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195 Hegenberger Road Hotel  
Final Environmental Impact Report

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CHAPTER 1
Introduction

A. CEQA Process

On June 18, 2014 the Port of Oakland (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR) for the proposed hotel at 195 Hegenberger Road (SCH# 2014031004). The minimum 45-day public review and comment period on the Draft EIR began on June 18, 2014, and closed on August 4, 2014.

The Draft EIR for the proposed hotel at 195 Hegenberger Road (proposed project) together with this Response to Comments Document constitutes the Final EIR for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before approving the proposed project and that must reflect the Lead Agency’s independent judgment and analysis of the anticipated physical impacts of proposed project on the environment (CEQA Guidelines, Section 15090). California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify the following:

1. The Final EIR shall consist of:
   (a) The Draft EIR or a revision of that draft.
   (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
   (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
   (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
   (e) Any other information added by the Lead Agency.

This document has been prepared pursuant to CEQA and in conformance with the CEQA Guidelines. This Response to Comments Document incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. The Final EIR reflects the Port’s independent judgment and analysis.
B. Method of Organization

This EIR Response to Comments Document for the proposed project contains information in response to comments raised during the public comment period (June 18, 2014 through August 4, 2014).

This chapter, Introduction, describes the CEQA process and the organization of this Response to Comments Document.

Chapter 2, Agencies and Persons Commenting on the Draft EIR, lists all agencies, organizations, and persons that submitted written comments on the Draft EIR during the public review and comment period. The list also indicates the receipt date of each written correspondence.

Chapter 3, Written Comments on the Draft EIR and Responses to Comments, contains comment letters received during the review and comment period. The responses to the comments are provided following each letter. Numbering is used for each comment letter and the corresponding response.

Chapter 4, Revisions to the Draft EIR, contains text changes to the Draft EIR. Some changes were initiated by the Port; others were made in response to comments received on the Draft EIR.

Chapter 5, Mitigation Monitoring and Reporting Program, describes the identified mitigation measures and the responsible parties, tasks, and schedule for monitoring mitigation compliance.
CHAPTER 2
Agencies and Persons Commenting on the Draft EIR

A. Agencies and Persons Commenting in Writing

The following agencies, organizations and individuals submitted written comments on the Draft EIR during the public review period, or shortly thereafter. The minimum 45-day public review and comment period on the Draft EIR began on June 18, 2014, and closed at 5:00 p.m. on August 4, 2014. As noted in Letter 3, no letters were received from federal or State agencies.

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<td></td>
<td>David H. Blackwell</td>
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<tr>
<td>3</td>
<td>Office of Planning and Research</td>
<td>August 4, 2014</td>
</tr>
<tr>
<td></td>
<td>Scott Morgan, State Clearinghouse Director</td>
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CHAPTER 3
Written Comments on the Draft EIR and Responses to Comments

This chapter contains copies of the comment letters received during the public review period on the Draft EIR and the individual responses to those comments. Each written comment letter is designated with a number (1, 2, and 3) in the upper right-hand corner of the letter.

Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Where responses have resulted in changes to the Draft EIR, these changes also appear in Chapter 4 of this Response to Comments Document.
Comment Letter 1

UNITEHERE! Local 2850
1440 Broadway, Suite 208, Oakland, CA 94612 510/893-3181 Fax: 510/893-5362
August 1, 2014

Port of Oakland
Colleen Liang, Environmental Scientist
Environmental Programs and Planning Division
530 Water Street
Oakland, CA 94607

Dear Ms. Liang:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the 195 Hegenberger Road Hotel. UNITE HERE Local 2850 represents hotel and food service workers in the City of Oakland and throughout the East Bay. Many of our members live and/or work in Oakland, and they are affected in various ways by development in Oakland. In particular, we have many members who work in the vicinity of the proposed project, at the Oakland Airport, the Hilton Oakland Airport, and the Homewood Suites hotel on the Embarcadero. For multiple reasons, we believe it is important that hotel development be done responsibly, and consequently we believe it is important that development projects in these industries be thoroughly studied under CEQA. We have a great deal of experience analyzing hotel development projects and, through our work representing hotel workers, a thorough understanding of the potential environmental impacts of hotels.

We believe that the DEIR for the 195 Hegenberger Hotel inadequately analyzes and discloses the potential impacts of the project, particularly with regard to greenhouse gas emissions. As noted in Table 4.B-3, the threshold of significance for GHG emissions is 1,100 metric tons of CO$_2$e per year. The same table indicates that this project would narrowly avoid reaching this threshold, at 1,073 metric tons per year. The table provides a breakdown of the sources of these emissions, the largest two categories being mobile sources (746) and energy sources (286).

Further detail on the sources of these numbers can be found in Appendix D. The series of tables in the appendix indicate that the number 286 refers to projected GHG emissions under the mitigated scenario, whereas the projection for the unmitigated scenario is 343. The mitigation measures noted in the appendix are “Install High Efficiency Lighting” and “Install High Efficiency Appliances.” However, there is no mitigation measure proposed in the DEIR itself with regard to the GHG emissions of the operation of the hotel. (The only mitigation measure proposed is related strictly to the construction.) Section 4.B of the DEIR implies that the number 286, and by extension the total number of 1,073, are projections of the project’s GHG emissions without mitigation and obscures the fact that these numbers were
generated only be assuming mitigation measures that the DEIR does not propose to require. In reality, the unmitigated projection of total operational GHG emissions for the project is 1,130 metric tons per year—above the threshold of significance. Thus, the DEIR incorrectly concludes that Impact 4.B-1, "The proposed project would result in an increase in GHG emissions," would be less than significant after mitigation, since the only mitigation measures identified would have no effect on the operational GHG emissions, which are in fact above the threshold. The DEIR misleadingly claims that no mitigation is required with regard to the operation.

The single largest source of the project's operational GHG emissions is "mobile sources," i.e., automobile trips. It appears that the number 746 was derived from standard ratios taken from the ITE Trip Generation Manual and the CalEEMod. However, there is reason to doubt the accuracy of this number, which the DEIR does not acknowledge. First, the calculation relies on the assumption that the average trip between work and home ("H-W") associated with the project will be 9.5 miles. While Appendix D does not disclose the source of this number, presumably it is a standard number provided for the area in which the project is located. This default number does not take into account any specific characteristics of the people who will be taking those "H-W" trips, namely the hotel's employees. While this is not inevitably the case, many hotel jobs are very low wage jobs, and in Oakland the Hegenberger corridor, where this project will be located, has the highest concentration of low-wage hotel jobs. Without evidence to the contrary, there is reason to assume that this project would not be consistent with the surrounding labor market. While this kind of socioeconomic consideration, per se, is not required to be analyzed under CEQA, its physical effects on the environment should be considered. Namely, it is widely known that housing prices are increasing very rapidly in the inner-city neighborhoods of the Bay Area, including East Oakland. Consequently, many people who work in low-wage occupations in Oakland can no longer afford to live in Oakland, and they are increasingly commuting from lower-rent areas such as Richmond, San Pablo, Antioch, Pittsburg, and even Tracy. As an organization that has extensive contact with service-sector workers, both union and non-union, we are intimately familiar with this phenomenon. Richmond and San Pablo are approximately 19-20 miles away from the project site, and Antioch, Pittsburg, and Tracy are significantly further. Given this well-documented phenomenon, further analysis should be conducted on the likely commuting patterns of the hotel's employees and how their income levels might affect vehicle miles travelled and overall GHG emissions.

The other significant factor that the DEIR does not consider with regard to GHG emissions is the amount of parking that is proposed to be provided at the project site. Under the heading "Planning-Related Non-CEQA Issues," the Section 4.C of the DEIR purports to demonstrate that the project will comply with the parking requirements stipulated in the Land Use and Development Code for the Oakland Airport Business Park. However, the DEIR significantly under-calculates the number
of parking spaces required for the 80-seat meeting room that will be part of the project. It reaches the number 15, by calculating 1 space per 3 seats, based on 80 seats at 60% occupancy. But the assumption of 60% occupancy is only supposed to be factored into the calculation of the number of parking spaces required for banquet employees, not banquet attendees. According to the Land Use and Development Code for the Oakland Airport Business Park, "Parking requirements for associated meeting rooms/banquet facilities shall be based on the total seating capacity and shall be calculated at the rate of one (1) parking stall per three (3) seats" (p. 16). Therefore, the number of parking spaces required for banquet or meeting attendees is actually 27, and the total number of parking spaces required by the code is 153, substantially more than the 141 that are proposed.

While parking per se is not considered an environmental impact under CEQA, the physical effects on the environment of parking shortages can be. In the context of the Airport Business Park, where the proposed project is located, a parking shortage is likely to result in significant extra vehicle miles travelled as hotel guests, visitors, or meeting attendees circle the block looking for parking. This is because street parking is not allowed anywhere in the Airport Business Park (Land Use and Development Code for the Oakland Airport Business Park, p. 14), and the surface parking lots in the area are generally dedicated to specific private businesses, or are commercial lots that charge relatively high prices due to their proximity to the airport. This factor should be further analyzed for its potential to increase vehicle miles travelled and thereby GHG emissions, and a determination should be made as to whether or not this additional impact can be mitigated.

Please address these issues in the Final EIR for the project. Thank you.

Sincerely,

Taylor Hudson
Research Analyst
Letter 1: UNITEHERE!
Taylor Hudson, Research Analyst

1-1 The comment suggests that the Draft EIR inadequately analyzes and discloses the potential impacts of the project related to greenhouse gases (GHG). The comments point out that the threshold of significance for GHG emissions is 1,100 metric tons of CO2e per year, and that the proposed project narrowly avoid reaching this threshold, at 1,073 metric tons per year. The GHG threshold was identified by the Bay Area Air Quality Management District (BAAQMD) as a numeric emissions level below which a project’s contribution to global climate change would be less than “cumulatively considerable”. Consequently, projects that are below that threshold are considered to have a less-than-significant impact on the environment.

1-2 The comment notes that the breakdown of sources of GHG emissions as presented in the Draft EIR Appendix D indicates that the project would meet these levels with mitigation. Specifically, the proposed project would be required to “install high efficiency light” and “install high efficiency appliances,” and that mitigation is not presented in the impact discussion of the Draft EIR itself.

“Mitigated” emissions in the Appendix D report are the result of three considerations. The first element is the implementation of 2013 Title 24 building requirements. The CalEEMod model used to estimate project-related GHG emissions assumes that a project will meet the building code requirements of the 2008 Title 24 building requirements which were in effect at the time of the latest model release. Consequently, a required mitigation element was added to the air quality model to reflect the increased GHG savings associated with the implementation of 2013 Title 24 requirements as estimated by the California Department of Energy. Compliance with the 2013 Building Code (Title 24) will be required of the project by code and does not represent mitigation with respect to CEQA.

The other two mitigation elements of the model run (installation of high efficiency light and installation of high efficiency appliances) are not required of the project to achieve a GHG emission rate below the 1,100 metric ton per year of CO2e threshold. The CalEEMod model was rerun without these measures. Using these new parameters to reflect the current regulatory requirements, project-related GHG emissions increased from 1,073 metric tons per year to 1,079 metric tons per year. Consequently, the proposed project’s GHG emissions would still be less than significant without incorporation of these two originally modeled mitigation elements. A text revision is included herein to identify these updated emissions.

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Table 4.B-3 of the Draft EIR is revised as indicated below:

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<thead>
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<th>Emission Source</th>
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<tr>
<td></td>
<td>CO₂</td>
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<tr>
<td>Total</td>
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<td>Threshold</td>
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<td>Significant?</td>
<td>No</td>
</tr>
</tbody>
</table>

Columns may not total precisely due to rounding. Rows do not total because last column (CO₂e) accounts for global warming potential of CH₄ and N₂O.

The last paragraph of Impact 4.B-1 is revised as indicated below:

As shown in Table 4.B-2, the sum of both direct and indirect GHG emissions resulting from operation of the proposed project would result in an estimated 1,073 - 1,079 metric tons per year of CO₂e. This is less than the 1,100 metric ton per year threshold established by the BAAQMD. Operational GHG emissions would therefore be less than significant. Implementation of Mitigation Measure 4.B-1 would ensure that the applicant employs feasible, effective measures to reduce GHG emissions during project construction.

1-3 The comment notes that the single largest source of the project’s operational GHG emission is mobile sources, or automobile trips. The comment questions the home-work trips for employees of 9.5 miles, and suggests that employees would come from as far away as Tracy, California.

The proposed project would have approximately 15 employees, and the Port of Oakland strongly encourages all businesses in their jurisdiction to employ residents of Oakland. However, as part of the analysis, assumptions had to be made, as the point of origin of potential future employees is indeterminate. Consequently, the CalEEMod model uses a regional commercial worker trip length for Alameda County specified by BAAQMD. The model assumes that 19 percent of project trips are commercial worker trips with an average trip length of 9.5 miles. This represents an average trip length.

Similarly, the model assumes that 62 percent of project trips are commercial customer trips with an average trip length of 7.3 miles. As a practical matter, a large number of

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2 CO₂e in all calculations of project impact include CO₂, CH₄ and N₂O.
customer trips will be from the adjacent airport rental car facilities less than one mile from the project site. Because a precise accounting of trip lengths associated with a hotel use is not a practical undertaking due to variables associated with myriad destinations of guests and points of origin of workers, the analysis uses the default regional trip lengths vetted by both the BAAQMD and the California Air Pollution Control Officers Association. This approach is consistent with the standard and accepted methodology to analysis of GHG emissions, and is therefore appropriate and adequate under CEQA.

The comment suggests that the apparent parking shortage would increase GHG emissions by increasing vehicles miles travelled (i.e., cars that can’t find a parking space would continue to circulate). As presented in Chapter 4 of this Final EIR, Figure 4-1, the site plan has been revised to address the parking shortfall, and now a total of 151 parking spaces are allocated for the proposed project.
Comment Letter 2

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
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David H. Blackwell
E-mail: dblackwell@allenmatkins.com
Direct Dial: 415.273.7463  File Number: 370251-00071/SF933803.01

Via Electronic Mail (CLAing@portoakland.com)

August 4, 2014

Colleen Liang
Environmental Specialist
Environmental Programs and Planning Division
Port of Oakland
530 Water Street
Oakland, CA 94607

Re: 195 Hegenberger Road Hotel Draft EIR
SCH#2014031004

Dear Ms. Liang:

This office represents Carpenters Trust Funds for Northern California, and hereby provides comments to the above-referenced DEIR on its behalf. Set forth herein are our initial comments. As more information is obtained, we may provide additional comments prior to the Port's certification of a Final EIR. As set forth below, the DEIR contains numerous deficiencies that require correction and further study, and we therefore request that the Port re-circulate the DEIR after addressing the issues raised below.

I. TRAFFIC AND CIRCULATION

This letter incorporates by reference the attached letter dated August 4, 2014, from Traffic Engineering Consultant Richard Haygood of Boster, Kobayashi & Associates. As set forth therein, the DEIR’s discussion of the traffic and safety impacts at the site access driveways and the on-site circulation roadways is deficient in several critical areas. The Traffic and Circulation section of the DEIR should be revised accordingly and recirculated to address this significant information that has not yet been analyzed.

Of particular concern is the DEIR’s lack of analysis regarding onsite circulation issues, especially the increase in hazards to bicyclists and pedestrians. The proposed parking and access layout is severely constrained, and forces vehicular traffic to negotiate a circuitous route from the public street system to a parking space located within the project. The only mitigation measure proposed in the DEIR to reduce these internal circulation conflicts is to install a traffic control device at the southwest corner of the property. (DEIR, p. 4.C-15; Mitigation Measure 4.C-3.) This

Los Angeles | Orange County | San Diego | Century City | San Francisco
II. GREENHOUSE GAS EMISSIONS

The DEIR’s analysis of operational emissions, particularly mobile emission sources, appears flawed due to its reliance on underestimated traffic assumptions. The DEIR relies on an estimated 880 daily vehicle trips above existing levels, which is a key factor in its calculation that the operation of the project would result in an estimated 1,073 metric tons per year of CO2e. (DEIR, pp. 4.B.-14-15.) This estimate is 97.5% of the 1,100 metric ton per year threshold established by BAAQMD. (Id.) As a result, the DEIR concludes that no mitigation is required. (Id.) If the DEIR properly adjusted its traffic assumptions to reflect the increased vehicle emissions referenced herein, then the 1,100 metric ton threshold would be exceeded and mitigation would be required.

III. ALTERNATIVES

The DEIR evaluated only two project alternatives: a No Project Alternative and a Reduced Development Alternative. The DEIR is required to discuss a "reasonable range of potentially feasible alternatives." (CEQA Guidelines, § 15126.6(a).) Analyzing only the required No Project Alternative (CEQA Guidelines, § 15126.6(e)(1)) and a Reduced Development Alternative (10 fewer rooms) raises the issue of whether a "reasonable range" of alternatives was considered.

This concern is heightened by the fact that there is no reference to, or discussion of, the viability of one or more alternative sites as a project alternative. A discussion of alternative sites is necessary because the project site's physical constraints referenced above make it one of the least attractive sites in the area for the proposed hotel use. There are other sites around Hegenberger that do not suffer from the proposed site's physical limitations and would not create the adverse traffic and safety impacts discussed above.

Very truly yours,

David H. Blackwell

Attachment

cc: Mark Taylor (via email)
August 4, 2014

David H. Blackwell
Allen Matkins Leck Gamble Mallory & Natsis LLP
Three Embarcadero Center, 12th Floor
San Francisco, CA 94111-4074

Re: 195 Hegenberger Road Hotel DEIR – Transportation & Circulation Comments (Our File No. 700478)

Dear Mr. Blackwell:

This letter is provided in response to your request for our firm to have a Traffic Engineer review the Draft EIR for the 195 Hegenberger Road Hotel development dated June 2014 (DEIR). I am a registered Civil Engineer and Traffic Engineer in California, and I work as a Traffic Engineering Consultant for Boster-Kobayashi & Associates (BKA). Prior to working at BKA, I was Director of Traffic Studies at a traffic engineering consulting firm for over six years, and before that I was the City Traffic Engineer at Redwood City for ten years and at West Sacramento for several years prior. My overall total of 35 years of traffic engineering experience includes preparation and peer review of numerous traffic impact studies for new development, mostly for environmental documents prepared in compliance with the requirements and guidelines of the California Environmental Quality Act (CEQA).

Based on my comprehensive review of the DEIR, my professional opinion is that the document is deficient in disclosing the traffic and safety impacts at the site access driveways and the on-site circulation roadways, which are also used by existing neighboring land uses, in several critical areas as described below.

Inaccurate and Inconsistent Depictions of Project Site Plan

Various figures in the DEIR are inconsistent regarding the location of the property line and the proposed number of parking spaces along the southeasterly side of the project across from the Harley Davidson dealership, and appear to misrepresent the location of the northwesterly wall of the dealership building and the width of the access easement area between the two properties:

- Figure 3-2 indicates the southeasterly border of the project site running behind the existing parking stalls across from the Harley Davidson building. I estimate this line is shown as varying between approximately 20 to 30 feet from the northwesterly wall of the Harley Davidson building.
- Figures 3-3 and 4.C-4 depict the southeasterly property line of the project site at approximately the same alignment, relative to the existing parking stalls for the Carpenters’ Union Building and
the existing fence separating the parking for Francesco’s Restaurant, as the project border line shown on Figure 3-2. These figures show this property line running immediately along the back end of the parking stalls located on the southeasterly side of the project across from the Harley Davidson building. However, these figures depict the driveway width between the property line and the Harley Davidson building at approximately 35 feet based on the graphic scale on the drawing. (I confirmed the graphic scale by comparing measurements of dimension lines noted on the drawing.)

- Figure 3-4 depicts the southeasterly property line of the project site running at some distance behind the back end of the parking stalls located along the southeasterly side of the project across from the Harley Davidson building, which suggests the property line would be closer to that building than indicated on the other figures. However, Figure 3-4 doesn’t show the Harley Davidson building or any other adjacent reference points, nor does it include any dimensions or scale, so the corresponding width of the access easement driveway cannot be readily discerned.

Because of these discrepancies, the location of the southeasterly property line of the project relative to the parking stalls along that property line and the northeasterly wall of the Harley Davidson building, and the resulting width of the access easement driveway, cannot be reasonably estimated based on the information provided in the DEIR. More importantly, Figures 3-3 and 4.C-4 may misrepresent the relative location of the Harley Davidson building and the resulting driveway width by at least five feet greater than would actually occur with the project. If so, these figures could mislead the DEIR reader to believe that the available access driveway width after the project would be more than 15 percent greater than would actually result, and thereby to make flawed conclusions and underestimate the project’s impact on traffic flow and safety in the access easement area shared with the Harley Davidson dealership.

Regarding the proposed number of parking spaces along the southeasterly side of the project across from the Harley Davidson dealership:

- Figure 3-3 shows 19 parking stalls.
- Figure 3-4 shows 17 parking stalls.
- Figure 4.C-4 shows 17 parking stalls (by my count), although the number 19 is mistakenly shown on the figure.

This two space discrepancy appears to result from differing layouts of the accessible parking stalls and pedestrian path at the easterly corner of the project site. As a result, the total number of parking spaces described on page 3-7 of the Project Description section and elsewhere in the DEIR appears to be overstated by two spaces, and should be revised from 141 off-street spaces to 139 spaces.

Additionally, 34 of the total parking spaces proposed are not shown on the Project Site Plan Figure 3-3, but are shown on Figure 3-4, the Landscape Plan. These 34 parking spaces are actually existing spaces located on the southwesterly leg of the project site along the access easement connecting with Pardee Drive. The DEIR should more clearly present the location of these parking spaces in the Circulation and Parking section of the Project Description, so readers can accurately assess the inconvenient location of these spaces relative to the proposed hotel building and its entrance. Project parking supply issues are addressed in a subsequent paragraph of this letter.

**Insufficient Analysis of Potentially Significant Impacts at Site Access Driveways**

The primary access points for ingress and egress to the project would be at two existing driveways: one on Hegenberger Road and one on Pardee Drive. The traffic analysis in an EIR for a commercial development typically includes level of service (LOS) analysis for primary access driveways on arterial roadways to evaluate the expected delay and queues for traffic movements entering and exiting such
Comment Letter 2

David H. Blackwell
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Our File No. 700478
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driveways, even when the driveways serve only one property or proposed development project. In the case of the 195 Hegenberger Road Hotel project, which proposes access via existing driveways that are already used for the adjacent land uses/properties, detailed analysis of the resulting traffic conditions is necessary and essential. The DEIR lacks such detailed traffic analysis.

The DEIR lacks the following, which should be required in the Transportation and Circulation section:

Hegenberger Road (easterly) and Pardee Drive Driveways:
- Describe driveway locations, access restrictions, and relevant characteristics as part of the Existing Roadway Network. For example, at Hegenberger easterly driveway, left turn into driveway is prohibited, BART Connector columns in median affect visibility, etc.
- Counts of turning movements during the two-hour a.m. and p.m. peak periods.
- LOS analysis for a.m. and p.m. peak hours, for Existing, Existing plus Project, Cumulative, and Cumulative plus Project conditions. Focus can be on delays and queues related to left turns exiting each driveway. If a two-stage left turn exiting the Hegenberger driveway as mentioned on page 4.C-15 of the DEIR is a safe option, the corresponding LOS and delay for that movement must be documented.

Hegenberger Road (easterly) Driveway:
- Documentation with specific sight-distance measurements, applicable Caltrans sight-distance standard for prevailing 85th-percentile speeds on Hegenberger Road, and a scaled drawing clearly depicting the sight-distance situation for drivers exiting the driveway relative to the columns in the median that support the BART Airport Connector. Because of the obvious safety concerns involved for left turns exiting the driveway, which the project could exacerbate for drivers currently accessing the adjacent land uses by adding to the traffic volumes, the statement on page 4.C-15 of the DEIR that the sight-distance is acceptable requires very clear substantiation.

Pardee Drive Driveway:
- Address safety issues for conflicting traffic movements with the immediately adjacent driveway exit for the Francesco’s Restaurant parking lot. The very short distance between these two driveways presents hazards for simultaneous turning movements at both, for example, a left turn exiting the project driveway at the same time as a right or left turn exiting Francesco’s. Note that the Francesco’s driveway is the only exit from its parking lot, which assures significant traffic volumes using that driveway.
- Address traffic safety issues when commercial vehicles use this 24-foot wide driveway, which is a minimal width for a two-way traffic driveway. Provide truck turning radius diagrams depicting the required path for large trucks using this driveway.

Insufficient Analysis/Mitigation of Potentially Significant Impacts for On-Site Circulation

The DEIR on page 4.C-1 notes that the project site is “set back approximately 270 feet west of Hegenberger Road and approximately 390 feet north of Pardee Drive.” As a result, vehicles accessing the hotel project site must traverse those relatively long distances using existing on-site circulation driveways shared with existing land uses/properties. This configuration is much different from typical projects where the on-site circulation driveways serve only one property or proposed development project. Because the project proposes access via on-site existing driveways that are already used for the adjacent land uses/properties, detailed analysis of the resulting traffic conditions is necessary and essential. Analysis of the following issues should be required in the DEIR Transportation and Circulation section.
On-Site Driveway Intersections: The project would add conflicting traffic volumes at multiple on-site driveway intersections, and the traffic conflicts and visibility should be addressed at these intersections:

- The parking aisle along the front of the Harley Davidson dealership intersects the primary access driveway connecting with Hegenberger Road at a point less than two car lengths from Hegenberger Road. Traffic added by the project presents potential safety issues, and could extend the queue of vehicles trying to exit onto Hegenberger Road such that it would frequently block the Harley Davidson parking aisle.
- Parking aisles on the Carpenters’ Union parcel at intersections with the primary access driveway that connects with Hegenberger Road.
- Access easement driveway between the hotel project and the back of the Harley Davidson dealership at its intersection with the primary access driveway connecting with Hegenberger Road.
- Four-way intersection of the primary access driveway connecting with Hegenberger Road, the parking aisle along the northwesterly side of the Carpenters’ Union building, a Comcast parking access driveway, and a driveway for proposed hotel parking access that also serves as an important access driveway connecting with Pardee Drive.
- Parking aisles on both sides of the Comcast building at intersections with the important access driveway connecting with Pardee Drive.

Access Easement Driveway between Harley Davidson Building and Hotel Project Site:

- As described previously in this letter, the DEIR figures may misrepresent the available access driveway width after the project by at least 5 feet, or more than 15 percent, greater than what would actually result. The available width of the two-way parking aisle driveway between the Harley Davidson building and the back of the proposed perpendicular parking stalls for the hotel cannot be reasonably estimated based on the information provided. The DEIR must clearly demonstrate whether the width of this two-way parking aisle would meet required City of Oakland parking lot design standards, taking into consideration that one side of the aisle is the wall of the Harley Davidson building that vehicles backing out of the parking stalls must be able to safely avoid. If the project doesn’t meet such standards, appropriate mitigation is required.

- The DEIR’s description of Impact 4.C-3 (pp. 4.C-14 and -15) mentions two sources of additional traffic that would use the subject access easement driveway: hotel patrons entering and exiting the parking at the rear (westerly side) of the hotel; and hotel guests parking along the south side of the hotel, directly along the access easement driveway. Both traffic sources contribute to “the potential conflicts that could develop between hotel traffic and Harley Davidson traffic in this relatively confined area” (the access easement), which “is considered a significant impact.” Mitigation Measure 4.C-3 (p. 4.C-15 and Figure 4.C-4) would install bollards or a gate to eliminate traffic access between the parking at the rear of the hotel and the shared access easement driveway. This measure would not address the additional traffic from hotel guests parking along the south side of the hotel directly along the access easement driveway. However, the text of Mitigation Measure 4.C-3 incorrectly states that it would “eliminate hotel traffic exiting or entering hotel parking through the shared Harley Davidson easement.” This misstatement of the mitigation measure’s effectiveness must be corrected, and the impact of traffic from hotel guests parking along the south side of the hotel directly along the access easement driveway requires additional consideration. Potential hotel traffic use of the narrow driveway segment further south between the Harley Davidson building and the Francesco’s parking lot, and then connecting through the parking aisle on the west side of the Harley Davidson building to the Hegenberger Road (westerly) driveway, must also be considered.
Traffic Volumes during the Day: The DEIR provides estimates of the number of vehicle trips that would access the hotel project site during the a.m. and p.m. peak hours of traffic on the adjacent street network, which are defined as 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. in the Institute of Transportation Engineers Trip Generation Manual used for the estimates. However, the hotel is likely to generate similar traffic volumes during other hours of the day, which could impact the on-site circulation driveways shared with the adjacent existing land uses, especially the Harley Davidson dealership with its sales and service activity during the day. The impacts of hotel traffic to on-site circulation during hours of the day other than the “peak” hours addressed in the DEIR must be considered.

Commercial Vehicle Deliveries:
- The DEIR and the project site plan figures included therein fail to identify any loading zone location or driveway routes for commercial vehicle deliveries to access the hotel project. The DEIR must address where commercial vehicle deliveries to the hotel project would be accommodated, and whether the on-site circulation driveways shared with the adjacent existing land uses would be impacted as a result. If the project significantly impacts on-site circulation driveways, appropriate mitigation is required.
- Mitigation Measure 4.C-3 proposes bollards or a gate to block traffic access between parking at the rear (westerly side) of the hotel and the access easement driveway between the south side of the hotel and the Harley Davidson building. This measure would also prevent such access for any commercial vehicles that might make deliveries at the rear (westerly side) of the hotel. Although this mitigation could reduce traffic somewhat in the access easement driveway shared with the Harley Davidson property, it would also constrain the access options available for commercial vehicle deliveries to the hotel, which could impact other on-site driveways shared with the adjacent properties. The DEIR must address these issues when considering potential impacts and mitigation of commercial vehicle deliveries.

Insufficient Analysis of Potentially Significant Impacts for Emergency Vehicle Access

The DEIR discussion of Impact 4.C-4 (p. 4.C-15) concludes that the project’s impact to emergency vehicle access would be less than significant. This conclusion is based on statements that “the road network serving the project site currently accommodates the movements of emergency vehicles...,” and that in an emergency, “vehicles would be able to access the project site in the same manner as under existing conditions.” The DEIR fails to consider the following changes that would result with the project, which are critical factors for emergency vehicle access:
- The hotel project would add a five-story building on a site where the other buildings are no more than two stories. The DEIR must address the resulting fire department apparatus needed to respond to an emergency and whether the on-site circulation driveways provide adequate access for such fire apparatus to reach the hotel from Hegenberger Road and Pardee Drive, as well as whether driveways immediately surrounding the hotel would accommodate safe and effective deployment of such fire apparatus, based on Fire Department review and comment.
- The traffic volumes that the hotel would add to the on-site circulation driveways and intersections as described above should also be considered in evaluating the impact on emergency vehicle access.
Comment Letter 2

Insufficient Analysis and Mitigation of Potentially Significant Construction Impacts

The DEIR discussion of Impact 4.C.1 on page 4.C.11 is insufficient as follows:

- The first paragraph includes this statement: “No soil would be imported or exported from the site, i.e., all excavated material would be utilized onsite.” This statement is inconsistent with the last sentence of the second paragraph, which reads: “Travel routes for workers, spoils export and material import would be determined...[emphasis added]. The DEIR must reconcile this discrepancy, and if soil would be exported from the site, the DEIR must address the potential impact and provide appropriate mitigation.

- The first paragraph ends with the following: “The construction staging area would be onsite. Parking for construction workers would be located onsite or in immediately adjacent parking areas.” The DEIR should clarify whether “onsite” means within the immediate boundaries of the hotel property, or includes shared access easements or other portions of the contiguous properties, and should also provide more specific description of “immediately adjacent parking areas.” The DEIR must address the potential impacts to the circulation driveways or parking supply for adjacent properties with any proposed use of property outside the boundaries of the hotel property for construction staging or parking.

- The discussion of construction-generated traffic impacts (third paragraph) is limited to the routing and capacities of off-site, public roadways serving the project site. The DEIR must also address the impacts of construction traffic at the Hegenberger Road driveway regarding LOS, queues, sight-distance and safety, as well as impacts to on-site circulation driveways regarding traffic congestion, vehicle and pedestrian safety, and pavement deterioration.

Mitigation Measure 4.C.1 on page 4.C.12 should be revised to address impacts to on-site circulation and parking, including the following:

- Revise the first sentence to the following effect by adding language equivalent to the underlined text: “The project applicant and its construction contractor(s) will develop a construction management plan for review and approval by the Port of Oakland and the owners of the properties contiguous with the site prior to the start of construction.”

- Add the following to the bullet point items and requirements for the construction management plan:
  - “Identification of parking areas for construction workers and staging areas for construction vehicles, equipment and materials.”

- Revise the final bullet point to the following effect by adding language equivalent to the underlined text: “Provisions for monitoring surface streets, including driveway aprons and on-site circulation driveways, used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.”

Inaccurate Analysis of Project Parking

The DEIR discussion of Parking Considerations on pages 4.C.19 and -20 raises the following concerns, which need to be addressed:

- The first sentence states that “The proposed 140-room hotel would provide 141 onsite parking spaces, which would meet the Port of Oakland requirements...,” and goes on to detail each component for calculating the required total of 141 spaces. However, as described previously in this letter, the Project Site Plan figures presented in the DEIR indicate that the proposed number of parking spaces along the southeasterly side of the project across from the Harley Davidson dealership appear to be overstated by two spaces, and therefore the total number of parking
spaces provided would be 139 spaces instead of 141 spaces. The 139 spaces would not meet the Port of Oakland requirement of 141 spaces.

- According to the Project Description text under the heading Circulation and Parking on page 3-7, the total of 141 “off-street” parking spaces to be provided includes “13 reciprocal spaces adjacent to the driveway easement from Hegenberger Road, to be shared with the business located immediately east of the project site.” This presumably refers to 13 of the existing parking spaces along the westerly side of the Carpenters’ Union building. The DEIR should confirm whether counting these “reciprocal” spaces as part of the project parking supply meets the Port of Oakland requirements for “on-site” spaces, and if not, should address the resulting parking supply shortfall.

- The final sentence states: “The proposed 140-room hotel would generate a parking demand, at 0.91 spaces per room, for approximately 127 spaces, which the project would accommodate (ITE, 2010).” Based on the issues noted above, if the 13 reciprocal spaces cannot be used as proposed to meet the required on-site parking for the project, then the total project parking supply would be only 126 spaces (= 139 minus 13). In that case, the project would fall just short of the estimated parking demand. In addition, the exact product of 140 rooms multiplied by 0.91 spaces per room is 127.4 spaces. In my experience, the customary professional practice when calculating parking demand requirements is to round up to the next whole number, or in other words, assume that demand for a fraction of a parking space requires a full parking space to be supplied. Using that practice, the hotel would generate parking demand for approximately 128 spaces, and if the 13 reciprocal spaces cannot be considered as part of the required parking supply, then the project would fall two spaces short of the estimated parking demand.

Please let me know if you have any questions.

Sincerely,

Richard K. Haygood, PE, TE
Traffic Engineering Consultant
Boster-Kobayashi & Associates
Letter 2: Allen Matkins  
David H. Blackwell

2-1 The comment referred to, and summarizes, Comments 2-4 through 2-24 in the letter attached to the commenter’s letter. See responses to Comments 2-4 through 2-24, below.

2-2 The comment suggests that GHG emissions which were calculated based on an estimated project-related daily vehicle trip generation rate of 880 vehicles would exceed 1,100 metric tons per year and represent a significant impact if daily vehicle trips were adjusted as reflected within the comment letter.

Neither the comment letter nor the supporting letter from the traffic engineering consultant (Richard Haygood of Boster, Kobayashi & Associates) identify any specific issues or shortcomings with regard to the vehicle trip generation estimates of the Draft EIR. Trip generation was estimated using ITE, *Trip Generation Manual*, 9th edition, 2012. This is an updated version of the default trip generation source used in the CalEEMod model which has been vetted by the California Air Pollution Control Officers Association. Consequently, no changes to the operational GHG estimates of the Draft EIR are warranted.

2-3 The comment states that the Draft EIR only evaluated two project alternatives and questions if a “reasonable range” was considered. Pursuant to CEQA Guidelines Section 15126.6 the Draft EIR evaluated an alternative that could avoid or substantially lessen any of the significant effects of the project and feasibly attain most of its basic objectives. As described throughout Chapter 4 of the Draft EIR, there are no significant impacts that could not be mitigated to a less than significant level. As such, Alternative 2, the reduced site plan, was evaluated as it reduced the potential circulation and safety conflict between the proposed hotel and adjacent Harley Davidson building. No other impacts were identified that could be reduced by altering the site plan. Further, as described on page 5-9 of the Draft EIR, the project applicant explored multiple land use alternatives that were rejected because they did not meet project objectives. The project applicant does not own other land in the project vicinity that could accommodate a hotel development.

2-4 The comment describes the commenter’s interpretation of discrepancies among Figures 3-2, 3-3, and 3-4 of the location of the southeasterly property line and the northeasterly wall of the Harley Davidson building, and then claims that those discrepancies (1) make it difficult to determine the width of the access easement driveway, and (2) possibly cause the project’s impact on traffic flow and safety in the shared easement to be underestimated.

Figure 3-2 is presented in the Draft EIR to show the project site in relation to surrounding property, and is not meant to show engineering level detail. Figure 3-3 is revised as part of this Final EIR. As illustrated in the revised figure, the proposed driveway along the Harley Davidson easement at the southwestern corner of the hotel is removed and is
EXISTING PARKING FOR CARPENTERS' UNION BUILDING
EXISTING PARKING FOR FRANCESCO'S RESTAURANT
EXISTING HARLEY DAVIDSON DEALERSHIP
EXISTING PARKING FOR COMCAST
EXISTING PARKING FOR FRANCESCO'S RESTAURANT


Project Site Plan
replaced with additional parking. As such, Mitigation Measure 4.C-3 is no longer required to reduce circulation impacts. Further, the site plan now presents the dimensions of the shared driveway easement with Harley Davidson (27 feet by 230 feet).

Figure 3-4 is the landscaping plan, and is not revised as part of this Final EIR.

2-5 The comment describes the commenter’s interpretation of the discrepancy among Figures 3-3, 3-4, and 4.C-4 of the number of parking stalls along the southeasterly side of the project (across from the Harley Davidson building), and then claims that the two-stall discrepancy means that the project parking supply needs to be revised from 141 spaces (stated in the Draft EIR) to 139 spaces.

See revised Figure 3-3. As shown, reconfiguration of the circulation aisles and parking areas would result in a total of 151 parking space, 23 parking spaces along the shared access easement with Harley Davidson. Further, as illustrated in Figure 4-1 of this Final EIR, the proposed project would accommodate 33 of their required parking spaces along the project’s access easement from Pardee Drive. The alleged inconvenience of these spaces is not a CEQA issue: the parking spaces in question are within a reasonable walking distance of the hotel and are adequate to serve the project. Information about these parking spaces will be provided to customers as part of project operations.

2-6 The comment expresses an opinion that traffic analyses in EIRs for commercial development projects typically include level of service analysis of project site access driveway intersections, and that such analyses is necessary and essential for the subject EIR.

While a detailed analysis of site access driveway intersections can be conducted for an EIR analysis, it is not a requirement to provide a thorough analysis of potential project impacts, and in this case, the Port of Oakland (as Lead Agency) and its EIR/traffic consultant deems the level of detail presented in Section 4.C, Transportation and Circulation to be sufficient to identify all potential traffic impacts.

2-7 The comment expresses an opinion that Section 4.C, Transportation and Circulation of the Draft EIR requires more information to be presented about the project site access driveways, such as access restrictions, turning movement volumes, and levels of service.

In response to this comment, the first sentence of the third full paragraph on page 4.C-15 of the Draft EIR is revised as follows:

Site access for to the proposed project would be made at from existing driveways on Hegenberger Road (all turning movements except left turns from Hegenberger Road, which are prohibited) and Pardee Drive.

See response to Comment 2-6 regarding the commenter’s request for level of service analysis of project site access driveways.
2-8 The comment requests more information in Section 4.C, *Transportation and Circulation* of the Draft EIR to substantiate the statement on page 4.C-15 that the available sight distance for drivers exiting onto Hegenberger Road from project’s access driveway is acceptable.

In response to this comment, the second sentence of the third full paragraph on page 4.C-15 of the Draft EIR is revised as follows:

Although pillars for the BART Airport Connector have been added in the median of Hegenberger Road, the available sight distance for drivers exiting from the project, field measured for this analysis, remains acceptable (i.e., no less than 315 feet, which is greater than the stopping sight distance standard (250 feet for the 35 miles per hour posted speed limit) set in the Caltrans Highway Design Manual (Caltrans, 2014).

2-9 The comment requests more information in Section 4.C, *Transportation and Circulation* of the Draft EIR about potentially safety issues related to the project’s access driveway on Pardee Drive and the adjacent driveway exit for the Francesco Restaurant parking lot. The comment also requests evaluation of potential safety issues related to delivery trucks using the project’s Pardee Drive driveway.

The project’s access driveway on Pardee Drive would not be a new driveway, and as such interactions between vehicles using this driveway and the adjacent Francesco Restaurant driveway occur now, and it is reasonable to expect that the proposed project’s less-than-substantial trip generation would not cause increased traffic hazards at these driveways. The use of the existing 24-foot-wide driveway by delivery trucks (on average nine feet wide) also would not cause increased traffic hazards because two 12-foot lanes are standard and sufficient for two-way traffic flow.

2-10 The comment expresses an opinion about required analyses related to on-site circulation, with reference to detailed comments presented next in the comment letter.

See responses to Comments 2-11 through 2-16.

2-11 The comment expresses an opinion that traffic conflicts would occur at on-site intersections of circulation aisles and driveway approaches, and requests that those potential conflicts be assessed.

The series of on-site circulation aisles and driveway approaches that project-generated traffic would interact with are all existing circulation features used by traffic generated by the Harley Davidson, Carpenters’ Union, and Comcast buildings. The circulation aisles are wide enough, and sight lines are clear enough, to safely accommodate traffic flow, and the proposed project’s less-than-substantial trip generation would not cause increased traffic hazards.
2-12 The comment refers back to Comment 2-4 (about the access easement shared by the proposed project and Harley Davidson), and questions whether there would be sufficient width to allow vehicles parked in the easement to safely maneuver out of the parking spaces.

See response to Comment 2-4 about revised project site plans, which clear up the seeming discrepancies, stated by the commenter, among the figures in the Draft EIR. As shown revised Figure 3-3, the existing driveway within the access/parking easement is 27 feet wide. That width, not including the added width between the easement and the wall of the Harley Davidson building is clearly enough to accommodate parking maneuvers (usually 26 feet drive aisles for perpendicular parking).

2-13 The comment expresses opinions about the Draft EIR analysis (Impact 4.C-3) of the potential increased hazards related to the project’s proposed circulation between on-site parking areas and the access/parking easement area.

See response to Comment 2-4 regarding revisions to Figure 3-3 in the Draft EIR, and how, as illustrated in the revised figure, the proposed driveway along the Harley Davidson easement at the southwestern corner of the hotel is removed, and circulation impacts are reduced to less than significant. As such, Mitigation Measure 4.C-3 is no longer required to reduce circulation impacts.

2-14 The comment expresses an opinion that project-generated traffic during off-peak hours would be similar to the project’s a.m. and p.m. peak traffic hours, and requests that project impacts to on-site circulation driveways during hours of the day other than the peak hours be assessed.

See responses to Comments 2-9 and 2-11 regarding project effects to on-site circulation driveways, and the proposed project’s less-than-substantial trip generation. Absent site-specific information to the contrary, peak-hour traffic conditions are typically analyzed in traffic studies because that is when a project’s traffic will normally have the greatest effect on the environment, given that the peak hours are when traffic volumes are typically greatest on surrounding streets. No data or other facts or information is provided by the comment that indicates that Project-generated traffic during off-peak hours would be greater than the peak-hour traffic used in the Draft EIR analysis, and no further assessment is warranted.

2-15 The comment states the site plans fail to identify loading zones for delivery vehicles. Like similar hotel developments, the operator only expects delivery trucks such as parcel delivery trucks (i.e., FedEx and UPS) and other comparably sized vehicles once the hotel is operational. There would be no need for large (e.g., semi-trailer) truck deliveries to the hotel. As such, the delivery trucks, whose frequency would not be substantial for hotel operations, are expected to load and unload in the porte-cochere and bring deliveries to the front desk.
2-16 The comment states that Mitigation Measure 4.C-3 would prevent access to the rear of the hotel for delivery vehicles. See response to Comment 2-4.

2-17 The comment expresses an opinion that the Draft EIR analysis of potential impacts for emergency vehicle access is insufficient, given the height of the proposed hotel, the proposed on-site circulation, and project-generated traffic.

There are other buildings in the project area of similar heights (e.g., the six-story Red Lion Hotel and the four-story Holiday Inn), and there is no reason why the fire department’s response to a fire at the proposed hotel would be any different than its response to a fire that those similarly-height buildings. Moreover, the Oakland Fire Department would review the project plans during the plan check process to ensure compliance with Fire Code provisions for access and life safety. See also responses to Comments 2-9 and 2-11 regarding project effects to on-site circulation driveways, and the proposed project’s less-than-substantial trip generation.

2-18 The comment expresses opinions about the Draft EIR analysis (Impact 4.C-1) of the potential impacts associated with project construction.

There is no inconsistency between the two cited statements. As stated on page 4.C-11 of the Draft EIR, no soil would be imported to or exported from the site; all excavated material would be utilized onsite. As also stated on page 4.C-11 of the Draft EIR, there would be delivery of materials, and removal of construction debris (non-soil), throughout the construction period. These truck movements, temporary, intermittent, and spread over the course of those days when those activities occur, are included in the Draft EIR analysis of potential impacts and identification of appropriate mitigation measures.

As stated on page 4.C-11 of the Draft EIR, parking for construction workers would be located onsite or in immediately adjacent parking areas (i.e., in the shared access/parking easements).

To provide clarity for the commenter, the second full paragraph on page 4.C-11 of the Draft EIR is revised as follows:

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

2-19 The comment requests that adjacent property owners be included in the development of the project’s construction management plan required as part of Mitigation Measure 4.C-1.

The Port has jurisdiction over project approval, including review and approval of the project’s construction management plan, and may not delegate this authority to others. However, Port staff may consult with other parties as necessary, including nearby property owners and occupants. By virtue of its comments on the Draft EIR, the commenter has made its concerns known to Port staff.

2-20 The comment requests an additional item be part of the project’s construction management plan, as part of Mitigation Measure 4.C-1.

In response to the comment, the following additional bullet is added to the items and requirements list in Mitigation Measure 4.C-1:

- Identification of parking areas for construction workers, and staging areas for construction vehicles, equipment and materials;

2-21 The comment requests revision to the last bullet listed for the construction management plan required as part of Mitigation Measure 4.C-1.

In response to the comment, the last bullet of the items and requirements list in Mitigation Measure 4.C-1 is revised as follows:

- Provisions for monitoring surface streets, including driveway aprons and on-site circulation driveways, used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.

2-22 The comment expresses an opinion that the proposed supply of parking for the project is insufficient. See response to Comment 2-5 about the revised site plan (Figure 3-3). The revised plan provides sufficient parking for the project per the LUDC parking requirements.

2-23 The comment requests clarification of the “13 reciprocal spaces adjacent to the driveway easement from Hegenberger Road” (as described on page 3-7 of the Draft EIR).

The 13 reciprocal parking spaces in question are not along the western side of the commenter’s building. Rather, these spaces are part of a recorded title report easement with the Harley Davidson property. As shown in Figure 4-1, these spaces are along the north side of the Harley Davidson building, and are accessed from the driveway that is perpendicular to Hegenberger Road. Because the peak parking demand for the hotel is at night, and the peak parking demand for motorcycle sales is during the day, a shared parking configuration is acceptable to the Port and meets the LUDC requirements.
Further, the 13 spaces represent less than 12 percent of the total required spaces, and thus would not be expected to cause secondary impacts if they were unavailable to either party.

2-24 The comment expresses an opinion that the estimated parking demand (page 4.C-20 of the Draft EIR) should be rounded up from the calculated demand regardless of whether the calculated demand (taken out to the tenth place) is less than or greater than 0.5 space. The comment also revisits the issue of the “13 reciprocal spaces” raised in Comment 2-23.

The Port of Oakland, and its EIR/traffic consultant, respectfully disagree that parking demand should be rounded up if the calculated demand (taken to the tenth place) is less than 0.5 space. See response to Comments 2-5 and 2-23 about the revised parking supply and the “13 reciprocal spaces”.
August 4, 2014

Colleen Liang
Port of Oakland
Environmental Planning Department
530 Water Street
Oakland, CA 94607

Subject: 195 Hegenberger Road Hotel
SCH#: 2014031004

Dear Colleen Liang:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 1, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

[Signature]

Scott Morgan
Director, State Clearinghouse
**Comment Letter 3**

**State Clearinghouse Data Base**

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**Type** EIR Draft EIR

**Description**
The project sponsor, Monarch Equity Investments, Inc., proposes to construct a 140-room hotel, located about one mile south of the proposed project. The five-story hotel would occupy a 84,953 sf (1.95 acres) interior lot set back approximately 270 feet west of Hegenberger Road and approximately 390 feet northeast of Pardee Drive. Vehicular access to the site would be provided by recorded driveway easements from both Hegenberger Road and Pardee Drive. The proposed building would have a footprint of 19,380 sf and would provide a total building area of 95,927 sf. Based on the total area of the site, the building would have a floor area ratio (FAR) of 1.13.

**Lead Agency Contact**

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<tr>
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<th>Colleen Lang</th>
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<tbody>
<tr>
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<td>Port of Oakland</td>
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**Project Location**

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**Proximity to:**

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**Project Issues**

- Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

**Reviewing Agencies**

- Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Resources, Recycling and Recovery; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

**Date Received** 06/18/2014  **Start of Review** 06/18/2014  **End of Review** 08/01/2014
Letter 3: State Clearinghouse  
Scott Morgan, Director

3-1 The comment states that the review period for the state agencies closed on August 1, 2014 and no state agencies submitted comments by that date. The comment is noted.
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CHAPTER 4
Revisions to the Draft EIR

The following revisions are made to the Draft EIR and incorporated as part of the Final EIR. Revised or new language is underlined. Deleted language is indicated by strikethrough text.

The revisions in this chapter do not identify any new significant impacts other than those already identified in the Draft EIR, nor do they reveal any substantial increase in the severity of an environmental impact in comparison to the analyses contained in the Draft EIR. The revisions also do not describe any project impact or mitigation measure that is considerably different from those identified in the Draft EIR. Accordingly, the revisions in this chapter do not constitute “significant new information” and it is therefore not necessary for the Lead Agency to recirculate the EIR for public comment prior to certification of the Final EIR (CEQA Guidelines Section 15088.5).

Section A, below, identifies staff-initiated changes made to the Draft EIR. Section B identifies changes made to the EIR in response to comments received.

A. Staff-Initiated Changes to the Draft EIR

The text changes presented in this section were initiated by Lead Agency staff. None of the revisions results in fundamental alterations of the conclusions of the Draft EIR. The following text changes have been made:

*The following text is the second to the last paragraph on page 3-4 of the Draft EIR to reflect changes to the site plan:*

The project sponsor proposes to construct a five-story, 140-room hotel on an approximately 1.95 acre (84,953 sq. ft.) parcel at 195 Hegenberger Road. The proposed hotel would be a free-standing 65-foot tall structure and would include parking for 151 vehicles (Figure 3-3).

*Figure 3-3 on page 3-6 of the Project Description is replaced to address the parking shortfall. Figure 4-1 is included herein to future illustrate changes to the site plan.*
The first paragraph on page 3-7 has been edited to reflect changes to the site plan (also see revisions in Figure 4-2):

The ground floor of the hotel would include a public lobby, 16 guest rooms, a 69-seat meeting room (1,035 sq. ft.) and an 80-seat meeting room (1,938 sq. ft.), a lounge and bar, restaurant and buffet area, exercise room, an outdoor swimming pool, and an outside patio. The building would also provide an employee break room, laundry, food preparation area, offices, miscellaneous work areas, electrical and mechanical rooms, and various storage rooms. Access to the upper stories would be provided by two centrally-located elevators and stairways at the east and south ends of the L-shaped building.

The last paragraph on page 3-7 has been edited to reflect changes to the site plan:

Parking would be located on all four sides of the building. A total of 151 off-street parking spaces would be provided, including 97 full-size spaces, 36 compact spaces, 5 handicap spaces, and 13 reciprocal spaces adjacent to the driveway easement from Hegenberger Road, to be shared with the business located immediately east of the project site. A porte-cochere would cover the primary building entrance on the north side of the building. An enclosed trash and recyclables collection area would be located in the southeast corner of the site. Vehicular access to the proposed hotel from Hegenberger Road and Pardee Drive would be via access easements shared between the project site and neighboring parcels.

The following text has been altered starting with the last paragraph on page 4.C-14, and again on page 4.C-15 of the Draft EIR to reflect changes to the site plan:

Onsite circulation in the parking easement between the existing Harley Davidson dealership located at 151 Hegenberger Road and the proposed hotel would be altered with the addition of the proposed project. Under existing conditions the area is used by Harley Davidson for employee parking, delivery truck access and as a practice area for motorcycle customers. The proposed project would alter the parking along the shared easement to accommodate hotel guest parking, introducing additional vehicular and pedestrian traffic to the area. This is a less than significant impact, as only vehicles parked in the parking spaces along the shared easement, would be using the shared easement. The circulation, as shown on the site plan (see Figure 3-3 in Chapter 3, Project Description), would allow vehicles at the rear of the hotel to enter and exit the parking area through the easement area between the two properties, and hotel guest to park along the south side of the hotel, between the hotel itself and the Harley Davidson dealership. This would allow hotel patrons parking at the rear of the hotel (and, potentially, trucks and other vehicles making deliveries and service calls to

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1 A covered main entrance to the building for vehicles to pass through.
the hotel) to exit the site and turn left in to the service area behind (north of) the Harley Davidson building. In addition, hotel guests parked along the south side of the hotel would also travel in this access easement between the two buildings. Because of the potential conflicts that could develop between hotel traffic and Harley Davidson traffic in this relatively confined area, this is considered a significant impact. Mitigation Measure 4.C-3 would reduce the amount of vehicular traffic that would use the shared easement to the parking along the easement on the south side of the hotel. Reducing the potential number of conflicts would reduce the impact to less than significant levels. The mitigation measure is illustrated in Figure 4.C-4.

Mitigation Measure 4.C-3: The proposed project site plan will be altered to include removable bollards, a gate, or similar traffic control device for the driveway at the rear of the hotel (southwest corner of the property) which would eliminate hotel traffic exiting or entering hotel parking through the shared Harley Davidson easement. The traffic control device will be designed to maintain emergency access.

If the traffic control device will be removed in the future, the project applicant will submit a technical memorandum prepared by a licensed traffic engineer or certified transportation planner that documents that the circulation impact no longer exists.

Significance after Mitigation: Less than Significant None required.

B. Changes to the Draft EIR in Response to Comments

The text changes presented in this section were initiated by comments on the Draft EIR. None of the revisions results in fundamental alterations of the conclusions of the Draft EIR. The following text changes have been made:

The following edits have been made to Table 4.B-3 of the Draft EIR:

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>CO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>Total CO₂e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Sources</td>
<td>&lt;1</td>
<td>&lt;0.01</td>
<td>&lt;0.011</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Energy Sources</td>
<td>284.29</td>
<td>0.01</td>
<td>&lt;0.01</td>
<td>286.293</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>745</td>
<td>0.03</td>
<td>&lt;0.01</td>
<td>746</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>15.6</td>
<td>0.92</td>
<td>&lt;0.01</td>
<td>34.9</td>
</tr>
<tr>
<td>Water and Wastewater</td>
<td>4.71</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>5.67</td>
</tr>
<tr>
<td>Total</td>
<td>1,049.056</td>
<td>0.960.97</td>
<td>&lt;0.01</td>
<td>1,073.079</td>
</tr>
</tbody>
</table>

Threshold: 1,100
Significant? No

Columns may not total precisely due to rounding. Rows do not total because last column (CO₂e) accounts for global warming potential of CH₄ and N₂O.
The last paragraph of Impact 4.B-1 is revised as indicated below:

As shown in Table 4.B-2, the sum of both direct and indirect GHG emissions resulting from operation of the proposed project would result in an estimated 1,073 metric tons per year of CO₂e. This is less than the 1,100 metric ton per year threshold established by the BAAQMD. Operational GHG emissions would therefore be less than significant. Implementation of Mitigation Measure 4.B-1 would ensure that the applicant employs feasible, effective measures to reduce GHG emissions during project construction.

[Comment 1-2]

The first sentence of the third full paragraph on page 4.C-15 of the Draft EIR is revised as follows:

Site access for to the proposed project would be made at from existing driveways on Hegenberger Road (all turning movements except left turns from Hegenberger Road, which are prohibited) and Pardee Drive.

[Comment 2-4]

The second sentence of the third full paragraph on page 4.C-15 of the Draft EIR is revised as follows:

Although pillars for the BART Airport Connector have been added in the median of Hegenberger Road, the available sight distance for drivers exiting from the project, field measured for this analysis, remains acceptable (i.e., no less than 315 feet, which is greater than the stopping sight distance standard (250 feet for the 35 miles per hour posted speed limit) set in the Caltrans Highway Design Manual (Caltrans, 2014).

[Comment 2-8]

The second full paragraph on page 4.C-11 of the Draft EIR is revised as follows:

Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on any project roadways (including on-site circulation paths/driveways). The impact of construction-related traffic would be a temporary and intermittent lessening of the capacities of project area streets (and on-site

---

2 CO₂e in all calculations of Project impact include CO₂, CH₄ and N₂O.
circulation paths/driveways) because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. However, given the location of the project site on a major arterial (Hegenberger Road), and proximity to I-880, construction trucks would have relatively easy and direct routes. Most construction traffic would be dispersed throughout the day. Thus, the temporary increase would not significantly disrupt traffic flow on any of the study area roadways (and on-site circulation paths/driveways).

[Comment 2-18]

The last bullet of the items and requirements list in Mitigation Measure 4.C-1 is revised as follows:

- Provisions for monitoring surface streets, including driveway aprons and on-site circulation driveways, used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.

[Comment 2-21]
CHAPTER 5
Mitigation Monitoring and Reporting Program

A. Introduction

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address the significant impacts associated with the proposed project. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR in Chapter 2, Summary, except as revised in this Final EIR. No mitigation measures were revised as part of the Final EIR; however, Mitigation Measure 4.C-3, was deleted as it was no longer needed to reduce circulation impacts due to the changes to the site plan (see Figure 3-3, in Chapter 3 of this Final EIR).

B. Format

The MMRP is organized in a table format (see Table 5-1), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures:** This column presents the mitigation measure identified in the EIR.
- **Implementation Responsibility:** This column identifies the person/group responsible for implementation of the migration measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Monitoring and Reporting Action:** This column refers the outcome from implementing the mitigation measure.

- **Mitigation Schedule:** The general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.

- **Verification of Compliance:** This column may be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

### C. Enforcement

If the proposed project is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction or project implementation phase and verified within a quarterly monitoring report.
### TABLE 5-1
MITIGATION MONITORING AND REPORTING PROGRAM

<table>
<thead>
<tr>
<th>Mitigation Measure 4.A-1: The following BAAQMD Best Management Practices for particulate control will be required for all construction activities within the project site. These measures will reduce particulate emissions primarily during soil movement, grading and demolition activities by also during vehicle and equipment movement on unpaved project sites:</th>
<th>Implementation Responsibility</th>
<th>Monitoring Responsibility</th>
<th>Monitoring and Reporting Action</th>
<th>Monitoring Schedule</th>
<th>Verification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project sponsor and its contractor(s) will prepare a Construction Air Pollutant control Plan that adheres to all specifications in this measure</td>
<td>BAAQMD; Monarch Equity Investments, Inc.</td>
<td>Verify inclusion of dust control measures in applicable construction plans and specifications; field inspections</td>
<td>Prior to issuance of grading building permit(s); inspect during construction.</td>
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</tr>
<tr>
<td><strong>A. Air Quality</strong></td>
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<tr>
<td>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</td>
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<td>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</td>
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<td>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</td>
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<td>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</td>
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<tr>
<td>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</td>
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<tr>
<td>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, § 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</td>
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<tr>
<td>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</td>
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</tr>
<tr>
<td><strong>B. Climate Change and Greenhouse Gas Emissions</strong></td>
<td>Contractor</td>
<td>BAAQMD; Monarch Equity Investments, Inc.</td>
<td>Verify inclusion of alternative fuel use monitoring as specified in measure.</td>
<td>Prior to issuance of grading building permit(s); inspect during construction.</td>
<td></td>
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<tr>
<td>Mitigation Measure 4.B-1: The following BAAQMD-suggested measures shall be implemented during project construction:</td>
<td></td>
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<tr>
<td>• Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15% of the fleet;</td>
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<tr>
<td>• Use locally sourced building materials for at least 10% of overall materials brought to site; and</td>
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<tr>
<td>[contractor information]</td>
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</tr>
</tbody>
</table>
### B. Climate Change and Greenhouse Gas Emissions (cont.)

- Recycling or reusing at least 50 percent of construction waste or demolition materials.

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Implementation Responsibility</th>
<th>Monitoring Responsibility</th>
<th>Monitoring and Reporting Action</th>
<th>Monitoring Schedule</th>
<th>Verification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Verify recycling/reuse of construction waste monitoring as specified in measure</td>
<td>Include verification in quarterly monitoring report.</td>
<td></td>
</tr>
</tbody>
</table>

### C. Transportation and Circulation

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

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;

- Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;

- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur; and

- Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility</th>
<th>Monitoring Responsibility</th>
<th>Monitoring and Reporting Action</th>
<th>Monitoring Schedule</th>
<th>Verification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.C-1</td>
<td>Project sponsor and its contractor(s) shall develop and obtain approval of construction management plan and implement the plan during construction</td>
<td>City of Oakland; Port of Oakland</td>
<td>Verify review and approve construction management plan; City of Oakland Building Department must receive the approvals</td>
<td>Prior to issuance of building or grading permit(s)</td>
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<td></td>
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<td>Include verification in quarterly monitoring report.</td>
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</tbody>
</table>

### D. Hazards and Hazardous Materials

**Mitigation Measure 4.D-1a:** Prior to issuance of building permit, the project applicant shall notify the San Francisco Regional Water Quality Control Board (RWQCB) of planned construction activities. The applicant shall retain a qualified environmental consultant to prepare a Soil Management Plan to protect site workers and the environment. The Soil Management Plan should include pre-construction and pre-development controls, construction controls, and post construction controls along with any modifications or updates.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Implementation Responsibility</th>
<th>Monitoring Responsibility</th>
<th>Monitoring and Reporting Action</th>
<th>Monitoring Schedule</th>
<th>Verification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.D-1a</td>
<td>Project sponsor and its contractor(s) shall retain a qualified environmental professional to prepare a Soil Management Plan and a Health and Safety Plan. Project sponsor and its contractor(s) shall incorporate the Soil Management Plan into project specifications. Project construction and building plans shall</td>
<td>Monarch Equity Investments, Inc.</td>
<td>Review construction plans for inclusion of Soil Management Plan.</td>
<td>Prior to issuance of construction and grading permit(s)</td>
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<td></td>
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<td></td>
<td>Include verification in quarterly monitoring report.</td>
<td></td>
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</tr>
<tr>
<td>Mitigation Measures</td>
<td>Implementation Responsibility</td>
<td>Monitoring Responsibility</td>
<td>Monitoring and Reporting Action</td>
<td>Monitoring Schedule</td>
<td>Verification of Compliance</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Mitigation Measure 4.D-1b: During construction and grading activities, the project applicant shall adequately profile any excavated soils to establish the proper classification of the soils for either hazardous or non-hazardous waste disposal. The soils shall be handled, stored and transported according to all applicable regulations for the appropriate classification. Sampling and analysis of soils shall be accomplished in accordance with the requirements of the disposal facility. Any reuse of soils shall be conducted only with prior approval from the appropriate oversight agency which could include either the RWQCB or the DTSC.</td>
<td>Project sponsor and its contractor(s) shall incorporate the specifications of this measure into excavation, grading and construction plans.</td>
<td>Monarch Equity Investments, Inc.</td>
<td>Review excavation, grading and construction plans for inclusion of proper soil classification, handling, storage and transportation methods. Inspect construction site for proper storage and handling of hazardous and non-hazardous soils. Include verification in quarterly monitoring report.</td>
<td>Prior to issuance of construction and grading permit(s). One inspection shall occur during each phase of construction.</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 4.D-2: Hazardous materials and spill prevention measures shall be incorporated into the SWPPP for project construction. This portion of the plan shall include, but is not limited to: (1) measures for containing hazardous materials such as fuels according to manufacturers’ recommendations that include storage in fire proof containers and visible labeling with hazard placards; (2) protocol for accidental fuel spills including the storage and use of absorbent materials and notification requirements; (3) the designation of a controlled area for all refueling and/or maintenance of heavy equipment; (4) a requirement for maintaining absorbent materials at locations where hazardous materials are used or stored to capture spilled materials in the event of an accidental release; and (5) An emergency response plan including training requirements, emergency contact numbers, and routes to nearest medical emergency facility, for all jobsite employees.</td>
<td>Project sponsor and its contractor(s) shall incorporate hazardous materials and spill prevention measures into the SWPPP for project construction.</td>
<td>Monarch Equity Investments, Inc.</td>
<td>Review SWPPP for inclusion of hazardous materials and spill prevention measures.</td>
<td>At time of specifications being provided to contractor and ongoing during construction.</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 5-1 (Continued)

**MITIGATION MONITORING AND REPORTING PROGRAM**

<table>
<thead>
<tr>
<th>Mitigation Measures Required by the Initial Study</th>
<th>Implementation Responsibility</th>
<th>Monitoring Responsibility</th>
<th>Monitoring and Reporting Action</th>
<th>Monitoring Schedule</th>
<th>Verification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
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<tr>
<td><strong>Mitigation Measure AES-1:</strong> All lighting installations shall be designed and installed to be fully shielded (full cutoff) and to minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, except as in the exceptions below, and shall have a maximum lamp wattage of 250 watts for commercial lighting, or 100 watts incandescent. The location and design of all exterior lighting shall be shown on the site plan submitted to and approved by the Port during the Design Review. Lighting that is exempt includes:</td>
<td>Project sponsor and its contractor(s) shall prepare construction plans that adhere to lighting specifications.</td>
<td>Monarch Equity Investments, Inc.</td>
<td>Verify during Design Review</td>
<td>During Design Review</td>
<td></td>
</tr>
<tr>
<td>• Lighting in swimming pools and other water features.</td>
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<tr>
<td>• Exit signs and other illumination required by building codes.</td>
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<tr>
<td>• Lighting for stairs and ramps, as required by the building code.</td>
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<tr>
<td>• Signs that are regulated by the sign code.</td>
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<tr>
<td>• Holiday and temporary lighting (less than thirty days use in any 1 year).</td>
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<tr>
<td>• Low-voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.</td>
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<tr>
<td><strong>Biological Resources</strong></td>
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<tr>
<td><strong>Mitigation Measure BIO-1:</strong> Preconstruction Nesting Bird Surveys. To the extent practicable, construction activities including vegetation and tree removal shall be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, pre-construction surveys for nesting birds shall be conducted by a qualified biologist. Surveys shall be performed no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Vegetation removal and construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require preconstruction surveys.</td>
<td>Project Sponsor and its contractor(s) shall prepare construction plans that incorporate pre-construction surveys and buffer zones.</td>
<td>Monarch Equity Investments, Inc.</td>
<td>Select qualified biologist. Review pre-construction survey reports.</td>
<td>No more than 14 days before start or restart of construction during the months of September to January</td>
<td></td>
</tr>
<tr>
<td>Project Sponsor and Port of Oakland shall identify a qualified biologist and its contractor(s) shall engage the qualified biologist to conduct pre-construction surveys.</td>
<td></td>
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<tr>
<td>Include survey results and actions in quarterly monitoring report.</td>
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</tr>
</tbody>
</table>
### Mitigation Monitoring and Reporting Program

#### TABLE 5-1 (Continued)

**MITIGATION MONITORING AND REPORTING PROGRAM**

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<tr>
<th>Mitigation Measures Required by the Initial Study (cont.)</th>
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<td>Biological Resources (cont.)</td>
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**Mitigation Measures Required by the Initial Study (cont.)**

If active nests are found on either the project site or within the 500-foot survey buffer surrounding the project site, no-work buffer zones shall be established around the nests in coordination with California Department of Fish and Wildlife (CDFW). In general, CDFW recommends a 250-foot construction exclusion zone around the nests of active passerine songbirds during the breeding season, and a 500-foot buffer for nesting raptors. These buffer distances are considered initial starting distances once a nest has been identified, and are sometimes revised downward to 100 feet and 250 feet, respectively, based on site conditions and the nature of the work being performed. These buffer distances may also be modified if obstacles such as buildings or trees obscure the construction area from active bird nests, or existing disturbances create an ambient background disturbance similar to the proposed disturbance.

No demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area while work was stopped.

#### Mitigation Measure BIO-2:

- Particular attention should be paid to the ground level glazing where onsite landscaping could attract birds to the building. Bird strikes associated with building night lighting shall be minimized by:
  - Dimming lights in lobbies, perimeter circulation areas, and atria;
  - Turning off all unnecessary lighting by 11:00 p.m. through sunrise, especially during peak migration periods (mid-March to early June and late August through late October);
  - Incorporating light-colored solar reflective window treatments into the hotel décor to reduce glass transparency;
  - Avoiding use of flood lighting;
  - Educating building management about the dangers of night lighting to birds.

- Project Sponsor and its contractor(s) shall prepare construction plans and designs that adhere to all specifications in this measure.
- Monarch Equity Investments, Inc.
- Verify during Design Review
- During Design Review
### Mitigation Measures Required by the Initial Study (cont.)

#### Cultural References

**Mitigation Measure CUL-1:** If prehistoric or historic-period archaeological resources are encountered, all construction activities within 100 feet would halt and the Port of Oakland would be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. A Secretary of the Interior-qualified archaeologist would inspect the findings within 24 hours of discovery. If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation would be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist would prepare and implement a detailed treatment plan in consultation with the Port of Oakland. Treatment of unique archaeological resources would follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan would include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.

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<td><em>Cultural References</em></td>
<td>Project sponsor and its contractor(s) shall train workers and monitor their activities</td>
<td>A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery.</td>
<td>Archaeologist shall conduct independent review and prepare treatment plan, if necessary</td>
<td>Project sponsor or its contractor(s) shall implement treatment plan</td>
<td>This measure shall be printed on all construction documents, contracts, and project plans prior to issuance of building permits. If resources are encountered, verify work is suspended and review and approve of the treatment and monitoring plan if paleontological materials are discovered. Include any findings in the quarterly monitoring report.</td>
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### Mitigation Measures Required by the Initial Study (cont.)

#### Cultural References (cont.)

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<th>Mitigation Measure CUL-2</th>
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<td>Contractor(s) shall monitor worker activities City and its contractor(s) shall halt work and notify the County Coroner, if necessary. If appropriate, Coroner shall notify NAHC. NAHC shall notify Most Likely Descendant.</td>
<td>Monarch Equity Investments, Inc.</td>
<td>This measure shall be printed on all construction documents, contracts, and project plans prior to issuance of building permits.</td>
<td>If resources encountered, review of Emergency Plan of Action prior to continuation of construction</td>
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**Mitigation Measure CUL-3:** In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find would cease until the Alameda County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) would be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the Port of Oakland for the appropriate means of treating the human remains and any grave goods.

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<td>Monarch Equity Investments, Inc.</td>
<td>This measure shall be printed on all construction documents, contracts, and project plans prior to issuance of building permits.</td>
<td>If human remains are encountered, review of treatment and removal prior to continuation of construction</td>
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#### Hydrology and Water Quality

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<th>Mitigation Measure HYD-1</th>
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<td>The project sponsor would prepare and implement a SWPPP for construction activities. At a minimum, the SWPPP would include the following:</td>
<td>Project sponsor and its contractor(s) shall prepare a SWPPP that adheres to all specifications of this measure.</td>
<td>City of Oakland; Monarch Equity Investments, Inc.; RWQCB</td>
<td>Review and approve SWPPP. Inspect construction site for adherence to SWPPP. Include any findings in the quarterly monitoring report.</td>
<td>Prior to issuance of construction and grading permit(s). One inspection shall occur during each phase of construction. Following the completion of construction, an inspection for post-construction maintenance of drainage facilities and biofiltration swales shall occur.</td>
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<td>Mitigation Measures Required by the Initial Study (cont.)</td>
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<td><strong>Mitigation Measure HYD-2:</strong> Prior to final approval of the project, the project sponsor would submit final hydrology/hydraulics calculations for the project based on final design plans. These calculations would be reviewed and approved by a Port of Oakland and the City of Oakland. The calculations would demonstrate that the existing drainage infrastructure surrounding the project site is capable of handling post-project flows from the site. If improvements to the drainage infrastructure are necessary to accommodate the project and calculated flows from the 10-year and 100-year storm events, the project sponsor would be responsible for all of the infrastructure improvements such as the installation of detention basins or larger conveyances, if required. All drainage improvements must be reviewed and approved by a Port of Oakland to confirm that they would meet Alameda County Flood Control District requirements.</td>
<td>Project sponsor and its contractor(s) shall submit final hydrology/hydraulics calculations.</td>
<td>City of Oakland Building Department, Port of Oakland</td>
<td>Review final hydrology/hydraulics calculations. Identify any infrastructure improvements necessary to accommodate the project and calculated flows from the 10-year and 100-year storm events. Review revised project and construction plans; verify inclusion of infrastructure improvements recommended by Port of Oakland Engineer.</td>
<td>Prior to project approval.</td>
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<td><strong>Mitigation Measure HYD-3:</strong> The project sponsor, prior to approval of building permits, would prepare a project drainage plan including existing and final drainage facilities consistent with erosion and sediment measures required by the City of Oakland’s Grading Ordinance, the Sedimentation and Erosion Control Ordinance and NPDES requirements for post-project treatment of storm water runoff from the site. Post-project treatment measures must be hydraulically sized to treat the RWQCB-specified amount of runoff. As required by the RWQCB, the treatment system would be designed to provide treatment for the flow rate produced by a rain event equal to or at least the 85th percentile hourly rainfall intensity for the project site, based on historical records of hourly rainfall depths. The project sponsor would incorporate all City of Oakland, Port, and RWQCB comments into the project specifications for the proposed project.</td>
<td>Project sponsor and its contractor(s) shall prepare a project drainage plan that adheres to all specifications of this measure.</td>
<td>City of Oakland Building Department, Port of Oakland</td>
<td>Review and approve project drainage plan. Inspect site during and after construction to ensure compliance with project drainage plan and compliance with post-project stormwater requirements.</td>
<td>Prior to approval of building permits</td>
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<td><strong>Noise</strong></td>
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<td><strong>Mitigation Measure NOI-1a:</strong> The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m., Monday</td>
<td>Project sponsor and its contractor(s) shall include allowable construction hours in excavation, grading and construction plans.</td>
<td>City of Oakland; Monarch Equity Investments, Inc.</td>
<td>Review construction plans for inclusion of allowable construction hours; City of Oakland Building Department must receive the approvals</td>
<td>Prior to issuance of building or grading permit(s)</td>
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<td>through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, and no extreme noise generating activities shall be allowed on weekends and holidays.</td>
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<td><strong>Mitigation Measure NOI-1b:</strong> To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:</td>
<td>Project sponsor and its contractor(s) shall train workers and monitor their activities in accordance with the specifications in this measure.</td>
<td>City of Oakland; Monarch Equity Investments, Inc.</td>
<td>Review construction plans for inclusion of noise reduction measures; City of Oakland must receive the approvals</td>
<td>Prior to issuance of building or grading permit(s)</td>
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<td>• Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).</td>
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<td>• Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.</td>
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<td>• Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.</td>
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<td><strong>Mitigation Measure NOI-1c:</strong> To further mitigate extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for implementation of such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation would be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</td>
<td>Project sponsor and its contractor(s) shall implement a noise reduction plan</td>
<td>City of Oakland; Monarch Equity Investments, Inc.</td>
<td>Verify, approve and monitor the noise reduction plan; City of Oakland must receive the approvals</td>
<td>Prior to issuance of building or grading permit(s)</td>
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<td>- Erect temporary plywood noise barriers around the construction site, particularly along the eastern boundary of the site to shield the adjacent buildings and other sensitive receptors;</td>
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<td>- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; and</td>
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<td>- Monitor the effectiveness of noise attenuation measures by taking noise measurements on a regular basis and reporting those measurements to the Port of Oakland, which would then evaluate the need for further measures, if necessary, to attenuate noise.</td>
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