

**2270 Broadway
CEQA Analysis
Pursuant to California Resources Code Sections 21083.3, 21094.5.5, and 21166
and CEQA Guidelines Sections 15164, 15183, 15183.3**

Date:	March 10, 2015
Project Address:	2270 Broadway
Case Number:	PLN14-363
Zoning:	D-BV-2 (Retail Zone)
General Plan:	Central Business District
APN:	8-656-2-1
Lot Size:	0.46 acres
Plan Area:	Broadway Valdez District Specific Plan
Applicant:	Lakeshore Partners, L.L.C. 780 W. Grand Avenue, Suite 200 Oakland, CA 94612 Attn: Tom Peterson (510) 444-7191
Staff Contact:	Peterson Z. Vollmann – (510) 238-6167 pvollmann@oaklandnet.com

EXECUTIVE SUMMARY

The proposed 2270 Broadway project (proposed project) would be located on an approximately 0.46-acre site in the Valdez Triangle Subarea of the Broadway Valdez District Specific Plan (BVDSP)¹ area (Plan Area). The proposed project would demolish an existing paved parking lot. The new building would be approximately 393,820 square feet, with 24-stories, and would be up to 289 feet in height. The proposed project would include approximately 266,845 square feet of residential uses comprised of 223 residential units and approximately 8,775 square feet of active ground-floor space on Broadway, including a lobby, lounge, concierge, leasing, and café space. Of the 8,775 square feet of the active ground-floor space on Broadway, up to 5,000 square feet would be retail space. Approximately 2,800 additional square feet of retail space could be located on 23rd Street where amenity space for future residents is proposed. The proposed project would also provide a total of approximately 126,975 square feet of parking space on the basement through seventh level of the building, consisting of approximately 261 parking spaces (35 parking spaces for the retail uses and 226 parking spaces for the residential uses) and approximately 112 bicycle parking spaces.

The BVDSP Environmental Impact Report (EIR)² analyzed the environmental impacts of adoption and implementation of the BVDSP. A project-level CEQA review for reasonably foreseeable development was provided by the BVDSP EIR where the level of detail available was sufficient to analyze the potential

¹ City of Oakland, 2014. Broadway Valdez District Specific Plan. Adopted June.

² ESA (Environmental Science Associates), 2013. Broadway Valdez District Specific Plan, Draft Environmental Impact Report. SCH No. 2012052008. September.

ESA (Environmental Science Associates), 2014. Broadway Valdez District Specific Plan, Responses to Comments and Final. May. (These documents can be obtained at the Bureau of Planning at 250 Frank Ogawa Plaza #3115, or online at: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>.)

environmental effects. This allows the use of CEQA streamlining and/or tiering provisions for projects developed under the BVDSP.

Applicable CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provide a basis for CEQA compliance.

1. **Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.”
2. **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applicable development policies. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.
3. **Addendum.** Public Resources Code Section 21166 and CEQA Guidelines Section 15164, state that an addendum to a certified EIR is allowed when minor changes or additions are necessary, and none of the conditions for preparation of a subsequent EIR or Negative Declaration per Section 15162 are satisfied.

The CEQA Checklist provided below evaluates the potential project-specific environmental effects of the proposed project, and evaluates whether such impacts were adequately covered by the BVDSP EIR to allow the above-listed streamlining and/or tiering provisions of CEQA to apply. The analysis conducted incorporates by reference the information contained in the BVDSP EIR. Mitigation measures and Standard Conditions of Approval (SCAs) identified in the BVDSP EIR that would apply to the proposed project are listed at the end of the CEQA Checklist. The proposed project is legally required to incorporate and/or comply with the applicable requirements of the BVDSP EIR mitigation measures identified in the EIR, and with applicable City of Oakland SCAs; therefore, the measures and SCAs are herein assumed to be included as part of the proposed project [see Appendix A, Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MMRP)].

The proposed project satisfies each of the foregoing CEQA provisions, as summarized below.

- **Community Plan Exemption.** As stated in Section 1.2.2 of the BVDSP, when development proposals in the BVDSP area are brought before the City, staff and decision-makers use the Specific Plan as a guide for project review. Projects will be evaluated for consistency with the intent of Plan

policies and for conformance with development regulations. The environmental review of the BVDSP was intended to expedite the processing of future projects that are consistent with the Plan. Therefore, consistent with Section 1.2.3 of the BVDSP, this CEQA Analysis satisfies the requirements of a community plan exemption based on the analysis conducted in this document. The proposed project is permitted in the zoning district where the project site is located, and is consistent with the bulk, density, and land uses envisioned in the BVDSP.³ The CEQA Checklist included below concludes that the proposed project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the BVDSP EIR; or (3) were previously identified as significant effects, but are determined to have a more severe adverse impact than discussed in the EIR. Findings regarding the proposed project's consistency with the BVDSP are included as Attachment A to this document.

- **Qualified Infill Exemption.** The analysis conducted also indicates that the proposed project qualifies for a qualified infill exemption. The infill eligibility criteria are evaluated in Attachment B, and supported by the CEQA Checklist included below.
- **Addendum.** The analysis conducted also indicates that an addendum to the BVDSP EIR applies. The BVDSP EIR analyzed the Broadway Valdez Development Program (Development Program), which represents the maximum feasible development that can reasonably be expected to occur in the Plan Area over a 25-year planning period, according to the City of Oakland's projections.⁴ As shown in Table 1, the proposed project differs from what was analyzed for the site in the Development Program for the BVDSP EIR. Although the proposed project differs from the Development Program assumptions analyzed in the BVDSP EIR, in that hotel uses were assumed for the site, it would not cause the overall development allowed in the Plan Area to be exceeded, and does not result in any new or substantially greater environmental impacts than those identified in the BVDSP EIR. The proposed project therefore meets the requirements for an addendum, as evidenced in Attachment C to this document. This CEQA Analysis is the Addendum to the BVDSP EIR.

As shown in Table 1, the proposed project varies from what was considered in the Development Program for the BVDSP EIR. The Development Program represents the maximum development that would occur within the Plan area during the 25-year life of the Plan and is not intended to provide project specific analysis of any development project. As described in the BVDSP EIR, the Plan allows for flexibility in the quantity and profile of future development within each subarea, and between subareas, as long as it conforms to the general traffic generation parameters established by the Plan.⁵ The project is consistent with the allowed height with the exception of a minor variance for the spire rooftop projection height and coverage, residential density, and non-residential FAR allowed by the zoning for the parcel and analyzed in the BVDSP EIR. The proposed project therefore meets the requirements for an addendum, as evidenced in Attachment C to this document.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, as summarized in the CEQA Checklist below, the BVDSP EIR adequately analyzed and covered the potential environmental

³ Refer to BVDSP (June 2014) Sections 1.2.2 and 1.2.3, pages 6-7.

⁴ In total, the Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 181-room hotel, approximately 6,500 parking spaces provided by the development program, and approximately 4,500 new jobs.

⁵ Refer to BVDSP EIR (May 2014) Section 3.5, page 3-25.

impacts associated with the proposed project, and the streamlining and/or tiering provisions of CEQA apply to the proposed project. Therefore, no further review or analysis under CEQA is required.

Table 1. Comparison of BVDSP Development Program and Proposed Project

Development Characteristics	Development Program	Proposed Project
Height	8 stories	24 stories
Units	181 hotel rooms	223 residential units
Retail Square Feet (net square feet)	12,506	7,800

Notes:

¹ Development Program for Project Site #1 listed in Table D.1: Illustrative Development Plan Program by Subdistrict.

Sources:

City of Oakland, 2014. Broadway Valdez District Specific Plan. Adopted June.

MBH Architects, 2015. 2270 Broadway, Oakland, California. Planning Submittal. January 26.

PROJECT DESCRIPTION

Project Location

The project site is located at 2270 Broadway, and consists of one parcel (Assessor's Parcel Numbers 8-656-2-1), bounded by 23rd Street, Webster Street, Grand Avenue, and Broadway. The project site is in Subdistrict 1 of the Valdez Triangle area of the Broadway Valdez District Specific Plan Area (refer to Figure 1).

The project site is accessible from Interstate 980 (I-980), approximately 2,100 feet to the northwest, and Interstate 580, approximately 4,000 feet to north. Multiple transit routes serve the project site, including Alameda-Contra Costa County Transit District (AC Transit) Routes 12, 51A, 851, and the Free Broadway Shuttle. The 19th Street Bay Area Rapid Transit District (BART) station is approximately one-third of a mile south of the site.

Existing Conditions

The approximately 0.46-acre project site is currently occupied by a paid parking lot with a couple landscape trees in the adjacent parking lot on the southern boundary of the site. In addition, Broadway and Webster Street each contain two landscape trees adjacent to the site. Access to the site is provided from a driveway on 23rd Street, which is temporarily unused, and an adjacent parking lot fronting Grand Avenue and Webster Street.

The General Plan land use designation for the project site is Central Business District; this designation is intended to encourage, support, and enhance the Downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.

The project site is zoned as D-BV-2 (Retail Zone) which is intended to create, maintain, and enhance areas of the Broadway Valdez District Specific Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be available for a wide range of office and residential activities. The height limit on the project site is 250 feet.

Surrounding land uses in the immediate vicinity of the proposed project include commercial uses, mixed-use residential/commercial development, medical offices, and offices. Residential uses are located in

mixed-use buildings to the north, east, and west across 23rd Street, Webster Street, and Broadway, respectively. South of the site at the corner of Broadway and Grand Avenue is a 15-story medical office building with associated surface parking lot.

Proposed Development

The project proposes construction of a 24-story mixed-use building with 223 residential units and an active ground floor component of 8,775 square feet of lobby, lounge, concierge, leasing, and café space along Broadway (refer to Figure 2). The project proposes an additional 2,770 square feet of bike spa, dog spa, and fitness amenity space on 23rd and Webster Streets. The amenity space on 23rd and Webster Streets could be converted to retail space in the future and is analyzed as such in this CEQA document. The project also proposes 2,490 square feet of clubhouse space for project residents. Residential units on the site would range, primarily, from 510 square feet for a studio to 1,215 for a two-bedroom. Two, two-bedroom units proposed for the 23rd and 24th floors would exceed 2,000 square feet. The project will be constructed at a density of 482 dwelling units per acre.

Building Heights and Setbacks

The proposed 24-story building will be up to approximately 250 feet in height to the main roof. A spire is proposed along the Webster Street side of the project that will extend from the building roof 39 feet or to a total building height of 289 feet. The proposed project would have no setbacks from the sidewalk along all street frontages and the adjacent medical office property to the south. Figure 3 shows a rendering of the proposed project from the intersection of 23rd Street and Broadway.

Site Access and Parking

Vehicular access to the proposed parking included within the building will be provided from 23rd Street. Vehicular parking and loading for the building will be provided in the basement and levels one through seven for a total of 261 parking spaces.

The project will provide 112 bike parking spaces for residents. Bike storage will be provided on the first floor and within the parking garage on levels two through seven.

Open Space for Residential Use

The project will provide private open space in terraces and balconies for 127 of the proposed units primarily on the south side of the building. A 3,225 square foot roof garden is also proposed for the 24th floor of the building. Private open space would comprise approximately 13,080 square feet of the building. The roof garden and additional amenity space would provide approximately 5,575 square feet of common open space for building residents.

Green Building Measures

The proposed building will incorporate green building measures to qualify the project as GreenPoint Rated (minimum 50 points). The project is located on an infill site within a half-mile of a major transit stop and proximate to community services within reasonable walking and biking distance. Green building measures proposed by the project will include, but are not limited to, the following:

- Diversion of 65 percent of construction and demolition waste
- Use of stormwater filtration and/or bioretention features

- Use of high-efficiency irrigation system
- Submetering water for tenants and landscaping
- Residential and commercial uses exceeding Title 24 energy standards
- Use of low-VOC caulk and adhesives
- Use of EnergyStar™ appliances
- Bicycle storage for residents and visitors

Project Construction

Demolition and Grading

The project will require removal of the existing paved parking lot on the site and excavation to approximately 19 feet for construction of the subgrade garage. The project will require removal of approximately 14,100 cubic yards of soil.

A shoring system will be required for the proposed basement construction. The shoring system will be designed and constructed to control lateral deflections, so that adjacent structures are not distressed. Depending on the groundwater level during construction, soil nail walls or drilled-in soldier piles and laggings are anticipated to be used. Drilled-in tiebacks or internal bracing such as rakers may also be used to provide additional support for a soldier pile and lagging shoring system to limit the lateral deformations. A construction dewatering system will be required to address groundwater levels above the basement excavation depth. The project is proposing a mat foundation and no pile driving would be required.

Construction Schedule

The project is anticipated to require 24 months to complete from demolition and grading through construction of the proposed mixed-use building. Grading of the site is anticipated to take approximately one week to complete. Construction of the proposed mixed-use building would take approximately 24 months to complete.

PROJECT APPROVALS

The proposed project would require a number of discretionary actions/approvals, including without limitation:

Actions by the City of Oakland

- Planning Director – Regular Design Review, minor variances, CEQA determination.
- Building Bureau – Grading and other related onsite and offsite work permits and minor encroachment permits

Actions by Other Agencies

- Bay Area Air Quality Management District (BAAQMD) – Issuance of permits for installation and operation of the emergency generator.
- Regional Water Quality Control Board – Acceptance of a Notice of Intent to obtain coverage under the General Construction Activity Storm Water Permit, and Notice of Termination after construction is

complete. Granting of required clearances to confirm that all applicable standards, regulations, and conditions for all previous contamination at the site have been met.

- East Bay Municipal Utility District (EBMUD) – Approval of new service requests and new water meter installations.

BVDSP and EIR

The BVDSP provides a framework for future growth and development in an approximately 95.5-acre area along Oakland's Broadway corridor between Grand Avenue and I-580. Although it does not propose specific private developments, the BVDSP established a Development Program to project the maximum feasible development reasonably expected during the 25-year planning period, which included approximately 3.7 million square feet, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 180-room hotel, approximately 6,500 parking spaces, and approximately 4,500 new jobs. As described above, the BVDSP EIR analyzed the environmental impacts of adoption and implementation of the BVDSP and—where feasible, and where the level of detail available was sufficient to adequately analyze the potential environmental effects—the EIR provided a project-level CEQA review for foreseeable and anticipated development.

On September 20, 2013, the City of Oakland released for public review a Draft EIR for the BVDSP. The public review and comment period on the Draft EIR extended from September 20, 2013, through November 12, 2013. The Landmarks Preservation Advisory Board (LPAB) and the City of Oakland Planning Commission held hearings on the Draft EIR, and comments received during the public review and comment period were addressed in the Final EIR for the BVDSP. Prior to adoption of the Final EIR, additional public hearings were held by both the LPAB and the Planning Commission. The Final EIR was certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014.

The Final EIR determined that impacts to the following resources would be less than significant, or would be reduced to a less-than-significant level with the implementation of mitigation measures or compliance with City of Oakland SCAs: aesthetics; biology; geology, soils, and geohazards; hazardous materials; hydrology and water quality; land use, plans, and policies; population, housing, and employment; public services and recreational facilities; and utilities and service systems. The Final EIR determined that implementation of the BVDSP would have significant unavoidable effects on the following environmental resources: wind and shadow; air quality; cultural resources; greenhouse gases (GHGs) and climate change; noise; and transportation. Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations with findings was adopted as part of the BVDSP approval on May 21, 2014, and confirmed by City Council on June 17, 2014.

Summary of Findings

An evaluation of the proposed project is provided in the CEQA Checklist below. This evaluation concludes that the proposed project qualifies for an exemption/addendum from additional environmental review. It is consistent with the development density and land use characteristics established by the City of Oakland in the BVDSP, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the BVDSP EIR. The proposed project will be required to comply with the applicable mitigation measures identified in the BVDSP EIR, and any applicable City of Oakland SCAs (see Appendix A, SCA/MMRP). With implementation of the applicable mitigation measures and SCAs, the proposed project would not result in a substantial increase in the severity of previously identified

significant impacts in BVDSP EIR, or in any new significant impacts that were not previously identified in the BVDSP EIR.

In accordance with California Public Resources Code Sections 21083.3, 21094.5, and 21166; and CEQA Guidelines Sections 15183, 15183.3, and 15164, and as set forth in the CEQA Checklist below, the proposed project qualifies for an exemption/addendum because the following findings can be made:

- The proposed project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not previously identified as significant project-level, cumulative, or offsite effects in the BVDSP EIR; or (3) were previously identified as significant effects, but which—as a result of substantial new information not known at the time the BVDSP EIR was certified—would increase in severity above that described in the EIR. Therefore, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.
- The proposed project would not cause any new specific effects on the environment that were not already analyzed in the BVDSP EIR or are more significant than previously analyzed in the BVDSP EIR. The effects of the proposed project have been addressed in the BVDSP EIR, and no further environmental documents are required in accordance with Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.
- The analyses conducted and the conclusions reached in the BVDSP EIR certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014, remain valid, and no supplemental environmental review is required for the proposed project modifications. The proposed project would not cause new significant impacts not previously identified in the EIR, or result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the original project that would cause significant environmental impacts to which the proposed project would contribute considerably, and no new information has been put forward that shows that the proposed project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum in accordance with Public Resources Code Section 21166 and CEQA Guidelines Sections 15164.

Each of the above findings provides a separate and independent basis for CEQA compliance.

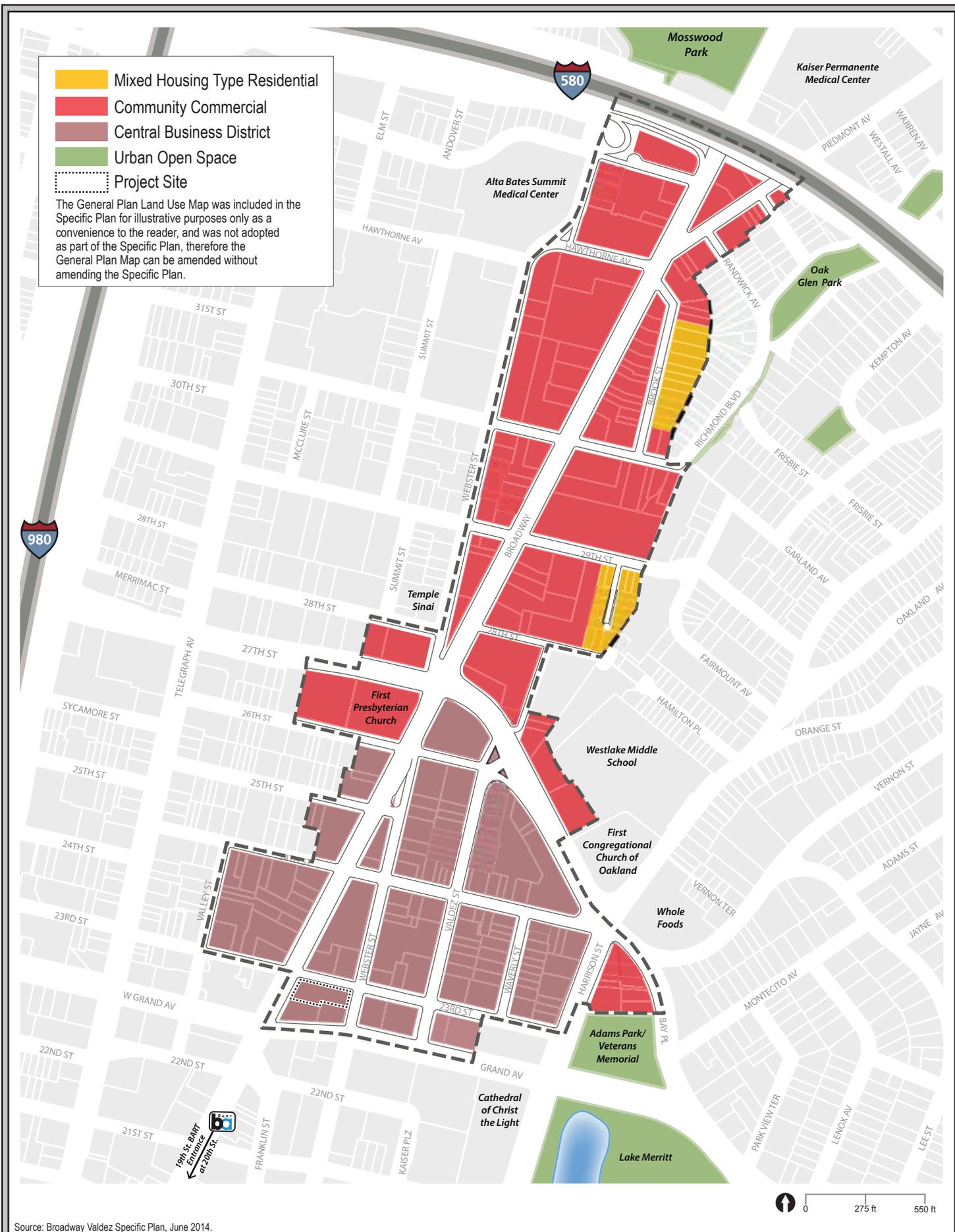


Darin Ranelletti

Environmental Review Officer



Date



ILLUSTRATIVE SPECIFIC PLAN LAND USE MAP

FIGURE 1



Source: MBH ARCHITECTS, January, 2015.

BUILDING RENDERING – 23RD/BROADWAY

FIGURE 3

CEQA CHECKLIST

Overview

This CEQA Checklist provides a summary of the potential environmental impacts that may result from adoption and implementation of the BVDSP, as evaluated in the BVDSP EIR. Potential environmental impacts of development under the BVDSP were analyzed and covered by the BVDSP EIR, and the EIR identified mitigation measures and SCAs⁶ to address these potential environmental impacts.

This CEQA Checklist hereby incorporates by reference the BVDSP EIR discussion and analysis of all potential environmental impact topics; only those environmental topics that could have a potential project-level environmental impact are included. The EIR significance criteria have been consolidated and abbreviated in this CEQA Checklist for administrative purposes; a complete list of the significance criteria can be found in the BVDSP EIR.

This CEQA Checklist provides a determination of whether the proposed project would result in:

- Equal or Less Severity of Impact Previously Identified in BVDSP EIR;
- Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR; or
- New Significant Impact.

Where the severity of the impacts of the proposed project would be the same as or less than the severity of the impacts described in the BVDSP EIR, the checkbox for Equal or Less Severity of Impact Previously Identified in BVDSP EIR is checked. Where the checkbox for Substantial Increase in Severity of Previously Identified Significant Impact in BVDSP EIR or New Significant Impact is checked, there are significant impacts that are:

- Peculiar to project or project site (per CEQA Guidelines Sections 15183 or 15183.3);
- Not identified in the previous EIR (BVDSP EIR) (per CEQA Guidelines Sections 15183 or 15183.3), including offsite and cumulative impacts (per CEQA Guidelines Section 15183);
- Due to substantial changes in the project (per CEQA Guidelines Section 15162);
- Due to substantial changes in circumstances under which the project will be undertaken (per CEQA Guidelines Sections 15162); or
- Due to substantial new information not known at the time the BVDSP EIR was certified (per CEQA Guidelines Sections 15162, 15183, or 15183.3).

The proposed project is required to comply with applicable mitigation measures identified in the BVDSP EIR, and with City of Oakland SCAs. The project sponsor has agreed to incorporate and/or implement the required mitigation measures and SCAs as part of the proposed project. This CEQA Checklist includes references to the applicable mitigation measures and SCAs which are listed in Appendix A, SCA/MMRP, The SCA/MMRP is incorporated by reference into the CEQA Checklist analysis. If the CEQA Checklist

⁶ These are Development Standards that are incorporated into projects as Standard Conditions of Approval regardless of a project's environmental determination, pursuant, in part, to CEQA Guidelines section 15183. As applicable, the Standard Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the Standard Conditions of Approval are applied, based upon the zoning district, community plan, and the type(s) of permit(s)/approvals(s) required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which Standard Conditions of Approval apply to each project.

(including the SCA/MMRP) inaccurately identifies or fails to list a mitigation measure or SCA, the applicability of that mitigation measure or SCA to the proposed project is not affected.

1. Aesthetics, Shadow, and Wind Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Have a substantial adverse effect on a public scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code sections 25980-25986); or cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space; or, cast shadow on an historical resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create winds that exceed 36 mph for more than one hour during daylight hours during the year. The wind analysis only needs to be done if the project's height is 100 feet or greater (measured	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Aesthetics, Shadow, and Wind Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
to the roof) and one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown.			

Scenic Vistas, Scenic Resources, and Visual Character (Criterion 1a)

The BVDSP EIR determined that potential impacts to scenic vistas and resources, visual character, and lighting and glare from development under the BVDSP would be less than significant with implementation of SCAs, and that no mitigation measures were necessary. The Physical Height Model analyzed in the BVDSP EIR⁷ represents the conceptual massing for projects to be developed under the BVDSP, and served as the basis for massing, view corridor, shadow, and wind analysis performed in the EIR. The Physical Height Model accounted for 200-foot building heights directly northwest, northeast, and south of the project site. No significant change in building height was modeled for adjacent sites to the north, east, and west of the project site. The EIR acknowledges the Valdez subarea as appropriate for new towers due to the presence of existing mid- and high-rise towers. New towers within the Valdez subarea are not expected to adversely affect views within or through the Plan Area. The EIR found that new structures would partially obstruct views of the sky, but that such changes would not represent a substantial adverse effect on views, because no views considered scenic or unique (as defined by CEQA) and no visual access to protected scenic resources (as defined by the General Plan) would be obstructed. Changes anticipated under the BVDSP would generally create a more pedestrian-oriented aesthetic in the Plan Area, and the Design Guidelines would ensure that development under the BVDSP would be compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas. Development in the Plan Area will be required to comply with SCAs related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans.

Shadow (Criteria 1b through 1d)

The EIR determined that development under the BVDSP would result in less-than-significant impacts from shading, with the exception of potential shading on the Temple Sinai, which is considered a historical resource. Temple Sinai is located at 356 28th Street near the intersection with Webster Street. Under the BVDSP EIR, Mitigation Measure AES-4: Shadow Analysis applies to the area bounded by Webster Street, 29th Street, Broadway, and 28th Street to reduce shadow impacts. Even with implementation of Mitigation

⁷ The Broadway Valdez Development Program represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over the next 25 years, and is thus the level of development envisioned by the Specific Plan and analyzed in the BVDSP EIR. The Broadway Valdez Development Program, together with the Specific Plan height limits, maximum base heights, and step-back requirements inform the Physical Height Model, which provides the basis for analysis within the BVDSP EIR.

Measure AES-4, impacts would conservatively remain significant and unavoidable. Development outside this area under the BVDSP was determined to result in less-than-significant shadow impacts. To address potential cumulative impacts, under the BVDSP EIR, Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5 (described below), applies to those projects to address significant cumulative aesthetics and wind impacts. The EIR concluded that, even with implementation of Mitigation Measure AES-6, cumulative impacts for shadow and wind would conservatively remain significant and unavoidable.

Wind (Criterion 1e)

The BVDSP EIR determined that development under the BVDSP that has a height of 100 feet or greater, and is in the portion of the Plan Area designated as Central Business District (which extends north from downtown to 27th Street), could result in adverse wind conditions. Under the BVDSP EIR, Mitigation Measure AES-5: Wind Analysis applies to those projects in the Central Business District portion of the Plan Area that are over 100 feet in height. Even with implementation of Mitigation Measure AES-5, impacts would conservatively remain significant and unavoidable. To address potential cumulative impacts, under the BVDSP EIR, Mitigation Measure AES-6, which requires implementation of Mitigation Measures AES-4 and AES-5, applies to those same projects and addresses significant cumulative wind and aesthetics impacts. Even with implementation of Mitigation Measure AES-6, cumulative impacts would conservatively remain significant and unavoidable.

Project Analysis

As shown in the BVDSP EIR, the project site is located in an area with substantial existing shading throughout the year due to the presence of large buildings on adjacent sites. The proposed project would be 24-stories in height with a spire reaching 289 feet which additional height above 250 feet and rooftop coverage above 10 percent requires granting of a minor variance. The BVDSP EIR analyzed shadows resulting from a building 200 feet in height on the project site. The shadow analysis focused on the potential for buildings to shade existing solar collectors and historic resources. The proposed project would not result in a significant amount of additional shading as reflected in the BVDSP EIR. The proposed building height of 250 feet (289 feet with the spire added) , although greater than analyzed in the BVDSP EIR would not significantly increase shading in the project area to such an extent that it would impact known solar collectors and cultural resources. The proposed 39-foot spire is located on the eastern project frontage along Webster Street (creating a total building height of 289 feet) and would result in limited additional shadows as compared to the remainder of the proposed 250-foot building. Additionally, the proposed project is outside the area identified in the BVDSP EIR as having potential shading impacts on Temple Sinai, for this reason Mitigation Measure AES-4 would not apply.

The proposed project is located in the Central Business District of the Plan Area which due to its height, exceeding 100 feet, required completion of a wind analysis. The wind analysis (RWDI, 2015) relied on wind data from the Oakland International Airport and assumed wind from the west and west-northwest based on the orientation of buildings and streets in the area. The pedestrian wind model analyzed the existing condition, proposed project condition, and a future cumulative condition which relied on the assumptions in the maximum allowable heights for the surrounding properties in the BVDSP area. A significant wind impact would occur if the project were to create winds exceeding 36 mph for more than one hour during daylight hours during a year. Higher wind speeds are expected around the northwest corner of the

building where winds from the west quadrant will be downwashed⁸ and accelerate⁹ around the northwest building corner. These localized flow accelerations are expected to result in potentially uncomfortable wind conditions in the vicinity of the northwest building corner, particularly during strong wind events. The wind conditions in pedestrian areas on and around the proposed development, however, will meet the City of Oakland significant wind impact criterion under the proposed project and future cumulative development conditions at other planned new construction occurs in the vicinity of the site and thus would result in less-than-significant impacts.

Recommended Design Measures.

While the wind study found the project design as proposed would comply with the City's wind threshold, the following measures were recommended in the wind analysis to further improve street-level pedestrian wind comfort and resident comfort in project open space areas at upper levels, and are proposed by the project proponent and will be reflected as conditions of approval:

- An overhead canopy that extends at least 8 feet from the façade and that wraps around the northwest corner will lower wind speeds, while the entrances on the north side of the building will benefit from landscaping or wind screens installed to the left of these features. For further benefit to the entrances on the west side of the building, canopies that extend at least 6 feet from the façade will be installed above the colonnade on the west side.
- On the 8th floor terrace, lower wind speeds will be achieved by implementing parapets of at least 6 feet tall around this level. Canopies that extend to the edge of the terrace at the northwest and southwest corners and partitions in the form of landscaping or screens on the south side of the terrace, will also be implemented to improve wind comfort on the terrace.
- Parapets of at least 6 feet high surrounding the 24th floor will be used to reduce wind speeds across this level.

Conclusion. Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to aesthetics, shadow, and wind that were not identified in the BVDSP EIR. In addition, no mitigation measures from the BVDSP EIR related to aesthetics and shadow, are necessary for the proposed project. As discussed above, the wind study required by Mitigation Measures AES-5 and AES-6 shows the proposed project would comply with the City of Oakland's wind performance standard and not result in any significant wind impacts. The proposed project would be required to implement SCAs related to landscaping, street frontages, landscape maintenance, utility undergrounding, public right-of-way improvements, and lighting plans, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs 12, 13, 15, 17 through 21, and 40).

⁸ Downwashing occurs when tall buildings intercept winds and redirect them downwards, resulting in higher speeds and is very common with large buildings.

⁹ Corner acceleration occurs when large facades intercept winds and redirect them around building corners at higher speeds.

<p>2. Air Quality Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>a. During project construction result in average daily emissions of 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀; during project operation result in average daily emissions of 54 pounds per day of ROG, NO_x, or PM_{2.5}, or 82 pounds per day of PM₁₀; result in maximum annual emissions of 10 tons per year of ROG, NO_x, or PM_{2.5}, or 15 tons per year of PM₁₀; or</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>
<p>b. For new sources of Toxic Air Contaminants (TACs), during either project construction or project operation expose sensitive receptors to substantial levels of TACs under project conditions resulting in (a) an increase in cancer risk level greater than 10 in one million, (b) a noncancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM_{2.5} of greater than 0.3 microgram per cubic meter; or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 microgram per cubic meter; or expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in a million, (b) a noncancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 microgram per cubic meter.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>

Construction and Operational Emissions (Criterion 2a)

The BVDSP EIR determined that construction activities associated with development of projects under the BVDSP would generate air emissions from the use of heavy construction equipment; vehicle trips hauling materials, construction workers traveling to and from the project sites, and application of architectural coatings, such as paints, and would result in significant impacts. An SCA related to construction air pollution controls, along with Recommended Measure AIR-1, would reduce emissions from construction equipment, control fugitive dust, and reduce emissions from architectural coatings. Even with implementation of the SCA and Recommended Measure AIR-1, regional emissions were conservatively

estimated to exceed the BAAQMD daily significance thresholds for reactive organic gases (ROG), resulting in a significant and unavoidable impact.

The BVDSP EIR also determined operational activities associated with development in the Plan Area would result in an increase in criteria air pollutant and precursor emissions from mobile on-road sources and on-site area sources, such as natural gas combustion for space and water heating and landscape maintenance, which would have a significant impact. Operational emissions of ROG, oxides of nitrogen (NO_x), and particulate matter less than or equal to 10 microns in diameter (PM₁₀) would exceed significance thresholds. An SCA that requires development of a Parking and Transportation Demand Management Plan, along with Recommended Measure AIR-2, would reduce vehicular trips and operational emissions. Even with implementation of the SCA and Recommended Measure AIR-2, this impact would conservatively remain significant and unavoidable for emissions of ROG, NO_x, and PM₁₀.

Toxic Air Contaminants (Criterion 2b)

The BVDSP EIR determined that development under the BVDSP could generate substantial levels of Toxic Air Contaminants (TACs), resulting in significant impacts from construction activities and project operations. New operational sources, such as backup diesel generators, could result in significant impacts on new and existing receptors. SCAs would reduce potential air quality impacts related to TACs by reducing construction source impacts on new and existing receptors, and requiring a Health Risk Assessment of surrounding off-site sources on new on-site sensitive receptors. The EIR also identified Mitigation Measure AIR-4: Risk Reduction Plan, which would reduce the impacts associated with new operational sources on existing sensitive receptors. Even with the SCA and Mitigation Measure AIR-4, the EIR determined that these impacts conservatively would remain significant and unavoidable.

Project Analysis and Conclusion

Construction of the proposed project would occur over approximately 24 months, and would include excavation and off-haul of approximately 14,100 cubic yards of soil. The proposed project would have a total of approximately 393,820 square feet and 223 residential units—generating approximately 68 new vehicle trips during the weekday a.m. peak hour (15 inbound and 53 outbound), and approximately 96 new vehicle trips during the weekday p.m. peak hour (60 inbound and 36 outbound), as described in the Transportation and Circulation section of this CEQA Checklist. The proposed project would be required to comply with applicable SCAs related to parking demand, and construction and operation source emissions. Recommended Measure AIR-1 from the BVDSP EIR would also apply as identified in Appendix A, SCA/MMRP. The proposed project size does not meet the requirements for implementation of Recommended Measure AIR-2.

The proposed project would introduce new sensitive receptors (residents) to the project site. A screening-level analysis was completed to assess the impacts of nearby sources of TACs on the proposed project's new residential sensitive receptors.¹⁰ The proposed project is required to implement SCAs related to construction emissions, including TACs. As detailed in the BVDSP EIR, any project greater than 70 feet in height is required to incorporate back-up diesel generators for elevator safety and would not be allowed to generate TACs that exceed a cancer risk of 10 in one million or a chronic or acute hazard index of 1.0.

¹⁰ Illingworth & Rodkin, Inc. 2270 Broadway Mixed-Use Residential Development – Draft TAC and GHG Emissions Assessment. February 2015.

The proposed project would construct new residential uses, and is within 1,000 feet of Broadway, Grand Avenue, and four stationary TAC sources. With the exception of the Caltrans emergency back-up generators at 111 Grand Avenue, the mobile and stationary sources within 1,000 feet of the project site would not present a significant health risk to project residents, i.e. exceed the BAAQMD health risk standards of a cancer risk of 10 in one million, a non-cancer risk (chronic or acute) hazard index greater than 1.0, or an increase of annual average PM_{2.5} of greater than 0.3 microgram per cubic meter.

Modeling of the Caltrans emergency back-up generators (Plant 14195) was completed to assess cancer risks and annual PM_{2.5} concentrations at residential receptor locations in the proposed project building. This modeling included the use of three years (1998 – 2000) meteorological data from the Port of Oakland that were prepared for use with the ISCST3 model by BAAQMD. The model computed DPM concentrations at locations of future residential units. The emergency generators are located on the roof of the Caltrans building at a height of about 220 feet. Due to the height of generators above ground level, potential impacts at the proposed building were evaluated for the three upper residential levels on the 22nd through 24th floors (about 214 feet through 235 feet above ground level). Concentrations at residential units below these floors would be lower. Receptors for modeling were placed at the proposed locations of the residential units at the different floor levels. The generators were assumed to be operated for testing and maintenance purposes during the daytime hours between 8 a.m. and 5 p.m. The BAAQMD annual emissions value from this source factors in the amount of time that the generator is tested over the year.

Using BAAQMD cancer risk calculation methods the maximum estimated increased residential cancer risks would be 10.5, 10.1, and 9.4 in one million, at the 24th, 23rd, and 22nd floor levels, respectively. Cancer risks at lower floor levels would be less than those for the 22nd floor. The cancer risks for the 23rd and 24th floor levels would be greater than the BAAQMD cancer risk significance threshold of 10 excess cases in one million and would be considered a significant impact.

The maximum modeled annual PM_{2.5} concentration was 0.019 µg/m³, occurring on the 24th floor and the maximum Hazard Index would be 0.004. PM_{2.5} concentrations and Hazard Indexes at other floor levels would be lower than those of the 24th floor. The maximum PM_{2.5} concentration and Hazard Index would be below BAAQMD significance thresholds of 0.3 µg/m³ for PM_{2.5} and 1.0 for a Hazard Index and would be considered a less than significant impact.

The sum of impacts from cumulative sources (i.e., high volume roadway and emergency diesel generators) is shown in Table 2. The sum of impacts from cumulative sources (i.e., sources within 1,000 feet of the project) would be below the threshold of 100 excess cancer cases in one million, a noncancer risk (chronic or acute) hazard index greater than 10.0, or annual average PM_{2.5} of greater than 0.8 µg/m³. Therefore, the cumulative health risk impact from cumulative sources within 1,000 feet would be considered less than significant.

Table 2. Impacts from Cumulative Sources

Source	Maximum Cancer Risk (per million)	Hazard Index	PM _{2.5} Concentration (µg/m ³)
Broadway at 10 feet	6.7	<0.03	0.28
Grand Avenue at 100 feet	5.4	<0.03	0.22
Project Back-up Generator (up to 500 kW)	0.8	<0.01	<0.01
Plant 14195, Caltrans	10.5	<0.01	0.02
Plant 19971, The Grand Apartments	1.8	<0.01	<0.01
Plant 19999, Pacific Bell	1.8	<0.01	0.02
Plant 20095, CIM Group/Ordway	0.9	0.02	0.02
Cumulative Sources	27.9	<0.12	<0.6
BAAQMD Threshold – Cumulative Sources	100	10.0	0.8

Source: Illingworth & Rodkin, Inc., 2015. 2270 Broadway Mixed-Use Residential Development – Draft TAC and GHG Emissions Assessment. February.

In accordance with SCA B, the project will be required to implement the following health risk reduction measures for new residences on the 23rd and 24th floors:

- Install air filtration for residential units on the 23rd and 24th floors. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimal design standards (Department of Public Health, City and County of San Francisco, 2008):
 - A MERV13 or higher rating;
 - At least one air exchange(s) per hour of fresh outside filtered air;
 - At least four air exchange(s) per hour recirculation; and

Alternately, at the approval of the City, an equivalent control technology may be used if it is shown by a qualified air quality consultant or HVAC engineer that it would reduce risk below significance thresholds.

- An ongoing maintenance plan for the building's HVAC air filtration system shall be implemented. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM_{2.5} exposures are predicted. Subsequent studies could be conducted by an air quality expert approved by the City to identify the ongoing need for the filtered ventilation systems as future information becomes available.
- Require cleaning, maintenance, and monitoring of the affected units for air flow leaks; include assurance that new residents are provided information on the ventilation system; and require replacements of the filters, as needed through maintenance and monitoring.

- Require that, prior to building occupancy, an authorized air pollutant consultant or HVAC engineer verify the installation of all necessary measures to reduce TAC exposure.

The projected residential cancer risks associated with use of a MERV13 filtrations for the 23rd and 24th floors would be reduced to less than 10 in one million in all potential residential areas, and, thus, to a level of less than significant.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to air quality that were not identified in the BVDSP EIR. Recommended Measures AIR-1 from the BVDSP EIR would apply to the proposed project as would SCAs related to construction-related emissions controls, implementation of health risk reduction measures, and development of Parking and Transportation Demand Management plans, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs A, B, and 25).

3. Biological Resources Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means; Substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Biological Resources Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
b. Fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code [OMC] Chapter 12.36) by removal of protected trees under certain circumstances; or Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Special-Status Species, Wildlife Corridors, Riparian and Sensitive Habitat, Wetlands, Tree and Creek Protection (Criteria 3a and 3b)

As described in the BVDSP EIR, the Plan Area is within and surrounded by a fully developed urban environment, and impacts of development on biological resources under the BVDSP would be less than significant. Few special-status animals are present in the Plan Area, and no aquatic habitats that could support migratory fish or birds are present. In addition, very little natural vegetation exists; and because this vegetation is not connected to other nearby natural habitats, it would not constitute a wildlife corridor. There are no natural sensitive communities in the Plan Area, and the nearest riparian habitat is at Glen Echo Creek, between 28th and 30th streets along the eastern boundary of the Plan Area. The EIR identified landscape trees in the Plan Area as potential nursery sites for nesting birds. In addition, projects developed under the BVDSP could cause harm to birds by increasing bird collisions with buildings.

Development in the Plan Area will be required to comply with SCAs related to removal and replacement of trees; tree protection during construction; and protection of nesting birds during the breeding season which would protect natural resources from potential degradation that could result from construction of development projects under the Plan Area. An SCA pertaining to reducing bird collisions with buildings would reduce potential impacts to birds by constructing features in compliance with Best Management Practice strategies to limit bird strikes. SCAs pertaining to landscaping and vegetation management on creekside properties; protection of creeks from construction vibration and dewatering; hazard materials management; and stormwater and erosion control would ensure that development under the BVDSP is in compliance with all aspects of the Creek Protection Ordinance, reduce the potential impacts on water quality, and minimize potential indirect impacts from pollution in Glen Echo Creek. Stormwater from the project would not drain to Glen Echo Creek but would eventually drain to Lake Merritt through the City’s storm sewer system.

Project Analysis and Conclusion

The approximately 0.46-acre project site is developed with a surface parking lot, and is completely covered with impervious surfaces. There are three trees, protected by the Tree Protection Ordinance, two on Webster Street, and one in the landscape strip on the project’s southeastern boundary. All three trees are non-native species and would remain with construction of the project. Landscape trees and bioretention planters would also be installed on the eighth floor terrace of the proposed building.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to biological resources that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to biological resources, and none would be needed for the proposed project. SCAs related to tree removal and replacement, bird protection, erosion control, stormwater management, and hazardous materials, identified in Appendix A, SCA/MMRP, would apply to the project (for reference, these are SCAs 35, 44 through 47, 55, 80, and 82).

4. Cultural Resources Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of an historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historic Places, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;	☒	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or	☒	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries.	☒	☐	☐

Historical Resources (Criterion 4a)

The BVDSP EIR found that development under the BVDSP could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in

the federal, state, or local registers of historical resources, which would be considered a significant impact. The Plan Area contains 20 individual properties, including two in an Area of Primary Importance¹¹ that are considered historical resources for CEQA purposes. There are also many older buildings that possess architectural merit, located in Areas of Secondary Importance¹² or standing alone, and that contribute to the variety and texture of the Plan Area. In addition to the proposed land use changes represented in the Physical Height Model analyzed in the EIR, three parcels having CEQA historical resources—the Connell Building at 3093 Broadway; the Seventh Church of Christ, Scientist at 2333 Harrison Street; and the Newsom Apartments at 2346 Valdez Street—are specifically analyzed in the EIR.

The EIR identified Mitigation Measure CUL-1, to reduce the impacts to historical resources throughout the Plan Area, as well as the site-specific impacts associated with the demolition of individual historical resources, through (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures, (b) Site-Specific Surveys and Evaluations, (c) Recordation and Public Interpretation, and (d) Financial Contributions. The EIR determined that if demolition or substantial alteration of historically significant resources is identified by the City of Oakland as the only feasible option for development in the Plan Area, impacts would be significant and unavoidable, even after implementation of Mitigation Measure CUL-1(c), Recordation and Public Interpretation, and Mitigation Measure CUL-1 (d), Financial Contributions.

In addition, the EIR concluded that incompatible new construction immediately adjacent to historical resources, as well as inappropriate reuse of such resources, could result in significant impacts in the Plan Area. Specifically, development on parcels across Webster Street to the northeast of the Temple Sinai could extend shadows far enough south to shade the temple's stained glass windows during the early morning hours, resulting in significant impacts. Even with implementation of Mitigation Measure AES-4, Shadow Analysis, described in Section 1 above, Aesthetics, Shadow and Wind, impacts would conservatively remain significant and unavoidable.

The BVDSP EIR determined that significant cumulative impacts to historical resources could result from development of projects under the BVDSP, and identified Mitigation Measure CUL-5, which would require implementation of Mitigation Measure CUL-1. However, even with implementation of Mitigation Measure CUL-5, the EIR determined that cumulative impacts would remain significant and unavoidable.

In addition to the mitigation measures described above, the BVDSP EIR identified Oakland Municipal Code Section 17.136.075, Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties, as well as SCAs related to property relocation instead of demolition, and protection of historic structures from vibration impacts during adjacent construction projects, which will also address impacts to historical resources.

Even with the above mitigation measures and SCAs, impacts from development of the BVDSP development program as a whole to historical resources would remain significant and unavoidable.

Archaeological and Paleontological Resources (Criteria 4b and 4c)

No known archaeological resources have been recorded in the Plan Area; however, the EIR found that the Plan Area is potentially sensitive for archaeological and buried sites that are not visible due to urban development. The EIR determined that implementation of an SCA, which would ensure that resources are

¹¹ Area of Primary Importance is an area or district that appears eligible for the National Register of Historic Places, and is considered a historical resource under CEQA.

¹² Area of Secondary Importance is an area or district that is of local interest, but is not eligible for the National Register of Historic Places and is not considered a historical resource under CEQA.

recovered and that appropriate procedures are followed in the event of accidental discovery, would minimize potential risk of impact to archaeological resources to a less-than-significant level.

The Plan Area was also identified as having low to moderate paleontological sensitivity, and it is possible that fossils would be discovered during excavation in the Plan Area. Implementation of an SCA, which would require a qualified paleontologist to document a discovery, and that appropriate procedures be followed in the event of a discovery, would ensure that the potential impact to fossils discovered in the rock units would be less than significant.

Human Remains (Criterion 4d)

Although the BVDSP EIR did not identify any locations of buried human remains in the Plan Area, the inadvertent discovery of human remains during ground-disturbing activities cannot be entirely discounted. In the event that human remains are discovered during excavation, implementation of an SCA, which would ensure that the appropriate procedures for handling and identifying the remains are followed, would reduce impacts to a less-than-significant level.

Project Analysis and Conclusion

Historic Architectural Resources. The project site is used as a parking lot and has no historic structures on or adjacent to the property. Therefore, the proposed project would not require the implementation of any SCAs or mitigation measures related to historic architectural resources.

Archaeological and Paleontological Resources and Human Remains. The proposed project would require excavation to approximately 19 feet below grade. Based on the results of the Geotechnical Report prepared for the proposed project (URS, 2014), the underlying geology of the project site comprises Holocene alluvial fan deposits and Pleistocene alluvium to the depth of excavation. In the San Francisco Bay Area, such soils have been found to contain often deeply buried prehistoric archaeological resources, and are therefore considered to be of elevated archaeological sensitivity. According to the Phase 1 Environmental Site Assessment prepared for the proposed project (Odic Environmental, 2014), the parcel contained one structure in the early 1900s and was covered with one or more buildings since at least 1920. Buried historical archaeological remains from prior development of the site could be considered significant but would be reduced to a less-than-significant level with the implementations of SCAs.

Conclusion. Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to cultural resources that were not identified in the BVDSP EIR. The project would be required to implement SCAs related to accidental discovery of archeological and paleontological resources and human remains, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs 52, 53, and 54).

5. Geology, Soils, and Geohazards Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Expose people or structures to substantial risk of loss, injury, or death involving: <ul style="list-style-type: none"> • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; • Strong seismic ground shaking; • Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or • Landslides; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property; result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Seismic Hazards, Expansive Soils, and Soil Erosion (Criterion 5a and 5b)

The BVDSP EIR determined that very strong ground shaking and associated liquefaction in certain soils could expose people to injury or harm during earthquakes. In addition, the soils in the Plan Area are largely composed of artificial fill material overlying natural deposits of Bay Mud. The BVDSP identified the artificial fills and expansive soils underlying the Plan Area as presenting a potential hazard, due to the possibility of shrink-swell behavior and soil compression.

Development proposed under the BVDSP would avoid and minimize potential geologic impacts through compliance with local and state regulations governing design and construction practices, such as the Seismic Hazards Mapping Act (in liquefaction hazard zones) and the California Building Code. Implementation of SCAs that require the preparation of soils and geotechnical reports specifying generally accepted and appropriate engineering techniques, would reduce potential impacts to less-than-significant levels.

The BVDSP EIR identified no impacts related to substantial soil erosion or loss of topsoil, because the Plan Area is in a developed urban area that is paved or landscaped, and served by a storm drain system. In addition, SCAs would minimize erosion and sedimentation.

Project Analysis and Conclusion

The proposed project would require excavation of approximately 14,100 cubic yards of soil; because the proposed project would entail excavation of more than 500 cubic yards of soil, a grading permit would be

required. The proposed project would be required to comply with local and state construction requirements in the design and building of the proposed project.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to geology, soils, and geohazards that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to geology, soils, and geohazards, and none would be needed for the proposed project. SCAs related to erosion, grading, and sedimentation control, as identified in Appendix A, SCA/MMRP, would apply (for reference, these are SCAs 55, 58, and 60).

6. Greenhouse Gas and Climate Change Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:			
<ul style="list-style-type: none"> • For a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO_{2e} annually. • For a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO_{2e} annually AND more than 4.6 metric tons of CO_{2e} per service population annually. The service population includes both the residents and the employees of the project. The project's impact would be considered significant if the emissions exceed BOTH the 1,100 metric tons threshold and the 4.6 metric tons threshold. Accordingly, the impact would be considered less than significant if the project's emissions are below EITHER of these thresholds. 	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>
b. Conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing greenhouse gas emissions.	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>

Greenhouse Gas Emissions (Criterion 6a and 6b)

The BVDSP EIR evaluated impacts related to GHG emissions from construction and operation anticipated under the BVDSP. The EIR identified motor vehicle use, water, gas, electrical use, loss of vegetation, and construction activities as contributing to generation of GHG emissions under the implementation of the BVDSP. Future projects and development implemented under the BVDSP would be required to be consistent with the City of Oakland Energy and Climate Action Plan, and with SCAs that would reduce GHG emissions during construction and operation of projects. Even with implementation of SCAs, the BVDSP EIR determined that GHG impacts would conservatively remain significant and avoidable.

Project Analysis and Conclusion

A GHG screening analysis was prepared to determine whether the SCA requiring a GHG reduction plan applies to the proposed project. The GHG reduction plan SCA applies to Very Large Projects defined for residential purposes as containing greater than 500 residential units that would produce total GHG emissions exceeding one or both of the BAAQMD CEQA Thresholds; and that would potentially result in a significant impact. GHG emissions from the operation and construction of the project were modeled¹³ using CalEEMod and determined the project would result in emissions of 3.8 MTCO_{2e} per service population (i.e. residents and employees occupying the building). The proposed project is not considered a very large project and annual emissions from the project would be below the City’s threshold of 4.6 MTCO_{2e} per service population. Emissions from the testing and maintenance of the back-up generator for the project were calculated and indicate annual CO_{2e} emissions of nine (9) MT which are substantially below the 10,000 MTCO_{2e} threshold for stationary sources. The proposed project, therefore, would be consistent with the City of Oakland’s Energy and Climate Action Plan and the BVDSP, and a GHG reduction plan per SCA F is not required.

Based on the GHG screening analysis (Illingworth & Rodkin, 2015) and an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to greenhouse gas and climate change that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to GHGs, and none are necessary for the proposed project. In addition, no SCAs related to GHGs are required for the proposed project.

7. Hazards and Hazardous Materials Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;	☒	☐	☐

¹³ Illingworth & Rodkin, Inc., 2015. 2270 Broadway Mixed-Use Residential Development – Draft TAC and GHG Emissions Assessment. February.

7. Hazards and Hazardous Materials Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; Create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors; Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment;			
b. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions; or Fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exposure to Hazards, Hazardous Materials Use, Storage and Disposal (Criterion 7a)

The BVDSP EIR determined that development under the BVDSP could result in construction activities that use hazardous materials, as well as ongoing commercial activities that involve the use of chemicals that are considered hazardous materials. Adoption and development under the BVDSP could therefore require the transportation, use, and storage of additional quantities of hazardous materials to new businesses and entities. In addition, the EIR determined that demolition under the BVDSP could result in disturbance of hazardous building materials, such as lead-based paint, asbestos, and polychlorinated biphenyls (PCBs). The transportation, use, and storage of all hazardous materials would be required to follow the applicable laws and regulations adopted to safeguard workers and the general public. In addition, development under the BVDSP would be subject to the City of Oakland’s SCAs pertaining to best management practices for hazardous materials; removal of asbestos and lead-based paint; and other hazardous materials and wastes, including those found in the soil and groundwater, which would reduce impacts to less-than-significant levels.

Hazardous Materials within a Quarter Mile of a School (Criterion 7b)

There are no schools in the Plan Area; however, there are five schools or daycare facilities within 0.25 mile of the Plan Area. Development under the BVDSP would be required to comply with the City of Oakland's Ordinances and General Plan Policies, which require hazardous material handlers within 1,000 feet of a school or other sensitive receptor to prepare a Hazardous Materials Assessment Report and Remediation Plan. Additionally, those handling or storing hazardous materials would be required to prepare a Hazardous Materials Management Plan and Hazardous Materials Business Plan, as required by Alameda County and a City of Oakland SCA; preparation of these plans would reduce impacts to less-than-significant levels.

Emergency Access Routes (Criteria 7c)

The EIR determined that construction under the BVDSP that would result in temporary road closures, which would require traffic control plans to ensure at least two emergency access routes are available for streets exceeding 600 feet in length, per City of Oakland's Ordinances and General Plan Policies. Compliance with all applicable requirements would reduce potential impacts to a less-than-significant level.

Project Analysis and Conclusion

A Phase 1 Environmental Site Assessment was prepared for the proposed project¹⁴ which did not identify any existing conditions on the site or surrounding area with the potential to impact the proposed project. The site was formerly used for automotive repair and two underground storage tanks used for gasoline and motor oil were removed from the site in 1994. Soil sampling following the tank removal did not identify any significant subsurface contamination. The proposed project would not change the surrounding streets or roadways, or limit emergency access or plans. Any temporary roadway closures required during construction of the proposed project would be subject to City of Oakland review and approval, to ensure consistency with City of Oakland requirements.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hazards and hazardous materials that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to hazards and hazardous materials, and none would be needed for the proposed project. SCAs related to Environmental Site Assessment reports; groundwater and soil contamination; and site review by the Fire Services Division, as identified in Appendix A, SCA/MMRP, would apply to the proposed project (for reference, these are SCAs 35, 61, 62, 68, and 69¹⁵).

¹⁴ Odic Environmental, 2014. Phase I Environmental Site Assessment, 2270 Broadway, Oakland, California. Prepared for Lakeshore Partners, LLC. August 6.

¹⁵ A supplemental Phase I ESA will be required following excavation on the site to address the potential for radon exposure (SCA 69).

<p>8. Hydrology and Water Quality Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>a. Violate any water quality standards or waste discharge requirements; Result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters; Create or contribute substantial runoff which would be an additional source of polluted runoff; Otherwise substantially degrade water quality; Fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted);</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. Create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems; Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. Result in substantial flooding on- or off-site; Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows; Place within a 100-year flood hazard area structures which would impede or redirect flood flows; or Expose people or structures to a substantial risk of loss, injury, or death involving flooding.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Water Quality, Stormwater, and Drainages and Drainage Patterns (Criteria 8a and 8c)

The BVDSP EIR determined that development in the Plan Area would result in construction activities that would require ground disturbance, resulting in impacts to hydrology and water quality. The EIR identified several SCAs that would reduce impacts to a less-than-significant level by minimizing runoff and erosion, as well as sedimentation and contamination to stormwater and surface water during construction activities.

Use of Groundwater (Criterion 8b)

Potable water is supplied to the Plan Area through imported surface water by EBMUD, and groundwater is generally not used in the Plan Area. The Plan Area is primarily developed and covered in impervious surfaces, and the amount of water able to infiltrate the aquifer in the East Bay Plain groundwater basin would not substantially decrease with development under the BVDSP. Additionally, compliance with the C.3 provisions of the National Pollutant Discharge Elimination System Municipal Stormwater Permit for the Alameda County Clean Water Program would require that recharge rates at a project site be equivalent to the recharge rate at the site prior to development.

Flooding and Substantial Risks from Flooding (Criteria 8d)

The BVDSP EIR identified a small area by the easternmost part of the Plan Area along Glen Echo Creek as being located within the 100-year flood zone, with the rest of the Plan Area lying outside of the 100-year flood zone. SCAs that require regulatory permits prior to construction within a floodway or floodplain, along with preparation of hydrological calculations that ensure that structures will not interfere with the flow of water or increase flooding, would reduce impacts to less-than-significant levels.

Project Analysis and Conclusion

The project site would be outside of the 100-year flood zone. The project site is entirely covered with impervious surfaces, and contains limited landscaping including the four street trees planted on Broadway and Webster Street. The project proposes to retain all street and landscape trees adjacent to the site. The proposed project would install stormwater treatment planters in compliance with the C.3 requirements.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to hydrology and water quality that were not identified in the BVDSP EIR. The BVDSP EIR identified no mitigation measures related to hydrology and water quality, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to stormwater, drainages and drainage patterns, and water quality, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs 55, 78 through 82, and 91).

9. Land Use, Plans, and Policies Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Physically divide an established community;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a fundamental conflict between adjacent or nearby land uses; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Division of Existing Community, Conflict with Land Uses, or Land Use Plans (Criteria 9a through 9c)

The BVDSP EIR determined that adoption and implementation of the BVDSP would have less-than-significant land use impacts related to the division of an established community, potential conflicts with nearby land uses, or applicable land use plans, policies, and regulations. The Plan Area is in Oakland’s Downtown Showcase District, an area intended to promote a mixture of vibrant and unique uses with around-the-clock activity, continued expansion of job opportunities, and growing residential population.

Project Analysis and Conclusion

The BVDSP identifies the project site as an opportunity site with assumed potential for redevelopment under the plan. The project site is zoned as D-BV-2 (Retail Zone) which is intended to create, maintain, and enhance areas of the Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be available for a wide range of office and residential activities. With the granting of a minor variance for height and coverage of rooftop projections, the proposed project would be consistent with the land use regulations in the BVDSP, including providing active commercial uses on Broadway and residential uses on upper floors.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to land use, plans, and policies that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any SCAs or mitigation measures related to land use, and none are necessary for the proposed project.

<p>10. Noise Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>a. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommend measures to reduce potential impacts. During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard; Generate noise in violation of the City of Oakland nuisance standards (Oakland Municipal Code Section 8.18.020) regarding persistent construction-related noise;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. Generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding operational noise;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. Generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or, if under a cumulative scenario where the cumulative increase results in a 5 dBA permanent increase in ambient noise levels in the project vicinity without the project (i.e., the cumulative condition including the project compared to the existing conditions) and a 3-dBA permanent increase is attributable to the project (i.e., the cumulative condition including the project compared to the cumulative baseline condition without the project);</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. Expose persons to interior L_{dn} or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings) per California Noise Insulation Standards (CCR Part 2, Title 24); Expose the project to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval (see Figure 1); Expose persons to or generate noise levels in excess of applicable standards established by a regulatory agency (e.g., occupational noise standards of the Occupational Safety and Health Administration [OSHA]); or</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Noise Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
e. During either project construction or project operation expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Construction and Operational Noise and Vibration, Exposure of Receptors to Noise (Criteria 10a, 10b, 10d, and 10e)

Overall, the BVDSP EIR determined that impacts related to construction and operations of development under the BVDSP would be less than significant. Construction-related activities associated with development under the BVDSP would temporarily increase ambient noise levels and vibration. Implementation of SCAs would minimize construction noise impacts by limiting hours of construction activities; require best available noise control technology; require vibration monitoring for activities adjacent to historic structures; and require a project applicant and/or its contractors to notify any local residents of construction activities, and to track and respond to noise complaints.

During operations, mechanical equipment used in projects developed under the BVDSP would generate noise; however, equipment would be standardized and would be required to comply with the City of Oakland Noise Ordinance. Potential impacts would be reduced with implementation of SCAs that would require that project design achieve acceptable interior noise levels for buildings; limit groundborne vibration at the project site; and require mechanical equipment comply with applicable noise performance standards.

As described in the BVDSP EIR, noise measurements taken at various locations in the Plan Area indicate that the ambient noise environment in the Plan Area would be in the conditionally acceptable category for residential uses and in the normally acceptable category for commercial uses; except for 24th Street, 25th Street, and Brooks Street in the Plan Area. At these three locations, the noise environment would be in the normally acceptable category for residential uses. The BVDSP EIR identified an SCA that would ensure that project components are appropriately sound-rated to meet land use compatibility requirements throughout the Plan Area.

Traffic Noise (Criterion 10c)

The BVDSP EIR determined that development under the Specific Plan would increase noise levels adjacent to nearby roads due to additional vehicles traveling throughout the Plan Area. The increase in traffic noise from the Existing Plus Project scenario as compared to existing conditions would increase peak hour noise levels by less than 5 A-weighted decibels (dBA) at all studied roadway segments, with the exception of 24th Street east of Broadway and 26th Street east of Broadway, where the increase in roadside noise would be 6.4 and 5.1 dBA, respectively. In addition, the increase in traffic noise between the Cumulative No Project (2035) and Cumulative Plus Project (2035) scenarios would be 5.3 dBA along 24th Street east of Broadway and 4.9 dBA along 26th Street east of Broadway. The cumulative increases in traffic generated noise could also combine with stationary noise sources, such as rooftop mechanical equipment and back-up generators, to

result in significant cumulative impacts. The EIR determined that no feasible mitigation measures are available, and that these impacts would remain significant and unavoidable.

Project Analysis and Conclusion

Construction activities for the proposed project are expected to occur over approximately 24 months, and would involve demolition of the existing surface parking lot; excavation and shoring; foundation and below-grade construction; and construction of the building and finishing interiors. In addition, project operations would use mechanical equipment, including an emergency generator. The proposed project would not be located on 24th Street or 26th Street east of Broadway, and would not be anticipated to experience significant impacts related to traffic noise.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to noise that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to noise, and none would be necessary for the proposed project. The proposed project would be required to implement SCAs to reduce construction noise and vibration, achieve interior noise standards, and require mechanical equipment to meet applicable noise performance standards, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs 28 through 32).

11. Population and Housing Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City’s Housing Element; or Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City’s Housing Element.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Population Growth and Displacement of Housing and People (Criteria 11a and 11b)

The BVDSP EIR determined that impacts related to population growth and displacement of housing and people would be less than significant. Development under the BVDSP would add up to 1,800 housing units and 3,230 residents to the Plan Area. This would represent approximately 2 percent of the total population growth projected for Oakland through 2035, and would not be considered substantial. Although adoption and development under the BVDSP could require the demolition of existing housing units, existing regulations such as Housing Element policies, the Ellis Act (Government Code Sections 7060 through 7060.7), and the City of Oakland’s Ellis Act Ordinance (Oakland Municipal Code Sections 8.22.400 through 8.22.480) would prevent significant impacts.

Project Analysis and Conclusion

The proposed project would replace an existing parking lot with a mixed-use residential building comprised of 223 residential units and 8,775 square feet of commercial/amenity space on Broadway. This increase in residential units was addressed in the BVDSP EIR. The proposed project would not demolish or displace any existing housing units.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to population and housing that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures or SCAs related to population and housing, and none would be required for the proposed project.

<p>12. Public Services, Parks and Recreation Facilities Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:</p> <ul style="list-style-type: none"> • Fire protection; • Police protection; • Schools; or • Other public facilities. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Public Services, Parks and Recreation Facilities Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
b. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or Include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Services and Parks and Recreation (Criteria 12a and 12b)

The BVDSP EIR determined that impacts related to fire and police protection, schools, and other public facilities would be less than significant. Although development under the BVDSP would increase density and population in the Plan Area, any corresponding increase in crime and need for police protection would likely be counteracted by the revitalization of the area as envisioned by the BVDSP. The EIR identified SCAs that would reduce the potential impacts related to the increased need for fire protection by requiring all projects to implement safety features, and to comply with all applicable codes and regulations. Adherence to the General Plan’s Open Space, Conservation and Recreation Element policies 3.1, 3.3, and 3.10 would reduce potential impacts to recreational facilities. In addition, any increases in need for police protection, fire protection, schools, or other public facilities would be mitigated by adherence to General Plan policies N.12.1, N.12.2, N.12.5, FI-1, and FI-2. No additions or expansions of parks or recreational facilities are proposed under the BVDSP, and no new parks or recreational facilities, or expansion of existing parks or recreational facilities, were determined to be required under the BVDSP.

Project Analysis and Conclusion

The proposed project’s increase in demand for public services has been addressed in the BVDSP EIR. In addition, the proposed project would provide private open space, including a rooftop garden, for the residential units, as described in the Project Description, above.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to the provision of public services and parks and recreation facilities that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to public services, parks, and recreation facilities, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to fire safety and compliance with building, fire, and public works code requirements, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs 4 and 73).

<p>13. Transportation and Circulation Would the project:</p>	<p>Equal or Less Severity of Impact Previously Identified in BVDSP EIR</p>	<p>Substantial Increase in Severity of Previously Identified Significant Impact in EIR</p>	<p>New Significant Impact</p>
<p>Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit, specifically:</p>			
<p>Traffic Load and Capacity Thresholds</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>a. At a study, signalized intersection which is located outside the Downtown area and that does not provide direct access to Downtown, the project would cause the motor vehicle level of service (LOS) to degrade to worse than LOS D (i.e., LOS E or F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. At a study, signalized intersection which is located within the Downtown area or that provides direct access to Downtown, the project would cause the motor vehicle LOS to degrade to worse than LOS E (i.e., LOS F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e. At a study, signalized intersection for all areas where the level of service is LOS F, the project would cause (a) the overall volume-to-capacity ("V/C") ratio to increase 0.03 or more or (b) the critical movement V/C ratio to increase 0.05 or more;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>f. At a study, unsignalized intersection the project would add ten (10) or more vehicles to the critical movement and after project completion satisfy the California Manual on Uniform Traffic Control Devices (MUTCD) peak hour volume traffic signal warrant;</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. Transportation and Circulation Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
g. For a roadway segment of the Congestion Management Program (CMP) Network, the project would cause (a) the LOS to degrade from LOS E or better to LOS F or (b) the V/C ratio to increase 0.03 or more for a roadway segment that would operate at LOS F without the project; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Cause congestion of regional significance on a roadway segment on the Metropolitan Transportation System (MTS) evaluated per the requirements of the Land Use Analysis Program of the CMP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria 13a through 13h

This section of the CEQA Checklist summarizes the findings of the transportation analysis completed for the proposed project.¹⁶ The analysis is provided in two parts below as follows: the first part describes the BVDSP EIR analysis for the EIR study intersections in the vicinity of the proposed project, and the impacts identified at those intersections; the second part compares the proposed project’s impacts to those analyzed in the EIR, and provides additional analysis of project study intersections to supplement the analysis in the EIR.

BVDSP EIR Analysis and Conclusion

The BVDSP EIR analyzed transportation and circulation conditions in and around the Plan Area under existing conditions and two future scenarios (Years 2020 and 2035), with and without the BVDSP Development Program and transportation improvements. This discussion focuses on a trip generation comparison and level of service (LOS) impacts at key intersections in the vicinity of the proposed project. Because the EIR determined that no significant impacts to transit, pedestrian, bicycle, and other related topics would occur under any of the scenarios, these topics are not further discussed herein.

The project site is in Subdistrict 1 of the Valdez Triangle Subarea of the Plan Area. The traffic analysis for the BVDSP EIR assumed approximately 438 residential units, 153,906 square feet of retail space and 181 hotel rooms in Subdistrict 1 of the Valdez Triangle Subarea. The BVDSP EIR analyzed the impacts of the Broadway Valdez Development Program on the roadway network serving the Plan Area. As noted in the BVDSP EIR, the Development Program represents the reasonably foreseeable development expected to occur in the next 20 to 25 years in the Plan Area. The Specific Plan and the BVDSP EIR intend to provide flexibility in the location, amount, and type of development. Thus, the traffic impact analysis in the BVDSP EIR does not assign land uses to individual parcels; rather, land uses are distributed to five subdistricts within the Plan Area. Thus, as long as the trip generation for each subdistrict and the overall Plan Area

¹⁶ Fehr & Peers, 2015. 2270 Broadway Project Transportation Assessment – Draft Memorandum. February.

remain below the levels estimated in the Draft EIR, the traffic impact analysis presented in the BVDSP EIR continues to remain valid.

The BVDSP EIR also identified SCAs that require city review and approval of all improvements in the public right-of-way, reduction of vehicle traffic and parking demand generated by development projects, and construction traffic and parking management, which will also address transportation and circulation impacts.

Project Analysis and Conclusion

Trip generation for the proposed project is based on rates and equations published by the Institute of Transportation Engineers (ITE) in *Trip Generation Manual* (9th Edition) as shown in Table 3. The project's trip generation was adjusted to account for the project's proximity to the 19th Street BART Station per the City of Oakland *Transportation Impact Study Guidelines* which shows non-automobile mode share within one-half mile of a BART Station is approximately 43 percent. In order to be conservative, pass-by trips¹⁷ were not assumed to reduce the retail trip generation estimates for the project. Additionally no trip credit was assumed for the existing parking lot on the project site since the majority of those trips would rely on other off-street parking facilities in the vicinity of the site.

Table 3. Auto Trip Generation

Land Use	Units ¹	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
			In	Out	Total	In	Out	Total
Residential	223 DU	1,475	23	90	113	91	49	140
Retail	7.8 KSF ²	333	3	3	7	14	15	29
Subtotal		1,808	27	93	120	105	64	169
Non-Auto Reduction (-43%) ³		-777	-12	-40	-52	-45	-28	-73
Net New Project Trips		1,031	15	53	68	60	36	96

Notes:
1. DU – Dwelling Units, KSF = 1,000 square feet.
2. Assumes 5,000 square feet of the Broadway frontage would contain commercial uses and an additional approximately 2,800 square feet of proposed amenity space on 23rd Street could also be used for retail space in the future.
3. Reduction of 43.0% assumed. Based on City of Oakland *Transportation Impact Study Guidelines* using BATS 2000 data for development in an urban environment within 0.5 miles of a BART Station.
Source: Fehr & Peers, 2015. 2270 Broadway Project Transportation Assessment – Draft Memorandum. February.

As described in the transportation analysis, prepared by *Fehr & Peers*, for the proposed project, the proposed project would generate approximately 960 daily, 67 AM peak hour, and 91 PM peak hour trips. LOS impacts from the proposed project are described below in combination with other projects in the Plan Area.

Table 4 lists the development projects within the BVDSP that are currently under construction, approved, and/or proposed. In addition to the proposed 2270 Broadway Project, Subdistrict 1 also includes the currently under-construction HIVE mixed-use development at 2345 Broadway, which would consist of 105 residential units and 94,300 square feet of commercial space, and a proposed development at 2315 Valdez

¹⁷ Pass-by trips are defined as trips attracted to a site from adjacent roadways as an intermediate stop on the way to a final destination which are typically excluded from trip generation estimates.

Street consisting of 235 residential units and 15,000 square feet of commercial space. Additional project have been proposed, approved, or are under construction in Subdistricts 2, 3, and 5 as shown in Table 4.

Table 4. BVDSP Development¹

Development	Subdistrict	Status	Amount of Development ²	
			Residential (DU)	Commercial (KSF)
3001 Broadway (Sprouts)	Subdistrict 5	Under Construction	0	36.0
2345 Broadway (HIVE)	Subdistrict 1	Under Construction	105	94.3
2425 Valdez Street	Subdistrict 3	Approved	70	0
3093 Broadway	Subdistrict 5	Proposed	435	24.0
2302 Valdez Street	Subdistrict 2	Proposed	196	31.5
2270 Broadway	Subdistrict 1	Proposed	223	7.8
2315 Valdez Street	Subdistrict 1	Proposed	235	15.0
Total			1,264	208.6
Notes:				
1. Information provided by City of Oakland in November 2014.				
2. DU = Dwelling Units, KSF = 1,000 square feet				
Source: Fehr & Peers, 2015.				

Table 5 presents the combined trip generation of the currently under construction, approved, and proposed development projects for the Plan Area (Subdistricts 1 through 5), the Valdez Triangle (Subdistricts 1 through 3) and Subdistrict 1 using similar assumptions and methodology used to estimate the Development Program Buildout in the BVDSP EIR.

The trip generation of these projects combined is approximately 27 percent of the AM and 31 percent of the PM peak hour trips that the BVDSP EIR estimated for the entire Development Program and about 40 percent of the AM and 39 percent of the PM peak hour trips estimated for the Development Program in the Valdez Triangle. As shown in Table 5, automobile trips generated by the proposed 2270 Broadway Project combined with the other under construction and proposed projects (i.e., The HIVE and 2315 Valdez Street) would be about 78 percent of the AM and 80 percent of the PM peak hour trips that the BVDSP EIR assumed Subdistrict 1 would generate at buildout.

Table 5. Trip Generation Comparison

	Weekday AM Peak Hour		Weekday PM Peak Hour			
	In	Out	In	Out	In	Out
<i>Plan Area (Subdistricts 1 through 5)</i>						
Under Construction, Approved and Proposed Development Projects	168	364	532	631	505	1,136
Development Program Buildout	1,152	829	1,981	1,702	2,007	3,709
% Completed	15%	44%	27%	37%	25%	31%

	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	In	Out	In	Out
<i>Valdez Triangle (Subdistricts 1 through 3)</i>						
Under Construction, Approved and Proposed Development Projects	115	241	356	429	348	777
Development Program Buildout	457	442	899	1,013	993	2,006
% Completed	25%	55%	40%	42%	35%	39%
<i>Subdistricts 1</i>						
Under Construction, Approved and Proposed Development Projects	77	143	220	229	175	404
Development Program Buildout	118	165	283	273	233	506
% Completed	65%	87%	78%	84%	75%	80%
1. Based on application of the BVDSP trip generation model with the developments shown in Table 4. 2. Based on Table 4.13-10 on page 4.13-43 of BVDSP EIR. 3. Trip generation estimated based on total of the following: 2270 Broadway project: Table 3. The Hive: Table 4.1-7 on page 4.1-30 of the Broadway-West Grand Mixed Use Project Addendum #3 (August 2013) 2315 Valdez Street: estimated based on similar methodology used for 2270 Broadway in Table 3. Source: Fehr & Peers, 2015.						

The location, uses, and access point for the proposed project are consistent with the assumptions used in the traffic impact analysis for BVDSP EIR. Therefore, the trip distribution and trip assignment assumptions used in the BVDSP EIR continue to remain valid for the proposed project. Considering that the project trip generation for the currently under construction, approved, and proposed development projects for the Plan Area, the Valdez Triangle, and Subdistrict 1 remain under the BVDSP EIR estimates for the Development Program, and that the BVDSP EIR analyzed the impacts of the BVDSP Development Program at signalized intersections along Broadway, 27th Street, Harrison Street, and Grand Avenue that provide direct access to the project site, the proposed project would not add 50 or more trips to any signalized intersection that was not analyzed in the BVDSP EIR. Therefore, the proposed project would not result in impacts on traffic operations at the intersections beyond the ones identified in the BVDSP EIR. The proposed project also would not increase the magnitude of the impacts identified in the BVDSP EIR.

The transportation analysis completed for the proposed project determined that the project would not result in any significant CEQA impacts related to site access for vehicles, bicycles, pedestrians, and transit consistent with the findings of the BVDSP EIR.

Comparison of Project and BVDSP EIR.

The BVDSP EIR identifies 28 significant impacts at intersections serving the Plan Area. For each impact and associated mitigation measures, the EIR identifies specific triggers based on the level of development in the entire Plan Area and/or each subdistrict. Based on the review of the EIR and the trip generation for

the proposed project and the currently planned developments, the proposed project combined with the other planned developments would trigger the following impacts and mitigation measures:

- The proposed project combined with other under construction, approved, and proposed development projects in the Plan Area would trigger Impact TRANS-2 under Existing Plus Project Conditions (and also Impact TRANS-7 under 2020 Plus Project and Impact TRANS-17 under 2035 Plus Project Conditions) at the Perry Place/I-580 Eastbound Ramps/Oakland Avenue intersection because these projects combined would generate more than 15 percent of the total traffic generated by the Development Program.

Mitigation Measure TRANS-2 in the BVDSP EIR includes the following improvements at this intersection:

- o Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the PM peak hour
- o Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation.

If implemented, the mitigation measure would mitigate the significant impact at this intersection. However, it is not certain that this mitigation measure could be implemented because the intersection is under the jurisdiction of Caltrans. City of Oakland, as lead agency, does not have jurisdiction at this intersection and the mitigation would need to be approved and implemented by Caltrans. Therefore, the BVDSP EIR considered the impact significant and unavoidable.

- The proposed project combined with other under construction, approved, and proposed development projects in the Plan Area would trigger Impact TRANS-10 under 2020 Plus Project Conditions (and also Impact TRANS-24 under 2035 Plus Project Conditions) at the 27th Street/24th Street/Bay Place/Harrison Street intersection because these projects combined would generate more than 10 percent of the total traffic generated by the Development Program.

Mitigation Measure TRANS-10 in the BVDSP EIR includes the following improvements at this intersection:

- o Reconfigure the 24th Street approach at the intersection to restrict access to 24th Street to right turns only from 27th Street and create a pedestrian plaza at the intersection approach.
- o Convert 24th Street between Valdez and Harrison Streets to two-way circulation and allow right turns from 24th Street to southbound Harrison Street south of the intersection, which would require acquisition of private property in the southwest corner of the intersection.
- o Modify eastbound 27th Street approach from the current configuration (one right-turn lane, two through lanes, and one left-turn lane) to provide one right-turn lane, one through lane, and two left-turn lanes.
- o Realign pedestrian crosswalks to shorten pedestrian crossing distances.
- o Reduce signal cycle length from 160 to 120 seconds, and optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).

- o Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.

The proposed mitigation measure would not mitigate the impact to a less than significant level. Therefore, the BVSP Draft EIR considered the impact significant and unavoidable.

- The proposed project combined with other under construction, approved, and proposed development projects in the Plan Area would trigger Impact TRANS-22 under 2035 Plus Project Conditions at the 27th Street/Broadway intersection because these projects combined would generate more than 30 percent of the total traffic generated by the Development Program.

Mitigation Measure TRANS-22 in the BVDSP EIR includes the following improvements at this intersection:

- o Upgrade traffic signal operations at the intersection to actuated-coordinated operations
- o Reconfigure westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane.
- o Provide protected left-turn phase(s) for the northbound and southbound approaches.
- o Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection).
- o Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group.

The proposed mitigation measure would not mitigate the impact to a less than significant level. Therefore, the BVDSP EIR considered the impact significant and unavoidable.

According to the BVDSP EIR, the project sponsor shall fund the cost of preparing and funding these mitigation measures. Alternatively, if City of Oakland adopts the BVSP Transportation Impact Fee (TIF) program, the applicant may pay the TIF to mitigate the project impacts.

Recommended Design Measures.

In addition to the offsite mitigation measures required of the project, the following recommended measures identified in the traffic analysis, will be required as conditions of approval:

Vehicle Access and Circulation

- Ensure that the project driveway on 23rd Street would provide adequate sight distance between motorists exiting the driveways and pedestrians on adjacent sidewalks.
- Install a mirror on the west side of the driveway so that motorists on the ramp from the basement and pedestrians on the sidewalk east of the driveway can see each other.

Bicycle Access and Bicycle Parking

- Provide at least 114 on-site long-term bicycle parking spaces.

- Provide at least 19 short-term bicycle parking spaces, consistent with the City of Oakland Bicycle Parking Ordinance. Bicycle racks on sidewalks should ensure that sidewalks would continue to provide adequate width for pedestrians.
- Allow retail employees to use the long-term bicycle facility.

Pedestrian Access and Circulation

- Provide a bulbout at the southeast corner of the 23rd Street/Broadway intersection (See Specific Plan, Section 6.5.1 and Figure 6.18)
- Provide landscaping and pedestrian amenities on the sidewalks along the project frontage consistent with Appendix C, Design Guidelines, of the Specific Plan.

Transportation Demand Management

Consistent with the Broadway Valdez District Specific Plan and SCA TRA-1, consider implementing the following strategies as part of the TDM program for the proposed project:

- Consider reducing the amount of off-street automobile parking provided. City of Oakland Planning Code requires no parking for the commercial component of the project and 0.5 spaces per unit for the residential component. The proposed project would provide 261 parking spaces, which is 149 spaces more than the minimum parking required by the City of Oakland. Providing excessive parking supply can encourage additional driving and be in conflict with the goals of the City and Specific Plan to encourage non-automobile travel modes.
- Consistent with Planning Code Section 17.116.110.D, the project shall unbundle the cost of parking from the cost of housing where residents pay separately for their parking spaces (Policy C-6.8).
- Consistent with Planning Code Section 17.116.110.D, explore allowing non-residents to use the parking level designated for residents for a fee during typical weekday business hours when residential demand is the lowest. At a minimum, consider allowing retail employees to use the residential parking during weekday business hours (Policies C-6.4 and C-6.5)
- Designate dedicated on-site parking spaces for car-sharing.
- Provide long-term and short-term bicycle parking beyond the minimum required by City of Oakland Planning Code.
- Cooperate with City of Oakland and/or other regional agencies to allow installation of a potential bike share station along the project frontage.
- Designate a TDM coordinator for the project.
- Provide all new residents and retail employees with information on the various transportation options available.

Conclusion. Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to transportation and circulation that were not identified in the BVDSP EIR.

The project would adhere to SCAs related to city review and approval of all improvements proposed in the public right-of-way, reduction of vehicle traffic and parking demand generated by development projects, and construction traffic and parking management, as identified in Appendix A, SCA/MMRP (for reference, these are SCAs 20, 21, 25, and 33).

14. Utilities and Service Systems Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board; Require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects; Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects; Violate applicable federal, state, and local statutes and regulations related to solid waste;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Violate applicable federal, state and local statutes and regulations relating to energy standards; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Utilities and Service Systems Would the project:	Equal or Less Severity of Impact Previously Identified in BVDSP EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
Result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects.			

Water, Wastewater, and Stormwater (Criteria 14a and 14b)

As described in the BVDSP EIR, EBMUD has accounted for the water demand projections associated with development under the BVDSP; and the BVDSP EIR determined that development under the BVDSP would not require new water supply entitlements, resources, facilities, or expansion of existing facilities beyond those already planned, and that impacts related to water supplies would be less than significant.

The BVDSP EIR also determined that development under the BVDSP would have less-than-significant impacts related to stormwater and wastewater facilities. Much of the Plan Area is composed of impervious surfaces, and new development would likely decrease storm drain runoff because proposed projects would be required to incorporate additional pervious areas through landscaping, in compliance with City of Oakland requirements.

On the other hand, development projects may increase sewer capacity demand. Implementation of SCAs requiring stormwater control during and after construction would address potential impacts on stormwater treatment and sanitary sewer infrastructure.

Solid Waste Services (Criterion 14c)

As described in the BVDSP EIR, impacts associated with solid waste would be less than significant. Nonhazardous solid waste in the Plan Area is ultimately hauled to the Altamont Landfill and Resource Facility. The Altamont Landfill would have sufficient capacity to accept waste generated by development under the BVDSP. In addition, implementation of an SCA pertaining to waste reduction and recycle, would reduce waste through compliance with the City of Oakland's Recycling Space Allocation Ordinance (Oakland Municipal Code, Chapter 17.118).

Energy (Criterion 14d)

Development under the BVDSP would result in less-than-significant impacts related to energy standards and use. Developments would be required to comply with the standards of Title 24 of the California Code of Regulations. SCAs pertaining to compliance with the green building ordinance would require construction projects to incorporate energy-conserving design measures.

Project Analysis and Conclusion

The water and sanitary sewer demand and stormwater facilities, as well as solid waste and energy associated with the proposed project, have been addressed in the BVDSP EIR analysis. A utility study¹⁸ was completed for the project that confirmed no utility capacity improvements would be required for the project. The project will also be required to underground the existing overhead wires on 23rd Street.

Based on an examination of the analysis, findings, and conclusions of the BVDSP EIR, implementation of the proposed project would not substantially increase the severity of significant impacts identified in the BVDSP EIR, nor would it result in new significant impacts related to utilities and service systems that were not identified in the BVDSP EIR. The BVDSP EIR did not identify any mitigation measures related to utilities and service systems, and none would be required for the proposed project. The proposed project would be required to implement SCAs related to sewer capacity, stormwater drainage facilities, solid waste services, and energy, as identified in Appendix A, SCA/MMRP (for reference, these are 36, 80, 91, and H).

¹⁸ BKF Engineers, 2014. Technical Memorandum – 2270 Broadway, Oakland, CA Utility Study. November 19.

ATTACHMENT A: PROJECT CONSISTENCY WITH COMMUNITY PLAN OR ZONING, PER CEQA GUIDELINES SECTION 15183

Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that "...projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

Proposed Project. The proposed project would be located in the Broadway Valdez District Specific Plan (BVDSP) area. The new building would be approximately 393,820 square feet, with 24 stories, and would be up to 289 feet in height, including an architectural element (spire) extending from the main building roofline at 250 feet in height. The proposed project would include 266,845 square feet of residential uses (223 residential units) and 5,000 square feet of active ground-floor commercial space on Broadway.

Project Consistency. The BVDSP EIR was prepared for the BVDSP; it was certified by the Planning Commission on May 21, 2014, and confirmed by the City Council on June 17, 2014. As determined by the City of Oakland Bureau of Planning, the proposed project is permitted in the zoning district in which it is located, and is consistent with the bulk, density, and land uses envisioned in the Plan Area, as outlined below.

- The land use designation for the site is Central Business District; this designation is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California. The proposed mixed-use project would be consistent with this designation.
- The project site is zoned as D-BV-2 (Retail Zone) which is intended to create, maintain, and enhance areas of the Broadway Valdez District Specific Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be available for a wide range of office and residential activities. The height limit on the project site is 250 feet.
- The proposed project would be 250 feet in height to the main roof with a spire extending to 289 feet on the Webster Street side of the building. The project would be in compliance with the height limits on the site.
- The proposed 223 dwelling units would be consistent with the maximum residential density allowed on the project site. Sites with a height limit of 250 feet have allowed densities of one unit per 90 square feet of lot area which for the project site equates to 223 units (20,145 s.f./90 s.f. = 223 units).
- The proposed 7,800 square feet of non-residential uses is below the maximum nonresidential square footage of uses allowed on the site of 200,145 square feet. Therefore, the proposed project would comply with the amount of nonresidential FAR allowed under the Planning Code.

Therefore, the proposed project is eligible for consideration of an exemption under California Public Resources Code Section 21083.3, and Section 15183 of the CEQA Guidelines.

ATTACHMENT B: INFILL PERFORMANCE STANDARDS, PER CEQA GUIDELINES SECTION 15183.3

California Environmental Quality Act (CEQA) Guidelines Section 15183.3(b) and CEQA Guidelines Appendix M establish eligibility requirements for projects to qualify as infill projects. Table B-1, on the pages following, shows how the proposed project satisfies each of the applicable requirements.

Table B-1 Project Infill Eligibility	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
1. Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses or is only separated from such uses by an improved right-of-way. (CEQA Guidelines Section 15183.3[b][1])	Yes The project site has been previously developed and adjoins existing urban uses, as described in the Project Description, above.
2. Satisfy the performance Standards provided in Appendix M (CEQA Guidelines Section 15183.3[b][2]) as presented in 2a and 2b below:	—
2a. <i>Performance Standards Related to Project Design.</i> All projects must implement all of the following:	—
Renewable Energy. <i>Non-Residential Projects.</i> All nonresidential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal, and wind power generation, or clean back-up power supplies, where feasible. <i>Residential Projects.</i> Residential projects are also encouraged to include such on site renewable power generation.	Not Applicable According to Section IV (G) of CEQA Appendix M, for mixed-use projects "...the performance standards in this section that apply to the predominant use shall govern the entire project." Because the predominant use is residential, the proposed project is not required to include on-site renewable power generation. It is not known at this time if the proposed project will provide on-site renewable power.
Soil and Water Remediation. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.	Not Applicable According to the Phase 1 Environmental Site Assessment completed for the proposed project (Odic Environmental, 2014), the site does not contain any known hazardous materials contamination and is not listed in regulatory databases compiled pursuant to Section 65962.5 of the Government Code.
Residential Units Near High-Volume Roadways and Stationary Sources. If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air	Yes Per the findings of the Broadway Valdez District Specific Plan (BVDSP) Environmental Impact Report (EIR), an air quality screening was prepared for the proposed project. ¹⁹ Due to the presence of an emergency generator at the Caltrans building, 111

¹⁹ Illingworth & Rodkin, Inc. 2270 Broadway Mixed-Use Residential Development – Draft TAC and GHG Emissions Assessment. February 2015.

Table B-1 Project Infill Eligibility (Continued)	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code, or community risk reduction plan for the protection of public health from such sources of air pollution.</p> <p>If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measures may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.</p>	<p>Grand Avenue, modeling of TAC emissions and potential risks to sensitive receptors on the project site was completed. Cancer risk on the 23rd and 24th floors of the building was found to exceed 10 excess cases in a million. The installation of MERV13 filters were determined to reduce the excess cancer risk to future residents of the site to less than 10 in one million. As summarized in the TAC Emissions Assessment prepared for the proposed project, no additional mitigation measures are required to be implemented for the proposed project.</p>
<p>2b. <i>Additional Performance Standards by Project Type.</i> In addition to implementing all the features described in 2a above, the project must meet eligibility requirements provided below by project type.^a</p>	—
<p>Residential. A residential project must meet one of the following:</p> <p><i>A. Projects achieving below average regional per capita vehicle miles traveled (VMT).</i> A residential project is eligible if it is located in a “low vehicle travel area” within the region;</p> <p><i>B. Projects located within ½ mile of an Existing Major Transit Stop or High Quality Transit Corridor.</i> A residential project is eligible if it is located within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor; or</p> <p><i>C. Low - Income Housing.</i> A residential or mixed-use project consisting of 300 or fewer residential units all of which are affordable to low income households is eligible if the developer of the development project provides sufficient legal commitments to the lead agency to ensure the continued availability and use of the housing units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, for a period of at least 30 years, at monthly housing costs, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>Yes</p> <p>The proposed project is eligible under Section (B). The proposed project site is well-served by multiple transit providers, including Alameda-Contra Costa County Transit District (AC Transit) routes 12, 51A, 851, and the Free Broadway Shuttle). The project site is also within ½-mile of the 19th Street BART station. Broadway qualifies as a “High Quality Transit Corridor,” as defined by Section II of CEQA, with fixed route bus service at intervals no longer than 15 minutes during peak commute hours. The AC Transit Line 51A runs along Broadway in the project vicinity, and has service intervals no longer than 15 minutes during peak commute hours. Other bus routes in the project vicinity further satisfy this criterion.</p>

Table B-1 Project Infill Eligibility (Continued)	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>Commercial/Retail. A commercial/retail project must meet one of the following:</p> <p>A. <i>Regional Location.</i> A commercial project with no single-building floor-plate greater than 50,000 square feet is eligible if it locates in a “low vehicle travel area”; or</p> <p>B. <i>Proximity to Households.</i> A project with no single-building floor-plate greater than 50,000 square feet located within ½ mile of 1,800 households is eligible.</p>	<p>Not Applicable</p> <p>According to Section IV (G) of CEQA Appendix M, for mixed-use projects “...the performance standards in this Section that apply to the predominant use shall govern the entire project.” Because the predominant use is residential, the requirements for commercial/retail projects do not apply.</p>
<p>Office Building. An office building project must meeting one of the following:</p> <p>A. <i>Regional Location.</i> Office buildings, both commercial and public, are eligible if they locate in a low vehicle travel area; or</p> <p>B. <i>Proximity to a Major Transit Stop.</i> Office buildings, both commercial and public, within ½ mile of an existing major transit stop, or ¼ mile of an existing stop along a high quality transit corridor, are eligible.</p>	<p>Not Applicable</p>
<p>Schools.</p> <p>Elementary schools within 1 mile of 50 percent of the projected student population are eligible. Middle schools and high schools within 2 miles of 50 percent of the projected student population are eligible. Alternatively, any school within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor is eligible.</p> <p>Additionally, to be eligible, all schools shall provide parking and storage for bicycles and scooters, and shall comply with the requirements of Sections 17213, 17213.1, and 17213.2 of the California Education Code.</p>	<p>Not Applicable</p>
<p>Transit.</p> <p>Transit stations, as defined in Section 15183.3(e)(1), are eligible.</p>	<p>Not Applicable</p>
<p>Small Walkable Community Projects.</p> <p>Small walkable community projects, as defined in Section 15183.3, subdivision (e)(6), that implement the project features in 2a above are eligible.</p>	<p>Not Applicable</p>

Table B-1 Project Infill Eligibility (Continued)	
CEQA Eligibility Criteria	Eligible?/Notes for Proposed Project
<p>3. Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in CEQA Guidelines Sections 15183.3(b)(3)(A) or (b)(3)(B) below:</p> <p>(b)(3)(A). Only where an infill project is proposed within the boundaries of a metropolitan planning organization for which a sustainable communities strategy or an alternative planning strategy will be, but is not yet in effect, a residential infill project must have a density of at least 20 units per acre, and a retail or commercial infill project must have a floor area ratio of at least 0.75; or</p> <p>(b)(3)(B). Where an infill project is proposed outside of the boundaries of a metropolitan planning organization, the infill project must meet the definition of a “small walkable community project” in CEQA Guidelines §15183.3(f)(5). (CEQA Guidelines Section 15183.3[b][3])</p>	<p>Yes (see explanation below table)</p>
<p>Note:</p> <p>a. Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project.</p>	

Explanation for Eligibility Criteria 3 – The adopted Plan Bay Area (2013)²⁰ serves as the sustainable communities strategy for the Bay Area, per Senate Bill 375. As defined by the Plan, Priority Development Areas (PDAs) are areas where new development will support the needs of residents and workers in a pedestrian-friendly environment served by transit. As stated in the BVDSP, the Broadway Valdez District is considered a PDA. The proposed project is consistent with the general land use designation, density, building intensity, and applicable policies specified in the BVDSP and described further below.

The land use designation for the site is Central Business District; this designation is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California. The proposed mixed-use project would be consistent with this designation.

The project site is zoned as D-BV-2 (Retail Zone) which is intended to create, maintain, and enhance areas of the Broadway Valdez District Specific Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be

²⁰ Metropolitan Transportation Commission and Association of Bay Area Governments, 2013. Plan Bay Area, Strategy for a Sustainable Region. Adopted July 18, 2013.

available for a wide range of office and residential activities. The height limit on the project site is 250 feet. The proposed project would be 250 feet in height to the main roof with a spire extending to 289 feet on the Webster Street side of the building. The project would be in compliance with the height limits on the site.

The proposed 223 dwelling units would be consistent with the maximum residential density allowed on the project site. Sites with a height limit of 250 feet have allowed densities of one unit per 90 square feet of lot area which for the project site equates to 223 units (20,145 s.f./90 s.f. = 223 units).

For mixed use projects, the maximum non-residential Floor Area Ratio (FAR) is based on the total lot area, and any square footage allotted or occupied by residential use is included in the lot area calculation. The proposed 7,800 square feet of non-residential uses is below the maximum nonresidential square footage of uses allowed on the site of 200,145 square feet. Therefore, the proposed project would comply with the amount of nonresidential FAR allowed under the Planning Code.

ATTACHMENT C: CRITERIA FOR USE OF ADDENDUM, PER CEQA GUIDELINES SECTIONS 15164 AND 15162

Section 15164(a) of the California Environmental Quality Act (CEQA) Guidelines states that “a lead agency or responsible agency shall prepare an addendum to a previously certified EIR [Environmental Impact Report] if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15164(e) states that “a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR.”

Project Modifications. The Broadway Valdez District Specific Plan (BVDSP) EIR analyzed the Broadway Valdez Development Program (Development Program), which represents the maximum feasible development that the City of Oakland has projected can reasonably be expected to occur in the Plan Area over a 25-year planning period.²¹

The EIR indicates that the CEQA analysis was based on the development quantities set forth in the Development Program, and that the intent of the BVDSP is to provide as much flexibility as is feasible in terms of precise mix of newly developed land uses and their location in the Plan Area, while conforming to the CEQA analysis and thresholds. The EIR identified traffic capacity as the key environmental factor constraining development, and stated that the City of Oakland would track and measure vehicle trip generation by projects proposed under the BVDSP rather than the amount of specific land uses. As described in Section 13 of this CEQA Checklist, the proposed project would generate approximately 1,031 daily, 68 AM peak hour, and 96 PM peak hour trips.

The trip generation of all projects approved, pending or under construction combined within the Plan Area is approximately 27 percent of the AM and 31 percent of the PM peak hour trips that the BVDSP EIR estimated for the entire Development Program and about 40 percent of the AM and 39 percent of the PM peak hour trips estimated for the Development Program in the Valdez Triangle. Automobile trips generated by the proposed 2270 Broadway Project combined with the other under construction and proposed projects (i.e., The HIVE and 2315 Valdez Street) would be about 78 percent of the AM and 80 percent of the PM peak hour trips that the BVDSP EIR assumed Subdistrict 1 would generate at buildout. Therefore, the proposed project’s trip generation would be below the trips anticipated for the project site, and for Subdistrict 1, as analyzed in the BVDSP EIR for the Development Program.

Therefore, the proposed project would represent a minor change in the Development Program, and such changes are anticipated in the EIR.

Conditions for Addendum. None of the following conditions for preparation of a subsequent EIR per Section 15162(a) apply to the proposed project:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement

²¹ In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant/retail space, 1,800 residential units, a new 180-room hotel, approximately 6,500 parking spaces provided by the development program, and approximately 4,500 new jobs.

of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) 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 EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Project Consistency with Section 15162 of the CEQA Guidelines. Since certification of the Final EIR, no changes have occurred in the circumstances under which the revised project would be implemented, that would change the severity of the proposed project's physical impacts as explained in the CEQA Checklist above, and no new information has emerged that would materially change the analyses or conclusions set forth in the Final EIR.

Furthermore, as demonstrated in the CEQA Checklist, the proposed modifications to the Development Program would not result in any new significant environmental impacts, result in any substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the EIR, nor render any mitigation measures or alternatives found not to be feasible, feasible. The effects of the proposed project would be substantially the same as those reported for the Development Program in the EIR.

The analysis presented in this CEQA Checklist, combined with the prior EIR analysis, demonstrates that the proposed project would not result in significant impacts that were not previously identified in the EIR. The proposed project would not result in a substantial increase in the significance of impacts, nor would the proposed project contribute considerably to cumulative effects that were not already accounted for in the certified EIR. Overall, the proposed project's impacts are similar to those identified and discussed in the EIR, as described in the CEQA Checklist, and the findings reached in the EIR are applicable.