

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Some comments on DEIR - 1900 Fourth St. project

From: Rhiannon [mailto:pwrbus@pacbell.net]
Sent: Wednesday, December 07, 2016 8:50 PM
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Subject: Some comments on DEIR - 1900 Fourth St. project

Comments on DEIR/Initial Study
1900 4th Street Project
Zoning Adjusted Board December 8, 2016

I know I'll have more comments before the deadline, but here are a few thoughts:

AESTHETICS

The initial study mentions that Public Resources Code no longer considers aesthetics as an environmental impact, however it also states that this does not include impacts on historical or cultural resources [PRC21099(d)((2)(B))]. Even if there were no indication of the shell mound there, this site would still be a Berkeley historical Landmark by rule of law, and is therefore a cultural and historical resource. The West Berkeley Plan has designated University Avenue a significant public view corridor from San Pablo Avenue to Third Street, and many of us who live here agree. This significant impact and its mitigation have been carried through at least four separate program EIR's spanning more than 20 years. This proposed building is more than twice the size of all of the other buildings in the Fourth Street shopping district, and the applicant should provide a realistic rendering of his proposal so that its impacts on this historic area can be honestly considered.

III. AIR QUALITY

The Air Quality data provided in the study gives the average daily volume of University Avenue as 10,800 cars per day. This is difficult to believe since in the year 2000 the count was over 14,000. The Distance Multiplier Tool cannot be used when a receptor is less than 25 m from the source, this project is less than 10 m from the University Avenue overpass. There is nothing in this EIR that qualifies as a Health Risk Study, as it should also factor in emissions from the trains, the nearby asphalt plant, and other nearby industries and sources of pollution.

THE CIBA court case deals only with projects that have no effect on their environment, but this project will greatly affect the environment. By creating a 71 foot wall less than 30 feet away from the overpass which is less than half its height this building will create a backboard that will prevent particulates and other pollutants from dispersing the way they would naturally, and instead funnel them down onto the bus stop and passengers and pedestrians below. This concentrated toxic mix of black diesel soot, dust and dirt, microscopic fibers from brake linings, fallout from Pacific Steel and other industries will fall

onto waiting busses and train tracks to be spread all through their routes. Unpleasant pollutants, particulate matter does not decrease with the use of electric vehicles. Carbon monoxide being heavier than air will also come off of the overpass, concentrating in the dark tunnel created underneath. CARB, BAAQMD, the US EPA, Cal OPR, Plan Bay Area, and many other regulatory bodies all warn against putting residences within 500 feet of the freeway or other high-volume roads. There really is no mitigation for poor planning, and no indoor filtering system will help the bicyclists, transit passengers, shoppers, and children who will gather under this particulate matter.

X. LAND USE AND PLANNING.

b) 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?

This project is not consistent with the West Berkeley Plan or the University Strategic Plan (the General Plan defers to both of those plans) because both of those called out this site as having only retail and parking with no residences. To ensure that it was understood, the UASP created an entire page to stress that this site was for only retail and parking with no building over 40 feet and certainly no building taller than the overpass.. In 2012 the City proposed to change West Berkeley Zoning to allow heights up to 75 feet in the M and C-W districts so they put the question to the voters and the voters said no. I have no doubt that had Measure T passed, the applicant would be demanding to build this very same project by right. The people said no to this project and any matching the description in West Berkeley. The City needs to respect the will of the people.

This project is not in scale with the Fourth Street shopping district and will destroy the character of the area. This is a unique district which provides the City with significant sales tax revenue and it needs to be preserved. The West Berkeley Plan counts Truitt and White as part of the Fourth Street shopping district and this project would block the building supplies retailer, the third-largest sales tax generator in West Berkeley, from view. Placement of the residence garage entrance could cause an extreme hazard to contractors and members of the public coming and going from that establishment. Adding more cars onto Hearst Avenue which already experiences queues that backup onto the railroad tracks is foolhardy and the City has made the determination that a light at Hearst and Fourth will not mitigate this problem. Throughout the policies of the General Plan, the West Berkeley Plan, the UASP, and other specific and area plans the theme is the same: protect the existing built environment, reinforce existing Street street pattern, development pattern, and overall fabric of an area, be compatible with existing development, and Goal #1: Preserve Berkeley's unique character and quality of life. This project does none of these.

XIII. POPULATION AND HOUSING.

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

When determining the impacts of this project, on population and housing, it's important to consider the cumulative effect of not only this 155 units, but also the 542 units already built or permitted since 2010 in the four blocks bounded by University and Addison, and 6th Street to 2nd. When all of these units are built we will have added over 1500 new residents to this tiny corner of West Berkeley. ABAG/Plan Bay Area in its 2013 Sustainable Communities Strategy envisions a total of 550 units (RHNA) from 2010 to 2040 for the entire University Avenue PDA from Shattuck Avenue to the Bay.

Our neighborhood is historically very low income, mostly renters and people of color. We have already lost our grocery store and the 140 jobs that it offered to unskilled workers in the neighborhood. This has forced hundreds of low income neighbors into cars to drive to Oakland for groceries or to rely on expensive delivery services which only adds to the VMT and greenhouse gas emissions. If this project is allowed to continue on a site that it is not zoned for, it will only open the rest of our neighborhood to speculation and skyrocketing land prices as absentee landlords sell out to the highest bidder. Where is our protection against displacement? Where are the jobs for unskilled labor? What about the Goals that the city professes in its plans:

Goal #1: Preserve Berkeley's unique character and quality of life.

Goal #2: Ensure that Berkeley has an adequate supply of decent housing, living-wage jobs, and businesses providing basic goods and services.

Goal #3: Protect local and regional environmental quality.

Goal #4: Maximize and improve citizen participation in municipal decision-making.

Goal #5: Create a Sustainable Berkeley.

Sustainable communities, Smart Growth, walkable neighborhoods, transit oriented development, all require three parts housing, transit, and first and foremost JOBS for all skill levels. The idea is to work and live and have all of your provisions within walking distance so that cars are no longer needed. That is how you reduce greenhouse gases. When you have block after block of high density high rent housing with no jobs and no basic services you're creating a neighborhood of commuters and adding to the greenhouse gases.

Schools/Parks/Services

Again, the City must consider the cumulative need of the nearly 700 planned new units in our little corner when determining the impact on the school district, the parks, and existing services.