

Technical Memorandum

date October 21, 2023

to Pete Vollmann, City of Oakland

cc Brian Mulry, City of Oakland

from Crescentia Brown, ESA

subject CEQA Compliance Memorandum for the Proposed 2023 Revisions to the Approved 1510 Webster Mixed-Use Project, Oakland

Overview and Project Summary

Introduction

In January 2021, the City published and approved a CEQA Checklist/Exemption Report for the 1510 Webster Mixed-Use Project (Case File Number: PLN20-107) (Approved Project), pursuant to CEQA Guidelines Section 15183 (Community Plan Exemption) and Section 15183.3 (Qualified In-fill Exemption (Case File Number: PLN20-107)). In July 2021, ESA conducted a review of the Project Applicant’s minor modifications to the Approved Project (“2021 Revisions” or “2021 Approved Project”). This technical memorandum presents environmental review of the Project Applicant’s second modifications to the Approved Project, referred to as the “2023 Revisions.”

Background

Original Approved Project

The Project Applicant, oWow Development, proposed to redevelop two privately-owned parcels (Assessor’s Parcel Numbers 008-0625-034-01 and 008-0625-032-00) in downtown Oakland. The Project site is an approximately 0.33-acre corner lot, and the Project involved development of a 195-foot-tall, 19-story mixed-use building with approximately 182 residential units, 11,397 square feet of office space, and 3,489 square feet of ground floor retail space.

As noted above, a CEQA Checklist/Exemption Report was to analyze the Project using CEQA streamlining and/or tiering provisions considering the program-level analyses completed in the City’s General Plan Land Use and Transportation Element (LUTE) Environmental Impact Report (EIR), the 2007-2014 Housing Element EIR, the 2015-2023 Housing Element EIR Addendum (2010 Housing Element Update EIR and associated 2014 Addendum), and the Proposed Amendments to the Central District Urban Renewal Plan EIR (2011 Renewal Plan Amendments EIR). These are collectively referred to herein as the “Previous CEQA Documents” or “Previous EIRs,” which analyzed environmental impacts associated with adoption and implementation of the General Plan LUTE, Central District Renewal Plan Program, and Housing Element Updates.

The Approved Project was required to implement the City Standard Conditions of Approval (SCAs) included as Attachment A to the CEQA Checklist/Addendum to avoid or reduce potential impacts. The CEQA Checklist consisted of findings of consistency with Section 15183 and 15183. In addition, the analyses provided in the Previous EIRs adequately covered the potential environmental effects associated with the Approved Project, and none of the criteria under Section 15162 requiring preparation of new environmental review were present. No additional environmental documentation or analysis was required for Project approval.

2021 Revised Project

The Project Applicant submitted minor modifications to the Approved Project, and ESA conducted a memo review to assess whether the project modifications would result in different impacts or changes to previously identified impacts and/or SCAs compared to what was disclosed in the 2021 CEQA Checklist/Exemption Report for the Approved Project. The review determined that the conclusions of the 2021 CEQA Checklist/Exemption Report remained valid for the proposed modifications proposed to the Approved Project.

Proposed 2023 Revised Project

In October 2023, the Project Applicant proposed additional minor revisions to the Approved Project (as modified in 2021), requiring a review of the 2021 CEQA Checklist/Exemption Report considering the second round of proposed modifications. As shown in **Table 1** below, the proposed modifications convert the proposed office space into 14 additional residential units. The modifications do not affect any exterior component of the building; all changes are interior. Further, no change to the duration or type of construction-related activities is required to accommodate the proposed modifications. Table 1 shows the characteristics of the Original Approved Project, as well as the 2021 Revised Project against which this review of the 2023 modifications is largely considered.

**TABLE 1
PROPOSED 2023 REVISED PROJECT COMPARED TO APPROVED 2021 REVISED PROJECT**

| | Original Approved Project (c) | Approved 2021 Revised Project (a) | Proposed 2023 Revised Project (b) | Change from 2021 Revised Project (b - a) | Change from Original Approved Project (b - c) |
|------------------------------------|-------------------------------|-----------------------------------|-----------------------------------|--|---|
| Height (feet) | 195 feet | 187 feet | 187 feet | no change | (8 feet) |
| Stories | 19 stories | 18 stories | 18 stories | no change | (1 story) |
| Residential Units | 182 units | 222 units | 236 units | 14 units | 54 units |
| Retail Space (sf) | 3,489 sf | 3,489 sf | 3,489 sf | no change | no change |
| Office Space (sf) | 11,397 sf | 9,501 sf | 0 | (9,501 sf) | (11,397 sf) |
| Long-Term Bicycle Parking (spaces) | 66 | 76 | 76 | no change | 10 |
| Open Space (sf) | 3,303 | 6,220 | 6,220 | no change | 2,917 |
| Total Building Area ^a | 187,692 | 169,911 | 169,911 | no change | (17,781) |
| Off-Street Loading (spaces) | 1 | 1 | 1 | no change | no change |

^a Excluding roof and bicycle parking

SOURCE: oWow Development, 2020; 2021; 2023.

Analysis Review

The analysis below consists of a review of the CEQA Checklist/Exemption Report considering the proposed 2023 modifications. The analysis addresses each environmental factor with a focus on whether the project modifications would result in different impacts or changes to previously identified impacts and/or SCAs compared to what was disclosed in the 2021 CEQA Checklist/Exemption Report. This memo presents only the information that is directly pertinent to the reviewer's understanding of the project modifications and comparative impact determinations and is prepared specifically to determine if the conclusions of the 2021 CEQA Checklist/Exemption Report remain valid for the proposed 2023 Revised Project and thus, if the 2023 Revised Project is consistent with CEQA Sections 15183 and 15183.3 and meets the qualifications for a Community Plan Exemption and/or Qualified Infill Exemption.

Aesthetics. Although the Project is a residential mixed-use infill project within a transit priority area and therefore aesthetics is not considered in determining its potential to result in significant environmental effects, a review of aesthetics effects was included in the 2021 CEQA Checklist/Exemption Report for informational purposes. The proposed 2023 Revised Project would not change the building envelope of the 2021 Revised Project, which was previously determined not to substantially change the configuration of the Approved. The same aesthetics SCA's would apply to the 2023 Revised Project. Therefore, the 2023 Revised Project would result in the same less-than-significant impacts related to scenic vistas, scenic resources, visual character, light or glare, shadow, and wind as previously disclosed.

Air Quality. The proposed 2023 Revised Project would not require a change in type or an increase in duration of construction-related activity. The same construction-related air quality SCA's would apply. Therefore, the proposed 2023 Revised Project would result in the same construction-related less-than-significant air quality and health risk impacts.

The proposed 2023 Revised Project would include 14 additional residential units and remove all office space compared to the 2021 Revised Project, resulting in a 1 percent decrease in daily vehicle trips (8 fewer daily trips) and a 12 percent increase in PM peak hour trips (8 additional PM peak hour trips). Compared to the Approved Project, the proposed 2023 Revised Project would result in a 16 percent increase in daily vehicle trips (102 additional daily trips) and a 28 percent increase in PM peak hour trips (16 additional PM peak hour trips).

Table 7.2-2 in the CEQA Checklist/Exemption Report showed that the Approved Project would result in operational emissions well below the significance threshold. With additional operational emissions associated with a 16 percent increase in daily vehicle trips, the proposed 2023 Revised Project would still result in average daily emissions and annual emissions well below the significance thresholds. Therefore, the proposed 2023 Revised Project would result in the same less-than-significant air quality impacts resulting from operational emissions.

The proposed 2023 Revised Project would include the same backup diesel emergency generator and would still be required to install air filtration units rated MERV-13 or higher – same as the Approved Project and the 2021 Revised Project. The same SCA's for operational toxic air contaminants would apply. Therefore, operation of the proposed 2023 Revised Project would result in the same less-than-significant air quality and health risk impacts previously reported.

Biological Resources. The proposed 2023 Revised Project would be constructed on the same Project site with the same site plan requiring removal of one street tree considered a protected tree – same as the Approved Project and the 2021 Revised Project. The same SCA's related to biological resources would apply to the proposed 2023 Revised Project, and the same less-than-significant impacts related to biological resources would occur.

Cultural Resources. The proposed 2023 Revised Project would be developed on the same Project site and would not require a change in construction-related activity including the proposed demolition of the existing building on the Project site. The same SCA's related to historical, archaeological, paleontological resources and human remains would be applicable to the proposed 2023 Revised Project, and the same less-than-significant impacts related to cultural resources would occur.

Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality. The proposed 2023 Revised Project would be constructed on the same Project site with the same geological and hydrological conditions. No change is proposed to construction-related activity including excavation, grading, and retention of pervious area. The proposed increase in residential use would not alter the permitting requirements, such as adherence to the California Building Code, and the same SCAs relating to the seismic risk, hazardous materials, emergency access routes, and water quality would apply. Therefore, the proposed 2023 Revised Project would result in the same less-than-significant impacts related to geology and soils, hazards and hazardous materials, and hydrology and water quality.

Greenhouse Gas and Climate Change. The Project Applicant prepared an Equitable Climate Action Plan (ECAP) Consistency Review Checklist for the Approved Project showing the Project Applicant's commitment to GHG emissions reduction strategies. The proposed project modifications, including additional residential units and an elimination of office space, would not require changes to the ECAP Consistency Review Checklist for the Approved Project and the 2021 Revised Project. The same SCAs relating to GHG emissions and climate change, air quality, utilities, aesthetics, and transportation would apply to the Revised Project. Therefore, the proposed 2023 Revised Project would result in the same less-than-significant impacts related to GHG emissions and climate change.

Land Use, Plans, and Policies. The proposed 2023 Revised Project would alter the intensity of residential and office uses on the Project site but would not introduce a new land use not already evaluated for the Approved Project or the 2021 Revised Project. The proposed 2023 Revised Project would still be consistent with applicable plans and policies and would therefore result in the same less-than-significant impacts related to land use, plans, and policies previously identified.

Noise. The proposed 2023 Revised Project would not require a change in type or an increase in duration of construction-related activity. The project modifications, including additional residential units and elimination of office space, would not result in a change to the building's HVAC or introduce a new noise sensitive land use to the Project site. The same construction- and operation-related noise SCA's would apply to the proposed 2023 Revised Project. Therefore, the same less-than-significant impacts related to construction noise, operational noise, and consistency with land use compatibility guidelines for community ambient noise level will apply.

As described above, compared to the 2021 Revised Project, the proposed 2023 Revised Project is anticipated to result in a 1 percent decrease in daily vehicle trips and a 12 percent increase in PM peak hour trips. Given the greatest increase in traffic noise due to the Approved Project would be 0.2 dBA above existing traffic noise levels, and the threshold is 5.0 dBA above existing traffic noise levels, even a doubling of vehicle trips would not

result in a new significant impact. Cumulative noise increase is derived by adding the existing (58 db), the stationary sources (60 dB), and the incremental increase in maximum cumulative traffic level (1.7). This worst-case prediction of cumulative noise increase from both stationary and roadway noise sources would result in a 4.1 dBA increase. Because the addition is logarithmic, even if the cumulative traffic noise level were to be doubled to approximately 3.4 dB, the combined noise level would still be 62.1 dB, which is a 4.1 dBA increase. Therefore, the proposed 2023 Revised Project would result in the same less-than-significant impacts related to traffic noise and cumulative noise increase.

Population and Housing. The proposed 2023 Revised Project would be developed on the same Project site and would not displace any housing or people. The Approved Project was estimated to generation approximately 346 residents and approximately 58 employees.¹ The 2021 Revised Project was estimated to generate approximately 422 residents and approximately 49 employees. In comparison, the proposed 2023 Revised Project would generate approximately 449 residents and approximately 7 employees - not notably different from the prior analyses and still a marginal fraction of the *Plan Bay Area 2040* projected and planned growth. Although not relevant to the environmental effects of the Project, the proposed 2023 Revised Project would include 56 affordable units (low-income units) compared with the 2021 Revised Project's 35 affordable units (low-income units) and the Approved Project's 8 affordable units (low-income units). The proposed 2023 Revised Project would result in the same less-than-significant impacts related to population and housing previously disclosed.

Public Services, Parks, and Recreational Facilities. The proposed 2023 Revised Project would include 14 additional residential units and eliminate office space, resulting an onsite population of approximately 456 people - a minor increase compared to the Approved Project (404 persons) and the 2021 Revised Project (471 persons). Therefore, the increase in demand associated demand for public services would also be minimal. The proposed 2023 Revised Project would comply with standard City practices including required contributions to school impact fees, as well as General Plan policies and SCAs related to public services. Although the proposed 2023 Revised Project would provide less than the required amount of open space, the Project Applicant is seeking a waiver though the affordable housing density bonus concessions (see *Population and Housing* above). Therefore, the proposed 2023 Revised Project would result in the same less-than-significant impacts related to public services, parks, and recreational facilities previously disclosed.

Transportation and Circulation. Compared to the Approved Project, the proposed 2023 Revised Project would include 14 additional residential units, replacing the previously proposed office space and resulting in an approximate a 16 percent increase in daily vehicle trips (102 additional daily trips) and a 28 percent increase in PM peak hour trips (16 additional PM peak hour trips). The proposed 2023 Revised Project would not alter the Project site, circulation plan, or proposed bicycle parking, although it would remove office uses. As with the Approved Project or the 2021 Revised Project, the proposed modification would not provide vehicle parking or modify the roadway network surrounding the Project site. Therefore, like the Approved Project and the 2021 Revised Project, the proposed 2023 Revised Project would be consistent with adopted plans, ordinances, and policies addressing the safety and performance of the circulation system; would satisfy the City's VMT screening criteria; and would not substantially induce additional automobile traffic. SCA's related to transportation and circulation, including the required preparation of a TDM Plan, would apply to the proposed 2023 Revised Project, which would continue to be required to implement a TDM.

¹ For the purposes of a conservative analysis, this analysis assumes a residential density of 1.9 residents per unit, 1 employee per 225 square feet of office space, and 1 employee per 500 square feet of retail space, as established in the Downtown Oakland Specific Plan EIR—an EIR currently in progress with a Plan Area boundary that includes the Project Site.

Therefore, the proposed 2023 Revised Project would result in the same less-than-significant impacts related to transportation and circulation.

Utilities and Service Systems. The proposed 2023 Revised Project would not require a change in type or an increase in duration of construction-related activity, and the same construction-related SCA's related to utilities would apply. As discussed above, the proposed 2023 Revised Project would still represent a marginal fraction of the *Plan Bay Area 2040* projected and planned growth – same as for the Approved Project and the 2021 Revised Project. Therefore, the proposed 2023 Revised Project is not anticipated to exceed available water supplies or require new water, wastewater, or stormwater infrastructure beyond connection to existing water, sewer, and storm drain service mains and laterals located in Webster and 15th Streets. The proposed 2023 Revised Project would comply with Title 24 of the California Code of Regulations and the same SCAs pertaining to waste reduction and recycling, green building requirements, sewer and storm drain systems, water and energy efficiency, and stormwater requirements. Therefore, the proposed 2023 Revised Project would result in the same less-than-significant impacts related to utilities and service systems previously disclosed.

Conclusion

Based on the information and conclusions above, the proposed 2023 Revised Project would not result in different impacts or changes to previously identified impacts and/or SCAs compared to what was disclosed in the 2021 CEQA Checklist/Exemption Report. As such, the conclusions of the 2021 CEQA Checklist/Exemption Report remain valid for the proposed 2023 Revised Project, which is consistent with CEQA Guidelines Sections 15183 and 15183.3, meeting the qualifications for a Community Plan Exemption and/or Qualified Infill Exemption. The analysis demonstrates that a new CEQA Checklist need not be prepared, and no additional environmental documentation or analysis is required.
