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June 9, 2016

Via Electronic Mail Only

Please Provide a Copy to the Port Board at the June 9, 2016 Meeting

Diane Heinze
Environmental Assessment Supervisor
Port of Oakland
Environmental Programs and Planning
Division
530 Water Street
Oakland, California 94607
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Re: United Parcel Service Parking Lease; Item 6.5 on the June 9, 2016
Board Meeting

Dear Ms. Heinze:

On behalf of the Citizens League for Airport Safety and Serenity (“CLASS”), we have reviewed the Port of Oakland’s (“Port’s”) Agenda Report for Item 6.5 on the June 9, 2016 Board meeting agenda prepared for the proposed 22+ year, 3.44 acre License and Concession Agreement between the Port and United Parcel Service (“Parking Lease”) within the Oakland Airport Business Park. The purpose of this letter is to express our concerns regarding the Ports’ reliance on an exemption from CEQA for the Parking Lease and failure to consider other inextricably linked UPS expansion activities. As explained in more detail below, it is our opinion that this Project’s potential impacts trigger the need for CEQA review.

As you know, based on previously submitted comments from CLASS, the group is very concerned about the Port’s approval of Projects that could result in increased flight operations at Oakland Airport. Increased flight operations would in turn result in greater noise, air quality, and safety impacts to surrounding communities. In this regard, CLASS has always been particularly concerned about increased cargo operations at the airport. Like all concerned members of the public, CLASS relies heavily on the

environmental document required by CEQA for an honest evaluation of the environmental impacts that would result from implementation of the proposed projects.

Here, United Parcel Service (“UPS”) proposes to modify and expand the use of its existing Pardee Facility to improve efficiency and increase through-put (“Pardee Facility Modifications”). The agenda report clearly indicates that those proposed Pardee Facility Modifications will increase capacity, but provides no other details. Agenda Report at 1. The agenda report also indicates that UPS anticipates needing the additional land (the subject of the Parking Lease) to accommodate additional delivery truck and trailer parking associated with its increased operations. *Id.* The interrelationship between the Pardee Facility and Parking Lease area is underscored by their close physical proximity and the fact that the Parking Lease term would be coterminous with that for the Pardee Facility.

The agenda report asserts that the Port’s action to enter into the proposed Parking Lease with UPS to accommodate truck and trailer parking at the southeast corner of Swan Way and Doolittle Drive should be determined to be categorically exempt from the requirements of CEQA pursuant to Section 15301, Existing Facilities. However, that CEQA exemption is inappropriate in this instance. When the Parking Lease is considered in conjunction with the Pardee Facility Modifications, rather than inappropriately segmented, it is clear that the project as a whole would not fall within the Section 15301 CEQA exemption. Looking at the whole of the project here, it appears that the Pardee Facility Modifications will allow UPS to significantly increase its cargo handling capacity, which would result in more truck trips to and from the Pardee Facility and the need for the additional off-site parking, which would be accommodated by the Parking Lease. Even if the proposed Pardee Facility Modifications do not require a permit from the Port, they are inextricably linked to the proposed Parking Lease, so the increased capacity, the resulting increase in truck trips and emissions, and any increase in UPS cargo flights must be analyzed together with the proposed Parking Lease.

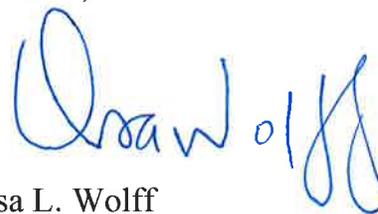
Prior to sending this letter, we asked Port Staff and UPS to provide additional written information relating to the Pardee Facility Modifications and Parking Lease. For example, we asked to see a copy of the proposed Parking Lease, so that we could evaluate whether it would allow anything other than parking. Similarly, we asked to see plans for the Pardee Facility Modifications, so that we could better understand that proposal. Although it is apparent to us that this information has been shared between UPS and the Port, it was not provided to us as requested. As such, please consider this letter to be a formal request for that information under the California Public Records Act. We also ask that the Board delay consideration of this matter until the information has been made available.

The CEQA Guidelines define a project as the whole of an action, which has potential for resulting in a physical change in the environmental, *directly or ultimately*... CEQA Guidelines § 15378; emphasis added. CEQA mandates that an agency “shall not ... take any action which gives impetus to a planned or *foreseeable project* in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.” CEQA Guidelines §15004(b)(2)(B); emphasis added. Therefore, because the proposed Pardee Facility Modifications will increase capacity and the requested Parking Lease comes as a result and/or facilitates the proposed Pardee Facility Modifications, the Port must analyze the related increase in truck traffic and flight operations and any related increase in noise levels, air pollution (including toxic diesel emissions), and safety impacts related to increased operations on the surrounding residential communities already burdened by impacts from the Airport’s operations.

In short, we are concerned that the Port appears to have overlooked evidence indicating that the proposal could result in significant environmental impacts. We respectfully request that the Port reconsider its approach with respect to leasing additional land to UPS in light of these comments, and perform environmental review under CEQA. CLASS would appreciate the courtesy of a response to this comment and request.

Best regards,

SHUTE, MIHALY & WEINBERGER LLP



Osa L. Wolff



Carmen J. Borg, AICP
Urban Planner

cc: Matt Pourfarzaneh, CLASS President