



Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD DISCUSSION
MARCH 10, 2016

1900 Fourth Street

Draft EIR Scoping Session for Use Permit #ZP2015-0068 and Structural Alteration Permit #LMSAP2015-0005 to redevelop a 96,267 square-foot site (Spenger's Parking Lot) with a proposed 5-story, 207,590 square foot, mixed use development, containing 135 dwelling units, approximately 33,000 square feet of retail and restaurant use, and a 372 space parking garage, located on a property designated as a City of Berkeley Landmark, West Berkeley Shellmound.

I. Application Basics

A. CEQA Determination: An Environmental Impact Report (EIR) is being prepared.

B. Parties Involved:

- Applicant West Berkeley Investors, LLC, 550 Hartz Avenue, Suite 200, Danville, CA 94526
- Applicant Representative Rhoades Planning Group, 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612
- Property Owner Ruegg & Ellsworth, 2437 Durant Avenue, Berkeley, CA 94704
- Architects TCA Architects, 19782 MacArthur Boulevard, Suite 300, Irvine, CA 92612
BCV Architects, 1527 Stockton Street, San Francisco, CA 94133
- Archaeological Consultant Archeo-Tec Inc., 5283 Broadway, Oakland, CA 94618

C. Permits Subject to review by the Zoning Adjustments Board (ZAB):

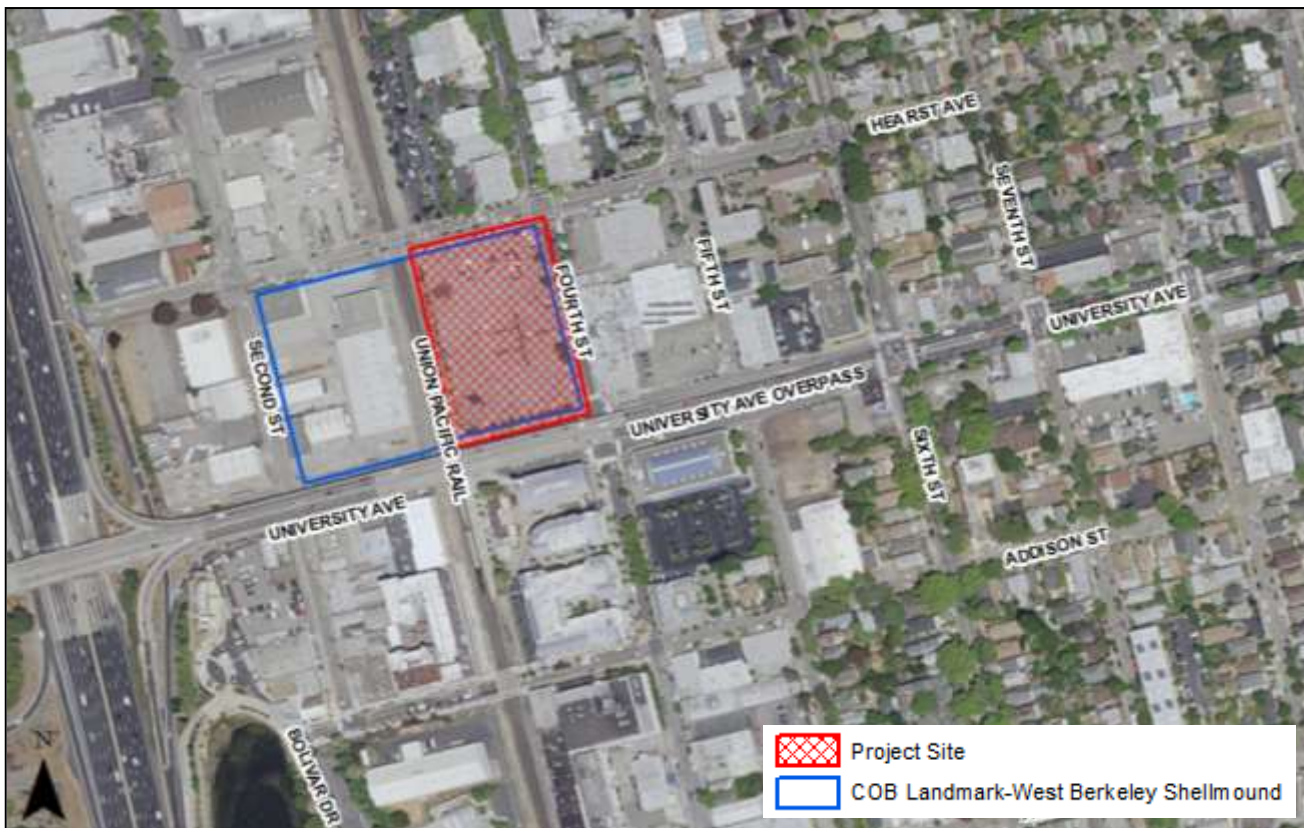
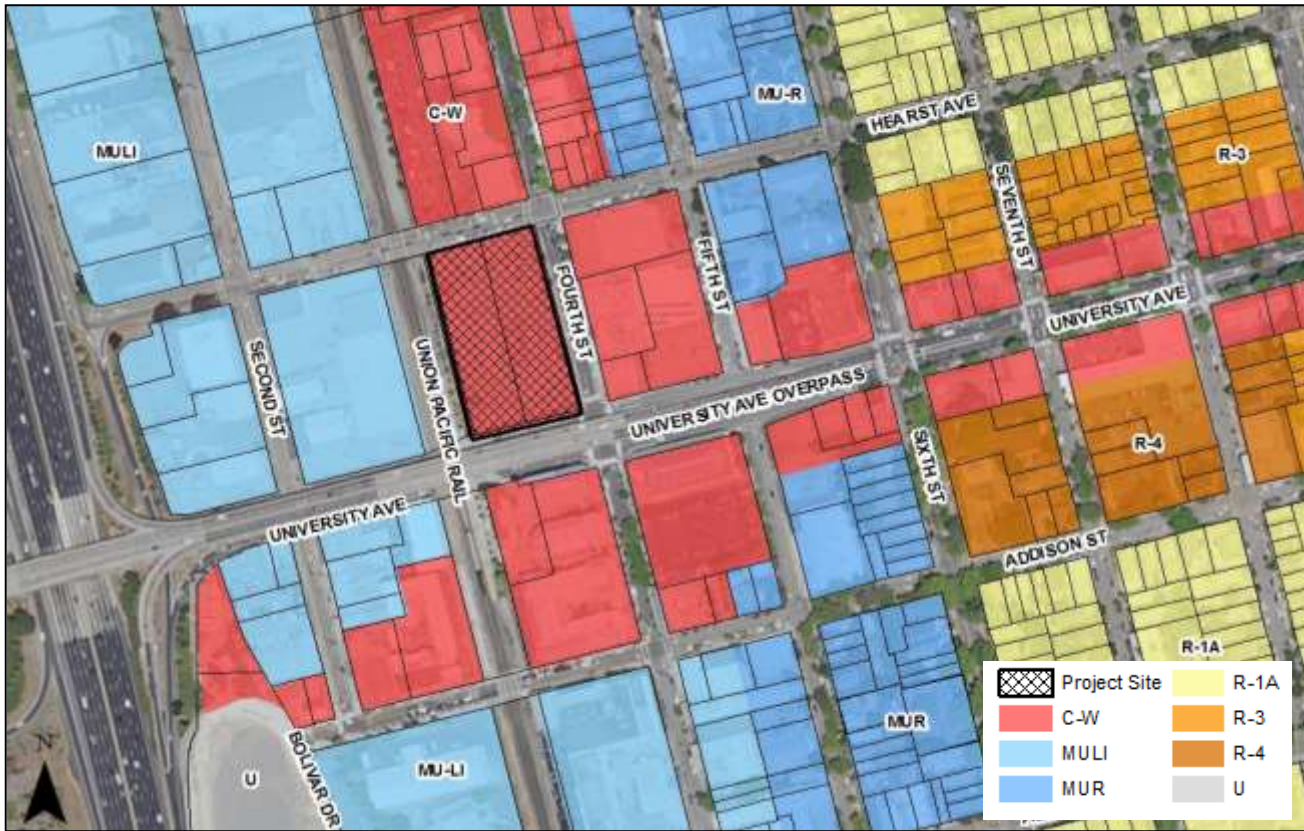
- Demolition Permit, per BMC Section 23C.08.050.A, to allow demolition of the existing commercial building.
- Use Permit, per BMC Section 23E.64.030.A, to allow new retail sales uses greater than 7,500 square feet.
- Use Permits, per BMC Section 23E.64.030.A, to allow a quick or full service restaurant use.
- Use Permit, per BMC Section 23E.64.030.A, to allow a mixed-use development over 20,000 square feet.
- Administrative Use Permit, per BMC Section 23E.64.030.A, to allow alcoholic beverage service of beer and wine incidental to food service.
- Use Permit, per BMC Section 23E.64.050.B.1, to allow creation of floor area greater than 5,000 square feet.
- Use Permit, per BMC Section 23E.64.060.A, to allow restaurant operation from 7 a.m. to 1 a.m. on Fridays and Saturdays.

D. Permit Subject to review by the Landmarks Preservation Commission (LPC):

- Structural Alteration Permit (SAP), per BMC Section 3.24.260 to allow construction activities with the potential to affect a designated City of Berkeley Landmark site that is part of a group of several properties designated for their location within the potential boundaries of the West Berkeley Shellmound. The SAP will be referred to the Design Review Committee (DRC) for Preliminary Design Review recommendation and Final Design Review of the project.

E. Approvals Requested Under State Density Bonus Law: The project applicant has requested a waiver/modification under the State Density Bonus Law (Government Code Section 65915(e)) to allow an increase in height and number of stories at certain portions of the site and this will be processed by the City in conjunction with the permits described above.

Figure 1: Vicinity Maps



II. Site/Project Description

The Project site is located on Fourth Street between University Avenue and Hearst Avenue in the Fourth Street commercial shopping district, in West Berkeley. The approximately 2.21-acre, generally-level site consists of an approximately 350-space privately-owned surface parking lot (known as the Spenger's parking lot) that is open to the public for a fee. The site also includes an approximately 900 square-foot, one-story vacant commercial building at the southwest corner, that was last occupied by a fitness facility.

The proposed Project would redevelop the site with a mix of residential and commercial uses totaling 207,590 gross square feet (135 dwelling units and 33,080 square feet of retail and restaurant space), as well as a 372 space parking garage for both the public as well as the proposed uses. The proposed uses would be located within two separate buildings, a three-story building at the corner of Fourth Street and Hearst Avenue, and a one- to five-story building on the balance of the site. Building heights along Fourth Street would be lower and stepback from the street frontage, while the five-story building would be concentrated at the interior of the site and along the Union Pacific Railroad and University Avenue frontages.

Please see attached NOP for more Project information. The NOP and other project materials are also available on the Project website at:

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1900_Fourth.aspx

III. Scoping Under CEQA

As noted above, an Environmental Impact Report (EIR) is being prepared for this Project. One reason is that the Project would include subsurface demolition, grading, and construction activities on a site that is part of a group of several properties designated in 2000 as a City landmark for their location within the potential boundaries of the West Berkeley Shellmound. This status was conferred in an effort to preserve the area as an important Ohlone Indian living and burial site, defined primarily by what prior researchers and investigators estimated as the location and potential dimensions of the West Berkeley Shellmound, one of the oldest surviving remnants of native settlements in the Bay Area. Archaeological testing was conducted in 1999 and 2000, and the applicant's archaeological consultant, Archeo-Tec, completed archaeological testing at the site in June 2014; the findings of this report indicate that primary Shellmound deposits do not exist on the Project site. (This report is being provided to the ZAB under separate cover). This report will be peer-reviewed as part of the environmental review process, and potential impacts to archaeological resources under CEQA will be evaluated and identified in the EIR.

In addition, the Project would intensify land uses on the site. The site is in close proximity to residential uses, and it is in close proximity to the Union Pacific Railroad tracks and Interstate 80. Based on site-specific characteristics and preliminary analysis, the Draft EIR is also anticipated to focus on transportation and traffic, air quality, and noise and vibration. An Initial Study will be prepared to address all other issues and will be released as an appendix to the Draft EIR.

This scoping session is being conducted pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15083 (Early Public Consultation), which states:

“Prior to completing the Draft EIR, the lead agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the proposed project...Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.”

The purpose of this scoping session is to solicit input from the ZAB and other interested community members as to what topics the EIR should address. A similar scoping meeting was held with the LPC on March 3, 2016. This input will be considered as the Draft EIR is prepared. The scoping session is also an opportunity for the ZAB to learn more about the Project itself and the EIR process. Anticipated dates for key milestones in the EIR process, and the City’s review of this project, are as follows:

Table 1: Key Milestones in the EIR Process

Task/Event	Date
Notice of Preparation (NOP) released ¹	February 10, 2016
DRC Project Preview	February 18, 2016
LPC DEIR Scoping Session	March 3, 2016
ZAB DEIR Scoping Session ²	March 10, 2016
End of 30-day NOP comment period	March 14, 2016
Publication of Draft EIR	late summer 2016
LPC and ZAB Draft EIR Comment Sessions	fall 2016
DRC Preliminary Design Review	fall 2016
Close of Draft EIR comment period	fall 2016
Publication of Response to Comments on Draft EIR	winter 2017
ZAB hearing on EIR certification	winter 2017
LPC hearing on SAP	winter 2017
ZAB hearing on UP	early spring 2017

1. The NOP was submitted to the State Clearinghouse, mailed to relevant public agencies, mailed to owners and residents of properties within 300 feet, emailed to interested parties, and provided to members of the ZAB, LPC and DRC.
2. Public hearing notice for the scoping meeting before ZAB was posted on the site on February 22, and mailed to owners and residents of properties within 300 feet of the site on February 25, 2016.

IV. Recommendation

That the ZAB hold a hearing to solicit input from the community and then provide comments on the scope of the EIR to Staff. The ZAB may make a motion reflecting the comments of the ZAB as a whole, and/or individual ZAB members may offer comments. All comments will be recorded and considered during the preparation of the EIR.

Attachments:

1. Notice of Preparation
2. Archeo-Tec, Inc. Report – This report contains confidential information and is being provided to ZAB members only under separate cover
3. Public Hearing Notice

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