

Cambria Hotel Project on Hegenberger/Pardee CEQA ANALYSIS

Prepared for:

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Environmental Programs and Planning
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Oakland, CA 94607

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Cambria Hotel Project on Hegenberger/Pardee

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Attachments

- Attachment A:** CHS Consulting Group, *Cambria Hotel Development Project - Transportation Impact Study*, August 2020
- Attachment B:** California Emissions Estimator Model (CalEEMod) Results, Lamphier-Gregory, 2020
- Attachment C:** Partner Engineer Engineering and Science, Inc., *Phase I Environmental Site Assessment*, July 2018
- Attachment D:** Partner Engineer Engineering and Science, Inc., *Geotechnical Report*, August 2018

Cambria Hotel Project on Hegenberger/Pardee - CEQA Analysis

Pursuant to California Public Resources Code Sections 21084 and CEQA Guidelines Sections 15332

Project Title:	Cambria Hotel
Lead Agency	Port of Oakland Environmental Programs and Planning 530 Water Street Oakland, CA 94607
Port Contact Person:	Colleen Liang Port Environmental Supervisor
Project Location:	8520 Pardee Drive Assessor's Parcel No. 042-4420-400
Project Applicant's Name and Address:	Choice Hotel International 1 Choice Hotels Circle, Suite 400 Rockville, MD 20850 Attn: Steve Rogers, c/o Highside Development rogers@highsidedevelopment.com
Port Land Use Development Code Designation:	Commercial Corridor
Lot Size:	3 acre (130,658 square-foot)
Requested Permits	Land Use Development Permit Design Review

Executive Summary

Choice Hotels International (Project applicant) is seeking approval from the Port of Oakland (Port) to construct a new 4-story, 132-room hotel on a 3-acre site at the corner of Hegenberger Road and Pardee Drive at the site of the former Francesco's Restaurant (Project). The site has been a vacant lot since 2017, when the former restaurant was demolished. The Project site is located within the Port's land use jurisdiction and within the Oakland Airport Business Park. The Port's Land Use and Development Code (LUDC) for the Oakland Airport Business Park designates the Project site as Commercial Corridor. Hotels (or transient lodgings) are a permitted land use in this portion of the Oakland Airport Business Park, provided that they are "full service" hotels—defined as a minimum of 100 sleeping rooms, a full service restaurant providing three meals per day and room service, and include at least one indoor and one outdoor recreational amenity. The Project meets the definition of full service hotel. Multiple other hotels are located along this portion of Hegenberger Road.

Approvals needed from the Port prior to construction of the hotel are Port Development Permit and Design Review pursuant to the provisions of the LUDC. Subsequent approvals for the Project will include the Port's determination of compliance with the Port's Storm Water Ordinance (Ordinance #4311); the Alameda County Airport Land Use Commission's determination of compliance with the Oakland International Airport Land Use Compatibility Plan (ALUCP); subsequent City of Oakland (City) building permits, connections to the City's wastewater system, and potential encroachment permits for construction work within and close to the public rights-of-way; and East Bay Municipal Utilities District (EBMUD) approval of new service requests and water meter installations. The Port's initial consideration of the Port Development Permit and Design Review are discretionary actions of the Port, and therefore subject to environmental review pursuant to the California Environmental Quality Act (CEQA).

This document serves as the CEQA analysis for the Project. Specifically, the Project is considered an urban infill development project, and is in a class of projects that has been determined exempt from CEQA review under CEQA Guidelines Section 15332 (Class 32 Infill Exemption). Based on the information and conclusions set forth in this document, the Project qualifies for the Class 32 Infill Exemption as meeting all of the conditions described in that section, and there are no exceptions to this exemption based on the criteria of CEQA Guidelines Section 15300.2 (Exceptions). No additional environmental documentation or analysis for the Project is required.

Document Purpose and CEQA Determination

Purpose

The analysis in this environmental review document supports a determination that the Project qualifies for an exemption per CEQA Guidelines Section 15332 (Class 32 CEQA Categorical Exemption for In-fill Development Projects). In addition, this CEQA checklist addresses whether any exceptions to CEQA Exemptions pursuant to CEQA Guidelines Section 15300.2 (Exceptions) are triggered by the Project.

This environmental review document is intended to assist the Port in its determination of the appropriate CEQA documentation for the Project. It does not address every applicable CEQA topic or significance threshold but focuses on those most pertinent to the Port's assessment of whether a Categorical Infill Exemption is appropriate and viable for the Project, consistent with the requirements of a Class 32 CEQA Exemption.

Determination

The information presented in this environmental review document supports the conclusion that the Project meets all requirements under CEQA Guidelines Section 15332 (Infill Exemption) and does not trigger any "exception" under CEQA Guidelines Section 15300.2. As a result, the Project qualifies for a CEQA exemption under CEQA Guidelines Section 15332.

Project Description

The Project would construct a 4-story hotel on a currently vacant site that occupies an entire 3-acre parcel at 8520 Pardee Drive, at the northeast corner of Pardee Drive and Hegenberger Road.

Project Setting

The Project site is located in the southwestern portion of the City, approximately 1-mile northeast of Oakland International Airport and approximately 0.75 miles south along Hegenberger Road from Interstate 880 (I-880). The nearest inlet of San Leandro Bay is located less than 0.5 miles west of the Project site, and the City of Alameda is 2.2 miles to the northwest. San Leandro Creek runs in a northwesterly direction about 825 feet north of the site. The East Bay Regional Park District's Martin Luther King Jr. Regional Shoreline/Arrowhead Marsh Park (MLK Park) is located approximately 0.8 miles to the northwest (see **Figure 1**).

Primary access to the Project site is via Hegenberger Road, a City major arterial roadway connecting between I-880 and Oakland International Airport. The elevated AirBART shuttle operates regular schedules between the Coliseum BART station and Oakland International Airport along the Hegenberger Road alignment, but there are no AirBART stops in the immediate vicinity. Land uses along Hegenberger Road are primarily commercial uses in support of the airport, such as hotels, restaurants, and private off-site airport parking lots. A number of office buildings also line Hegenberger Road. Pardee Drive connects to Hegenberger Road and leads westerly into the Oakland Airport Business Park. Land uses within the Oakland Airport Business Park primarily include distribution, warehouse, and light industrial uses.

Specific commercial businesses in the immediate vicinity of the Project site and along the westerly side of Hegenberger Road include the Harley Davidson motorcycle sales and service facility immediately to the north, the Springhill Suites hotel behind the Harley Davidson site, and further to the north is the Northern California Carpenters Union office, which is adjacent to San Leandro Creek. Along the westerly side of Hegenberger Road to the south, the specific land uses include the office of the International Longshore and Warehouse Union Local 6 (an historic building), the Holiday Inn and Suites, and the Hilton Hotel. The east side of Hegenberger Road in the vicinity of the Project is developed with the six-story Oakland Airport Executive Hotel, the Econolodge Inn & Suites, and a number of other commercial establishments. Businesses in the immediate vicinity of the Project site and along Pardee Drive within the Oakland Airport Business Park include the adjacent Comcast Customer Service Center, the UPS Distribution Center, the Oakland Fire Department Engine No. 27, the U.S. Postal Service Airport Station and FedEx Worldwide Service Center (see **Figure 2**).

Project Site

The Project site is a vacant "L"-shaped corner lot approximately 3 acres in size (Assessor's Parcel #042-4420-400) at the northeast corner of Pardee Drive and Hegenberger Road (see **Figure 3**). Prior use of the Project site was for the former Francesco's Restaurant. The restaurant closed its business in 2017 and was demolished shortly thereafter. The site has been graded flat at an elevation of approximately 10 feet above mean sea level with a slight slope toward the southeast and is currently surrounded by a chain-link fence.

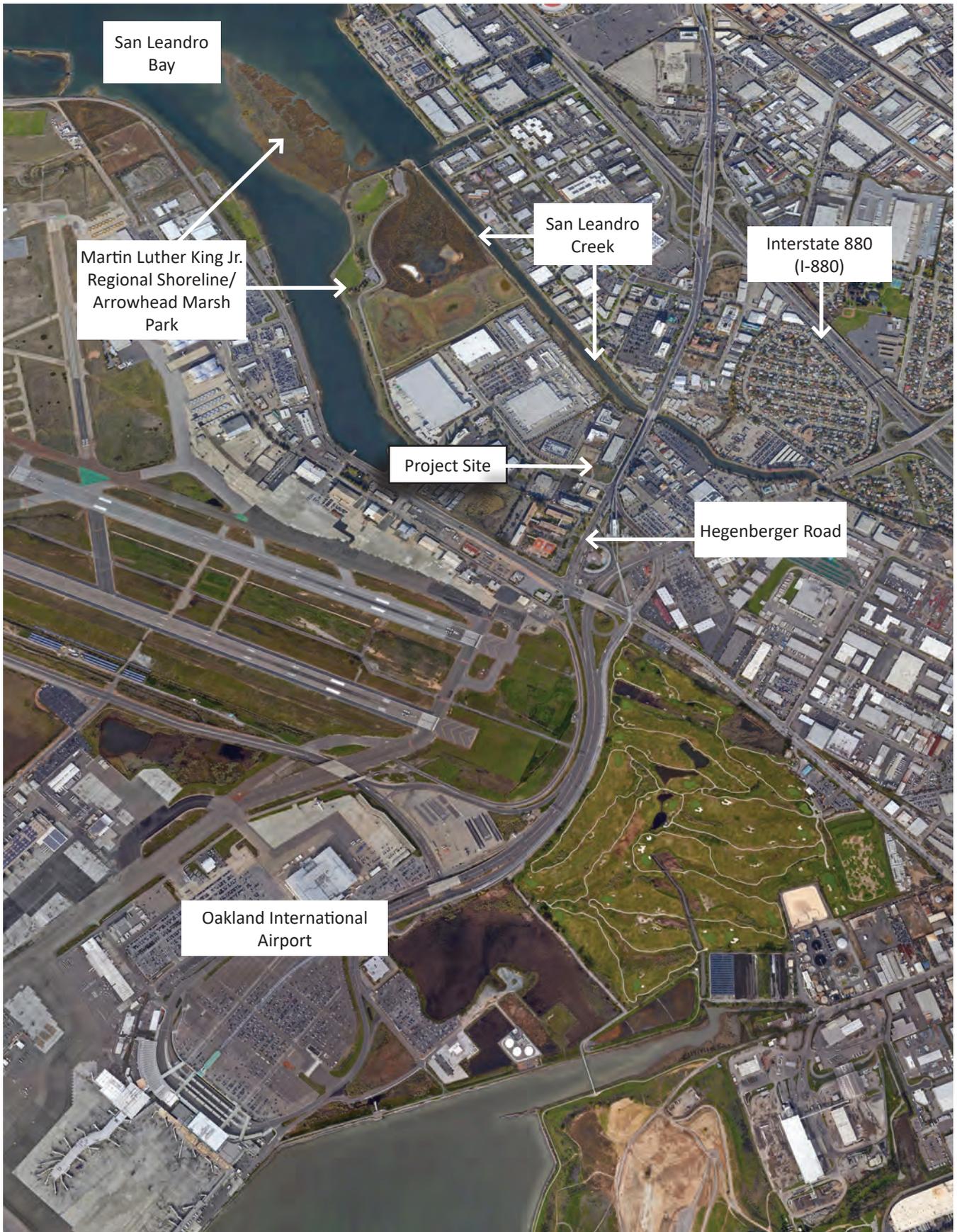


Figure 1
Project Location

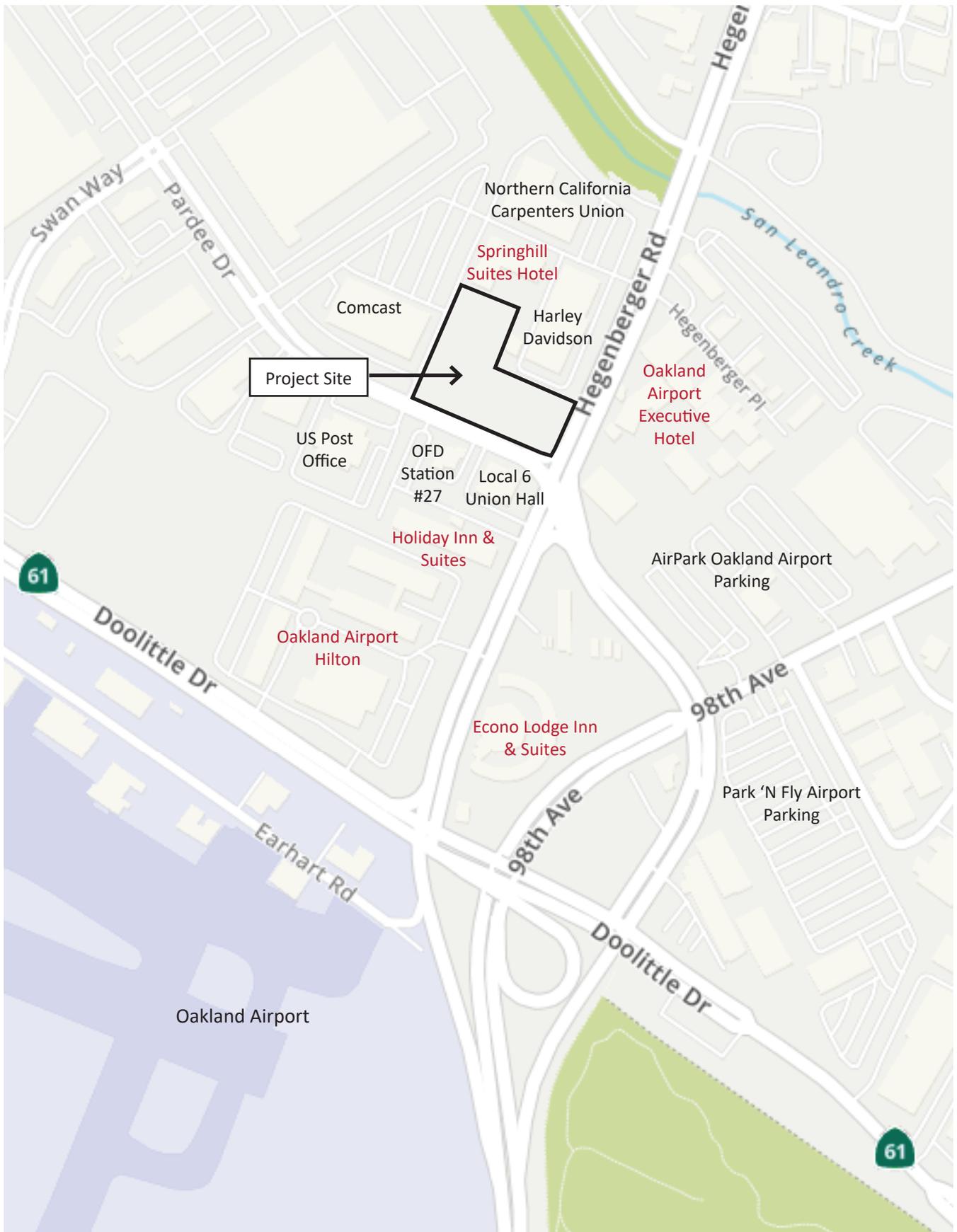


Figure 2
Project Site and Surroundings, with other Airport-serving hotels in vicinity



Figure 3
Project Site

Oakland General Plan Land Use Designation

According to the City's General Plan Land Use and Transportation Element (LUTE), the Project site is located within the Airport Gateway Showcase District. The policy framework for this District is to "support continued growth in activities such as cargo handling and distribution, visitor accommodations and services in the Hegenberger Road area, and transportation services to provide access for airport patrons and employees."

The General Plan Land Use Diagram designates the Project site as Regional Commercial. The Regional Commercial classification is intended to maintain, support, and create areas of the City that serve as regional-draw centers of activity. The desired character and land uses include a mix of commercial, office, entertainment, arts, recreation, sports and visitor serving activities, residential, mixed-use development and other uses of similar character or supportive of regional drawing power. The maximum non-residential floor-to-area ratio FAR for the Regional Commercial classification is 4.0.

Port's Land Use and Development Code

The Project site is located within the Port's Oakland Airport Business Park, and subject to the Port's Oakland Airport Business Park Land Use and Development Code (LUDC).¹ Per the LUDC, the Project site is located within an area designated as Commercial Corridor (see **Figure 4**). Within the Commercial Corridor area, hotels (or transient lodging) are a permitted use, providing the site has access to Hegenberger Road and the use is a full service hotel (defined as a minimum of 100 sleeping rooms, a full service restaurant providing three meals per day and room service, and includes at least one indoor and one outdoor recreational amenity).

The LUDC also includes regulations pertaining to required setbacks, landscaping, parking requirements, site access, lighting, and signage. The minimum setback requirements are a 20-foot front setback and a 10-foot side setback. The LUDC also provides that the Project's design is subject to architectural review by the Design Review Committee of the Port.

Oakland Airport Land Use Compatibility Plan

Due to the Project site's proximity to Oakland International Airport, it is also be subject to land use policies contained in the Oakland International Airport Land Use Compatibility Plan (ALUCP). The ALUCP for Oakland International Airport identifies guidelines for the use by the Alameda County Airport Land Use Commission (ALUC) to minimize public exposure to excessive noise and safety hazards near airports. Relevant policies include those regarding building height, noise, and safety hazards. The Project site is also within the ALUC General Referral Area, where projects are subject to ALUC review for a determination of consistency with the policies of the ALUCP.

¹ The Project is not be required to comply with the zoning and related regulations of the City's Municipal Code because it is within the Port Area and no City Planning Commission or Design Review approval is necessary.

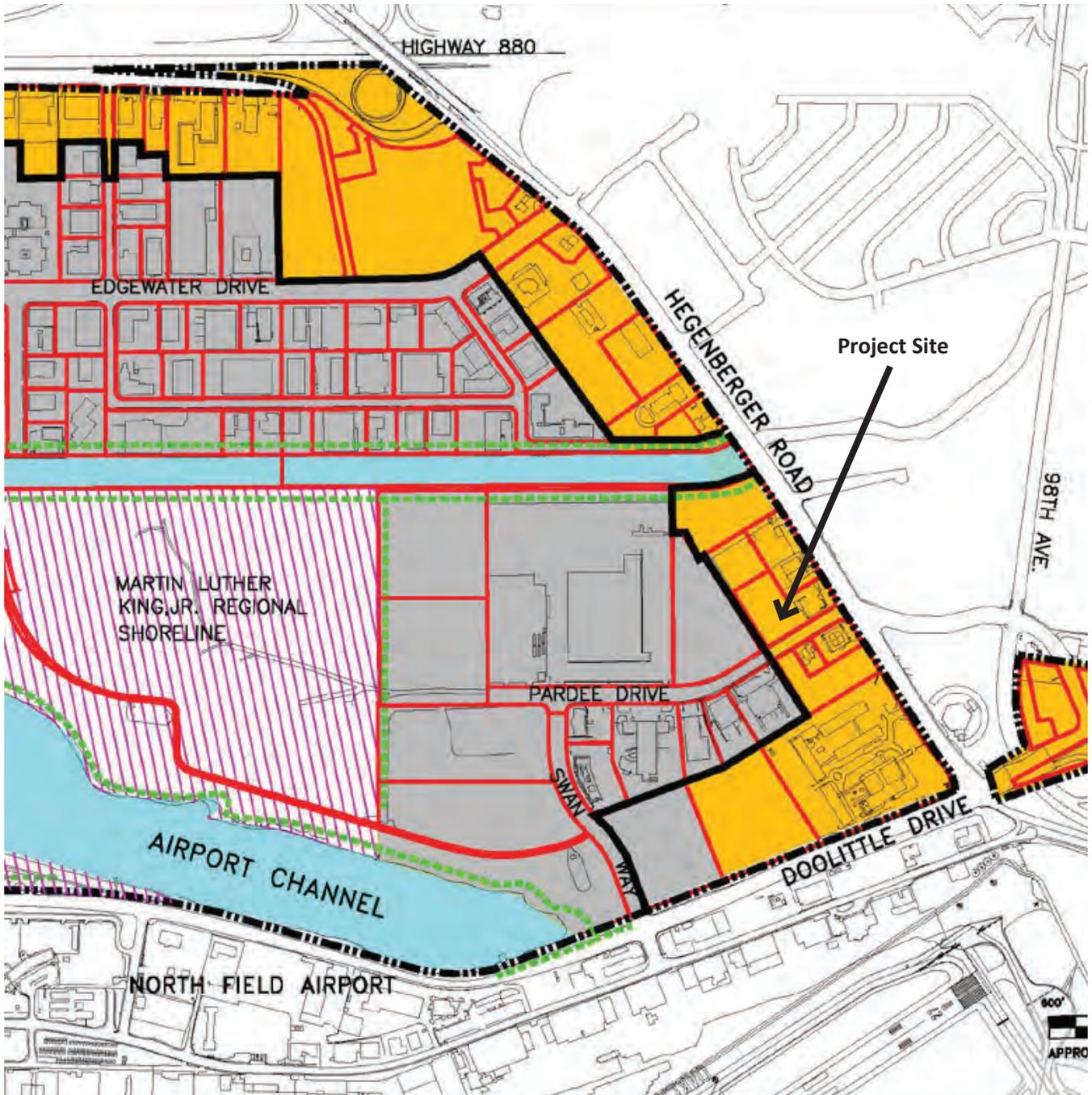


Figure 4
Port of Oakland LUDC Land Use Designations

Source: Port of Oakland, Airport Business Park Land Use and Development Code, Figure 2.1

Detailed Description of Project

The Project sponsor (Choice Hotels International) proposes to construct a 4-story, 132-room hotel on an approximately 3-acre (130,658 square-foot) parcel at 8520 Pardee Drive. The hotel would be a freestanding 60-foot tall building, with parking for 154 vehicles (see **Figure 5**). The hotel would have a total building area of 83,283 square feet (at a FAR of 0.6), with 23,445 square feet on the ground floor and 19,946 square feet on floors 2, 3 and 4. The building would be set back by 66 feet from Pardee Drive, 138 feet from Hegenberger Road, 85 feet from the adjacent Harley Davidson lot, and 136 feet from the rear Comcast lot. The proposed hotel would provide 68 king-size bedrooms, 57 queen-size bedrooms, and 7 suites. Ten rooms would specifically be wheelchair-accessible rooms. **Table 1** summarizes the proposed hotel development.

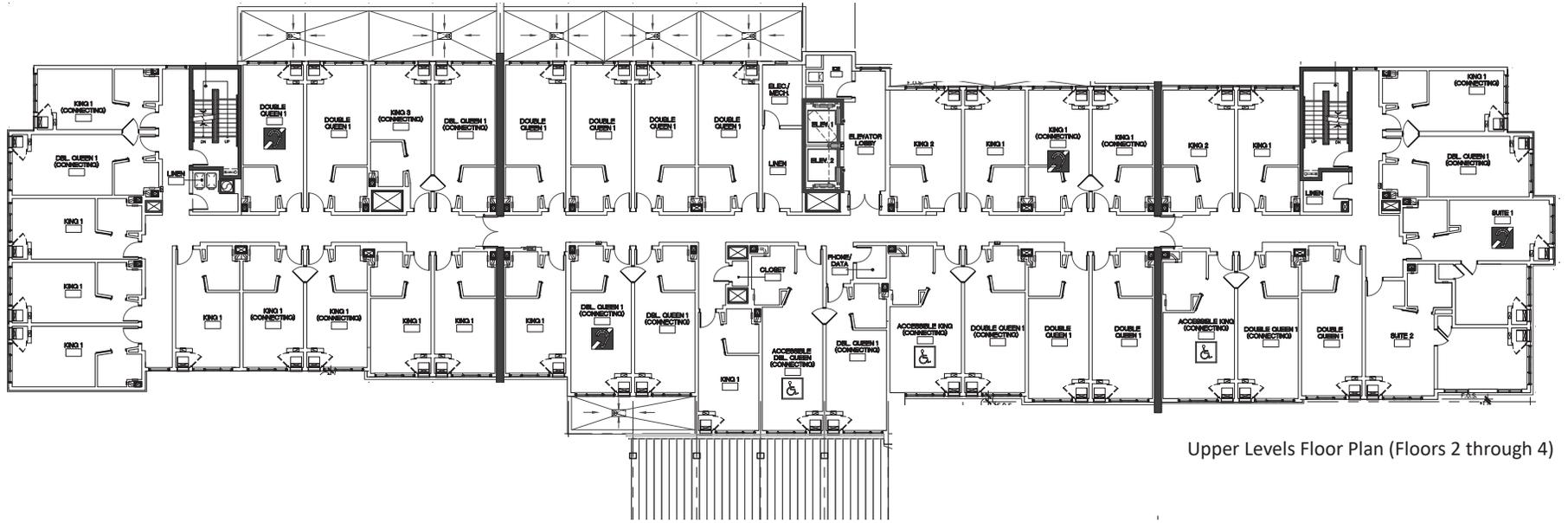
Table 1: Project Development Summary

Description	Proposed Project
Lot Area	130,658 sf (3.0 acres)
Gross Building Area	Level 1 = 23,445 sf Level 2 = 19,946 sf Level 3 = 19,946 sf Level 4 = <u>19,946 sf</u> Total: 83,283 sf (FAR of 0.63)
Building Height	60'-6" to top of tower, 51'-10" to top of parapet, 46'-6" to roof
Guest Rooms	132
Vehicle Parking	154 parking spaces, total
Bicycle Parking Spaces	10 short-term bike parking racks

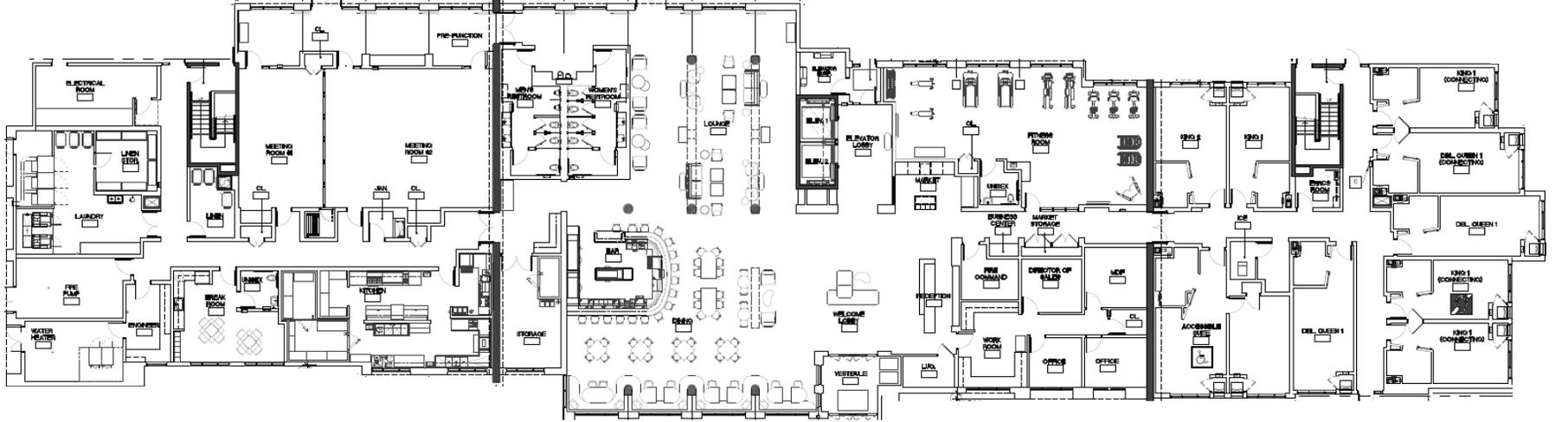
Source: Architectural Dimensions, 75% Entitlement Set, dated 02-12-2019 and Site Plan dated 08-26-2020

The ground floor of the hotel (see **Figure 6**) would include 9 hotel guest rooms; a hotel lobby and reception area; a kitchen and dining room (which together constitute a full service restaurant that will provide three meals per day), bar and lounge; a fitness center; and two conference/meeting rooms. The ground floor would also include an employee break room, electrical and mechanical rooms, laundry, offices, and various storage rooms. Access to the upper stories would be provided by two centrally located elevators, and stairways at the east and west ends of the building. The ground floor also provides for an outdoor patio area to the rear, a porte cochere entry at the front, and an outdoor but enclosed trash enclosure and an emergency generator (for powering the elevator in a power emergency) to the west.

The second, third, and fourth floors would all be similar in design (see Figure 6). Each floor would have 41 hotel guest rooms accessed by a central corridor, with space for mechanical equipment and linen services.



Upper Levels Floor Plan (Floors 2 through 4)



Ground Floor Plan

Figure 6
Project Floor Plans

Source: Architectural Dimensions, September 2020

The exterior architecture would have a contemporary design with an illuminated “Cambria” logo building sign at the front (south) entrance and on east façade. The building would be finished with large-format natural stone flanking the entry on the ground floor, with painted cement plaster of various colors elsewhere on each façade. A decorative metal panel connected at the front porte cochere and running to the top of the building would identify the entry location to the lobby, and an entrance canopy of painted metal would also decorate the entrance (see **Figure 7**).

Circulation and Parking

Vehicle access to the Project site would occur at the primary entrance/exit on Pardee Drive, aligned with an existing median break, leading to the drop-off area at building’s south entrance. A porte cochere would cover this drop-off area. Secondary vehicle access includes a second entrance/exit on Pardee Drive to the west, and a right-in only entrance off of Hegenberger Road to the east. A drive aisle surrounds the building on three sides, but not on the northerly side adjacent to the Harley Davidson shop.

A total of 154 parking spaces would be located on all four sides of the building, including 132 standard-sized parking spaces. Conveniently located near building entrances on the south, west, and north would be an additional 6 handicap parking spaces, 10 parking spaces with electric vehicle charging facilities, and 6 parking spaces designated for clean air vehicles (carpool/vanpool vehicles only).

The Project would construct a new sidewalk along the Project’s Pardee Drive frontage and pedestrian paths within the Project site, connecting the hotel to the existing sidewalk network on Pardee Drive and Hegenberger Road. The Project would also provide 10 short-term bicycle parking spaces located adjacent to the hotel lobby entrance.

Utilities and Stormwater Control

Connections to existing water mains in Pardee Drive would provide the building with service for domestic water and sanitary sewer service. Connections to the water mains in both Pardee Drive and Hegenberger Road would provide water for fire flows, serving 3 new fire hydrants at the north, southwest and northeast portions of the new building. All on-site utilities would be designed and connected in accordance with applicable codes and current engineering practices.

Stormwater runoff from the site will be directed into a series of bio-swales installed within the northerly parking lot landscape islands, at the back of the rear patio, and around the perimeter of the site. After filtration, this runoff will enter into a system of underground storm drain lines that direct stormwater flow to the southeast corner of the site, where this stormwater system connects to an existing storm drain main within the Hegenberger Road right-of-way. The bio-swales and stormwater system has been designed to meet the requirements of Port’s 2015 Post-Construction Stormwater Design Manual.

During hotel operations, hotel management would contract with a local waste management company to provide collection services. A separate trash enclosure is provided at the westerly side of the building.



LEGEND REFER TO COLORS AND MATERIALS BOOKS FOR TRUE REPRESENTATION OF ALL PROPOSED FINISHES

	GL-1 GLAZING - COLOR: SMOKE GREY / OCEAN GREY VANCKEA MANUF.: GUARDIAN GLASS SUPERNEUTRAL 66
	ML-1 METAL PANEL - COLOR: RIPE MANGO MANUF.: ALPOLIC
	ML-2 METAL PANEL - COLOR: NIGHT HAWK GRAY MANUF.: ALPOLIC
	ML-3 COPING - COLOR: CHAMPAGNE FINISH: ALUMINUM ANODIZED
	ML-4 STOREFRONT - COLOR: NIGHT HAWK GRAY MANUF.: KAWNEER
	PF-1 PAINTED CEMENT PLASTER - COLOR: UMBER MANUF.: BENJAMIN MOORE
	PF-2 PAINTED CEMENT PLASTER - COLOR: SILHOUETTE MANUF.: BENJAMIN MOORE
	PF-3 PAINTED STEEL CANDOPY - COLOR: POLO BLUE MANUF.: BENJAMIN MOORE
	PF-4 PAINTED CEMENT PLASTER - COLOR: ROSE DUST MANUF.: BENJAMIN MOORE
	PF-5 PAINTED CEMENT PLASTER - COLOR: TUSCANY MANUF.: BENJAMIN MOORE
	SF-1 LARGE FORMAT NATURAL STONE - COLOR: BARLOW MANUF.: ECO OUTDOOR

1 EAST EXTERIOR ELEVATION -
HEGENBERGER ROAD



2 SOUTH EXTERIOR ELEVATION - PARDEE DRIVE

Figure 7
Project - Exterior Elevations

Source: Architectural Dimensions, September 2020

Employment and Guests

The Project applicant estimates the hotel will generate a total of 17 new hotel-based jobs, including two on-site managers and 15 hospitality service workers.

Based on a prior hotel development feasibility study prepared for the Port, the average hotel occupancy rate for hotels in the Oakland Airport environs is approximately 80 percent.² For the 132-room Project, average occupancy would be approximately 106 rooms. The number of actual hotel guests would vary but would likely average just above 1 person per occupied room.

Construction

On-site construction work is expected to span approximately 17 months. The first two to three months would consist of site preparation, grading, and foundation work. Per the Project's geotechnical report (Partner Engineers, August 2008), site preparation and grading would include removal all grass, roots, and plant materials. The cleaned subgrade will be pressure rolled and scarified to a depth of 12 inches, moisture-conditioned and compacted as engineered fill. Beneath the building slab area, a 2-foot layer of non-expansive engineered fill would overlay the compacted site soils. Excavation is expected to be limited to spread foundations supported on engineered fill that extends to competent native material or five feet below existing grade, whichever is deeper, and trenching for utilities. It is estimated that site grading work and excavations may result in export of approximately 8,500 cubic yards (CY) of soil. However, some of this excavated soil should be suitable for reuse as on-site engineered fill, provided it is cleaned of plant materials and debris, moisture conditioned, and compacted.

Vertical construction of the hotel building would commence with the final stages of foundation work and is anticipated to last for approximately 12 months. Final site paving, architectural coatings, and landscaping would be completed during the final approximately two months of project construction.

Typical equipment used during construction would include a grader, backhoe or trencher, concrete trucks, boom vehicles and forklifts, and paving equipment. No pile driving or drilling is anticipated. Staging would occur within the Project site, with no roadway closures expected, although short-term closure of some sidewalk sections would occur for utility installations or sidewalk improvements. A maximum of up to 70 construction workers may be on site at any one time, but the average is expected to be approximately 10 to 25 construction workers during the vertical and interior construction phase.

Construction activities would generally be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities will be allowed on weekends until the building is enclosed, without prior authorization of the City, and no extreme noise generating activities would be allowed on weekends and holidays.

Project Approvals

The Project site is located within the Port's land use jurisdiction, and the Port is the lead agency with responsibility for this CEQA review. Other Project approvals for the Project include:

- Port of Oakland – issuance of a development permit pursuant to the Oakland Airport Business Park LUDC including Design Review of the proposed Project, a determination of compliance with

² Jones, Lang LaSalle (JLL), *Hotel Development Feasibility Study* prepared for Port of Oakland, December 2014

the Port of Oakland Storm Water Ordinance (Ordinance #4311), and recorded aviation easement on the subject property.

- Alameda County Airport Land Use Commission – determination of compliance with the Oakland International Airport Land Use Compatibility Plan policies and regulations
- City of Oakland – issuance of subsequent building permits, connections to the City’s wastewater system, and potential encroachment permits for construction work within and close to the public rights-of-way (pursuant to Chapter 12.08 of the Oakland Municipal Code)
- East Bay Municipal Utilities District – approval of new service requests and water meter installation
- Federal Aviation Administration – FAA 7460 approval to review and determine height clearance for new structures

Applicable Provisions of CEQA

CEQA Guidelines Section 15332 (Class 32 In-Fill Development)

Article 19 of the California Environmental Quality Act (CEQA Guidelines Section 15300 to Section 15333) includes a list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt from review under CEQA. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines Section 15332 (Class 32) consists of projects characterized as in-fill development when meeting the following conditions:

- a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations
- b) the proposed development occurs within city limits, on a project site of no more than five acres, substantially surrounded by urban uses
- c) the project site has no value as habitat for endangered, rare or threatened species
- d) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and
- e) the site can be adequately served by all required utilities and public services

The analysis presented in the following section provides substantial evidence that the proposed Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development and would not have a significant effect on the environment.

CEQA Guidelines Section 15300.2 (Exceptions)

Even if a project qualifies as exempt under a categorical exemption (e.g., a Class 32 In-Fill Exemption), CEQA Guidelines Section 15300.2 provides specific instances where exceptions to an otherwise applicable exemption apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

- a) Location. Exemption Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes of CEQA exemptions are considered to apply in all instances except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b) Cumulative Impact. All categorical exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.
- c) Significant Effects. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings or similar resources within a highway that is officially designated as a state scenic

highway. This exception does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR.

- e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code (i.e., the “Cortese List”).
- f) Historical Resources. A categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource.

The following analysis presents substantial evidence that there are no exceptions that apply to the Project or its site, that the Project would not have a significant effect on the environment, and that the Class 32 exemption remains applicable.

CEQA Determinations

An evaluation of the Project is provided in the following CEQA Analysis Checklist. This evaluation concludes that the Project qualifies for an exemption from additional environmental review and that the Project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies.

In accordance with Public Resources Code Sections 21084 and State CEQA Guidelines Sections 15332, and as set forth in the CEQA Analysis below, the Project qualifies for an exemption because the following findings can be made:

- **Class 32 Exemption**: The following analysis demonstrates that the Project is consistent with Criteria 15332 (parts a, b, c, d and e), and that no exceptions per CEQA Guidelines Section 15300.2 apply to the Project.

This finding provides the basis for CEQA compliance for the Project.

Colleen Liang
Port Environmental Supervisor

Date

CEQA Exemption Checklist

This report provides substantial evidence to support a conclusion that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development, and that the Project would not have a significant effect on the environment. The following checklist specifically demonstrates how Project qualifies for the Class 32 Exemption (with a ■ indicating that the Project does qualify under each requirement of CEQA Guidelines Section 15332).

Section 15332(a): General Plan & Zoning Consistency

<u>Yes</u>	<u>No</u>	The Project is consistent with the applicable General Plan designation and all applicable planning policies, and is consistent with the applicable zoning designation and regulations.
■	<input type="checkbox"/>	

City of Oakland General Plan

The City General Plan Land Use and Transportation Element (LUTE) indicated that the Project site is located within the Oakland Airport Gateway Showcase District. The policy framework for this District is to “support continued growth in activities such as cargo handling and distribution, visitor accommodations and services in the Hegenberger Road area, and transportation services to provide access for airport patrons and employees.” The Project is a visitor accommodation land use, and therefore consistent with this broad policy framework of the General Plan.

The General Plan Land Use Diagram designates the Project site as Regional Commercial. The Regional Commercial classification is intended to maintain, support and create areas of the City that serve as regional-draw centers of activity. The desired character and land uses include a mix of commercial, office, entertainment, arts, recreation, sports and visitor serving activities, residential, mixed-use development and other uses of similar character or supportive of regional drawing power. The Project is a commercial visitor-serving hotel, supporting the regional draw of economic activity associated with the Oakland Airport.

The maximum non-residential FAR for the Regional Commercial classification is 4.0. The Project’s FAR is approximately 0.6, less than the maximum FAR allowed and therefore consistent.

Port of Oakland Land Use and Development Code

The Project site is located within the Port’s Oakland Airport Business Park, and subject to the Port’s Oakland Airport Business Park Land Use and Development Code (LUDC). Per the LUDC, the Project site is located within an area designated as Commercial Corridor (see prior Figure 4). Within the Commercial Corridor area, hotels (or transient lodging) are a permitted use, providing the site has access to Hegenberger Road use is a full service hotel (defined as a minimum of 100 sleeping rooms, a full service restaurant providing three meals per day and room service, and includes at least one indoor and one outdoor recreational amenity). The Project includes 132 sleeping rooms, thereby meeting this minimum requirement. The Project does include a full-service restaurant, which the Project applicant has indicated will provide three meals per day and room service. The Project also includes one indoor recreational amenity (the fitness center) and one outdoor recreational amenity (the rear patio space).

The LUDC also includes regulations pertaining to required setbacks, landscaping, parking requirements and site access. The Project’s consistency with these regulations is provided below in **Table 2**.

Table 2 – Project Consistency with LUDC Standards

Criteria	LUDC Standard	Project Design	Consistency
Setbacks:	Front: 20 feet minimum Side: 10 feet minimum	Front: 20 feet minimum Side: 10 feet minimum	Consistent
Height	The maximum height allowed by the Federal Aviation Administration	(See ALUCP consistency, below)	
Minimum Lot Size	1 acre	3 acres	Consistent
Maximum FAR	4.0 (per City General Plan)	0.6	Consistent
Landscaping	The front setback area (20 feet) of a property must be completely landscaped from the curb line to the setback line except for sidewalks and driveways A minimum of one 24"- or greater container size specimen tree for each fifty (50) linear feet of street frontage of the premises shall be planted in the landscaped areas forward of the building line	Front on Hegenberger: 12'-6" landscape, plus 6-foot sidewalk, plus driveway Front on Pardee: 19'-7" landscape, plus 6' landscape and 6' sidewalk in R-of-W 24" box, Fairmont Maiden Hair (gingko), spaced 14 feet on center	Consistent
Parking	guest parking at a rate of 1 space per room (assuming 80% occupancy) 3 spaces for every 4 employees (assuming 1 employee for every 13 rooms) 1 space per manager 1 space per 3 seats (meeting rooms/banquet) 1 space for every 2 employees (assuming 60% occupancy, with 7 employees per 100 seats)	1 space x 132 rooms (at 80% occupancy = 106 spaces 132 rooms/13 = 10 employees. At 3 spaces per 4 employees = 8 space 1 space/manager x 2 managers = 2 spaces 1 space/ 3 seats (meeting rooms) x 107 seats = 36 space 107 seats/7 employees per 100 seats x 60% x 1space per 2 employees = 2 spaces Total = 154 parking spaces	Consistent
Curb Cuts	at least twenty five (25) feet distant from the next closest driveways on the same street. Driveways shall be a minimum of twelve (12) feet in width for one-way traffic and twenty six (26) feet for two-way traffic. The maximum permitted curb cut shall be thirty five (35) feet wide.	218' between driveways on Pardee 26-foot (2-way) driveways on Pardee 20-foot (1-way)driveway on Hegenberger)	Consistent

Sidewalks	A six (6)-foot wide concrete sidewalk along existing street frontages	6-foot sidewalks on Pardee Existing 6-foot sidewalks on Hegenberger	Consistent
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The Project will also require Design Review approval and is anticipated to meet all required conditions and findings.

Oakland Airport Land Use Compatibility Plan

As specified by the State Aeronautics Act, local actions proposed within an Airport Influence Area that have the potential to affect land use or airport operations should be reviewed by the applicable Airport Land Use Commission for a determination of consistency with the Airport Land Use Compatibility Plan. The Oakland Airport Land Use Compatibility Plan (ALUCP) is used by the Alameda County Airport Land Use Commission (ALUC) to promote compatibility between the Oakland International Airport (OAK) and surrounding land uses.³ The ALUCP compatibility criteria, as derived from the Federal Aviation Administration (FAA), are used to safeguard the general welfare of the public. Pursuant to the ALUCP, proposed redevelopment of land within the Oakland Airport Influence Area (AIA) should initially be reviewed by the ALUC Administrative Officer. If the ALUC Administrative Officer determines that significant compatibility issues are evident, the proposal shall be forwarded to the ALUC for review and decision. The ALUC authorizes the ALUC Administrative Officer to approve proposed actions having no apparent compatibility issues.

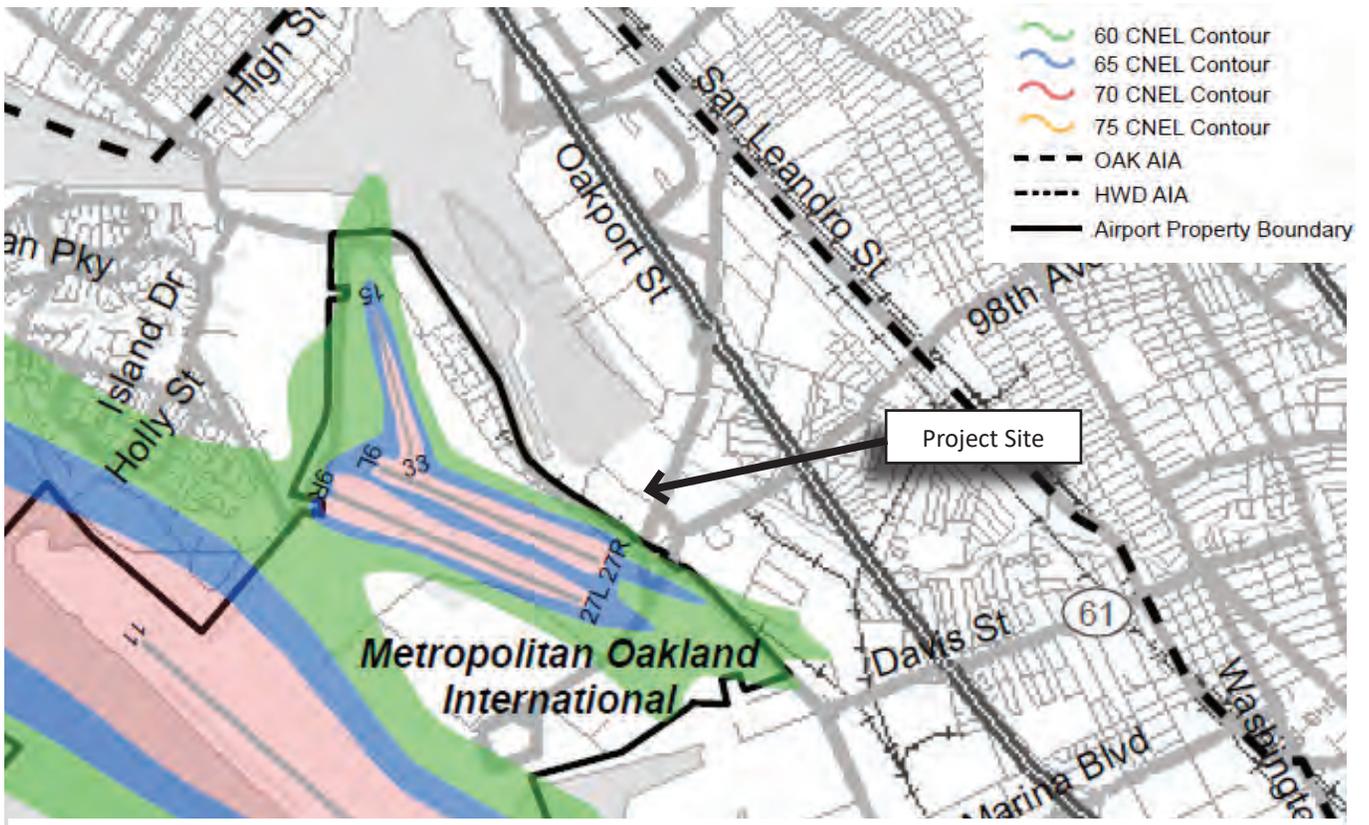
The entire Oakland Airport Business Park, including the Project site, is within the OAK AIA. As such, the compatibility criteria contained within the ALUCP are applicable to the Project. As indicated below, the Project is consistent with the noise, land use safety and building height criteria of the ALUCP, and would not conflict with plans and policies intended to protect and promote airport operations safety and/or airspace protection.

Noise

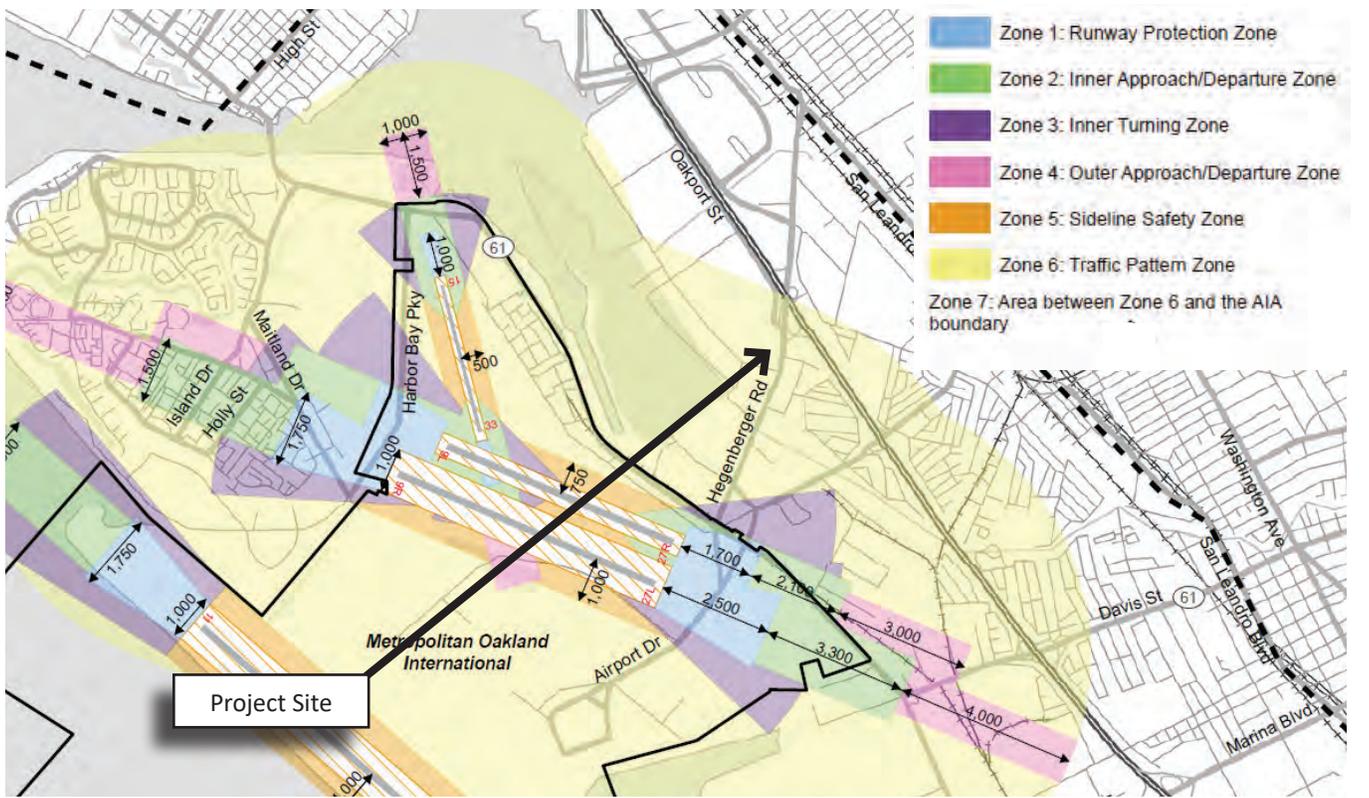
The ALUCP establishes boundaries within which noise compatibility policies apply. These boundaries depict “noise impact areas” or noise compatibility zones, defined by noise contours at the 60 dB CNEL, 65 dB CNEL, 70 dB CNEL, and 75 dB CNEL contours.⁴ Noise compatibility policies apply to each noise impact area or contour. The Project site is not located within any of the ALUCP-identified noise impact areas (see **Figure 8**). Thus, the ALUCP land use noise exposure criteria do not apply to the Project and the Project is consistent with the ALUCP noise criteria.

³ Alameda County Community Development Agency, *Oakland Airport Land Use Compatibility Plan*, December 2012

⁴ *Ibid*, Figure 3-3, Noise Compatibility Zones



Noise Compatibility Zones



Safety Compatibility Zones

Figure 8
Oakland Airport Land Use Compatibility - Noise and Safety Criteria

Land Use Safety

The ALUCP defines six safety zones within its AIA, plus a seventh zone between Safety Zone 6 and the boundaries of the AIA.⁵ Land use compatibility standards are established for each Safety Zone to restrict development of certain types of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident. The Project site is located in Safety Zone 6 (see also Figure 8), where short-term lodging facilities (≤ 30 nights – hotels and motels) as well as long-term lodging facilities (> 30 days, extended-stay hotels and dormitories) are considered “acceptable without conditional restraints”.⁶ As such, the ALUCP’s criteria for land use safety do not restrict or require any additional conditions or restraints for the Project, and the Project is consistent with these criteria.

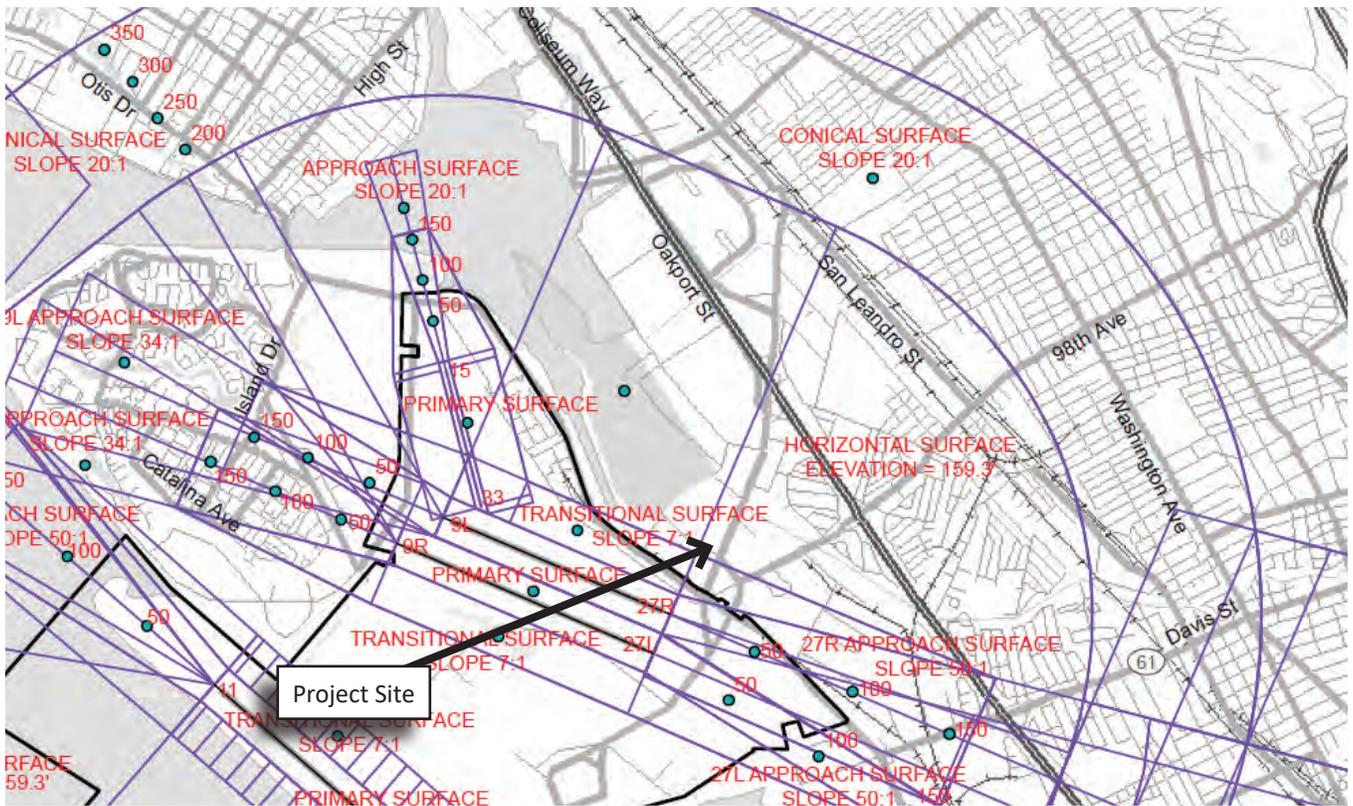
Airspace Protection

The ALUCP includes plans and policies related to the compatibility of proposed land uses and airspace protection. The purposes of these policies include protecting the public health, safety and welfare by minimizing the public’s exposure to potential safety hazards that could be created through the construction of tall structures. The criteria used in establishing these policies is based on the Code of Federal Regulations (CFR) 14, Safe, Efficient Use and Preservation of the Navigable Airspace (Part 77), which governs the FAA’s review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. Pursuant to these federal regulations, any new structure or alterations to an existing structure (including portions of structures, mechanical equipment, flag poles, and other projections) with a height that would exceed Part 77 elevation thresholds is required to file a Notice of Proposed Construction or Alteration with the FAA.

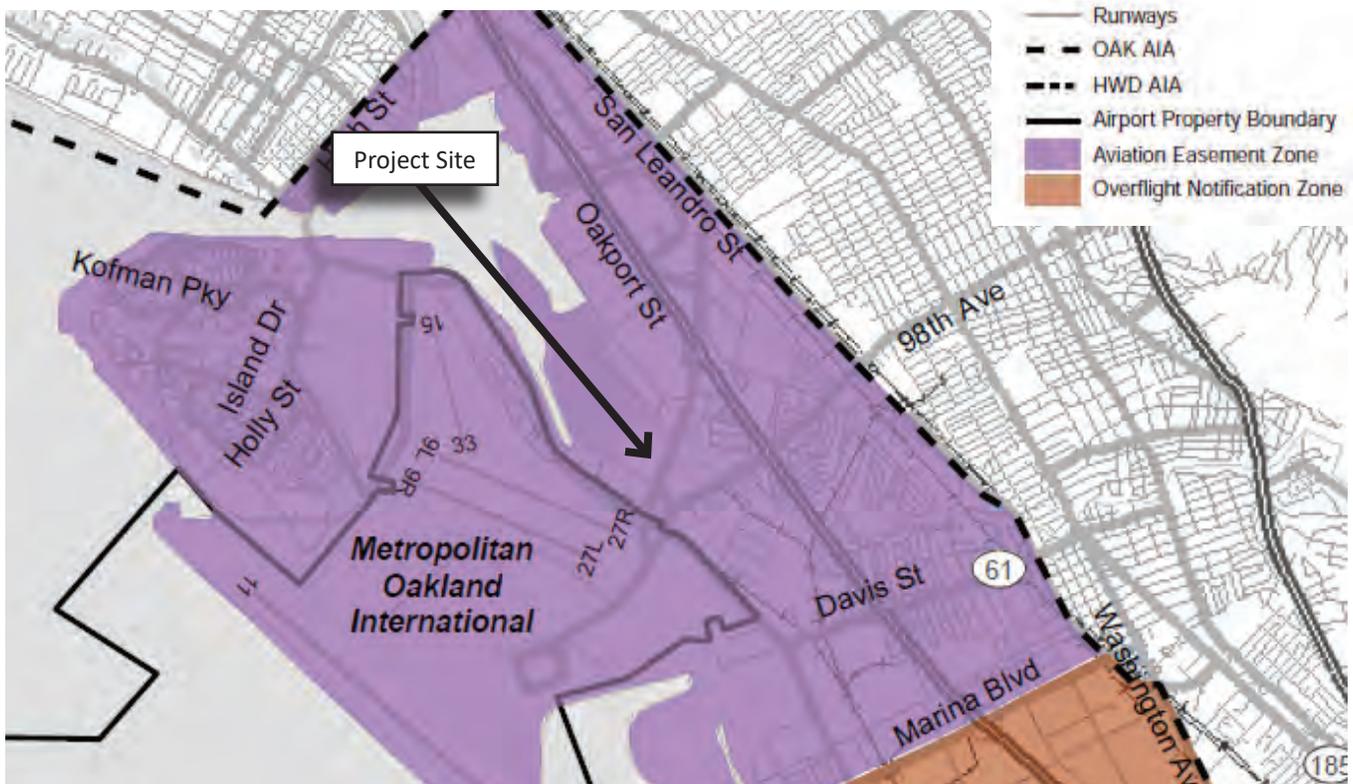
Part 77 establishes obstruction standards for the airspace around OAK including approach zones, conical zones, transitional zones, and horizontal zones known as “imaginary surfaces.” These imaginary surfaces rise from the ground level at the OAK runways and rise along the approach slopes and sides of the runways (see **Figure 9**). The FAA considers any objects that penetrate these imaginary surfaces as potential obstructions to air navigation. The ALUCP includes a map that illustrates the critical aeronautical surfaces that protect the airspace (Part 77 Surfaces).⁶ The important building height criteria of the ALUCP applicable to the Project site is a horizontal surface of 159.2 feet msl over the Project site. At a maximum building height of 61’-1”, the Project does not protrude into this protected airspace and the Project is consistent with the ALUCP building height criteria.

⁵ Ibid, Figure 3-4, Safety Compatibility Zones

⁶ Ibid, Figure 3-5, Oakland International Airport FAA Part 77 Surfaces



FAA Part 77 Air Surface Heights



Airport Overflight Compatibility Zones

Figure 9
Oakland Airport Land Use Compatibility - Building Heights
and Avigation Easements

Avigation Easement

Noise from the overhead flight of aircraft can be intrusive in locations beyond the limits of the noise contours, and sensitivity to aircraft overflights may vary from person to person. The ALUCP includes overflight policies intended to warn people near an airport of the presence of aircraft, so that they have the ability to make informed decisions regarding the acquisition or lease of property within the AIA. Pursuant to California state statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353), sellers or lessors of real property must disclose information regarding whether their property is situated within an AIA. These state requirements apply to the sale or lease of subdivided lands and condominium conversions, and to the sale of certain existing residential property. Although not mandated by state law, this is a standard condition of approval of the Development Permit and the recommendation of the ALUCP is that an airport proximity disclosure (i.e., an avigation easement) should be provided as part of all real estate transactions involving private property (both new and existing) within the Oakland Airport AIA (see also Figure 9). By recording an avigation easement against the property, the Project would fully comply with these ALUCP policies and recommendations.

Conclusion

The Project meets all of the criteria of CEQA Guidelines Section 15332(a) as being consistent with the General Plan and applicable zoning regulations, the Port's LUDC, and other land use plans and policies of the ALUC applicable to the site.

Section 15332(b): Project Location, Size & Context

Yes No The Project site is located within city limits, on a site of no more than five acres, and is substantially surrounded by urban uses.

The approximately 3.0-acre Project site is located within the southwestern portion of the City of Oakland, in the vicinity of Oakland International Airport and Interstate 880 (I-880). Primary access to the Project site is via Hegenberger Road, a City major arterial roadway connecting between I-880 and Oakland International Airport. Existing urbanized commercial development along Hegenberger Road surrounds the Project site. The Project site is also located within the Port's Oakland Airport Business Park, which contains a mix of urban light industrial and large floorplate logistics, warehouse and distribution centers. Based on these characteristics, the Project is consistent with the requirements of CEQA Guidelines Section 15332(b) as being within city limits, on a site of no more than five acres, and substantially surrounded by urban uses.

Section 15332(c): Endangered, Rare or Threatened Species

Yes No The Project site has no value as habitat for endangered, rare or threatened species.

The majority of the Project site consists of a ruderal (weedy) lot, surrounded on all sides by commercial and light industrial development and urbanized roadways. Following removal of the former Francesco's restaurant, the site was graded flat and has remained as partially overgrown, non-native grassland vegetation including species typical of disturbed areas. The gravel base of the former Francesco's

restaurant driveway and parking area is still evident within the central portion of the site. There are no trees on or adjacent to the site, and the site has no value as habitat for endangered, rare or threatened plant or animal species.

Habitat in the Vicinity

San Leandro Creek runs in a northwesterly direction about 825 feet north of the site. The habitat provided by San Leandro Creek is an important component of the wildlife habitat found within the San Leandro Bay. This section of the creek is surrounded by the urbanized business park and is bounded on either side by the San Leandro Creek Trail East and West, which are part of the MLK Regional Shoreline Park. San Leandro Creek supports a run of the Central California Coast steelhead, a federally threatened species which migrate through San Leandro Bay and swim up San Leandro Creek to spawn. The creek and the surrounding bay and marshes provide important aquatic, intertidal and marsh habitat used by migratory birds travelling along the Pacific Flyway. Typical species include greater scaup, western gull, double-crested cormorant, western grebe, ruddy duck, eared grebe, American wigeon, great egret, snowy egret and great blue heron.⁷ With over 800 feet of separation and intervening urbanized development between the Project site and San Leandro Creek, the Project would have no direct effects on habitat for endangered, rare or threatened species associated with San Leandro Creek.

The approximately 50-acre East Bay Regional Park District’s Martin Luther King Jr. Regional Shoreline/Arrowhead Marsh Park is located approximately 0.8 miles to the northwest of the Project site. Arrowhead Marsh is actively managed by the EBRPD, and hosts some of the most significant populations of shorebirds and waterfowl in the Bay. More than 90 bird species inhabit this area. Typical species include those found in San Leandro Bay, and is known to host the State and federally endangered California clapper rail and salt marsh harvest mouse.⁸ With approximately 35,000 feet of separation and intervening urbanized development between the Project site and Arrowhead Marsh, the Project would have no direct effects on habitat within the Marsh for endangered, rare or threatened species.

Conclusions

The Project is absent of suitable habitat for endangered, rare or threatened plant and animal species based on its separation by intervening streets and development, the lack of protective cover, and no trees present on the site. Special-status species are not expected to inhabit or use the Project site because of a lack of suitable habitat, prior disturbance and the current level of surrounding human activity. No tree removal is required by the Project. Therefore, the Project site has no value as habitat for endangered, rare or threatened species, and the Project qualifies for an exemption under CEQA Guidelines Section 15332(c) as a Class 32 urban in-fill development under this criteria.

Section 15332(d)(1): Traffic

Yes No Approval of the project would not result in any significant effects relating to traffic.

The following information pertaining to traffic and transportation is derived from a Transportation Impact Study (TIS) prepared by CHS Consulting Group (CHS), attached as **Attachment A**. Transportation

⁷ City of Oakland, Coliseum Area Specific Plan EIR, 2015, page 4.3-7

⁸ City of Oakland, Coliseum Area Specific Plan EIR, 2015, page 4.3-13

data for the TIS was obtained from field observations and data collected at roadways adjacent to, and in proximity of the Project site. The purpose of the TIS is to inform this environmental review of the Project as it pertains to the following topics:

- site circulation conditions
- trip generation and distribution
- Vehicle Miles Traveled (VMT)
- Level of Service (LOS) conditions
- transit conditions, and
- pedestrian conditions and bicycle conditions

Surrounding Roadway Network

The following provides a description of existing roadways in the vicinity of the Project. The functional designation of each roadway was obtained from the City General Plan.⁹ The surrounding City roadway system is comprised of freeways, arterials, collectors and local streets. The City General Plan defines freeways as high-speed thoroughfares connecting regional, statewide, and national destinations with two or more travel lanes in each direction, controlled access, are divided by medians, and are grade-separated. Arterials as the basic network for through-traffic, providing connections between freeways and major destinations, and providing access to collector streets and local streets. Collectors are roadways connecting neighborhoods with arterials, typically consisting of two lanes with curb parking in each direction, and traffic signals at major intersections. Local streets are low speed roadways that link individual parcels to collector or arterial streets, typically accommodating one lane of traffic and curbside parking in each direction.

- Interstate 880: Interstate 880 (I-880) is a north-south freeway serving Oakland and the East Bay, connecting Oakland to the north and San Jose to the south. Access to northbound I-880 from the Project site is provided via the Hegenberger Road on-ramp (approximately 0.8 mile north of the Project site) and access to southbound I- 880 from the Project site is provided via the Hegenberger Road on-ramp or 98th Avenue on-ramp (approximately 0.8 miles east of the Project site).
- Hegenberger Road: Hegenberger Road is a north-south roadway that runs from Doolittle Drive to International Boulevard. In the vicinity of the Project site, this roadway operates two-way with generally three travel lanes in each direction, separated by a median, and has a posted speed limit of 35 mph. Street parking is prohibited at all times along both sides of the street. Hegenberger Road is defined as an arterial street, providing direct access to and from I-880.
- Airport Access Road: Airport Access Road is a north-south roadway that runs from Doolittle Drive to Hegenberger Road. This roadway operates two-way with generally two southbound and three northbound travel lanes and has a posted speed limit of 35 mph. Street parking is prohibited at all times along both sides of the street. The General Plan identifies Airport Access Road as an arterial street.

⁹ Source: <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/webcontent/oak035269.pdf> , accessed January 2020.

- Doolittle Drive: Doolittle Drive is an east-west roadway that runs from Fernside Boulevard to Belvedere Avenue. This roadway operates two-way with generally two travel lanes in each direction and has a posted speed limit of 50 mph. Parking is prohibited at all times along both sides of the street. The General Plan identifies Doolittle Drive as an arterial street.
- 98th Avenue: 98th Avenue is a north-south roadway that runs from Oakland International Airport to Golf Links Road. In the vicinity of the Project site, this roadway operates two-way with generally three travel lanes in each direction. 98th Avenue has a posted speed limit of 45 mph south of Airport Access Road, and 35 mph north of Airport Access Road. Street parking is prohibited at all times along both sides of the street. The General Plan identifies 98th Avenue as an arterial street. 98th Avenue provides direct access to and from I-880 in the Project area.
- Pardee Drive: Pardee Drive is an east-west roadway that runs from Swan Way to Hegenberger Road. This roadway operates two-way with two travel lanes in each direction, separated by a partial median, and has a posted speed limit of 35 miles per hour (mph). Street parking is prohibited along both sides and along the entire length of the street, consistent with the Oakland Airport Business Park LUDC. The General Plan identifies Pardee Drive as a local street.
- Swan Way: Swan Way is a north-south roadway that runs from Doolittle Drive to Pardee Drive. This roadway operates two-way with generally two travel lanes in each direction and has a posted speed limit of 35 mph. Street parking is prohibited along both sides and along the entire length of the street, consistent with the Oakland Airport Business Park LUDC. The General Plan identifies Swan Way as a local street.

Pardee Drive and Hegenberger Road provide direct local vehicle, bicycle, and pedestrian access to the Project site.

Project Trip Generation

For the purposes of the TIS, the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition was used to estimate the anticipated vehicle trip generation for the Project during both the a.m. and p.m. peak hours for a typical weekday. Trip generation for the Project was estimated using the Hotel land use category (ITE code 310) for occupied hotel rooms located in general urban/suburban settings, including both hotel guest and employee vehicle trips. The ITE Trip Generation Manual, 10th Edition describes the hotel land use as a place of lodging that provides sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms, limited recreational facilities (pool or fitness room), and small supportive retail and service shops.

The Port has conducted a previous study that concluded the average occupancy rate for hotels in the Oakland Airport Business Park area is approximately 80 percent.¹⁰ Therefore, the ITE trip generation estimate was adjusted to account for the average occupancy rate of area hotels. As shown in **Table 3**, the Project would generate approximately 66 a.m. peak hour vehicle trips (38 inbound and 28 outbound), and 77 p.m. peak hour vehicle trips (38 inbound and 39 outbound).

¹⁰ Jones Lang LaSalle, *Proposed Hotel at the Oakland International Airport, Hotel Development Feasibility Study* prepared for the Port of Oakland, December 2014

Table 3: Project Vehicle Trip Generation Estimate

Land Use	ITE Code	Units	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Vehicle Trip Generation Rates								
Hotel	310	Occupied rooms	0.62	58%	42%	0.73	49%	51%
Vehicle Trip Generation Estimate ²								
Hotel	310	105 rooms ¹	66	38	28	77	38	39

Source: ITE Trip Generation Manual, 10th Edition, September 2017; CHS Consulting Group, 2020

1. Trip generation assumes that 80 percent of rooms are occupied (Project is 132 rooms x 80% = 105 rooms)
2. Estimated trip generation includes both employee and hotel guest trips

Table 4 presents the expected trip distribution patterns for the Project based on a review of existing traffic conditions, traffic counts and consistency with other nearby development projects. These trip distribution patterns were used as the basis for assigning the Project trips to the local streets and study intersections within the Project area.

Table 4: Project Trip Distribution

Route	Distribution (%)
I-880 (to/from the north via Hegenberger Road)	45%
I-880 (to/from the south via 98th Avenue)	20%
Hegenberger Road (East of I-880)	4%
Doolittle Drive (to/from the north)	5%
Doolittle Drive (to/from the south)	1%
98th / Airport Drive (to/from Oakland International Airport)	25%

Source: CHS Consulting Group, 2020

Estimated trip distribution includes both employee and hotel guest trips

Significance Thresholds

Based on State CEQA Guidelines Appendix G, the Project would result in a significant transportation impact if it would:

- a) Conflict with, or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1), which establishes that VMT exceeding an applicable threshold of significance may indicate a significant impact
- b) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities
- c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses

- d) Result in inadequate emergency access

Vehicle Miles Travelled (VMT)

Starting on July 1, 2020 and pursuant to SB 743, CEQA documents are required to include a VMT analysis. Local agencies have the discretion to devise their own thresholds of significance for VMT, provided that such thresholds are supported by substantial evidence. The Port has yet to adopt a formal VMT threshold, and so this document relies on thresholds established in CEQA Guidelines Section 15064, and the guidance of the State Office of Planning and Research (OPR).¹¹ CEQA Guidelines section 15064.3 provides that, “generally, vehicle miles travelled is the most appropriate measure of transportation impacts. Vehicle miles traveled refers to the amount and distance of automobile travel attributable to a project.” Except as provided for transportation improvement projects, a project’s effects on automobile delay does not constitute a significant environmental impact.

CEQA Guideline Section 15064.3 (b)(1), states that lead agencies generally should presume that certain projects (including residential, retail and office projects, as well as projects that are a mix of these uses) that proposed within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor, will have a less than significant impact on VMT.¹²

AC Transit Route 73 runs from the Eastmont Transit Center at 73rd and Foothill Boulevard to Oakland International Airport, with stops at the Coliseum BART station. According to the AC Transit route schedule, Routes 73 is a fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, thereby qualifying as a high-quality transit corridor (see **Figure 10**).¹³ A bus stop for Route 73 southbound is located on southbound Hegenberger Road, just south of the Pardee Drive intersection. A bus stop for Route 73 northbound is located on northbound Hegenberger Road just north of the Pardee Drive intersection. Both of these stops are well within ½ mile of the Project site. Pursuant to CEQA Guideline Section 15064.3 (b)(1), since the Project site is located within ½ mile of an existing stop along a high-quality transit corridor, the Project is presumed to have a less than significant impact on VMT.

According to OPR’s technical guidance,¹⁴ this presumption might not be appropriate if:

- the project included more parking than required (the Project provides 154 on-site parking spaces, meeting Oakland Airport Business Park LUDC’s minimum requirements);
- if the project is inconsistent with the applicable Sustainable Communities Strategy (the Project site is located within and consistent with a Priority Development Area as established pursuant to MTC/ABAG *Plan Bay Area 2040*, the Bay Area region’s Sustainable Communities Strategy); or
- if the project replaces any affordable residential units (the Project site is currently vacant and previously contained a restaurant, not affordable residential units)

¹¹ OPR website, at <https://opr.ca.gov/ceqa/updates/sb-743/>, accessed September 17, 2020

¹² Pub. Resources Code, § 21155 defines a high-quality transit corridor as, “a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours”

¹³ AC Transit, at: <https://sfbaytransit.org/actransit/route/73/schedule>

¹⁴ Office of Planning and Research, *Technical Guidance in Evaluating Transportation Impacts In CEQA*, December 2018

Line 73

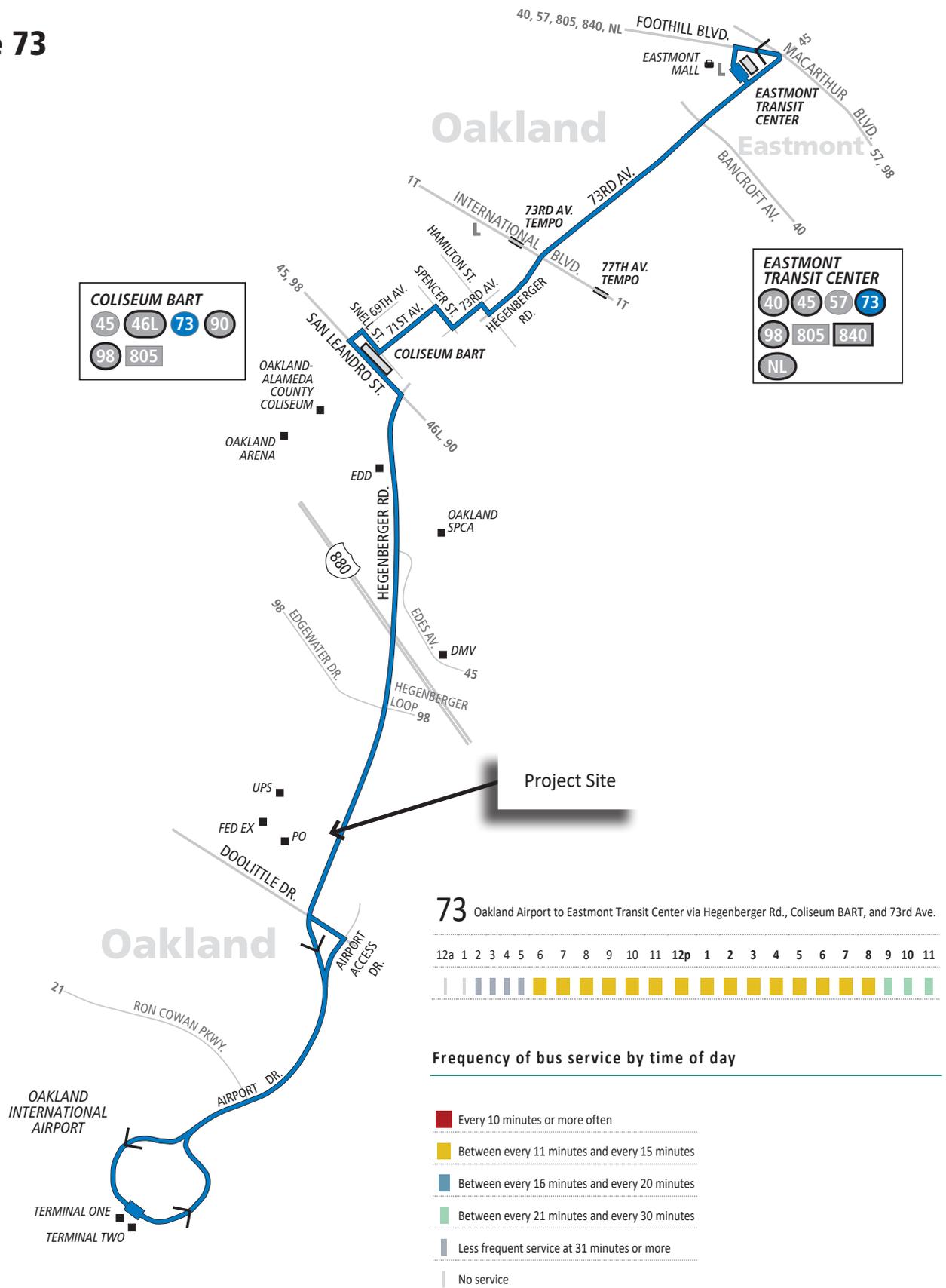


Figure 10
AC Transit Route 73

Source: AC Transit, accessed at:
http://www.actransit.org/maps/maps_results.php??ms_view_type=2&maps_line=73&version_id=40

OPR's guidance (which constitutes technical advice and is not regulatory) suggests that a less than significant VMT presumption for projects along a high-quality transit corridor may not be appropriate for projects with an FAR of less than 0.75. The Project's FAR is less than the minimum 0.75 recommended under OPR's guidance, at an FAR of 0.63. However, the Project meets all other advisory and presumptive criteria, and there is no evidence to indicate that increasing the FAR of the Project (such as adding a fifth level of additional hotel rooms) would have any effect on lowering VMT. Furthermore, the Project applicant/hotel operator intends to subsidize AC Transit passes for hotel workers during the first year of operation to encourage the use of alternative transportation modes, further substantiating the less than significant impact related to VMT.

Transit, Roadway, Bicycle and Pedestrian Circulation System

Vehicle Circulation

The TIS includes a detailed review of the Project to determine the adequacy of circulation. The surface parking lot serving the Project would be accessed via three separate driveways, including two 26-foot wide bi-directional driveways on Pardee Drive and a single inbound-only driveway on Hegenberger Road. The driveway dimensions meet the minimum requirements of Oakland Airport Business Park LUDC for two-way and one-way driveways. The two Project driveways on Pardee Drive would be located 160 feet apart, exceeding the minimum spacing requirements of 25 feet. Internal drive aisles also meet LUDC requirements, as they are at least 26 feet-wide and of sufficient width to accommodate two-way traffic operations for circulating vehicles, delivery trucks and emergency vehicles, as well as vehicular parking maneuvers to/from the perpendicular parking spaces. The Project driveways located on Pardee Drive and Hegenberger Road would provide adequate sight distance to ensure exiting vehicles would be within view of pedestrians on the adjacent sidewalk. There are no major obstructions or other design elements located near the Project driveways that would obscure the sightlines of vehicles entering or exiting the Project site, and street parking is prohibited along the Project's Pardee Drive and Hegenberger Road frontages.

Pedestrian and Bicycle Access / Circulation

The Project's three driveways would not intersect any existing bicycle facilities on Hegenberger Road or Pardee Drive. Although the Project would introduce a new curb cut along Hegenberger Road that would cross an existing sidewalk, pedestrian and bicycle volumes along Hegenberger Road in the Project area are generally low. The Project would generate only 21 or less peak-hour directional trips at any of the Project driveways and would not result in hazardous conditions for the few bicyclists using these roads. Bicycle access to the Project site would be via Pardee Drive and Hegenberger Road, where there are currently no dedicated bicycle facilities. However, vehicular volumes on Pardee Drive are generally low and conducive to bicycle use.

The City's Bicycle Master Plan (Bike Plan) recommends Class 4 protected bike lanes on Hegenberger Road, and Class 2B buffered bike lanes on Pardee Drive. The Bike Plan identifies the recommended bicycle facilities on Pardee Drive as a short-term project that the Oakland Department of Transportation intends to build in the next five to 10 years, but does not identify these facilities as a priority project. The Bike Plan identifies the recommended bicycle facilities on Hegenberger Road as a "priority vision project", that would require further study, coordination with stakeholders outside of Oakland, and/or would need to be vetted through a community-based design process. At this time, neither of the recommended bicycle facilities adjacent to the Project site have undergone environmental review or have approved designs, and thus would not be expected to be implemented in the near future. There

are no known conflicts between the Project and the recommended bicycle facilities on Pardee Drive and Hegenberger Road. Any future bicycle facilities on adjacent roadways would be required to undergo their own environmental review process, and would incorporate the location of Project driveways into their designs in a manner that would not result in hazardous conditions.

Transit Access / Circulation

Public transit facilities are located along Hegenberger Road and adjacent to the Project site. Pedestrians traveling between the Project site and the nearest major bus stops on Hegenberger Road would use the Project's internal sidewalks and new sidewalk along the north side of Pardee Drive to access other existing public sidewalks along Pardee Drive and Hegenberger Road. Although the Project would generate an increase in vehicle trips at the intersection of Hegenberger Road and Pardee Drive, this intersection is signal-controlled and provides adequate pedestrian facilities (e.g., crosswalks and pedestrian signal heads) to safely access the nearby transit stops on either side of Hegenberger Road. The Project would result in less than significant impacts related to conflict with any adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance of such facilities.

Design Hazards

According to the TIS for this Project, the primary causes of collisions in the Project area are attributable to driver error and disobeying posted traffic laws. Review of five-year collision history shows no collision patterns that would suggest a physical design safety concern. Furthermore, pedestrian and bicycle collisions are not common in the Project area due to low volumes of pedestrians and bicyclists.

The Project would not introduce any design features that would contribute to any identified major causes of collisions in the Project area. The Project's primary two-way driveways would be located on Pardee Drive, where traffic volumes and vehicle speeds are generally low. These driveways would have clear sightlines. The Project's driveway on Hegenberger Road would be limited to inbound traffic only, and would prohibit outbound vehicles from exiting directly onto Hegenberger Road, where vehicles could otherwise cross multiple lanes on Hegenberger to make left turns at Pardee Drive. Vehicles turning into the Project driveway off Hegenberger Road would use an existing southbound right-turn lane that would allow them to pull out of the adjacent through travel lanes, thereby reducing the potential for conflicts.

Although the Project would generate an increase in vehicle trips at study intersections, these vehicle trips would represent a small proportion of existing traffic volumes. The majority of identified collisions in the area (approximately 63 percent) occurred at the intersection of 98th Avenue and Airport Access Road or along 98th Avenue, where the Project would contribute approximately one percent of the total a.m. and p.m. peak hour traffic volumes entering this intersection. For these reasons, the Project would not contribute to an existing hazard due to a design feature or incompatible use.

Emergency Vehicle Access

The existing street network serving the Project area currently accommodates the movements of emergency vehicles. In the event of an emergency, emergency vehicles can access the Project site via Hegenberger Road and Pardee Drive, immediately adjacent to the Project site. The Project would not introduce any design features or modify existing public rights-of-way in a manner that would affect adequate emergency vehicle access to the Project site or surrounding area. Although the Project would generate additional vehicle trips in the Project area, this increase in vehicle trips would not impede or

hinder the movement of emergency vehicles. Therefore, the Project would result in a less than significant impact related to emergency vehicle access.

Traffic Conclusions

The Project would not exceed the Port's applicable significance thresholds related to traffic. The Project would not result in a significant effect relating to traffic, and therefore qualifies for an exemption under CEQA Guidelines Section 15332(d)(1) as a Class 32 urban in-fill development under the traffic criteria.

Section 15332(d)(2): Noise

Yes No Approval of the Project would not result in any significant effects relating to noise.



Significance Thresholds

Based on State CEQA Guidelines Appendix G, the Project would result in a significant impact for transportation and traffic if it would:

1. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. For purposes of this CEQA document, this threshold is further defined as follows:
 - a) Temporary Construction Noise. Construction noise impacts would be considered significant if project construction were to exceed the City's performance standards for Construction or Demolition Noise as indicated in the Oakland Municipal Code
 - b) Operational Noise. A significant impact would be identified if project operations were to exceed the noise level standards specified in the City Noise Ordinance
 - c) Traffic Noise. A significant permanent noise increase would occur if the noise level increase is 5 dBA Ldn or greater if the future ambient noise level would be less than 60 dBA Ldn - or if the noise level increase is 3 dBA Ldn or greater if the future ambient noise level would be 60 dBA Ldn or greater.
2. Generate excessive groundborne vibration or groundborne noise levels.
3. For a project located within an airport land use plan, in the vicinity of a private airstrip, or where such a plan has not been adopted within two miles of a public airport or public use airport, if the project would expose people residing or working in the project area to excessive noise levels.

Construction Noise and Vibration

Construction of the Project is expected to include relatively minor excavations for spread footings, concrete pumping, building construction, paving, utility trenching and landscaping. No extreme construction noise or vibration activities such as pile driving are expected. These construction activities would generate temporary and intermittent noise at and near the Project site, and actual noise levels would fluctuate depending on the particular type, number and duration of use of various pieces of construction equipment. Typical upper-end noise levels generated by the types of construction activities

associated with the Project would be expected to range from 77 dBA to 85 dBA. No excessive groundborne vibration or groundborne noise levels are anticipated during construction.

The nearest noise-sensitive residential land uses to the Project site are over 1,000 feet away. Based on a standard conservative attenuation rate of 6 dBA per doubling of distance from a stationary source, the minimum 1,000-foot distance of separation would result in full attenuation of construction noise levels at the nearest noise-sensitive land uses, particularly given intervening buildings and roadways. However, the nearby commercial and industrial land uses in the vicinity would be subjected to construction-period noise.

Regulatory Requirements

The Project is located within the Oakland Airport Business Park and therefore subject to land use jurisdiction of the Port and its LUDC. However, the Oakland Airport Business Park is located within the City, and noise performance standards of the Oakland Municipal Code (Chapter 17 of the OMC) are also applicable to the Project, particularly those regulations pertaining to the City's issuance of subsequent building permits. The City's regulation pertaining to construction noise (OMC Section 17.120.050(G): Temporary Construction and Demolition Noise) is intended to control temporary exposure to short- and long-term construction noise. In this context, short-term refers to construction activity lasting less than 10 consecutive days at a time, while long-term refers to construction activities lasting greater than 10 consecutive days at a time. The maximum allowable receiving noise levels from construction received by commercial or industrial land use are 85 dBA on weekdays from 7:00 a.m. to 7:00 p.m., and 70 dBA on weekends from 9:00 a.m. to 9:00 p.m. for construction activities lasting less than 10 consecutive days, and 70 dBA on weekdays from 7:00 a.m. to 7:00 p.m., and 60 dBA on weekends from 9:00 a.m. to 9:00 p.m. for construction activities lasting more than 10 consecutive days. The Project would be required to meet these construction noise standards by limiting standard construction activities to these prescribed hours, and by implementing best practices during construction (e.g., using noise control techniques such as improved mufflers, intake silencers and acoustically-attenuating shields, using hydraulically or electrically powered impact tools wherever possible, and locating stationary construction noise sources as far from adjacent uses as possible). With implementation of these regulatory requirements, the impacts of typical construction noise would be reduced to a less than significant level.

Operational Noise

Development Standard Section 3.12 of the Port's LUDC provides that, "no industry, business, or firm whose operation produces . . . noise, vibration, . . . in amounts which the Port or other applicable governmental or regulatory entities finds to be objectionable . . . shall be permitted in the Business Park."

Stationary Sources

The Project does not involve any significant sources of stationary noise at the site. The only on-going stationary noise source attributable to the Project is mechanical equipment such as the heating, ventilation and air conditioning (HVAC) systems of the hotel. This equipment would be placed on top of the hotel and would be more than 100 feet away from the nearest neighboring land use, which is the adjacent Harley Davidson store (a commercial use that is not considered a noise-sensitive land use). At this distance, it is reasonable to conclude that noise levels associated with the HVAC systems of the Project would not be objectionable. Furthermore, noise generated by the HVAC systems would be required to comply with the City's standards for operational noise as identified in the City Noise

Ordinance (Oakland Municipal Code Section 17.120.050). Therefore, noise impacts from stationary sources of noise attributable to the Project would be less than significant.

The Project does include a generator, to be used as an emergency source of power for the Project's elevator during an emergency power failure. This emergency generator would not be an on-going source of noise as its use would be limited to emergency situations and infrequent testing. Per the Project's plans, the emergency generator would be located toward the rear of the site and enclosed within a trash and generator enclosure. Noise from infrequent use of this generator would be considered less than significant.

Traffic Noise

An Initial Study was conducted for the adjacent Springhill Suites hotel in 2014.¹⁵ The results of traffic modeling conducted for that Initial Study determined that the Springhill Suites hotel would generate approximately 74 additional vehicle trips on Hegenberger Road during the a.m. peak hour, and approximately 84 additional vehicle trips during the p.m. peak hour, or about 10 more peak hour trips per peak hour than would the Project. That prior Initial Study also concluded that traffic generated by the Springhill Suites hotel would increase existing local roadway noise levels by approximately 0.1 dBA, as compared to a threshold of an increase of 5 dBA or more as a significant project-level increase in roadway noise, and a contribution of 3 dBA or more as a cumulatively considerable contribution. That Initial Study concluded that this minor increase in traffic noise would be a less than significant project-level roadway noise impact and would also be a less than cumulatively considerable increase in traffic noise in the cumulative development context. Despite the differences in timing of this prior analysis, the similarities between the two projects in terms of traffic generation and resulting traffic noise are comparable enough to make a determination that the Project would not generate a significant increase in traffic noise on the surrounding roadways, and traffic noise generated by the Project would be less than significant.

Airport Noise

The Project site is located within the Airport Influence Area (AIA) of Oakland International Airport, and as such, the Alameda Airport Land Use Commission would review the Project, including the potential for airport and aircraft noise to affect proposed uses. According to the Airport Noise Contours for Oakland International Airport as indicated in the Oakland International Airport Land Use Compatibility Plan (ALUCP), the Project site is located outside the CNEL 60 dBA contour.¹⁶ The Alameda County ALUCP considers a CNEL of less than 60 dBA as compatible for all commercial land uses, which would include the Project. Impacts related to exposing people working or staying as guests at the hotel to excessive airport or aircraft noise levels would be less than significant.

Noise Conclusions

The analysis presented above evaluates the potential for the Project to result in significant effects relating to noise and vibration and concludes that the Project would not exceed applicable significance thresholds. The Project would not result in a significant noise effect, and therefore qualifies for an

¹⁵ Port of Oakland, Initial Study for the 195 Hegenberger Road Hotel, March 2014

¹⁶ Alameda County, *Oakland International Airport Land Use Plan Update*, Figure 3-3: Noise Compatibility Zones, December 2012

exemption under CEQA Guidelines Section 15332(d)(2) as a Class 32 urban in-fill development under the noise criteria.

Section 15332(d)(3): Air Quality

Yes No Approval of the project would not result in any significant effects relating to air quality.

Significance Thresholds

Based on State CEQA Guidelines Appendix G, the Project would result in a significant air quality impacts if it would:

1. Result in average daily emissions of 54 pounds per day of ROG, NOX, or PM_{2.5} or 82 pounds per day of PM₁₀ during project construction
2. Result in average daily emissions of 54 pounds per day of ROG, NOX, or PM_{2.5} or 82 pounds per day of PM₁₀; or result in maximum annual emissions of 10 tons per year of ROG, NOX, or PM_{2.5} or 15 tons per year of PM₁₀ during project operation
3. Contribute to carbon monoxide (CO) concentrations exceeding the California Ambient Air Quality Standards¹⁷
4. For new sources of toxic air contaminants (TACs), expose sensitive receptors to substantial levels of TACs during either project construction or project operation
5. Expose new sensitive receptors to substantial ambient levels of toxic air contaminants (TACs)
6. Frequently and for a substantial duration, create or expose sensitive receptors to substantial objectionable odors affecting a substantial number of people¹⁸

Construction-Period Criteria Pollutant Emissions

An estimate of the emissions that would result from construction activity associated with the Project has been derived from the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The model output from CalEEMod along with construction inputs are included in **Attachment B**. The CalEEMod emission calculator computes annual emissions from construction projects based on the project type, size, and acreage, and provides emission estimates for both on-site and off-site construction activities. On-site emissions are primarily from construction equipment.

¹⁷ Pursuant to BAAQMD CEQA Guidelines, localized CO concentrations should be estimated for projects in which (a) project-generated traffic would conflict with an applicable congestion management program established by the county congestion management agency or (b) project-generated traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour (or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited, such as tunnels, parking garages, bridge underpasses, natural or urban street canyons, and below-grade roadways). The Project does not generate traffic at these levels, and no further analysis of CO emissions has been conducted or is required.

¹⁸ The Project would not create or expose sensitive receptors to substantial objectionable odors, and therefore the impact with respect to this criterion would be less than significant

Data used as input for the CalEEMod calculator is derived from the Project Description. A list of anticipated construction equipment used, and a construction schedule, was then based on CalEEMod default values for similar types and sizes of projects. The Project Description assumes a possible construction schedule of 17 months. The CalEEMod default schedule estimates that the Project could be built-out over a period of approximately 10 to 11 months (or 249 construction workdays). The CalEEMod default schedule provides a more conservative estimate of equipment emissions, as all emissions are assumed to occur during a shorter, more compressed period, thus yielding higher emission concentrations. Emissions from off-site construction activity includes worker trips, hauling trips and vendor traffic. Trip estimates are produced by CalEEMod based on the estimate of demolition material to be exported, soil material exported from the site, and the estimate of cement and asphalt truck trips needed. **Table 5** shows the calculated average daily construction emissions of ROG, NO_x, PM₁₀ exhaust and PM_{2.5} exhaust emissions during construction of the Project.

Table 5 - Construction-Period Emissions				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Total construction emissions (tons)	0.92 tons	1.97 tons	0.09 tons	0.09 tons
Average daily emissions (pounds) ¹	7.39 lbs./day	15.82 lbs./day	0.72 lbs./day	0.72 lbs./day
<i>Thresholds (pounds per day)</i>	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
Exceed Threshold?	No	No	No	No

1. Assumes 249 workdays

Source: Lamphier-Gregory 2020, CalEEMod results included in **Attachment B**

As shown in Table 5, the Project’s construction-period emissions would not exceed the applicable significance thresholds for construction period criteria pollutant emissions, and this impact would be less than significant.

Based on Bay Area Air Quality Management District (BAAQMD) recommendations, it is the Port’s standard practice for development projects within its jurisdiction to require implementation of all Basic Construction Measures (as listed below), whether or not construction-related emissions exceed applicable thresholds. Therefore, as a condition of Project approvals, the Port will require the Project to implement the following:

Basic Construction Measures Recommended for All Projects

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c) 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.
- d) All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e) 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.

- f) 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, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g) 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.
- h) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. will be conditioned

Implementation of these Basic construction measures would further reduce the Project's less than significant construction-period emission of criteria pollutants.

Operational Criteria Pollutants

The CalEEMod emissions estimator was also used to estimate operational air emissions, assuming full build-out of the Project. These operational emissions would be generated primarily from traffic generated by future employees, hotel guests, and vendors, as well as evaporative emissions from architectural coatings and maintenance products (classified as consumer products), and other area-based sources of operational emissions. The following model assumptions were input into the CalEEMod emission estimator to derive operational emissions:

- The land use values entered into CalEEMod include 132 hotel rooms, assumed at an average 85% occupancy rate, or an average of 11 unoccupied hotel rooms, daily.¹⁹
- Emissions associated with vehicle travel depend on the year of analysis, because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. This analysis assumed that the Project would be fully built out and operating in the year 2021.²⁰
- CalEEMod's assumed default vehicle emission factors and fleet mix were relied on for mobile source emissions. The default trip lengths and trip types for a hotel as specified by CalEEMod were used.
- CalEEMod defaults for energy use were used, based on 2016 Title 24 Building Standards.

¹⁹ Based on Port studies, average occupancy of Airport area hotels is actually 80%. Therefore, the 85% occupancy assumption used in CalEEMod modeling is overly conservative, yielding slightly higher emission rates that would be expected with the hotel operating at an 80% occupancy rate, as documented in the Port's occupancy study. Even with these overly conservative results, criteria pollutant emission are still well within threshold levels.

²⁰ As noted in the analysis of construction-period emissions, the CalEEMod default schedule estimates that the Project could be built-out over a period of approximately 10 to 11 months (or 249 construction workdays), and thus potentially operational in year 2021. This assumption is also conservative, yielding slightly higher emission rates than would be expected in year 2022, when additional emission control technology requirements may be phased-in. Even with these conservative results, criteria pollutant emission are still well within threshold levels.

- CalEEMod defaults for energy use were used, which are based on 2016 Title 24 Building Standards
- Default model assumptions for emissions associated with solid waste generation, and water and wastewater use were applied to the Project.
- Emissions from the prior use at the site were not considered nor used to off-set Project emissions.

Table 6 shows the average daily emissions of ROG, NOx, total PM10, and total PM2.5 during operation of the Project. Operational air emissions from the Project would be generated primarily from automobiles driven by future employees and hotel guests, as well as from other on-site area source emissions.

Table 6 - Operational Criteria Pollutant Emissions				
Scenario	ROG	NO_x	PM₁₀	PM_{2.5}
Project Operational Emissions (<i>tons/year</i>)	0.26 tons	1.53 tons	0.54 tons	0.16 tons
<i>Thresholds (tons /year)</i>	<i>10 tons</i>	<i>10 tons</i>	<i>15 tons</i>	<i>10 tons</i>
Exceed Threshold?	No	No	No	No
Project Operational Emissions (<i>lbs/day</i>) ¹	1.42 lbs.	8.38 lbs.	2.96 lbs.	0.88 lbs.
<i>Thresholds (pounds/day)</i>	<i>54 lbs.</i>	<i>54 lbs.</i>	<i>82 lbs.</i>	<i>54 lbs.</i>
Exceed Threshold?	No	No	No	No

¹ Assumes 365-day operation
Source: Lamphier-Gregory 2020, CalEEMod results included in **Attachment B**

As shown in Table 6, CalEEMod results indicate that the Project’s operational emissions would not exceed the significance thresholds. Therefore, the Project’s impact related to operational criteria pollutant emissions would be less than significant.

Emissions of Toxic Air Contaminants

Construction Period TAC Emissions

Construction activities associated with the Project would generate construction-related toxic air contaminant (TAC) emissions, specifically diesel particulate matter (DPM) from on-road haul trucks and off-road equipment exhaust emissions. Due to the variable nature of construction activity, the generation of TAC emissions would be temporary, especially considering the short amount of time such equipment is typically within an influential distance to expose sensitive receptors to substantial TAC concentrations. There is nothing particular or unusual about the Project that would cause it to generate uncharacteristically high DPM or other TAC emissions during construction. BAAQMD methodologies for screening of health risks attributed to construction-period TAC emissions account for adjacent off-site receptor within 1,000 feet of construction-related activities. Based on field observations, there are no sensitive receptors (i.e., schools, hospitals, or residences and no 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) within 1,000 feet of the Project site (see **Figure 11**).

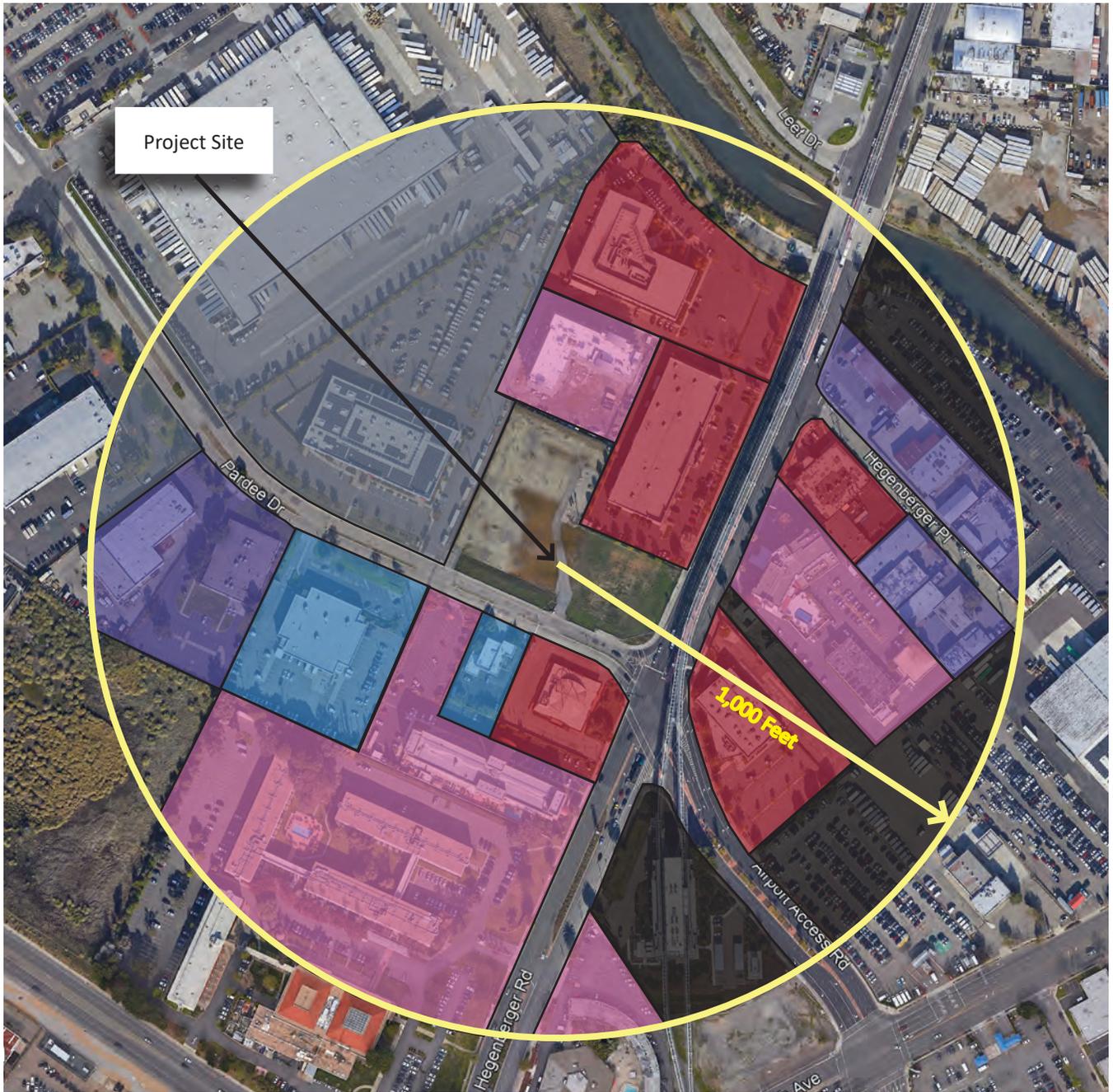


Figure 11
Land Uses Within 1,000-Foot Radius

Additionally, implementation of the Basic Construction Measures (see above), as recommended for the Project, would also reduce diesel PM exhaust emissions. Given the lack of sensitive receptors within 1,000 feet of the construction area, the Project's construction-period emission of TAC are expected to be less than significant.

Operational TAC Emissions

Operation of the Project as a hotel would not generate significant concentrations of TAC emissions. The Project will likely require an on-site backup diesel generator for the building's elevator. This emergency generator would not be an on-going source of TAC emission as its use would be limited to emergency situations and infrequent testing. Per the Project's plans, the emergency generator would be located toward the rear of the site and enclosed within a trash and generator enclosure. The BAAQMD provides regulations and permitting for new sources of stationary TAC emissions, and compliance with these BAAQMD regulations, as applicable, would ensure that TAC emissions from infrequent use of this generator would be less than significant.

Exposure to TAC Emissions

The proposed hotel land use is not considered a sensitive receptor for air quality. Sensitive receptors generally include residences, schools, hospitals and other 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. The Project would not be regularly occupied as would a residence, would primarily be occupied by adults ordinarily present for periods of eight hours or less, and would be no more sensitive than occupants of a commercial or office building. The Project would have a less than significant regional air quality impact with regard to exposure of sensitive receptors to substantial pollutant concentrations.

Consistency with the Clean Air Plan

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 above, the Project would not result in significant and unavoidable air quality impacts and based on BAAQMD guidance, the Project may be considered consistent with the 2017 Clean Air Plan. This would be a less than significant impact.

Air Quality Conclusions

The analysis presented above evaluates the potential for the Project to result in significant effects relating to air quality and concludes that the Project would not exceed applicable significance thresholds. The Project would not result in a significant air quality effect, and therefore qualifies for an exemption under CEQA Guidelines Section 15332(d)(3) as a Class 32 urban in-fill development under the air quality criteria.

Section 15332(d)(4): Water Quality

Yes No Approval of the project would not result in any significant effects relating to water quality.



Significance Thresholds

Based on State CEQA Guidelines Appendix G, the Project would result in a significant water quality impacts if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality
2. Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters
3. Create or contribute substantial runoff which would be an additional source of polluted runoff
4. Substantially alter the existing drainage of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:
 - a) result in substantial erosion, siltation, on- or off-site
 - b) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site
 - c) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff
 - d) Impede or redirect flood flows
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

Regulatory Background

In 2013, the State Water Resources Control Board issued a Phase II National Pollutant Discharge Elimination System (NPDES) permit for Municipal Separate Storm Sewer Systems (the Phase II Municipal General Permit, or Phase II MGP), and required the Port to register for and comply with the MGP provisions. The Port has jurisdiction over most storm water and surface drainage within the Port Area (except for areas under the storm water jurisdiction of the City), and the Port is required by the Phase II MGP to have legal authority to control discharges to its stormwater drainage system.²¹

In January 2015, the Port adopted the Port of Oakland Storm Water Ordinance to provide legal authority to control discharges to its storm drainage system. The purpose of the Ordinance is to protect and enhance the water quality of water bodies of San Francisco Bay and its tributaries by reducing pollutants in stormwater discharges to the maximum extent practicable and eliminating unauthorized non-

²¹ SFRWQCB, Phase II Small Municipal Separate Storm Sewer System (MS4) Program, accessed at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.html

stormwater discharges to the Port storm drains. Pursuant to the Port Storm Water Ordinance, all discharges to the Port's stormwater system are required to comply with all federal and State regulations, including applicable Phase II MGP provisions.²²

For construction activity at all sites where soil is disturbed, construction shall be managed to minimize, and where possible prevent erosion, sedimentation, non-stormwater discharge and release of pollutants into site runoff. For sites where under an acre of land is disturbed, the project must comply with the Phase II MGP provisions and obtain approval from the Port for construction Best Management Practices (BMPs). For sites where over an acre of land is disturbed, the project must apply for and obtain coverage under the NPDES Construction General Permit (CGP)²³ and implement all BMPs associated with Construction General Permit requirements.

For post-construction stormwater treatment controls, site-specific measures shall be designed by the project and reviewed by the Port according to the Port's Post-Construction Stormwater Management Plan guidance²⁴. The Port conditions project approvals on implementation of specified post-construction stormwater controls including, but not limited to, specified site design measures, stormwater treatment facilities, low impact development (LID) design standards, and an acceptance of responsibility and plan for long-term operations and maintenance.

Construction-Period Stormwater Quality

Project construction activities would involve clearing, grading, earthwork and trenching associated with construction of new improvements on the site. Excavation, grading, trenching or compaction activities could expose soils to erosion from heavy winds and rainfall. Without proper mitigation, polluted runoff from the Project site could contribute stormwater pollutants to the San Leandro Bay, potentially causing adverse effects on aquatic life and human health.

The Port Storm Water Ordinance requires management of construction sites to minimize, and where possible to prevent erosion, sedimentation, non-stormwater discharge and the release of pollutants into site runoff. Additionally, the amount of disturbed area during Project construction will exceed 1 acre, so the Project is required to apply for and obtain coverage under the with the NPDES Construction General Permit (CGP). Pursuant to this permit, the Project sponsor is required to file for coverage under the Construction General Permit, determine the risk level (for sediment and receiving water), develop, submit and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP), and comply with all other requirements of the Construction General Permit. At a minimum, the SWPPP must include:

- A construction schedule where excavation and grading activities occur in the dry season (generally April 15 to October 15) to reduce erosion associated intense rainfall and surface runoff, unless additional erosion control BMPs are added to the SWPPP that ensure protection

²² Port of Oakland, Board of Port Commissioners, Port Ordinance No. 4311, approving and adopting rules and regulations to meet the requirements of the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, January 2015

²³ State Water Resources Control Board, Order 2009-0009-DWQ, accessed at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.html

²⁴ Port of Oakland, 2015 Post-Construction Stormwater Design Manual, August 2015, accessed at: https://www.portofoakland.com/files/pdf/environment/cleanwater_manual.pdf

against sedimentation in offsite runoff. The construction schedule would indicate a timeline for earthmoving activities, hydroseeding, and stabilization of soils.

- A description of appropriate Best Management Practices (BMPs) that will be implemented to minimize the discharge of pollutants from the site during construction, including but not limited to storm drain inlet protection at downstream storm drain inlets, and soil stabilization techniques such as hydroseeding and short-term erosion control.
- A description of the inspection & monitoring program that will be implemented, including but not limited to inspection of all drainage facilities and clearing of drainage structures of debris and sediment during the construction activities and after project completion, and rain event inspection provisions.

The construction contractor will be responsible for implementation of the SWPPP, including maintenance, inspection and repair of erosion and sediment control measures and water quality BMPs throughout the construction period. Pursuant to the Construction General Permit and in addition to the requirements of the SWPPP, the Port may establish additional general or specific requirements for construction activity at the site, and may include these conditions with Project approval.

Implementation of the SWPPP and all applicable Port conditions of approval pursuant to the Project's Construction General Permit will reduce potential construction-related stormwater quality impacts to less than significant.

Post-Construction Stormwater Quality

Once constructed, the Project could become a potential source of stormwater pollutants washed by rainwater from the roof, parking areas and landscape areas into the local drainage network. Pollutant concentrations in site runoff are dependent on a number of factors including land use conditions, site drainage conditions, intensity and duration of rainfall, the climatic conditions preceding rainfall events and implementation of water quality BMPs. Pollutants typical of rooftop and parking lot runoff include sediment, oil and grease, petroleum hydrocarbons and metals. Without proper mitigation, polluted runoff from the Project site could contribute stormwater pollutants to the San Leandro Bay, potentially causing adverse effects on aquatic life and human health.

In 2015, the Port prepared a Post-Construction Stormwater Standards Manual (Stormwater Design Manual) to assist the development community with compliance with the post-construction provisions of the Phase II MGP (Provision F.5.g) and the Port Stormwater Ordinance.²⁵ The Stormwater Design Manual provides guidance for planning, implementing and maintaining effective control measures with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges from land use development in the Port Area. The Stormwater Design Manual applies to all projects in the Port Area, including development and redevelopment projects proposed by private property owners within the Airport Business Park. As specified in the Phase II MGP, the Stormwater Design Manual identifies two types of projects that must implement post-construction stormwater measures - Small Projects (projects that create and/or replace between 2,500 and 5,000 square feet of impervious surface), and Regulated Projects (projects that create and/or replace 5,000 square feet or more of impervious surface). Pursuant to the Phase II MGP and the Stormwater Design Manual, the Project qualifies as a Regulated Project.

²⁵ Port of Oakland, *Post-Construction Stormwater Design Manual*, August 2015, prepared by Larry Walker Associates

The Stormwater Design Manual provides the requirements for Post Construction Stormwater Management Plans for Regulated Projects, which are required to be submitted as part of the project development application. These Post Construction Stormwater Management Plans must include:

- Site Assessment: The purpose of the site assessment is to identify opportunities and constraints for site design or stormwater treatment measures, specific to site conditions. The site assessment should consider the project location and description; the project area, including pre- and post-construction impervious surface area; location of point(s) of stormwater runoff discharge from the project site; geotechnical conditions; and potential pollutants of concern for stormwater at the project site.
- Source Control Measures: Source control measures are designed to prevent pollutants from contacting stormwater runoff or prevent discharge of contaminated stormwater runoff to the storm drain system and/or receiving water.
- Low Impact Development (LID) Site Design Measures: Site design measures are intended to reduce pollution, stormwater runoff peak flows and volumes, and other impacts associated with development. Site design measures may include tree planting and preservation; rooftop and impervious area disconnection; Green roofs; vegetated swales; porous pavement; rain barrels and cisterns; stream setbacks and San Francisco Bay buffers; and soil quality improvement and maintenance.
- Treatment Measures: After implementation of LID site design measures, excess runoff (based on the stormwater design volume or stormwater design flow of the site) must be directed to one or more facilities for infiltration, evapotranspiration and/or biotreatment. Stormwater treatment measures are designed to handle the frequent, smaller storm events, or the first flush stormwater runoff from larger storm events. The first flush of larger storm events is the initial period of the storm where stormwater runoff typically carries the highest concentration and loads of pollutants.
- Operations & Maintenance Plan: Continued effectiveness of stormwater control measures requires on-going inspection and maintenance. To ensure that such maintenance is provided, the Port requires submittal of an O&M Plan, and inclusion of stormwater treatment measure maintenance requirements.

Projects that rely on, and comply with the Stormwater Design Manual for planning, implementing and maintaining effective control measures are determined to effectively improve water quality and/or mitigate potential water quality impacts from stormwater and non-stormwater discharges.

Project's Preliminary Stormwater Control Plan

The Project's Preliminary Stormwater Control Plan includes both LID site design measures and biotreatment measures designed to improve water quality and mitigate potential water quality impacts. Site design measures include providing for approximately 26% of the total site designed as pervious surfaces, including perimeter landscape, landscape islands within the parking lot, and use of pervious pavers for the rear patio and the front porte cochere (see **Figure 12**).

For the remaining 74% of the site that will be impervious surface (building rooftop and parking), the Project has relied on the Port's Stormwater Design Manual to design a bioretention system for infiltrating and filtering stormwater runoff (see **Figure 13**).

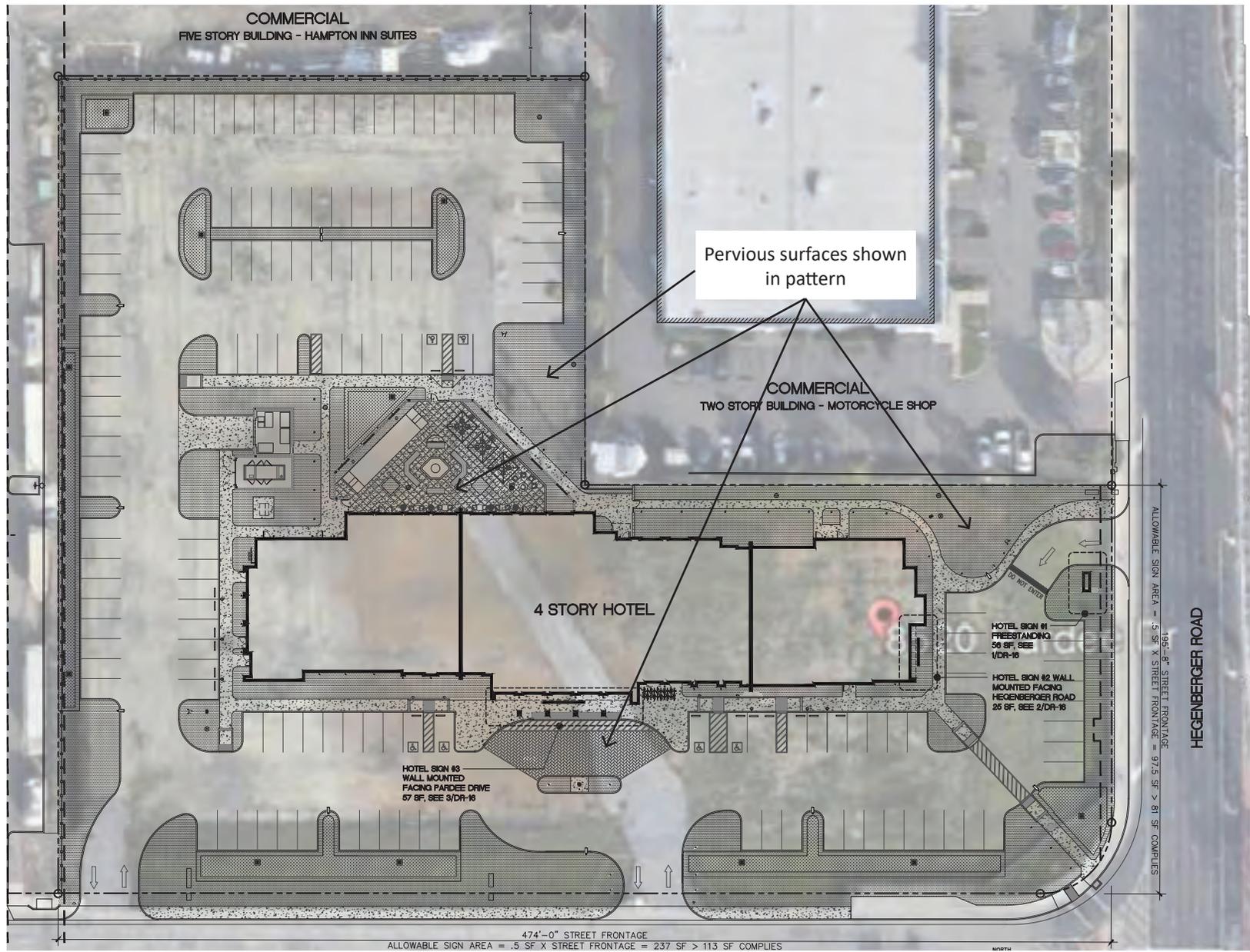


Figure 12
Low Impact Development Site Design Measures

Source: Architectural Dimensions, September 2020

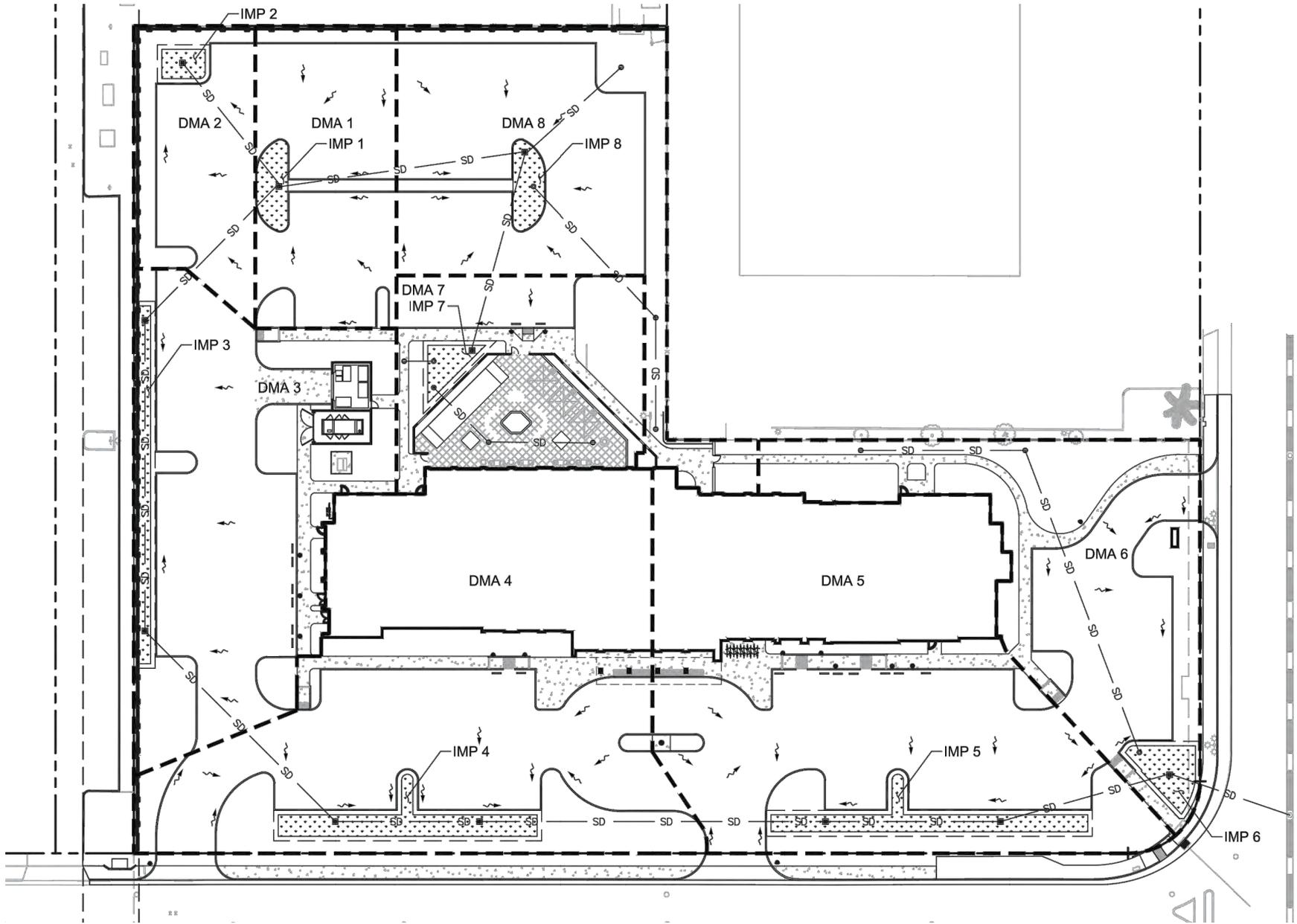


Figure 13
Stormwater Treatment Plan, Drainage Management Units

Source: BKF Engineers, September 2020

Stormwater runoff from the impervious portions of the site will be directed into a series of these bioretention facilities installed within the northerly parking lot landscape islands, at the back of the rear patio, and around the perimeter of the site. After filtration, this runoff will enter into a system of underground stormdrain lines that direct stormwater flow to the southeast corner of the site, where this stormwater system connects to an existing stormdrain main within the Hegenberger Road right-of-way. The bio-swales and stormwater system has been designed to meet the requirements of Port’s Stormwater Design Manual, with sizing of biotreatment facilities as indicated in **Table 7**, below.

Table 7 – Bioretention Area Sizing Criteria

DMA #	Total Area (sf)	Impervious Area (sf)	Pervious Area (sf)	Bioretention Required (sf)	Bioretention Provided (sf)
1	8,453	6,847	1,581	320	481
2	6,239	4,298	1,941	186	249
3	18,545	13,643	4,902	603	875
4	28,780	23,875	4,905	1,123	1,180
5	28,135	22,270	5,865	1,019	1,154
6	16,265	9,580	6,685	401	570
7	10,780	5,969	4,739	249	328
8	<u>13,332</u>	<u>10,237</u>	<u>3,035</u>	<u>482</u>	<u>482</u>
	130,529	96,719 (74%)	33,810 (26%)		5,319

Source: BKF Engineers, Stormwater Control Plan, Sheet C2 of application submittal, 9-15-2020

Bioretention areas sized using the Port of Oakland Post Construction Stormwater Design Manual, 2015

With implementation of these site design measures and bioretention facilities, the Project’s post-construction effects on water quality will be less than significant.

Groundwater

Groundwater would not be used to supply water for the Project. Groundwater was encountered during soil borings conducted for the Project at depths of between 5 and 19 feet and expected cuts and fills for the Project are anticipated to be less than 5 feet, so no substantial groundwater dewatering is not anticipated for construction of the Project. However, groundwater levels fluctuate over time, and may be different at the time of construction and over the life of the Project. Groundwater levels in that portion of the site proposed for construction should be monitored prior to construction using test pits or temporary shallow wells, and any excavations into the groundwater table will require dewatering and/or excavation stabilization. Based on the final design of the Project’s Storm Water Control Plan, any bioretention basins subject to high groundwater conditions may need to include liners to prevent groundwater infiltration.

Although the Project site is currently covered by primarily pervious surfaces, and new impervious surfaces would result in a reduced amount of on-site infiltration, the underlying groundwater is not a source of water supply and proposed drainage features do include on-site infiltration through biofiltration features. Despite a reduction in the amount of infiltration that would occur on-site,

potential impacts on aquifer volume or regional groundwater levels of the underlying East Bay Plain groundwater basin would be less than significant.

Post-Project Runoff Volume

The Project site is currently vacant with sparse vegetation and remnants of subbase gravels from prior asphalt paving. Development of the Project would add new impervious surfaces (the hotel and parking area) that would increase peak stormwater discharge from the site. Post-construction runoff would be conveyed by a system of sub-drainage infrastructure designed to accommodate the Project, with an outlet into the existing storm drain mains in Hegenberger Road. This existing storm drain main adequately served the prior Francesco’s restaurant that was previously located on the site, and the Project’s increased runoff is not expected to be substantially greater than runoff under this previous condition. The Project’s final drainage plans will be required to comply with the Alameda County Flood Control District’s (ACFCD) Hydrology and Hydraulics criteria, which requires that drainage infrastructure for all proposed projects be capable of handling flows from 10-year storm events, and that all facilities be capable of withstanding a 100-year storm event without failure.

Water Quality Conclusions

The analysis presented above evaluates the potential for the Project to result in significant effects relating to water quality, and concludes that the Project would not exceed applicable significance thresholds. The Project would not result in a significant water quality effect, and therefore qualifies for an exemption under CEQA Guidelines Section 15332(d)(4) as a Class 32 urban in-fill development under the water quality criteria.

Section 15332(e): Utilities and Public Services

Yes No The Project site can be adequately served by all required utilities and public services.

The Project site is located within a fully urbanized portion of the City of Oakland and within the Oakland Airport Business Park, which is fully served by all needed utilities (e.g. water, electricity, sanitary sewer facilities, and storm drain facilities), and all required public services (e.g. police and fire services). Under its prior land use as Francesco’s Restaurant, the site was fully served by all utilities and public services.

The Project will require specific on-site extensions and improvements to existing utility infrastructure to serve the new building. In coordination with utility providers such as EBMUD and the City, an extension or re-establishment of existing sanitary sewer lines, water supply pipelines and storm drains that previously served the site will be needed. Connections to existing water mains in Pardee Drive would provide the building with service for domestic water and sanitary sewer service. Connections to the water mains in both Pardee Drive and Hegenberger Road would provide water for fire flows, serving 3 new fire hydrants at the north, southwest and northeast portions of the new building. All on-site utilities would be designed and connected in accordance with applicable codes and current engineering practices.

The Project would add a small increment of additional employees and hotel guests, which would incrementally increase the demands for public services such as police, fire and emergency services. The Oakland Airport Business Park and other existing businesses along Hegenberger Road are already served

by these public services, and the minor increment of new demand attributed to the Project would not be significant, and would not require new public facilities (i.e., new fire stations, OPD facilities, etc.). The small increment of new population generated by the Project would also not increase the use of local or regional parks to the extent that substantial physical deterioration of the facilities would occur or be accelerated.

Utilities and Services Conclusions

The analysis presented above concludes that the Project would be adequately served by all required utilities and public services. The Project would not result in a significant impact to these utilities or services, and therefore qualifies for an exemption under CEQA Guidelines Section 15332(e) as a Class 32 urban in-fill development.

Exceptions to Categorical Exemptions Checklist

In addition to investigating the applicability of CEQA Guidelines Section 15332 (Class 32 Infill Exemption), this environmental review document also assesses whether any of the exceptions to qualifying for the Class 32 categorical exemption for an Infill Project are present. The following analysis compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the Project.

Section 15300.2(a): Location

<u>Yes</u>	<u>No</u>	There is no exception to the Class 32 exemption for the Project related to its location. This exception applies only to CEQA exemptions under Classes 3, 4, 5, 6, or 11. Since the project qualifies as a Class 32 urban infill exemption, this criterion is not applicable. and is provided here for information purposes only.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

The Project is not located in a particularly sensitive environment and would not impact any environmental resources or hazardous of critical concern as designated, mapped or adopted pursuant to law by federal, state or local agencies. The exception under CEQA Guidelines §15300.2(a) does not apply.

Section 15300.2(b): Cumulative Impacts

<u>Yes</u>	<u>No</u>	There is no exception to the Class 32 exemption for the Project related to cumulative impacts. The Project would not make a significant contribution to cumulative impacts of successive projects of the same type and in the same place, over time.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

In 2015, the City approved the Coliseum Area Specific Plan and certified its associated EIR. The Coliseum Area Specific Plan envisioned redevelopment of the Oakland Coliseum District (on the northerly side of I-880) with up to three new sports venues, an intermodal transit hub adjacent to the Coliseum BART station, and a sports-related entertainment district with retail, restaurants and hotels, and mixed-use residential neighborhoods. The Coliseum Area Specific Plan also envisioned a long-term redevelopment of the Oakland Airport Business Park (described in the Coliseum Area Specific Plan as Subareas B, C and D), potentially including up to 5.7 million square feet of net new building space inclusive of a residential mixed-use district, a science and technology district that would include new office and R&D space, as well as increased logistics and airport-related uses, a possible new Bay inlet along the waterfront, and habitat restoration. Although the City approved the Coliseum Area Specific Plan, the Port Board of Commissioners elected not to change its land use regulations for the Oakland Airport Business Park to match the Coliseum Area Specific Plan's envisioned redevelopment of Subareas B, C and D.

However, the Coliseum Area Specific Plan EIR (Coliseum EIR) included a number of alternatives to the Specific Plan that provided a range of possible cumulative development scenarios, two of which may be more representative of a likely cumulative buildout of the Oakland Airport Business Park:

- The Coliseum EIR's No Project Alternative did not project a substantial redevelopment of the Oakland Airport Business Park, but instead anticipated a much more modest growth and development in the range of approximately 0.3 million square feet of net new light industrial, logistics and commercial uses, similar to the types of land uses that exist today.

- The Coliseum EIR’s Reduced Project Alternative projected a more moderate (but still substantial) redevelopment of the Oakland Airport Business Park that could still result in a buildout of over 1.7 million square feet of net new building space within the Airport Business Park.

The environmental analysis of these two alternatives as included in the Coliseum EIR provides a bracket of potentially significant cumulative effects associated with future cumulative development within the area. The following **Table 8** provides a comparison of the Project’s contribution to these potentially significant cumulative effects.

Table 8 – Project’s Contribution to Potentially Significant Cumulative Effects		
Cumulative Effects - Coliseum EIR No Project Alternative	Cumulative Effects - Coliseum EIR Reduced Project Alt.	Choice Hotel Project’s Contribution to Potential Cumulative Effects
Construction Criteria Pollutants	Construction Criteria Pollutants	Less than significant cumulative contribution (see Section 15332(d)(3): Air Quality analysis, above)
Operational Criteria Pollutants	Operational Criteria Pollutants	Less than significant cumulative contribution (see Section 15332(d)(3): Air Quality analysis, above)
	Sensitive Species	No direct impacts to sensitive species (see Section 15332(c): Endangered, Rare of Threatened Species analysis, above) and no indirect impacts with implementation of Port Stormwater Ordinance requirements (see Section 15332(d)(4): Water Quality analysis, also above)
	Wetlands and Riparian	No direct impacts to wetlands or riparian habitat (see Section 15332(c): Endangered, Rare of Threatened Species analysis, above), and no indirect impacts with implementation of Port Stormwater Ordinance requirements (see Section 15332(d)(4): Water Quality analysis, also above)
Historic Resources	Historic Resources	No impact to historic resources (see Section 15300.2(f): Historical Resources analysis, below)
GHG Emissions	GHG Emissions	Less than significant cumulative contribution (see Section 15300.2(g): Other Potential Effects, below)
	Conflict with Port LUDC	Project is fully consistent with Port LUDC (see Section 15332(a): General Plan & Zoning Consistency analysis, above)
	Operational Noise	Less than significant cumulative contribution (see Section 15332(d)(2): Noise analysis, above)
	Traffic Level of Service	No longer a CEQA impact threshold. The Project would have a less than significant contribution to overall VMT, and under Existing plus Project Conditions, all of the study intersections would continue to operate with minimal delays of LOS C or better (see Section 15332(d)(1): Traffic analysis, above)

As indicated in Table 8, the Project would not make a significant contribution to cumulative impacts of successive projects of the same type and in the same place, over time, and an exception under CEQA Guidelines Sec. 15300.2(b) does not apply to the Project.

Section 15300.2(c): Significant Effect Due to Unusual Circumstances

Yes No There is no exception to the Class 32 exemption for the Project related to unusual circumstances. There is no reasonable possibility that the Project will have a significant effect on the environment due to unusual circumstances.

As analyzed throughout this document, the Project would not result in any significant effects on the environment. There are no unusual circumstances specific to the Project or specific to the site or its surroundings that would pose a reasonable possibility of causing a significant effect on the environment. Within the immediate surroundings of the Project site there are other similar commercial developments, including numerous other hotels. The Project site does not pose any unusual circumstances for redevelopment, as it is a site that was previously developed and operated for many years as Francesco's restaurant.

The exception under CEQA Guidelines Sec. 15300.2(c) pertaining to unusual circumstances does not apply to the Project.

Section 15300.2(d): Scenic Highway

Yes No There is no exception to the Class 32 exemption for the Project related to scenic highways. The Project will not result in damage to scenic resources (trees, historic buildings, rock outcroppings or similar resources) within a highway officially designated as a state scenic highway.

There are no designated scenic highways in the immediate Project vicinity. The closest designated scenic highway is I-580, located several miles northeast of the Project site. As such, the Project would not adversely affect any scenic resources within a scenic highway. Based on this finding, the exception under CEQA Guidelines Section 15300.2(d) does not apply to the Project.

Section 15300.2(e): Hazardous Waste Sites

Yes No There is no exception to the Class 32 exemption for the Project related to being a hazardous waste site. The Project is not located on a site that is included on any list compiled pursuant to Section 65962.5 of the California Government Code.

The regulatory database that lists California hazardous materials sites provided by numerous federal, state and local agencies are consolidated in the "Cortese List", pursuant to Government Code Section 65962.5. The Cortese List is located on the California Environmental Protection Agency's (Cal EPA) website, and is a compilation of the following regulatory agency lists:

- the California Department of Toxic Substances Control (DTSC) list of Hazardous Waste and Substances Sites, available on the DTSC EnviroStor database
- the California State Water Resources Control Board (SWRCB) list of leaking underground storage tanks (LUSTs), underground storage tanks (UST), and Spills, Leaks, Investigations and Cleanup (SLIC) sites, as listed on the SWRCB GeoTracker database
- solid waste disposal sites identified by SWRCB, with waste constituents above hazardous waste levels outside the waste management unit

- “Active” Cease and Desist Order (CDO) and Cleanup and Abatement Order (CAO) sites from the SWRCB, and
- hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by DTSC and listed on the EnviroStor database

A Phase 1 Environmental Site Assessment (ESA) was prepared for the Project site in 2018 (**Attachment C**).²⁶ That Phase I ESA concluded that the Project site was not included on any of the data resources that provide information regarding facilities or sites meeting the "Cortese List" requirements, and the exception under CEQA Guidelines Section 15300.2(e) does not apply to the Project.

Other Phase I ESA Conclusions

A summary of the conclusions of the 2018 Partner Phase I ESA also concluded the following regarding potentially hazardous environmental conditions at the site:

- No recognized environmental conditions, pertaining to the presence or likely presence of any hazardous substances or petroleum product were identified. No hazardous substances or petroleum products were observed; no spills, stains or other indications that a surface release had occurred were observed; and no strong, pungent or noxious odors were evident; and no pools of liquid were observed. There are no current structures on the property, so no suspected lead-based paint or asbestos-containing materials were present.
- No controlled recognized environmental conditions pertaining to a past release of hazardous substances or petroleum products that have been addressed to the satisfaction of the applicable regulatory authority, and with hazardous substances or petroleum products allowed to remain in place but subject to required controls, were identified. No evidence of current or former above-ground storage tanks or USTs was observed during site reconnaissance.
- No historical recognized environmental conditions pertaining a past release of any hazardous substances or petroleum product that had been addressed to the satisfaction of the applicable regulatory authority, or meeting unrestricted use criteria established by a regulatory authority without subjecting the property to any required controls, were identified.
- An adjacent property to the southeast (at 106-110 Hegenberger Road) was identified as an open Spills, Leaks, Investigations and Cleanup (SLIC) case as of 2014. The EDR database report indicates that this site is a groundwater contamination case associated with the release of gasoline and oil. The SWRCB’s GeoTracker website indicates that a former Leaking Underground Storage Tank (LUST) case at this site was closed in February 2001, but the SLIC case was opened due to planned redevelopment of the site. A current review of the GeoTracker website confirms that, as of 2015, the Alameda County Department of Environmental Health and the property owner were on a path toward closure of this case, but the case currently remains open.²⁷ The Partner 2018 Phase I ESA concluded that the adjacent open case at 110 Hegenberger Road was not considered a recognized environmental condition for the Project site.
- No additional action or investigation appears warranted.

²⁶ Partner Engineering and Science, Inc., Phase I Environmental Site Assessment, July 2018

²⁷ SWRCB Geotracker, https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000006308, accessed 9-23-2020

The Project would not result in significant effects related to hazards or hazardous materials, and would not present an exception to an Infill Exemption for the Project based on CEQA Guidelines Section 15300.2(e) hazardous waste criteria.

Section 15300.2(f): Historical Resources

Yes No There is no exception to the Class 32 exemption for the Project related to historic resources.



The Project site is currently vacant and contains no historic resources. Previous use of the site as Francesco's Restaurant occurred between 1968 and 2016. The restaurant opened as part of a broader pattern of development along Hegenberger Road between the Oakland Airport and Oakland Coliseum from the early 1960s onward. Now removed, the prior restaurant building represented a relatively generic commercial architectural style, and while the contributions of the family that owned and operated the restaurant for many decades is well documented, this specific building did little to convey that significance. A prior historic report recommended that the former building was not eligible for the California Register of Historic Resources under any criteria, and no further architectural history consideration or management was recommended.²⁸

Archaeological and paleontological resources are not anticipated to exist at or near the surface of the Project site. According to information presented in the Coliseum EIR, "there is a low potential for the identification of archaeological resources within the artificial fill which covers the surface of the entire Specific Plan Area, from elevation 15 to 0 feet sea level. Development sites throughout the Specific Plan Area may not be in an archaeologically sensitive area at grade, but may enter an archaeologically sensitive area or stratum if excavation is deep enough to encounter soil types where archeological resources are possible. Encountering this native base material would involve excavation deep enough to pass through the depth of the fill. Therefore, if a development project does not excavate to or below the fill, it is not within an archaeologically sensitive area."²⁹

According to the Geotechnical Report for the Project, artificial fill at the Project site extends between 2 and 6 feet below existing grade,³⁰ and limited excavations for spread footings and utility trenches may extend to or below this depth. It is possible that such excavations could encounter unknown buried archaeological resources. In the unlikely event of an unanticipated discovery of archaeological resources, paleontological resources, or tribal cultural resources, all excavations within 50 feet of the find should be temporarily halted or diverted until the discovery is examined by a qualified archaeologist or paleontologist, documented, and evaluated for significance, and if the discovery is found to be significant, procedures established to consider avoidance of the resource or preparation of an excavation plan if avoidance is unfeasible. With implementation of these standard protocols, impacts to unknown, buried cultural resources would not be significant.

The exception under CEQA Guidelines §15300.2(f) related to historic resources does not apply.

²⁸ William Self Associates, *Architectural History Evaluation of Francesco's Restaurant*, August 10, 2017

²⁹ City of Oakland, *Coliseum Area Specific Plan EIR*, 2015 – page 4.4-45

³⁰ Partner Assessment Corporation., *Geotechnical Report*, August 2018

Section 15300.2(g): Other Potential Effects

Yes No There is no exception to the Class 32 exemption for the Project related to substantial adverse impacts other than those discussed above.



Geology

According to a Geotechnical Report prepared for the Project (Partner Engineer Engineering and Science, Inc., Geotechnical Report, August 2018, **Attachment D**), the site is subject to the same geologic hazards with greatest potential to affect all of northern California, including earthquakes and related hazards such as groundshaking, tsunamis, and liquefaction.³¹ The three faults most relevant to the site are the Hayward North Fault (3.1 miles from the site), the Hayward South Fault (5.9 miles from the site) and the San Andreas Fault (15.4 miles from the site). The Project site is not located within an Alquist-Priolo Special Studies Zone. Although the site is mapped on regional geologic hazards maps as being within a Liquefaction Hazard Zone, detailed soils investigations show that the site is susceptible to less than 1 inch of liquefaction-induced settlement. According to the Geotechnical Report:

- site excavations can be made with conventional construction equipment
- old site fills were encountered throughout the site, and are not suitable for building foundations
- spread foundations can be planned for the site structure, but should be supported on a layer of compacted engineered fill that extends to competent native material or 5 feet below grade, whichever is more
- slabs on grade should be supported on a 24-inch thick layer of non-expansive engineered fill

Nothing in the Geotechnical Report suggests any geological conditions that present a substantial adverse geological impact associated with the site.

Greenhouse Gas Emissions

The Project would have a significant effect on the environment if it were to; a) generate greenhouse gas (GHG) emissions, either directly or indirectly, that would produce total emissions of more than 1,100 metric tons of CO₂e (MTCO₂e) annually, and more than 4.6 metric tons of CO₂e per service population annually at year 2020, or 2.8 metric tons of CO₂e per service population annually at year 2030; or b) fundamentally conflict with an applicable plan, policy or regulation adopted for the purposes of reducing greenhouse gas emissions.

An estimate of the GHG emissions that would result from construction activity and annual operational emissions associated with the Project (see **Attachment B**) have been derived from the California Emissions Estimator Model (CalEEMod) Version 2016.3.2, based on methodology as recommended in the BAAQMD CEQA Air Quality Guidelines.

The CalEEMod emissions calculator predicted that the Project would result in approximately 311 MTCO₂e during Project construction. The BAAQMD CEQA Air Quality Guidelines do not recommend a threshold of significance for construction-related GHG emissions, but do recommend that lead agencies

³¹ Ibid

quantify and disclose GHG emissions that would occur during construction, and make a determination on the significance of these construction-generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals. If considered on an annual basis, the Project's construction-related GHG emissions would occur over the estimated 17-month construction period, averaging approximately 220 MTCO₂e/year, well below the 1,100 MTCO₂e/year threshold. Even under the conservative scenario assumed for air quality modeling whereby the Project could be constructed within an 11 month period, this conservative scenario would result in annual construction emissions 311 MTCO₂e/year, also below threshold levels. Alternatively, construction-related GHG emissions can be amortized over the lifetime of the Project's operations (assumed to be approximately 40 years), resulting in amortized annual emissions of approximately 8 MTCO₂e/year.

The CalEEMod emissions calculator also predicts that the Project would result in 954 MTCO₂e/year during Project operations. Even with the addition of amortized construction-period GHG emissions, total annual emissions of the Project would be 962 MTCO₂e/year, less than the 1,100 MTCO₂e/yr threshold, and the Project's GHG emissions are considered to be less than significant. There is nothing about the Project that would fundamentally conflict with an applicable plan, policy or regulation of the Port, the City or the State that was adopted for the purposes of reducing greenhouse gas emissions.

References

- Alameda County Community Development Agency, *Oakland Airport Land Use Plan*, December 2012
- Alameda County (AC) Transit, at: <https://sfbaytransit.org/actransit/route/73/schedule> , accessed September 2020
- Architectural Dimensions and BKF Engineers, *75% Entitlement Set*, dated September 2020 and Site Plan dated August 2020
- California, State of, Office of Planning and Research, *Technical Guidance in Evaluating Transportation Impacts In CEQA*, December 2018
- ____ Water Resources Control Board, Geotracker website at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000006308 , accessed September 2020
- California State Water Resources Control Board, Order 2009-0009-DWQ, accessed at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.html
- ____ Geotracker website, accessed at https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000006308
- CHS Consulting Group, *Transportation Impact Study (TIS) for Cambria Hotel*, September 2020
- City of Oakland, *Land Use and Transportation Element (LUTE) of the General Plan*,
____ *Coliseum Area Specific Plan EIR*, 2015
- Institute of Transportation Engineers (ITE), *Trip Generation Manual, 10th Edition*, September 2017
- Jones, Lang LaSalle (JLL), *Hotel Development Feasibility Study* prepared for Port of Oakland, December 2014
- Partner Engineering and Science, Inc., *Phase I Environmental Site Assessment*, July 2018
____ *Geotechnical Report*, August 2018
- Port of Oakland, *Oakland Airport Business Park Land Use and Development Code*,
____ *Initial Study for the 195 Hegenberger Road Hotel*, March 2014
____ Board of Port Commissioners, Port Ordinance No. 4311 (Stormwater Ordinance), January 2015
____ *Post-Construction Stormwater Design Manual*, August 2015
- San Francisco Regional Water Quality Control Board (SFRWQCB), Phase II Small Municipal Separate Storm Sewer System (MS4) Program, accessed at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.html , accessed September 2020
- William Self Associates, *Architectural History Evaluation of Francesco's Restaurant*, August 10, 2017