

## SUMMARY OF THE 2012 OARB PROJECT INITIAL STUDY/ADDENDUM

### A. Overview

This Initial Study/Addendum assesses the extent to which significant new information, changes in circumstances, or changes in the project (from what was evaluated in the 2002 *OARB Redevelopment Plan Area EIR* as compared to what is proposed as part of the 2012 OARB Project) may result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the previous CEQA documents approved by the City.<sup>1</sup>

The *OARB Redevelopment Plan* incorporated the program for the former Army Base set forth in the 2002 *Final Reuse Plan for the OARB* (“*Final Reuse Plan*”). The *Final Reuse Plan* put forth a “Conceptual Reuse Strategy” that identified a menu of intended land uses for future reuse of the former OARB or “Gateway Development Area” under the concept of what was called the “Flexible Alternative.” The preferred menu of land uses envisioned a mixed-use waterfront commercial development in the former OARB containing a variety of land uses ranging from light industrial, research and development, flex-office, retail, and possibly a high-end hotel complex; and marine terminal uses in the area to be developed by the Port, including wharves, container yards, railroad facilities and street improvements.

While there are some differences between the 2012 Project and what was proposed for the same geographic location in the 2002 Project, as noted in Section 1.0 Introduction and Section 2.0 Project Description of the 2012 Oakland Army Base Project Initial Study/Addendum (hereafter the “IS/Addendum”), the proposed uses would be consistent with the Conceptual Reuse Strategy and Flexible Alternative set forth in the *Final Reuse Plan*. The intent of the Flexible Alternative was to establish a broad envelope of probable land uses/market activities that could change over time in order to reflect market and economic conditions. Figures 1-1 and 1-2 of the IS/Addendum show the Conceptual Land Use Strategy of the 2002 Project and the 2012 Project, respectively.

The primary difference between the 2012 Project and what was proposed for the same geographic location in the 2002 Project is a shift from office/R&D to a greater amount of warehouse/distribution and maritime-related logistics uses as the predominant use. The 2012 Project proposes up to approximately 2.5 million square feet of warehouse/distribution and maritime-related logistics uses and 175,000 square feet of office/R&D, as compared to 300,000 square feet of warehouse/distribution and approximately 1.5 million square feet of office/R&D identified for the 2002 Project.

Additional components of the 2002 Project and the 2012 Project are summarized in Table 1-1 of the IS/Addendum and listed below:<sup>2</sup>

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<sup>1</sup> The IS/Addendum and its appendices, as well as the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program are available at the Office of the City Clerk, the Planning, Building and Neighborhood Preservation Department, and on the Web at: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>.

<sup>2</sup> The areas proposed by the 2002 Project for Gateway Park and new Berth 21 are not part of the 2012 Project.

- Approximately 22 to 24 acres north of Grand Avenue for 407,160 square feet of indoor recycling facilities are proposed to be located in the North Gateway, as compared to 494,000 square feet proposed for light industrial uses in the 2002 Project.
- Both the 2002 Project and the 2012 Project include the BCDC-required acreage for Ancillary Maritime Services (AMS) for the City and Port. However, in the 2012 Project, the 15-acres of BCDC-required AMS in the City-owned portion of the OARB is now being provided in three different locations within the project area. As part of the proposed truck parking facilities, there would be fueling services, which would include biodiesel. The BCDC-required fifteen (15) acres of AMS for the Port are now being provided in the 2012 Project as truck parking.
- A commemorative area is proposed within the Central Gateway, in the vicinity of the intersection of Maritime Street and Burma Road, to memorialize the contributions of civilians and the military in the Bay Area to World War II, and Korean and Vietnam Wars.
- Demolition, site preparation, and remediation are generally the same in both the 2002 and 2012 Projects.
- Up to nine billboards are proposed to the north of West Burma Road, along Grand Avenue and along I-880 (Figure 2-6) as part of the 2012 Project; no billboards were proposed as part of the 2002 Project.
- The Port-owned Joint Intermodal Terminal (JIT) will remain in operation as a rail yard.
- Berth/Wharf 7 will remain in operation as a bulk terminal.
- The railroad intermodal terminal in the OARB sub-district Port Development Area and associated right-of-way to support maritime uses that were proposed in the 2002 Project will be constructed as part of the 2012 Project, but will be smaller (approximately 61 acres).
- Maritime Street is proposed to be improved with intersection controls, bicycle and pedestrian paths, repaving and landscaping, and includes a minor reconfiguration. The street will not be relocated 400-600 feet to the east as was proposed in the 2002 Project (see Port's 2006 Addendum that looked at the impacts of not relocating Maritime Street to the east onto OARB property). Roadway improvements also include options to improve Burma Road, Engineers Road and relocated Wake Avenue, and to rebuild and grade separate 7<sup>th</sup> Street west of I-880.
- Installation of new utility systems that meet current standards, such as water distribution (both domestic and reclaimed water), wastewater collection, stormwater collection/discharge, gas distribution, electrical systems, security, telecommunication and similar systems.<sup>3</sup>
- Port container cargo throughput totaling 4.05 million twenty-foot equivalent units (TEUs) was analyzed and cleared through the 2002 OARB EIR, and is considered a cumulative project.

In addition to being consistent with the Final Base Reuse Plan and the 2002 Oakland Redevelopment Plan Area EIR, the IS/Addendum found that the 2012 OARB Project is

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<sup>3</sup> No new connections will be made to EBMUD's existing 15" sewer line. Please see Chapter 2, Project Description, and Section 3.17, Utilities and Service Systems, for additional descriptions.

consistent with the General Plan (including the Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998, and the Historic Preservation Element, for which an EIR was certified in 1998, among other General Plan Elements).

The IS/Addendum analyzes the project and cumulative effects of the following 17 environmental topics of the 2012 OARB Project against existing physical conditions<sup>4</sup>: Aesthetics; Agriculture and Forest Resources; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Public Services; Recreation; Transportation/ Traffic; Utilities and Service Systems. In addition, the IS/Addendum compares the effects of the 2012 Project with those effects identified in the 2002 EIR.

The Initial Study/Addendum found (1) there are no substantial changes to the 2012 OARB Project which would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2002 Oakland Army Base Redevelopment Plan Environmental Impact Report, which was a “project level” EIR pursuant to CEQA Guidelines section 15180(b) (“2002 EIR”), the 2006 OARB Auto Mall Supplemental EIR and 2007 Addendum, the 2009 Addendum for the Central Gateway Aggregate Recycling and Fill Project, and the Port’s 2006 Maritime Street Addendum (collectively called “Previous CEQA Documents”); (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the 2012 OARB Project, but the City declines to adopt them. Thus, in considering approval of the 2012 OARB Project, the City can rely on the Previous CEQA Documents and the 2012 Initial Study/Addendum. A summary of the key issues of the IS/Addendum is provided below.

## **B. Summary of Key Issues**

Out of the 17 environmental topic areas evaluated in the IS/Addendum, eight topic areas, aesthetics, air quality, biology, cultural resources, greenhouse gas emissions, land use and planning, noise and traffic and transportation are highlighted and discussed.

1. **Aesthetics.** As described in more detail in Section 2.0 Project Description of the IS/Addendum, the 2012 Project would result in the redevelopment of the OARB sub-

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<sup>4</sup> The 2002 EIR utilized an “Alternative Baseline” (pursuant to CEQA Guidelines section 15229 and Public Resources Code section 21083.8.1) assessing impacts against physical conditions existing at time of the military base closure (1995) rather than existing at the time of the commencement of CEQA review (2001) for the following environmental topics: traffic, water consumption, wastewater, energy consumption, noise, air quality, schools, and population/employment. This Addendum also utilizes the Alternative Baseline.

district's Gateway Development Area and Port Development Area with single to multi-story buildings, roadways, parking areas, a rail terminal, associated rail right-of-way, road improvements, a road/rail grade separation, and varying amounts of public access/open space. The 2012 Project would also include a type of development not previously contemplated in the 2002 Project consisting of the construction of up to nine billboards in locations near the I-80 Toll Plaza, and along I-880 at West Grand Avenue, 12th, 13th, and 15th Streets.

The IS/Addendum included an analysis of photos of existing viewpoints and photo simulations with the proposed billboards; it found that the proposed billboards would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the Project site or surroundings because the views are toward the industrialized portion of the San Francisco Bay and do not constitute important views or scenic vistas; or, they would only partially obstruct panoramic views of mountains, hills, Bay waters, and city skylines, and only for several seconds at a time; specifically, billboards 6, 7, 8 and 9 (Figures 3.1-n and 3.1-o in the IS/Addendum) and billboards 3, 4, and 5 (Figures 3.1-f, 3.1-i and 3.1-h in the IS/Addendum), taken together constitute a series of billboards that would intermittently block views towards the hills for several seconds at a time. Moreover, the City has a billboard amortization program that has removed in excess of about 148 billboards over the past 12 years. The amortization program is ongoing and is anticipated to remove more billboards in the future. In addition, about 70 billboards have been removed through billboard relocation agreements over the same time period.

The IS/Addendum found that the 2012 OARB Project would not result in any new or substantial increase in impacts regarding new sources of substantial light and glare affecting daytime or nighttime views in the area because the project site is located in a highly industrialized area and, when viewed from a distance during daytime and nighttime, increased lighting on the site would generally blend with existing development. Particularly, daytime lighting would generally blend with existing light industrial uses within the project area, and nighttime lighting would blend with existing maritime operation lighting visible along the shoreline, as well as highway safety and roadway lighting and vehicle headlights visible along Maritime Street, the elevated portion of West Grand Avenue, and the I-880 and I-80 corridors. Although the proposed billboards along the eastern edge of the project site (billboards 7, 8, and 9) may create a new source of light in the residential area of West Oakland in proximity to the project site, these billboards would be separated from the residential areas by I-880, and existing buildings, fences and vegetation (including street trees), would reduce potential impacts associated with the new source of light. Certain residents currently have views over I-880 and are therefore likely to be able to see the billboards from their homes. However, these residents already have a substantial amount of ambient light from existing port-related activities in views toward the north in which the billboards would be visible. Therefore the billboards will not likely create a substantial new source of light in these areas. Furthermore, the 2012 would be subject to Mitigation Measure 4.11-1 which would require new lighting to be designed to minimize off-site "spillage" and prohibit "stadium-style" lighting, and to SCA AES-1 and the Port's Exterior Lighting Policy.

Implementation of previously imposed mitigation measures (Mitigation Measures 4.11-1 through 4.11-6), SCA AES-1, compliance with the Port of Oakland Exterior Lighting

Policy, Caltrans permitting, the State’s OAA, and the City’s design review would ensure the 2012 Project would not make a significant cumulative contribution to aesthetics. Thus, the IS/Addendum found that the 2012 OARB Project would not result in significant new aesthetics impacts or a substantial increase in the severity of previously identified significant aesthetics impacts compared to the 2002 EIR. Therefore, impacts would be similar to those addressed in the 2002 EIR, and would continue to have no impact or be less than significant or less than significant with applicable City Standard Conditions of Approval (SCAs) or previously identified mitigation measures, except for demolition of historic resources (which is found to be significant and unavoidable in both 2002 and 2012 Projects; see Cultural Resources, below, for more information on historical resources.)

2. **Air Quality.** As noted in the IS/Addendum, since information on air quality issues was known, or could have been known when the 2002 EIR was being prepared, it is not legally “new information” as specifically defined under CEQA. However, an analysis of the proposed 2012 Project relying on the previously recommended May 2011 revision of the BAAQMD *CEQA Guidelines* and the 2011 significance Thresholds<sup>5</sup> was nevertheless conducted in order to provide more information to the public and decision makers, and in the interest of being conservative. Although the analysis in the IS/Addendum evaluates air quality using both the 2002 EIR thresholds (based upon BAAQMD 1999 *CEQA Thresholds*) and the BAAQMD May 2011 *CEQA Guidelines* and Thresholds, significance determinations are solely based on the 1999 thresholds from the 2002 EIR. Nevertheless, the City will impose its Standard Conditions of Approval, previously approved mitigation measures from the 2002 EIR (revised and clarified as applicable) and other Recommended Measures (that are not legally required mitigation measures), as detailed below.

a. **Construction Criteria Pollutant Emissions.** For both the 2002 Project and the 2012 Project, construction criteria pollutant emissions would be mitigated to less-than-significant levels. Construction emissions were not quantitatively evaluated in the 2002 EIR because the 1999 BAAQMD Guidelines do not contain quantitative construction thresholds; under the 1999 Guidelines, BAAQMD considers construction-related dust emissions from all construction projects to be potentially significant, but mitigated to a less-than-significant level if BAAQMD-recommended dust controls are implemented. Thus, in the 2002 EIR, the Project would be mitigated to a less-than-significant level with implementation of Mitigation Measures 4.4-1 and 4.4-2 which required contractors to implement all BAAQMD “basic” and “optional” control measures at all sites and “enhanced” control measures for sites greater than four (4) acres, as well as exhaust control measures.

For the 2012 Project, implementation of the City’s SCA AIR-1 and SCA AIR-2 supersede 2002 EIR Mitigation Measures 4.4-1 and 4.4-2, as they are generally

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<sup>5</sup>On March 5, 2012, the Alameda County Superior Court issued a Judgment invalidating the May 2011 BAAQMD Thresholds and BAAQMD recommends that the Thresholds not be used. Nevertheless, in the absence of further technical guidance, the City is generally continuing to use the May 2011 BAAQMD Guidelines in its CEQA review.

**Table 1. 2002 and 2012 Project Construction Criteria Pollutant Average Daily Emissions [lbs/day]<sup>a</sup>**

	Reactive Organic Gases (ROG) <sup>b</sup>	Carbon Monoxide (CO)	Nitrogen Oxides (NO <sub>x</sub> )	Exhaust PM <sub>2.5</sub>	Fugitive Dust PM <sub>2.5</sub>	Total PM <sub>2.5</sub> <sup>c</sup>	Exhaust PM <sub>10</sub>	Fugitive Dust PM <sub>10</sub>	Total PM <sub>10</sub> <sup>c</sup>
<b>2002 Project</b>	66.2	245.7	616.9	25.9	NA	26.6	28.1	NA	29.8
<b>2012 Project</b>	23.9	107.1	298.8	8.8	NA	9.5	9.4	NA	11.2
<b>1999 BAAQMD Significance Threshold</b>	BMP	BMP	BMP	BMP	BMP	BMP	BMP	BMP	BMP
<b>2011 BAAQMD Significance Thresholds</b>	54.0	NA	54.0	54.0	BMP	NA	82.0	BMP	NA

<sup>a</sup> Average daily emissions are defined as total emissions over entire period of construction (e.g. 2002 - 2010 or Jul 2012 - Dec 2019 for the 2002 Project and the 2012 Project, respectively) divided by the number of days within this period.

<sup>b</sup> ROG emissions include exhaust ROG from all sources and evaporative running loss ROG from employee commute vehicles (modeled as light-duty cars).

<sup>c</sup> Total PM<sub>10</sub> and PM<sub>2.5</sub> include exhaust PM from all sources and tire wear and brake wear from on-road vehicles; road dust and fugitive dust are not evaluated and not included in the total.

**Table 2. 2002 and 2012 Project Operational Regional Emissions**

	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>2002 EIR Operational Emissions (tons/year)<sup>a</sup></b>	<b>101</b>	<b>167</b>	<b>12</b>	<b>12</b>
<b>2012 Project Operational Emissions (tons/year)</b>				
<i>With Variant A – Working Waterfront<sup>b</sup></i>	<b>-3.1</b>	<b>146.5</b>	<b>0.8</b>	<b>0.7</b>
<i>With Variant B – R&amp;D and Open Space<sup>b</sup></i>	<b>-4.7</b>	<b>106</b>	<b>0.3</b>	<b>0.6</b>
<b>1999 BAAQMD Significance Threshold</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>NA</b>
<b>2011 BAAQMD Significance Threshold</b>	<b>10</b>	<b>10</b>	<b>15</b>	<b>10</b>

<sup>a</sup> Emissions are based on the calculations prepared for the 2002 EIR prepared by URS for the geographic area representing the proposed project.

<sup>b</sup> Alternative Baseline Emissions were calculated in 2001 using emission factors from mobile sources current at the time. 2012 Project emissions were calculated for opening year of the Project (2020) using current emission factors which account for emission reductions due to increased regulatory requirements for mobile sources. Therefore, as shown in this table, total Project operational emissions result in no net increase in reactive organic gas emissions.

Source: Environ, 2012 and LSA Associates, Inc.

similar but the SCAs are considered more up-to-date and more stringent than those recommended in the 1999 Guidelines. For the purposes of comparison, construction emission levels for both the 2002 Project and 2012 Project were quantitatively assessed in the IS/Addendum. As shown in Table 1 above, the 2012 Project would result in much lower construction emissions of criteria pollutants than the 2002 Project.

- b. **Operational Regional Emissions.** Similar to the 2002 Project, the 2012 Project would result in a significant and unavoidable impact with respect to operational emissions even with the implementation of required mitigation measures and

Standard Conditions of Approval, although the 2012 Project would not result in any new or substantial increase in the severity of such impacts. The IS/Addendum imposes the City's SCA AIR-2 and four mitigation measures previously identified from the 2002 EIR (Mitigation Measures 4.4-3, 4.4-4, 4.4-5 and 4.4-6) on the 2012 Project. The 2012 Project would generate less ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions than identified in 2002 as shown in Table 2 above.

As noted in the IS/Addendum, according to 1999 and 2011 guidance from the BAAQMD, regional air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Thus, if the project region is in nonattainment under applicable federal or State ambient air quality standards, then a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. Therefore, similar to the 2002 Project, the 2012 Project would also contribute to any cumulatively significant air pollution impact since it would exceed the significance thresholds at the individual level for NO<sub>x</sub>; however, there would be no new impact and no substantial increase in severity of the previously identified impact from the 2012 Project.

- c. Project Construction Health Risk.** Similar to the 2002 Project, the 2012 Project would result in a significant and unavoidable impact with respect to construction diesel emissions and health risk even with the implementation of required mitigation measures and Standard Conditions of Approval, although the 2012 Project would not result in any new significant impact or substantial increase in the severity of previously identified significant impacts. At the time of the 2002 EIR, the BAAQMD had not identified a numeric toxic air contaminant (TAC) risk threshold for construction emissions; using emission rates from the 2002 Project and 2012 Project construction operations, air dispersion modeling was conducted to determine the health risk associated with construction of both the 2002 and 2012 Projects. As identified in the 2002 EIR and as confirmed in this recreation of the 2002 analysis, construction of the 2002 Project would result in a substantial increase in diesel emissions which would expose persons to substantial levels of TACs. As shown in Table 3 below, construction of the 2012 Project would result in substantially lower risk than would have been anticipated under the 2002 Project. The 2012 Project is subject to today's more stringent on-road and off-road diesel equipment emission regulations which reduce health risk impacts substantially over those that would have occurred in 2002. Nevertheless, this impact would remain significant and unavoidable.

**Table 3. Project Construction Health Risk Assessment Results (Source: ENVIRON, 2012)**

	Population	Excess Lifetime Cancer Risk in a million	Chronic Health Index	Acute Health Index	Annual PM <sub>2.5</sub> Concentration $\mu\text{g}/\text{m}^3$
2002 Project	Resident Child	107	0.077	12	0.35
	Resident Adult	12			
2012 Project	Resident Child	42	0.030	4	0.14
	Resident Adult	4			
<b>1999 BAAQMD Threshold</b>		<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>2011 BAAQMD Threshold</b>		<b>10</b>	<b>1</b>	<b>1</b>	<b>0.3</b>

**Table 4: Operational Health Risk Assessment Results (Cancer Cases in 1 Million)**

	2002 Project	2012 Project	Increment
Maximum Cancer Risk 2002 Approach	84	31	-53
Maximum Cancer Risk 2012 Approach	278	96	-182
<b>1999 BAAQMD Thresholds</b>	<b>10</b>	<b>10</b>	
<b>2011 BAAQMD Thresholds</b>	<b>10</b>	<b>10</b>	

Source: ENVIRON, 2012.

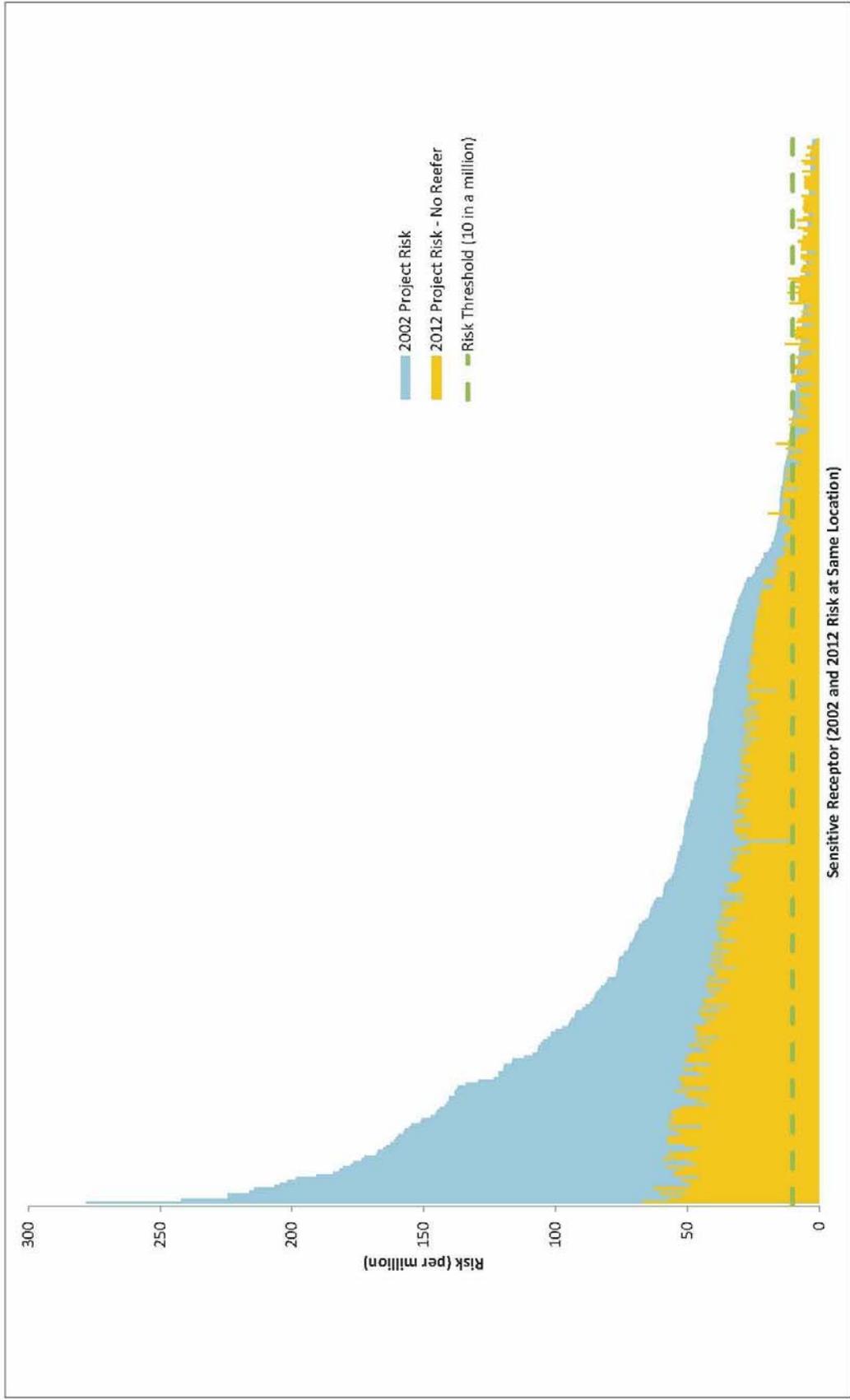
- d. **Project Operational Health Risk.** Similar to the 2002 Project, the 2012 Project would result in a significant and unavoidable impact with respect to operational diesel emissions and health risk even with the implementation of required mitigation measures and Standard Conditions of Approval, although the 2012 Project would not result in any new or substantial increase in the severity of such impacts.

The 2002 EIR concluded that, even after mitigation, the operational health risk impact of the 2002 Project would be significant and unavoidable. The operational health risk assessment prepared in the 2002 Final EIR estimated excess lifetime cancer risks of 80 in one million at the project boundary and 10 in one million in West Oakland.

Results of the 2012 Project operational health risk assessment are shown in Table 4 above. As explained in the methodology section below, the assessment was conducted for two scenarios using both the methodology standard to the 2002 project analysis and the methodology presented in the 2011 BAAQMD guidance documents. Results indicate that the maximum excess lifetime cancer risk estimated for the proposed project would be less than the maximum risk levels for the 2002 project under both the 2002 analysis standards and the 2012 analysis standards. At most receptor locations, incremental model results of the 2012 Project are equal to or less than the results of the 2002 Project. However, this is not the case at all modeled locations, as described below.

As shown in Table 4 above, with the 2012 Project, the Maximally Exposed Individual (MEI) would have a lower estimated excess lifetime cancer risk when compared with the impacts of the 2002 Project. However, even with implementation of mitigation measures and the City's Standard Conditions of Approval, implementation of the 2012 Project would have a significant and unavoidable impact related to the exposure of sensitive receptors to substantial toxic air contaminants.

Estimated excess lifetime cancer risks for the 2002 and 2012 Projects were compared by rank ordering the off-site sensitive receptor locations according to the calculated 2002 Project cancer risk and comparing them to the 2012 Project cancer risk at the same location as shown in Figure 1 below. For purposes of this comparison, cancer risks from the 2012 Project were calculated exclusive of refrigerated cargo container generator set (reefer genset) emissions since reefer genset emissions were not included in 2002 Project cancer risk calculations. Reefer gensets contribute between 10 percent (at locations further from the Project in West Oakland and Emeryville) and 30 percent (at locations close to the Project in West Oakland) to total 2012 Project cancer risk and reefer genset activity is expected to be in approximately the same location for the 2012 Project as the 2002 Project. Estimated excess lifetime cancer risks from the 2012 Project are substantially less than estimated risks from the 2002



LSA

Figure 1

2012 Oakland Army Base Project  
Comparison of Excess Lifetime Cancer Risk

SOURCE: ENVIRON, 2012.  
E:\COO1001 Oakland Gateway\Figures\Fig\_3.3-1.ai (5/24/12)

Project at locations with the highest calculated risks. This means that the 2012 Project reduces risks where the 2002 Project had its greatest impacts. Where the 2012 Project estimated excess lifetime cancer risk does exceed the 2002 Project risk, all increases are less than 10 in a million, which corresponds to the BAAQMD's cancer risk significance threshold. Furthermore, as can be seen in Figure 1, those instances where risks from the 2012 Project exceed cancer risks from the 2002 Project occur at locations where risks from both projects are close to 10 in a million.

- 5. Biological Resources.** The 2012 Project would not result in any new or substantial increase in previously identified significant and unavoidable impacts. Similar to the 2002 Project, the 2012 Project would result in significant and unavoidable impacts to special-status species and the spread of non-indigenous aquatic organisms through the discharge of ballast water or other means (e.g., anchors, anchor chains, anchor lines, bilge pumps, drains, and through-hull connections), which could impact estuarine habitat including Essential Fish Habitat as designated by the National Marine Fisheries Service. The 2012 Project would increase shipping traffic through the development of Wharf 7. This increase could result in a greater risk of introduction of non-indigenous aquatic organisms.

Impacts to special-status species would not result in any new or more significant environmental impacts than were described in the 2002 EIR. Impacts to special-status species would likely be less than were described in the 2002 EIR because the 2012 Project does not involve loss of open water habitat or water quality impacts associated with the New Berth 21 fill that was proposed in the 2002 EIR. Impacts to special-status fish species remain potentially significant due to construction-related disturbance associated with construction of a new storm water outfall. The impact related to potential increased predation on California Least Terns by raptors remains significant and unavoidable.

- 6. Cultural Resources.** The 2012 OARB Project would not result in significant new impacts to cultural resources or a substantial increase in the severity of previously identified impacts compared to the 2002 EIR. Thus, impacts would be similar to those addressed in the 2002 EIR, and would continue to be less than significant for subsurface cultural resources and significant and unavoidable for the removal of contributing elements of the OARB Historic District despite ongoing implementation of required mitigation measures and/or SCAs.

As in 2002, the 2012 OARB Project land use program necessitates the removal of all existing buildings, including those that contribute to the OARB Historic District. The 2002 EIR recognized that this would be a significant and unavoidable impact. Since there was no actual development program for the former Oakland Army Base at the time, the 2002 EIR required that a reuse feasibility study be undertaken prior to any proposal to remove a historic building. Since 2002, remediation activities have been ongoing and will continue; Building 1 was deconstructed; and reuse feasibility studies have been prepared, reviewed and approved determining that the reuse of all of the existing buildings is

infeasible for the proposed warehouse and rail oriented logistics facilities contemplated for the 2012 Project.<sup>6</sup>

One of the mitigation measures previously identified in the 2002 EIR, Mitigation Measure 4.6-14 is modified in the IS/Addendum; instead of the mitigation requirement for demolishing/deconstructing buildings being subject to a specific building permit, Mitigation Measure 4.6-14 is modified as follows for the City:

No demolition or deconstruction of contributing structures to the OARB Historic District shall occur until a master plan and/or Lease Disposition and Development Agreement has been approved by the City, and demolition or deconstruction of a building is required to realize the master infrastructure development plan necessary for approved redevelopment activities, in conformity with applicable General Plan Historic Preservation Element and City of Oakland Planning requirements.

The reason for this is that the 2002 EIR mitigation measure, which specifies that no City demolition or deconstruction may occur until a building permit is obtained, is not feasible. Geological studies prepared during the master planning process for the project area have determined that the entire OARB site requires significant and time consuming grading work. As noted in Section 2, Project Description, every site needs to be dynamically compacted, surcharged with as much as 8 feet of soil, wicked of its water content, and then regraded to a new grade which will raise the sites from 2 to 3 feet above the current elevation. This is only feasible if done on a large scale, such as all of the Central Gateway or at least one third of the East Gateway. This activity cannot be performed around the existing buildings. All buildings must be taken down in advance of the required grading. All buildings must be relocated pursuant to SCA CULT-4 or deconstructed pursuant Mitigation Measure 4.6-9 in advance of the required grading.

The original mitigation measure 3.6-14 states that the Port shall not demolish or deconstruct structures until it has approved a final development plan for the relevant new facility or facilities. This requirement shall continue to apply to the Port in the absence of a Lease Disposition and Development Agreement.

7. **Greenhouse Gases (GHG).** Climate change and greenhouse gas emissions were not expressly addressed in the 2002 EIR. However, since information on climate change and greenhouse gas emissions was known, or could have been known in 2002, it is not legally “new information” as specifically defined under CEQA and thus is not legally required to be analyzed as part of the IS/Addendum. However, an analysis of the proposed 2012 Project, using the previously recommended May 2011 BAAQMD CEQA Guidelines and Thresholds, was conducted in order to provide more information to the public and decision-makers, and in the interest of being conservative.

The IS/Addendum analysis concludes that the 2012 OARB Project would result in the generation of greenhouse gas emissions from construction as well as operations (passenger vehicles, ships, trains, tugs, trucks and operation of buildings on-site), as

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<sup>6</sup> Appendix L: Feasibility Study for Adaptive Reuse of the Existing Oakland Army Base Warehouses.

would the 2002 Project. Total emissions resulting from the 2002 and 2012 Projects are shown below in Table 5.

**Table 5. Project Greenhouse Gas Emissions in Metric Tons Per Year**

	Total Annual CO <sub>2</sub> e Emissions
2002 Project	171,292
2012 Project	17,869

Source: ENVIRON and LSA, Associates, Inc., 2012.

However, as noted above, the analysis evaluating climate change and greenhouse gas emissions provided in the IS/Addendum is for informational purposes only, there is no resulting significant CEQA impact.<sup>7</sup> Moreover, the 2012 Project generates substantially less greenhouse gases than the 2002 Project. Nevertheless, the City will impose a modified version of its Standard Condition of Approval requiring the Project Applicant to submit a Greenhouse Gas Reduction Plan to the City for review and approval (as part of the Planned Unit Development process and ongoing as specified) that has a goal to increase energy efficiency and reduce greenhouse gas emissions by at least 20 percent, and a goal of 36 percent below the project’s “adjusted” baseline GHG emissions to help achieve the City’s goal of reducing GHG emissions. The IS/Addendum also includes a “Recommended Measure” (not required by CEQA) relating to climate change (included in Section 3.9 Hydrology and Water Quality of the IS/Addendum that the Project Applicant submit a Sea Level Rise Adaptation Plan for the 2012 Project to the City of Oakland for review and approval as part of the Planned Unit Development process.

8. **Land Use and Planning.** The 2002 EIR identified three impacts with respect to policy inconsistencies would result from the 2002 Project. Two of these impacts, and their associated mitigation measures, are not applicable to the 2012 Project (Impacts 4.1-1, 4.1-2 and 4.1-3; Mitigation Measures 4.2-1 and 4.2-3). The 2002 and 2012 Project would result in the same significant and unavoidable impact with respect to the loss of all structures contributing to a historic district; however, the 2012 Project would not result in any new or substantial increase in previously identified significant impacts. The 2012 Project is consistent with the intent of key plans and policies, as discussed below:
- **San Francisco Bay Plan:** Redevelopment of the Gateway and Port development areas of the OARB as proposed by the 2012 Project would be consistent with the intent of Bay Plan policies regarding water-related industry, ports, and public access.
  - **San Francisco Bay Area Seaport Plan:** Redevelopment of the Port development area as proposed by the 2012 Project would be consistent with the intent of Seaport Plan policies regarding cargo forecasts, Port priority use areas, and specific policies designated for the Port of Oakland.

<sup>7</sup> On March 5, 2012, the Alameda County Superior Court issued a Judgment invalidating the May 2011 BAAQMD Thresholds and BAAQMD recommends that the Thresholds not be used. Nevertheless, in the absence of further technical guidance, the City is generally continuing to use the May 2011 BAAQMD Guidelines in its CEQA review.

- **San Francisco Bay Trail Plan:** Redevelopment of the project site as proposed by the 2012 Project would be consistent with the intent of Bay Trail Plan policies regarding trail alignment and transportation access.
- **State Lands Commission (SLC) Tidelands Trust Exchange Agreement:** As shown in Figure 2-5b of the IS/A, the Project proposes permanent vehicular, bicycle and pedestrian access within OARB Sub-district Gateway Development Area and to the adjoining future Gateway Regional Park to the west of the project area. Per letter dated May 18, 2012, the SLC has approved that the 2012 Project satisfies the requirement stipulated by the Exchange Agreement (This letter is included in Appendix D of the IS/Addendum).
- **Long Term Management Strategy (LTMS) Program:** No dredging would be required for the continued operation of the wharf, beyond the occasional maintenance that already occurs. The 2012 Project would conform to the LTMS Program.
- **City of Oakland General Plan:**
  - Land Use and Transportation Element (LUTE). The 2012 Project would be consistent with the objectives and associated policies of the LUTE regarding the following: expansion and retention of the Oakland job base and economic strength; provision of adequate infrastructure; reduction of truck effects on local neighborhoods; encouragement of waterfront access; creation of a high-quality natural and built waterfront environment; promotion of the Port of Oakland; provision of commercial areas; and reduction or elimination of hazardous wastes. Although the proposed project is not expected to require new hazardous waste storage, treatment, or disposal facilities in the area, any such facilities shall comply with applicable requirements.

Nine billboards are proposed as part of the 2012 Project. LUTE Policy I/C4.3, which encourages but does not require billboard removal in commercial and residential zones, does not apply here because the project site is located in industrial zones. Moreover, the City has a billboard amortization program which has removed in excess of 148 billboards over the past 12 years. The amortization program is ongoing and is anticipated to remove more billboards in the future. In addition, about 70 billboards have been removed through billboard relocation agreements over the same time period.
  - Bicycle and Pedestrian Master Plans. The 2012 Project would be consistent with the Bicycle and Pedestrian Master Plans, as it proposes to enhance bicyclist and pedestrian safety by providing designated bicycle facilities and sidewalks (where none currently exist) on Maritime Street and Burma Road, as discussed in detail in Section 3.16 Transportation/Traffic of the IS/Addendum.
  - Open Space, Conservation and Recreation Element (OSCAR). The 2012 Project would be consistent with objectives and associated policies of the OSCAR regarding the improving physical and visual access to the shoreline, including the Bay Trail and protecting and promoting the beneficial use of nearshore waters, as discussed further in Sections 3.1 Aesthetics, 3.15 Recreation , and 3.16 Transportation and Traffic of the IS/Addendum.

- Noise Element. As noted in the noise analysis provided in Section 3.12 Noise of the IS/Addendum, the increased noise resulting from the 2012 Project (traffic related, construction and operational) would result in a less-than-significant impact and mitigation is not warranted. Moreover, consistent with the City's Noise Ordinance and the Oakland Noise Element, the relevant SCA that would be required would further ensure that any potential impacts would be reduced to a less-than-significant level.
- Safety Element. The 2012 Project would not conflict with any of the above Safety Element policies. The project's specific effects regarding subjecting people and property to hazardous conditions are addressed in Sections 3.8 Hazards and Hazardous Materials and 3.9 Hydrology and Water Quality of the IS/Addendum), all of which are less than significant or reduced to a less-than-significant level after implementation of mitigation measures or SCA.
- Historic Preservation Element (HPE). The policies from the Historic Preservation Element generally encourage, but do not mandate, the preservation of Oakland's historic resources, within the context of and consistent with other General Plan goals, objectives, and policies. There was one impact found to be potentially significant. Despite the imposition of a number of mitigation measures and SCA, it was still found to be significant and unavoidable, as it was for the project evaluated in the 2002 EIR. A more detailed discussion can be found in Section 3.5 Cultural Resources of the IS/Addendum.
- Scenic Highways Element. The 2012 Project site is located within the MacArthur Freeway Scenic Corridor. As concluded in the 2002 EIR, development of the 2012 Project would eliminate visual evidence of a specific period in the history of West Oakland military transportation, and this impact would be considered significant and unavoidable. The 2012 Project would not result in any new or more significant impacts related to scenic resources than were described in the 2002 EIR, as discussed in detail in Section 3.1 Aesthetics.

Scenic Highways Element Policies 1-4: a) discourage new billboards or other obstructions within Scenic Corridors; b) provide that interesting views should not be "obliterated"; and c) new construction within the Scenic Corridor should have architectural merit and be harmonious with the surrounding landscape. None of these policies are fundamental, mandatory policies, but are directive in nature; and, as such, must be balanced against other policies that may compete with them (such as economic development and reuse of former military bases). Although views will be somewhat obscured, no interesting views will be obliterated. Moreover, the surrounding area is mostly devoid of any landscaping and is industrial in nature. The billboards will be constructed of quality materials and will have architectural merit. As such, the proposed billboards do not fundamentally conflict with the General Plan.

- **City of Oakland OARB Redevelopment Plan and Final Reuse Plan for the Oakland Army Base**. The *OARB Redevelopment Plan* incorporated the program for the former Army Base set forth in the *Final Reuse Plan for the OARB*. While there are some differences between the 2012 Project and what was proposed for the same

geographic location in the 2002 Project, as noted in Section 1.0 Introduction and Section 2.0 Project Description of the IS/Addendum, the proposed uses would be consistent with the Conceptual Reuse Strategy and Flexible Alternative set forth in the *Final Reuse Plan*. As noted above, the intent of the Flexible Alternative was to establish a broad envelope of probable land uses/market activities that could change over time in order to reflect market and economic conditions.

- 9. Noise.** Similar to the 2002 EIR, the only significant noise impact identified for the 2012 Project would occur from construction activities associated with build out of the project. However, implementation of the applicable Standard Conditions of Approval (SCA NOI 1, 2, 3, 4 and 6) would ensure that construction noise impacts associated with build out of the project would be reduced to less-than-significant levels for all receiving land uses in the project vicinity. SCA NOI-1, limiting days/hours and construction operation, required on an on-going basis throughout demolition, grading and/or construction was modified for the 2012 Project to allow for construction between 7:00 a.m. to 7:00 p.m. Monday through Saturday, except for the barging and unloading of soil, which shall be allowed 24 hours per day, seven days per week for about 15 months; typically, only limited construction activities are permitted on Saturdays, however, given the location of the Project (distance to existing residences, the closest of which are about 750 feet away to construction activities, separated by a freeway) and existing noise conditions, Saturday construction, as well as barging, is appropriate. Also, the developer can request to operate outside of the above mentioned hours if an air quality report is submitted (since the air quality analysis assumed a 7am-11pm, Monday –Saturday construction period).
- 10. Traffic.** The IS/Addendum concluded that the 2012 OARB Project would not result in significant new transportation impacts or a substantial increase in the severity of previously identified significant impacts compared to the 2002 EIR. The 2002 EIR project included substantial amount of research and development facilities and offices in the project site, which generate higher number of employee trips; while the 2012 project proposed a higher amount of port-supporting land uses that would complement existing and proposed adjacent uses in the project area.

Construction and/or remediation would generate haul, delivery and employee trips, which would involve large transport trucks and movement of hazardous materials or hazardous waste through city streets. Furthermore, the construction of the proposed 7<sup>th</sup> Street grade separation and related improvements may require closure of 7<sup>th</sup> Street during construction, which would result in the need to divert traffic onto other roadways. As partial implementation of the City's Transportation SCA TRANS-2, an analysis was conducted to determine the impacts of closing 7<sup>th</sup> Street during construction (see Appendix K: Technical Memorandum – Draft 7<sup>th</sup> Street Grade Separation Traffic Analysis for Detour). This study indicates that improvements at Adeline Street/5<sup>th</sup> Street and Adeline/3<sup>rd</sup> Streets would maintain existing traffic service levels. The study and the improvements are partial implementation of SCA TRANS-2, which will require further development of a detailed traffic management plan prior to issuance of the first construction-related permit (grading, demolition) and consultation and coordination with other public agencies (such as the Port, EBMUD and Caltrans). The Project would be

constructed over a multi-year period and in a number of construction phases; the timing, amount and route of truck and vehicle movements are not currently known. Although construction activities could result in traffic disruptions and potential level of service degradation on area roadways, implementation of SCA TRANS-2 would mitigate any construction traffic impacts to a less-than-significant level. In addition, a Transportation Demand Management Plan is required for both construction (prior to the issuance of the first permit related to construction) and operations (prior to issuance of a final building permit) as part of implementation of SCA TRANS-1. The Community Benefits Program being considered also includes a provision to provide public or private transit connection for construction workers (connecting to BART and at least two West Oakland locations).

Different intersections would be impacted in the 2002 and the 2012 Projects. For the 2012 Project: a total of five intersections would be impacted when the Project comes online and would require signal optimization to mitigate potentially significant impacts to less than significant levels; another 12 intersections would require signal optimization later, in the next 10 to 20 years; and one intersection would require geometric changes, in addition to signal optimization, in the next 10-20 years. Both the 2002 and the 2012 Projects would result in significant and unavoidable impacts to freeway segments of the Congestion Management Program (CMP) as a result of the project and in the cumulative plus project conditions, however, far fewer freeway segments would be impacted as a result of the 2012 Project. Moreover, the 2012 OARB Project would generate over 6,800 fewer daily trips than the 2002 EIR project including 1,400 fewer trips in the AM peak hour and 1,200 fewer trips in the PM peak hour. Thus, impacts would be substantially reduced or similar to those addressed in the 2002 EIR.

As identified in the 2002 EIR, adequate emergency access would be a potentially significant impact for the 2012 Project; the 2002 EIR Mitigation Measure 4.3-8 to provide an emergency service program and emergency evacuation plan using waterborne vessels would still be applicable for the 2012 Project. In addition, the 2012 Project includes new mitigations requiring an emergency response plan be developed and coordinated with adjacent property owners, including EBMUD and Caltrans, and a requirement that West Burma Road be designed with appropriate turnouts and turnarounds, as determined by the City of Oakland Fire Department, in order to ensure adequate ingress and egress for emergency vehicles.

### **C. Conclusions**

In considering approval of the 2012 OARB Project, the City can rely on the Previous CEQA Documents and the 2012 IS/Addendum.