facilities. Construction of the proposed project and ongoing operations would result in the use of energy, including nonrenewable fossil fuels. The proposed project is not expected to result in accidents that could lead to irreversible environmental damage due to the mitigation measures that have been proposed as related to hazardous materials and potential hazards.

C. Cumulative Impacts

Cumulative impacts are addressed at the end of each topic evaluated in Chapter 4 of the EIR, and in the Initial Study for topics analyzed therein. CEQA defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impacts analysis is intended to describe the "incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (CEQA *Guidelines* Section 15355(b)). The analysis of cumulative impacts is a two-phase process that first involves the determination of whether the project, together with other projects, would result in a significant impact. If there would be a significant cumulative impact of all such projects, the EIR must determine whether the project's incremental effect is cumulatively considerable, in which case, the project itself is deemed to have a significant cumulative effect (CEQA *Guidelines* Section 15130).

The cumulative impact analyses are based on existing conditions and a growth scenario that incorporates approved, pending and proposed projects within the vicinity of the project. The analysis of each environmental topic included in Chapter 4, Environmental Setting, Impacts, and Mitigation Measures. The cumulative analysis is presented in the Air Quality, Climate Change and Greenhouse Gas Emissions, Transportation and Circulation, and Hazards and Hazardous Materials analysis and evaluates potential cumulative impacts considering these other projects.

The cumulative analysis found in Chapter 4 identified no significant cumulative impacts.

D. Significant and Unavoidable Environmental Impacts

Section 21100(b)(2)(A) of CEQA requires an EIR to identify significant environmental effects that cannot be avoided if a project is implemented. All of the impacts of the project either would be less than significant or would be mitigated to a less-than-significant level. No impacts would remain significant and unavoidable after mitigation.

References

Baseline Environmental Consulting (Baseline), Phase I/II Assessment, Hegenberger/Pardee Site, Parcels PO 596 and PO 598, 101-201 Hegenberger Road and 8520 Pardee Drive, Oakland, California, December 29, 1999.

CHAPTER 7
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