Initial Study for the  
700 University Avenue Mixed-Use  
Project

**Introduction:** This Initial Study has been prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines.

**Project Title:** 700 University Avenue Mixed-Use Project

**Project Location:** 700 and 720 University Avenue and 2040 Fourth Street Berkeley, California 94710

**Assessor’s Parcel Numbers:** 056-1955-001, 056-1955-002, 056-1955-003 and 056-1955-004

**General Plan Designation:** Avenue Commercial

**Zoning:** West Berkeley Commercial

**Lead Agency:** City of Berkeley  
Current Planning Division  
2120 Milvia Street  
Berkeley, CA 94704  
Contact: Greg Powell

**Project Applicant:** Urban Housing Group  
400 South El Camino Real, Suite 650  
San Mateo, California 94402  
Contact: Dan Deibel  
Telephone: (650) 340-4340
Existing Setting

The project site is located in the Bay Area region within the City of Berkeley (refer to Figure 1). Regional access is provided by Interstate 580 (I-580) and Interstate 80 (I-80), which is located approximately two-tenths of a mile west of the site. The approximately two-acre project site is located in West Berkeley and is bounded by the elevated portion of University Avenue on the north, Addison Street on the south, Fourth Street on the east, and the Southern Pacific Railroad tracks on the west. The project site comprises four lots, which are described as follows:

- Lot One comprises the southwestern quadrant of the project site and is developed with a parking lot.
- Lot Two comprises the southeastern quadrant of the project site and is developed with Celia’s Restaurant and parking areas.
- Lot Three comprises the northeastern quadrant of the project site and is developed with Brennan’s Restaurant and parking areas.
- Lot Four comprises the northwestern quadrant of the project site and is developed with the historic Southern Pacific Railroad train station (which also formally housed Xanadu Restaurant, now closed) and parking areas.

Surrounding land uses include Takara Sake USA, Inc. to the south, warehouse structures to the west, the elevated University Avenue and City transit hub with a parking lot and Spenger’s Restaurant beyond that to the north, and the Grocery Outlet store and a warehouse structure to the east. Other land uses found in the project area include the Fourth Street shopping area to the north, commercial and residential areas to the east and south, and the Berkeley Aquatic Park to the southwest. The existing General Plan land use designation for the project site is Avenue Commercial, and the existing zoning is C-W (West Berkeley Commercial).

Project Description

The proposed project includes merging three lots into one lot and allowing the lot with the Southern Pacific Railroad Station to remain as its own lot. Celia’s Restaurant and Brennan’s Restaurant would be demolished, and the merged lots would be developed with two, four- to five-story buildings that would house mixed uses. Brennan’s Restaurant would be relocated into the Southern Pacific Railroad train station, which would be improved. The building proposed for the north side of the project site would include 60 residential units above ground-floor retail uses. The building proposed for the south side of the project site would include 113 residential units. The heights of the two buildings are 45 feet to the roof line on the South Building and 55 feet to the roof line on the North Building (the highest point is the elevator shaft on North Building at 65 feet). The total number of residential units would include 31 affordable units; all units would ultimately become “for sale” units but could be rented just after project completion.

The main commercial entrance for the retail uses is located at the center of the Fourth Street block, with additional storefront space along the landscaped interior drive. The ground-floor retail at the North Building wraps around into the internal street and includes store windows and entrances. The ground-floor residential at the South Building provides stoops, windows, courtyards, plazas, and pathways in and around the South Building to support the retail, maintain a pedestrian-oriented atmosphere, and allow pedestrian linkages through to the new transit hub past retail uses and through to Addison Street towards the Addison Street bridge and Aquatic Park. The ground
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floor of the South Building also includes ancillary residential uses of a residential leasing office and a resident’s lounge/fitness area, all of which serve the North and South Building residents.

The retail uses for the project site as a whole would total 6,400 sf (with up to 12,740 sf analyzed) and include such neighborhood-serving stores as hair salons, clothing and accessory stores and book stores. The 500 sf of pavilion retail on the train station lot is meant to serve the adjacent City transit hub and include coffee service, newspaper/book stand and restrooms. In addition to the retail uses, restaurant/café uses would total up to 6,990 sf (5,490 sf for Brennan's Restaurant on the train station lot and 1,500 sf in a café on the merged lots).

Vehicle parking would be provided through a combination of spaces in subterranean garages and surface parking lots. The project includes a total of 214 vehicle parking spaces and 24 bicycle parking spaces.

**Discretionary Actions**

The project applicant requests the following discretionary actions:

- Lot line merger - merge Lots 1, 2 and 3
- Use Permit - Demolition of 2040 Fourth Street building per Section 23C.08.050
- Use Permit – Demolition of 720 University Avenue buildings per Section 23C.08.050
- Use Permit - Mixed Use Building per Section 23E.64.030
- Use Permit - Dwelling Units per Section 23E.64.030
- Use Permit - Retail sales per Section 23E.64.030
- Administrative Use Permit - Food Service under 2,500 square feet per Section 23E.64.030
- Use Permit - Construction of New Floor Area > 20,000 square feet per Section 23E.64.050
- Use Permit - Uncovered parking at ground level with 20 feet from the street side property line on corner lots per Section 23E.28.080.B
- Transfer of Xanadu Restaurant and Alcohol Use Permit to new restaurant use.
- Design Review Commission approval of proposed site and new construction
- Landmarks Preservation Commission approval of Structural Alteration Permit
Responsible/Trustee Agencies: *(Discuss other permits, financing or participation required):*

The City of Berkeley is the lead agency for the proposed project. Responsible agencies may include, but not be limited to:

- Bay Area Air Quality Management District
- Regional Water Quality Control Board

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the pages below.

| ✓  | 4. Biological Resources | ✓  | 11. Noise                     |
**Determination**

I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** should be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find the proposed project **MAY** have a significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment because all potentially significant effects a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION including revisions or mitigation measures that are imposed upon the proposed project nothing further is required.

**Evaluation of Environmental Impacts**

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based in project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including: off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly
explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration pursuant to Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significant.
Environmental Analysis

1. **Aesthetics.** Would the project:

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**Discussion:**

a) **Potentially Significant Impact.** The project site is located at the extreme far west end of Berkeley at the foot of University Avenue adjacent to the Southern Pacific Railroad tracks. The proposed project would not impede views of the bay from the majority of the surrounding area because of the area’s generally low elevation. However, the proposed height of the buildings could impede views from more specific areas at higher elevations, such as the overpass. The degree to which the project would affect scenic vistas is unknown at this time. Therefore, the potential for the proposed project to have a substantial adverse effect on a scenic vista will be addressed in the EIR.

b) **No Impact.** The project site is not located within the viewing corridor of a city-designated scenic highway. Therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a city-designated scenic highway. No further analysis of this issue is required.

c) **Potentially Significant Impact.** Implementation of the proposed project would result in the removal of two restaurants and existing parking lot, improvement and reuse of the historic Southern Pacific Railroad station, and development of a mixture of retail and residential uses in two 4 to 5 story structures on the project site, altering the visual character of the project site and surrounding area. Therefore, the potential for the project to substantially degrade the existing visual character or quality of the site and its surroundings will be addressed in the EIR.

d) **Less Than Significant Impact.** Implementation of the proposed project would introduce new sources of light and glare, including interior and exterior building lighting and vehicle headlights, reflective surfaces, such as windows and light-colored paint. Therefore, the potential for the project to create a new source of light and glare will be addressed in the EIR.

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substantial light or glare which would adversely affect day or nighttime views in the area will be addressed in the EIR.

2. **Agricultural Resources.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
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<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</td>
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<td>c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</td>
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**Discussion:**

a) *No Impact.* The Farmland Mapping and Monitoring Program (FMMP) designates the site as Urban and Built Up Land. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Thus, no further analysis of this issue is required.  

b) *No Impact.* The project site is zoned Mixed-Use – Light Industrial. The project site is not under Williamson Act Contract. The Environmental Management Element of the General Plan states, “Agriculture in Berkeley is limited to personal and community Gardens.” No existing personal or community garden will be affected by the proposed project. Therefore, the project would not conflict with existing zoning for agricultural use or Williamson Act Contract. Thus, no further analysis of this issue is required.

c) *No Impact.* No agricultural land uses are located in proximity to the project site. Therefore, the project would not result in conversion of Farmland to non-agricultural use. Thus, no further analysis of this issue is required.

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3 *City of Berkeley General Plan.*
3. **Air Quality.** The significance criteria established by the South Coast Air Quality Management District (SCAQMD) may be relied upon to make the following determinations. Would the project:

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<td>e.</td>
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**Discussion:**

a) **Potentially Significant Impact.** The project site is under the jurisdiction of the Bay Area Air Quality Management District’s (BAAQMD) Air Quality Management Plan (AQMP). The air quality goals and policies identified in the AQMP are based on land use projections from local general plans and population growth projections; thus, projects that are consistent with local general plans are considered consistent with the AQMP. The degree to which the project is consistent with the General Plan land use designation for the project site will be addressed in the EIR. Therefore, the EIR will also address the potential for the proposed project to result in significant impacts related to conflicting with or obstructing implementation of the AQMP.

b) **Potentially Significant Impact.** Short-term construction emissions and traffic from long-term operation of the proposed project would result in the generation of criteria pollutant emissions. Therefore, the EIR will address the potential for the proposed project to result in significant impacts related to violation of air quality standards or substantial contribution to an existing or projected air quality violation.

c) **No Impact.** The Bay Area Air Basin is currently in attainment for all criteria pollutants. As such, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). No further analysis of this issue is required.

d) **Potentially Significant Impact.** Sensitive receptors in proximity to the project site or along roadways that would be used by project traffic could be exposed to criteria pollutant emissions generated by the proposed project that are in excess of BAAQMD thresholds. Therefore, the EIR will address the potential for the
proposed project to result in significant impacts related to exposing sensitive receptors to substantial pollutant concentrations.

e) **Less Than Significant Impact.** According to the *BAAQMD CEQA Guidelines*, the types of projects that commonly result in odor impacts include: wastewater treatment plant, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing, fiberglass manufacturing, auto body shops, rendering plants, and coffee roasters. The proposed project does not include any of these uses and would not create objectionable odors that would affect a substantial number of people. Therefore, project impacts related to odors would be less than significant, and no further analysis of this issue is required.

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<td>a.</td>
<td>Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
<td>✓</td>
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<td>b.</td>
<td>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>c.</td>
<td>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<td>d.</td>
<td>Interfere substantially 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?</td>
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<td>e.</td>
<td>Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?</td>
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<td>f.</td>
<td>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
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Discussion:

No Impact. The project site is in a fully urbanized area and completely developed. Vegetation on the site is non-native, including grasses, shrubs and ornamental trees. The site is not occupied by, or suitable for, any listed species or candidate for listing. Therefore the proposed project would not have any direct or indirect substantial adverse effect on any species identified as a candidate, sensitive, or special status species. No further analysis of this issue is required.

a) No Impact. The project site is completely developed and does not contain any riparian habitat or other sensitive natural community. Adjacent properties are developed with urban uses and do not contain any riparian habitat or other sensitive natural community. Therefore, development of the proposed project would not adversely affect any such community, and no impact would occur. Thus, no further analysis of the issue is required.

b) No Impact. No wetlands occur on the project site. Further, the project site is disturbed and surrounded by urban development. Therefore, the proposed project would not have a substantial adverse impact on federally protected wetlands. Thus, no further analysis of the issue is required.

c) No Impact. The project site is completely developed and contains no onsite waterways. Additionally, the site is located in an urbanized area and is not adjacent to or near any areas of open space. Further, no native wildlife nurseries are in the project area. Therefore, development of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species. Thus, no further analysis of the issue is required.

d) Less Than Significant Impact. A tree survey for the project site was conducted by HortScience, Inc. in May 2004. There are no coast live oaks or other indigenous or protected trees located on the project site. The report recommended the preservation of 12 trees (redwood, sweet gum, poplar) and the removal of 18 trees (redwood, pittosporum, yucca, poplar) on the site. Construction activities and development could adversely affect the trees to be preserved. However, the project applicant has agreed to incorporate the following measures into the project description to ensure that impacts to trees would be less than significant; no further analysis of this issue is required:

4-1: The project applicant shall establish a Tree Protection Zone (TPZ) around each tree to remain on the project site. The perimeter of the TPZ shall be fenced. Fencing shall be chain link, orange plastic, or the equivalent as approved by the Consulting Arborist. No grading, excavation, construction or storage of materials shall occur within that zone. For design purposes, the TPZ shall be defined as follows:

- Eight feet from the trunk for trees on Addison Street;
- At the limits of the planting strip for trees on 4th Street;
- At the limit of landscaping for the remainder of the trees.

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4-2: No underground services including utilities, sub-drains water or sewer lines shall be placed in the TPZ.

4-3: Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.

4-4: Irrigation systems must be designed so that no trenching would occur within the TPZ.

4-5: The Construction Superintendent shall meet with the Consulting Arborist before construction begins to discuss work procedures and tree protection.

4-6: Trees to be preserved shall be pruned to provide adequate clearance and correct any existing defects in structure. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest addition of the ANSI Z133 and A300 standards as well as the Best Management Practices – Tree Pruning, published by the International Society of Arboriculture.

4-7: Trees to be removed that have canopies that could touch remaining trees, shall be removed in a manner to avoid damage to remaining trees. If stumps of removed trees are left in the ground, they shall be grounded out 12” below grade and not pulled out as this could injure remaining trees.

4-8: Trees to be removed near utility lines should be pruned or removed by the local utility company to provide contractors with room for safe operations.

4-9: Any modifications to the TPZ must be approved and monitored by the Consulting Arborist.

4-10: Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Consulting Arborist.

4-11: Supplemental Irrigation shall be required for trees to be preserved and shall be applied at a rate determined by the Consulting Arborist.

4-12: If injury should occur to any tree during construction, the injury shall be evaluated as soon as possible by the Consulting Arborist, so that appropriate treatments can be applied.

4-13: No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.

4-14: Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist, and not by construction personnel.

e) No Impact. The project site is not subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or any other habitat plan. Therefore, development of the proposed project would not conflict with any habitat conversion plan. Thus, no further analysis of the issue is required.
5. **Cultural Resources.** Would the project:

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**Discussion:**

a) **Potentially Significant Impact.** The proposed project includes renovation of the historic Southern Pacific Railroad train station and construction of a mixed-use development adjacent to the train station. The degree to which the project would affect the historical significance of the train station is unknown at this time. Therefore, the potential for the project to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 will be addressed in the EIR.

b) **Less Than Significant Impact.** Based on archaeological assessments prepared for the project site and a peer review of these reports, it is possible that undiscovered archaeological resources could occur at the project site. If care is not taken during project construction, these undiscovered archaeological resources could be damaged or destroyed. However, the project applicant has agreed to incorporate the following measures into the project description to ensure that the project does not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; no further analysis of this issue is required:

5-1: Prior to excavation and construction of the proposed project, the prime contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the project site.

5-2: A qualified archaeological monitor and a Native American observer shall be present during any and all ground-disturbing activities that occur in association with the proposed project, including any utility and sewer hookups within the public streets. No further testing is recommended. However, in the event that buried archaeological resources are exposed during project construction, work within 30 ft of the find shall stop until a Professional Archaeologist, meeting the standards of

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the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any Native American remains shall be treated in accordance with State Law.

c) **Less Than Significant.** There are no known paleontological resources on the project site. However, unknown paleontological resources could occur on the project site. If care is not taken during project construction, unknown paleontological resources could be damaged or destroyed. However, the project applicant has agreed to incorporate the following measures into the project description to ensure that the project does not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; no further analysis of this issue is required:

5-3: Prior to excavation and construction of the proposed project, the prime contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying paleontological resources or removing paleontological materials from the project site.

5-4: If during any phase of project construction, any fossil remains are encountered, construction activities within a 50-meter radius shall be halted immediately, and the project applicant shall notify the City. A qualified paleontologist (as approved by the City) shall be retained by the project applicant and shall be allowed to conduct a more detailed inspection and examination of the exposed fossil remains. During this time, excavation and construction would not be allowed in the immediate vicinity of the find. However, those activities could continue in other areas of the project site.

d) **Less Than Significant Impact.** Although no human remains are known to have been found on the project site, it is possible that unknown resources could be encountered during project construction, particularly during ground-disturbing activities such as excavation and grading. However, as required by state law, if human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of Berkeley Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Therefore, project impacts to unknown human remains would be less than significant. No further analysis of this issue is required.

### 6. Geology & Soils

Would the project:

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</table>

  a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

  i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the
State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

b. Result in substantial soil erosion or the loss of topsoil?

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

---

**Discussion:**

a.i) *No Impact.* The project site is not located within an Alquist-Priolo Earthquake Fault Zone as illustrated on the maps issued by the State Geologist for the area. No other known earthquake faults run through or near the project site. Thus, the proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42. No further analysis of this issue is required.

a.ii) *Potentially Significant Impact.* The project site is located in the Bay Area region, which is a seismically-active area. Thus, the project site could experience strong ground shaking during a seismic event. The closest active faults are the Hayward, Calaveras, and San Andreas Faults, which are approximately 3.7, 26, and 26 kilometers from the site, respectively. Thus, the project site could experience strong ground shaking during a seismic event. Therefore, the potential for the project to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking will be addressed in the EIR.

a.iii) *Potentially Significant Impact.* The degree to which the project site is subject to seismic-related ground failure, including liquefaction, is currently under assessment. Therefore, the potential for the project to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction will be addressed in the EIR.

---

9 *Geotechnical Feasibility Study, Treadwell & Rollo, December 3, 2003.*
a.iv) **No Impact.** The project site and surrounding area are relatively flat and are not located within an area that is prone to landslides. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides. Thus, no further analysis of this issue is required.

b) **Less than Significant Impact.** See answer to question 8c below.

c) **Potentially Significant Impact.** See answer to questions 8a.ii, 8a.iii, and 8a.iv above.

d) **Potentially Significant Impact.** The degree to which the project site has expansive soil is currently under assessment. Therefore, the potential for the project to be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property will be addressed in the EIR.

e) **No Impact.** The project site is located in a developed area of the City of Berkeley that is served by a municipal wastewater collection, conveyance, and treatment system. No septic tanks are proposed. Therefore, no further analysis of this issue is required.

### 7. Hazards & Hazardous Materials

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>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?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td>Impair implementation of or physically interfere with an adopted emergency response plan or emergency</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
evacuation plan?

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**Discussion:**

a) **Less Than Significant Impact.** The proposed project includes development of residential and retail uses. The types of hazardous materials associated with routine, day-to-day operation of the proposed project would include landscaping chemicals that would be used in quantities typical for landscaped commercial developments and typical cleaning solvents used for janitorial purposes. The transport, use, and disposal of these materials would not pose a significant hazard to the public or the environment. Therefore, project impacts related to this issue would be less than significant, and no further analysis of this issue is required.

b) **Potentially Significant Impact.** Phase I and Phase II Environmental Site Assessments have been prepared for the project site. These reports conclude that soil and groundwater at the project site do not contain levels of chemicals that would pose a threat to human health, and no further investigation at the site is necessary. However, the project site is adjacent to the Southern Pacific Railroad line. Trains that run on this line do transport hazardous materials at times. Therefore, the EIR will address the potential for the project to 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 associated with locating a residential land use adjacent to the railroad line.

Additionally, the project includes demolition and removal of the existing structure on the project site that was constructed in 1972. Considering the age of construction, it is possible that the structure could contain asbestos and lead-based paint. However, the project applicant would be required to comply with limitations of the BAAQMD Regulation 11, Rule 2: Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing, and with the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) Standard 1926.6 related to lead abatement. Compliance with these existing regulations would ensure that the project would not result in a significant hazard.

c) **Less Than Significant.** Refer to answer to 7a.

d) **No Impact.** The proposed project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the project would not result in impacts related to being located on a site that is included on a list of hazardous materials sites. Thus, no further analysis of this issue is required.

e) **No Impact.** The project site is not within two miles of a public airport or public use airport. Therefore, the project would not expose persons to a safety hazard related to airports. No further analysis of this issue is required.

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f) **No Impact.** The project site is not located within the vicinity of a private airstrip. Therefore, the project would not result in a safety hazard associated with a private airstrip. No further analysis of this issue is required.

g) **No Impact.** The proposed project is consistent with the policies of the City of Berkeley General Plan’s Disaster Preparedness and Safety Element and would not obstruct emergency evacuation routes.\(^{12}\) The proposed project is also consistent with the objectives of the Disaster Mitigation Plan for the City of Berkeley.\(^ {13}\)

h) **No Impact.** The project site is located in an urbanized portion of the City of Berkeley that does not include wildlands or high fire hazard terrain or vegetation. Therefore, the project would not expose people or structures to a significant risk of loss associated with wildland fires. Thus, no further analysis of this issue is required.

8. **Hydrology & Water Quality.** Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b.</td>
<td>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 planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c.</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>d.</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Otherwise substantially degrade water quality?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{12}\) *City of Berkeley General Plan, p. S-15 through S-24 and Figure 14 on p. S-10.*

\(^{13}\) *City of Berkeley, “Disaster Mitigation Plan for the City of Berkeley,” (Draft 04/28/2004)*

http://www.ci.berkeley.ca.us/Manager/disastermitigation.html.
Discussion:

a) **No Impact.** The proposed project does not include any point-source discharge. Additionally, wastewater generated at the project site would be served by the City’s existing sanitary sewer system. Project development would conform to all requirements of the Regional Water Quality Control Board, Uniform Building Code and Berkeley Municipal Code Title 17 (Water and Sewers) and would not result in unpermitted discharges into the sanitary sewer and stormwater systems. Thus, the project would not violate any water quality or waste discharge standards. No further analysis of this specific issue is required.

b) **Less Than Significant Impact.** Almost the entire project site is currently impervious, and as such, infiltration of stormwater at the site is low. During storm events most of the stormwater at the site sheet-flows across the site and eventually enters the local stormdrain system. Thus, the amount of stormwater that reaches groundwater level beneath site is extremely low. Furthermore, groundwater is not maintained as a resource because studies suggest the underlying aquifer is likely contaminated with levels of constituents exceeding California Drinking Water Standards. Therefore, project impacts to groundwater and groundwater recharge would be less than significant. No further analysis of this issue is required.

c) **Less Than Significant Impact.** The proposed project would change the drainage patterns on the project site. However, all runoff associated with the proposed project would be either directed to landscaped areas and/or pre-manufactured stormwater quality best management practices (BMPs) for infiltration and water quality purposes or directed to an impervious drainage system. As such, the alteration of the existing drainage pattern would not result in substantial erosion or siltation on- or off-site. Therefore, project impacts related to this issue would be less than significant, and no further analysis of this issue is required.

d) **Potentially Significant Impact.** The pre-project and post-project hydraulic qualities and the ability of the local stormdrain system to accommodate the flows from the project (and not back up during storm events and cause localized flooding of the stormdrain system) is currently under assessment. Therefore, the potential for the project to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site will be addressed in the EIR.

e) **Potentially Significant Impact.** With respect to stormdrain capacity, see answer to question 8d, above. With respect to water quality, refer to answer to question 8f, below.
f) **Potentially Significant Impact.** The proposed project could potentially result in additional sources of polluted runoff. Therefore, the potential for the project to otherwise substantially degrade water quality will be addressed in the EIR.

g) **No Impact.** The project site is not located 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. Thus, no further analysis of this issue is required.

h) **No Impact.** See answer to question 8g above.

i) **No Impact.** No dams or levees are located in the project site area. Therefore, the project would not expose people or structures to a significant risk or loss, injury or death involving flooding, as a result of the failure of a levee or dam. Thus, no further analysis of this issue is required.

j) **No Impact.** Seiches are standing waves created by seismically induced ground shaking (or volcanic eruptions or explosions) that occur in large, freestanding bodies of water. A tsunami is a series of waves that are caused by earthquakes that occur on the seafloor or in coastal areas. The project site is not located near the open water of the Pacific Ocean, and therefore, would not be subject to inundation by seiche or tsunami. The project area is relatively flat and does not contain any hillside terrain; therefore, there is no potential for the project site to be inundated by a mudflow. Thus, no further analysis of this issue is required.

9. **Land Use and Planning.** Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>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?</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

**Discussion:**

a) **No Impact.** The project site is surrounded by areas that are developed with urban land uses. The proposed project would include the development of residential and retail uses on a lot that is designated for development and would not create a physical barrier within the community or otherwise divide contiguous land uses. Therefore, the proposed project would not physically divide an established community, and no further analysis of this issue is necessary.

---

b) **Potentially Significant Impact.** The degree to which the proposed project is consistent with applicable land use plans, policies, or regulations is currently under assessment. Therefore, the potential for the project to 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 will be addressed in the EIR.

c) **No Impact.** See answer to question 4f above.

### 10. Mineral Resources

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss or availability of a known mineral resource that would be of value to the region and the residents or the state?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>✓</td>
</tr>
<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Discussion:**

a) **No Impact.** There are no known mineral resources at or near the project site. Thus, the proposed project would not result in the loss or availability of a known mineral resource that would be of value to the region and the residents or the state. No further analysis of this issue is required.  

b) **No Impact.** See answer to 10a above.

### 11. Noise

Would the project result in:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>✓</td>
</tr>
<tr>
<td>b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>✓</td>
</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>✓</td>
</tr>
<tr>
<td>d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>✓</td>
</tr>
</tbody>
</table>

---

15 *City of Berkeley General Plan, p. EM-2.*
without the project?

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
   
<table>
<thead>
<tr>
<th>Year</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?
   
<table>
<thead>
<tr>
<th>Year</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

Discussion:

a) **Potentially Significant Impact.** During the proposed project’s construction period, noise levels at and near the project site would temporarily increase due to use of construction equipment. Additionally, the project includes development of noise-sensitive, residential land uses adjacent to the Southern Pacific Rail. Noise levels at the project site increase substantially when the train passes by. Therefore, the potential for the project to result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be addressed in the EIR.

b) **Potentially Significant Impact.** As stated previously, the project site is adjacent to the Southern Pacific Railroad. When the train passes by the project site, groundborne vibration and noise levels at the project site occur. Therefore, the potential for the project to result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels will be addressed in the EIR.

c) **Potentially Significant Impact.** Development of the proposed project would increase the number of people and vehicles and the amount of activity at the project site and in the area. Additionally, traffic generated by the proposed project would affect the noise levels along the roadways that would be used by project traffic. Therefore, the potential for the project to result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project will be addressed in the EIR.

d) **Potentially Significant Impact.** Demolition and construction activities associated with the proposed project, particularly the use of heavy machinery, could generate temporary intermittent noise in excess of the City’s noise standards. Therefore, the potential for the project to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project will be addressed in the EIR.

e) **No Impact.** As discussed above in answer to question 7e, the project site is not located within two miles of a public airport or public use airport. Therefore, the proposed project would not expose persons to excessive noise levels associated with a public airport or public use airport. No further analysis of this issue is required.

f) **No Impact.** As discussed above in answer to question 7f above, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not expose persons to excessive noise levels associated with a private airstrip. No further analysis of this issue is required.
12. **Population and Housing.** Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td>✅</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>✅</td>
</tr>
<tr>
<td>c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>✅</td>
</tr>
</tbody>
</table>

**Discussion:**

a) **No Impact.** The estimated population for the City of Berkeley as of January 1, 2004 was 104,300. According to the Association of Bay Area Governments (ABAG) Regional Housing Needs Allocation for 1999-2006, the City of Berkeley has a projected need of 1,269 housing units. The City stated in Appendix H of the *Regional Housing Needs Determination* report by ABAG that the production target for lower income units for the City is slightly lower currently than the City is currently planning than planned during the 1999-2006 timeframe. The total housing units in the City in 2000 was 46,875, with a homeowner vacancy rate of 0.7 percent and a rental vacancy rate of 2.8 percent. The proposed project would provide new housing that would help address the City of Berkeley’s shortage of affordable and multi-family housing. The project would not include a regionally significant employer and is not expected to induce additional population growth, rather it would provide much needed housing for current Berkeley residents. Thus, project impacts related to population growth would be less than significant. No further analysis of this issue is required.

b) **No Impact.** There are no existing housing units on the project site. Therefore, the proposed project would not displace substantial numbers of existing housing, and no further discussion of this issue is required.

c) **No Impact.** See answer to question 12b above.

13. **Public Services.**

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable environmental quality?</td>
<td></td>
<td></td>
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</tbody>
</table>

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16 *City of Berkeley General Plan, p. ED-4.*
service ratios, response times or other performance objectives for any of the public services:

| i. Fire protection? | ✓ |
| ii. Police protection? | ✓ |
| iii. Schools? | ✓ |
| iv. Parks? | ✓ |
| v. Other public facilities? | ✓ |

**Discussion:**

a.i) *Less Than Significant Impact.* Fire protection services to the project site and area are provided by the City of Berkeley Fire Department (CBFD). Fire stations in the project area are included in Figure 1.

![Figure 1](link)

**Figure 1**

*Fire Stations Serving the Project Area*

<table>
<thead>
<tr>
<th>Station</th>
<th>Location</th>
<th>Personnel</th>
<th>Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2442 8th Street</td>
<td>1 officer 1 apparatus operator 1 fire fighter 2 firefighter-paramedics</td>
<td>1 Type I Engine 1 paramedic ambulance</td>
</tr>
<tr>
<td>2</td>
<td>2029 Berkeley Way</td>
<td>1 assistant chief 2 officers 3 apparatus operator 1 fire fighter 2 firefighter-paramedics</td>
<td>1 Type I Engine 1 truck company 1 paramedic ambulance</td>
</tr>
<tr>
<td>6</td>
<td>999 Cedar Street</td>
<td>1 officer 1 apparatus operator 1 fire fighter</td>
<td>1 Type I Engine</td>
</tr>
</tbody>
</table>

*Source: City of Berkeley Fire Department, August 2005.*

According to the CBFD, existing staffing and equipment levels at the fire stations listed in Figure 1 are adequate to accommodate the current demand for fire protection services. Additionally, the CBFD does not anticipate that new or expanded fire department facilities would be required to accommodate the proposed project. Therefore, project impacts related to fire protection services would be less than significant. No further analysis of this issue is required.

---

17 Pryor, Debra R., *Fire Chief, City of Berkeley Fire Department, correspondence, August 29, 2005.*

Less Than Significant Impact. The following information has been provided by the Berkeley Police Department:

The Berkeley Police Department (BPD) provides police services to the project site and immediate vicinity. The project site is located within Beat 16. The boundaries of Beat 16 include University Avenue to the north; The Berkeley Marina to the west; Bancroft Way to the south; and San Pablo Avenue to the east. The Berkeley Police Department, located at 2100 Martin Luther King Jr. Way, is the Police Department serving the project area. The BPD provides service to approximately 102,743 residents over 10.16 square miles. The BPD currently has approximately 181 sworn officers and 98 civilian staff. The staffing ratio is 1.8 officers per 1,000 residents and the total personnel staffing ratio is 2.7 personnel per 1,000. The BPD has 279 full-time equivalent’s (FTE’s) including sworn officers and civilian staff.

Unlike fire protection services, police units are often in a mobile state; hence, actual distance between the project site is often of little relevance. Instead, the number of officers out on the street is more directly related to the realized response time. Response time is defined as the total time from when a call requesting assistance is placed until the time that a police unit responds to the scene. Calls for police assistance are prioritized based on the nature of the call. The average response time for emergency calls for service in the City of Berkeley during 2004 was 5.13 minutes.

The crime rate, which represents the number of crimes reported, affects the “needs” projection for staff and equipment for the BPD. To some extent, it is logical to anticipate that the crime rate in a given area will increase as the level of activity or population, along with the opportunities for crime, increases. However, because a number of other factors also contribute to the resultant crime rate such as police presence, crime prevention measures, and on-going legislation/funding, the potential for increased crime rates is not necessarily directly proportional to increases in land use activity.

In 2005, so far, there have been approximately 872 Calls For Service (CFS) in the buffered area (see below). In this instance the buffer is used to determine the characteristics of CFS within a 500-foot radius surrounding the proposed development site (700 University Avenue). The predominate, Part 1 crime related CFS have been auto burglaries and vehicle thefts.

Implementation of the proposed project would result in additional residents in the project area (as well as pedestrian and vehicular traffic), which could increase the existing demands for police protection and traffic enforcement services provided by the BPD. The various construction phases of the proposed project could also result in increased response times to the areas south of University on 4th Street. Upon completion of the proposed project, the number of permanent residents and site visitors within the project site would generate a potential increase in the level of police service calls from the project site. However, the project applicant has agreed to incorporate the following measures into the project description to ensure that impacts to police services would be less than significant; no further analysis of this issue is required:

13-1: The proposed project design team shall coordinate with BPD to implement the Crime Prevention through Environmental Design (CPTED) concepts within the project where possible. These concepts shall be applied to the entire site but particularly to the Santa Fe Right-of-Way side of the project site. Specific measures might include, but not be limited to: provision of lighting, landscaping that allows visibility, and minimization or elimination of spaces in which people could hide. Design of parking garage entries/exits and

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19 Fleming, Stephanie, Captain, City of Berkeley Police Department, correspondence, September 12, 2005.
walkways between the garage and activity areas could increase pedestrian activity in areas that might otherwise be unutilized during evening hours.

The CPTED concept applies several principles to project design that include:

1. Territoriality and creating defensible space – clearly mark the boundaries of public and private space and create a feeling and expression of ownership;

2. Natural Surveillance – increase the opportunity for people to see by providing less concealment and maximizing the public view;

3. Natural Access Control – use objects, landscaping, and other design features to control or deny access; and

4. Maintain Safe Activities – use access and activity to introduce more normal users to increase usage and provide safety in numbers to spaces that are now unsafe. Also place unsafe activities in safe places.

13-2: The project applicant shall consult with BPD’s Community Services Bureau (CSB) on the design and implementation of a security plan for the proposed project and shall consider the following elements:

• The project applicant shall arrange for all landlords, or property managers, to participate, at no cost, in the City of Berkeley’s Landlord Training Program (keeping illegal activity out of rental property). This must be done prior to opening.

• Design entryways, the lobby, and parking areas with lighting that eliminates areas of concealment;

• Landscaping shall be designed so as to not conceal potential criminal activities near windows or doors;

• Outdoor night lighting shall be provided to aid crime prevention and enforcement efforts;

• All garages shall be enclosed;

• Provide solid core doors with deadbolt locks to all units; and

• The use of louvered windows shall be prohibited.

13-3: Upon the completion of the project, it is recommended that site plans for the property be provided to the BPD Chief of Police via the Patrol Captain to help facilitate any police response.
a.iii) **Less Than Significant Impact.** The project site is served by the Berkeley Unified School District (BUSD). BUSD operates elementary schools (grades K through 6th), middle schools (grades 6th through 8th), and high schools (grades 9th through 12th). Specifically, the project site is within the BUSD's Northwest Zone, served by three elementary schools (Rosa Parks, Jefferson, and Thousand Oaks), two middle schools (Martin Luther King and Longfellow), and Berkeley High School as well as the Alternative High School Program.\(^{20}\)

The estimated number of students the proposed project would generate is derived by multiplying the number of students per dwelling unit (the student yield factor) by the number of dwelling units in the project (173 units). The California State Allocation Board Office of Public School Construction reports that the statewide student yield factor per dwelling unit is 0.5 students for grades K through 6th and 0.2 students for grades 7th through 12th.\(^{21}\) The statewide average student yield factor may be broken down as 0.071 students in each grade year K through 6th and 0.033 students in each grade year 7th through 12th. To calculate project impacts on the BUSD, the statewide average student yield factor per dwelling unit may be expressed as 0.43 elementary school students, 0.14 middle school students, and 0.13 high school students. Applying the statewide average student yield factor, the project would generate 120 students – approximately 74 elementary school students, 30 middle school students, and 22 high school students.

BUSD enrollment has been declining at all three levels in recent years and is expected to decline through at least 2007, thus increasing school capacity. Rosa Parks, Jefferson, and Thousand Oaks Elementary Schools have the capacity available for approximately 110 more students, well above the estimated Project yield of 91 elementary school students. The District's three middle schools (Martin Luther King, Willard and Longfellow) have a combined available capacity for more than 700 additional students and Berkeley High School has capacity available for at least 500 more students.\(^{22}\)

Pursuant to California Education Code Section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. As such, the project applicant would be required to pay the required developer fees to BUSD to offset any impacts the project could have to schools. Provided in Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on schools services. Therefore, project impacts related to school services would be less than significant. No further analysis of this issue is required.

a.iv) **Less Than Significant Impact.** There are approximately 37 acres of City parks within one-half mile of the project site as well as more than eight miles of shoreline trails at the Eastshore State Park. James Kenney Park and Recreation Center, northeast of the project site on Eighth Street, includes a gymnasium, sport courts, and tot play area in a four-acre park setting. Berkeley Aquatic Park, southwest of the project site on Bolivar Way, provides a wide range of recreational opportunities, including bird-watching, boating, hiking,

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and the "Dream Land for Kids" play area. The project would be assessed a tax for park acquisition, development and renovation in accordance with Berkeley Municipal Code Chapter 7.08. In addition, per the Final EIR for the West Berkeley Plan (Impact 6, pg. 4-12), the project applicant would be required to dedicate land for parks or pay equivalent in-lieu park fees, at the discretion of the City, at a ratio of two to three acres per 1,000 residents for projects that include more than ten new units. Based on all of the above, project impacts to parks and recreational services would be less than significant. No further analysis of this issue is required.

a.v) **No Impact.** No other public facilities have been identified that could be substantially adversely affected by the project. No further analysis of this issue is necessary.

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<tr>
<td>a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
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<td>✓</td>
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<td>b. Does the project include recreational facilities or require the construction or expansion on recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
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<td>✓</td>
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**Discussion:**

a) **Less Than Significant Impact.** See answer to question 13aiv above.

b) **Less Than Impact.** See answer to question 13aiv above.

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<tr>
<th>15. <strong>Transportation/Traffic.</strong></th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Impact Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>✓</td>
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<td>b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>✓</td>
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23 City of Berkeley Parks Recreation and Waterfront Department, [http://www.ci.berkeley.ca.us/parks/parklist.html](http://www.ci.berkeley.ca.us/parks/parklist.html) and California State Parks Department, [http://www.parks.ca.gov/default.asp?page_id=520](http://www.parks.ca.gov/default.asp?page_id=520).
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

|  |  | ✓ |

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

|  | ✓ |

e. Result in inadequate emergency access?

|  | ✓ |

f. Result in inadequate parking capacity?

|  | ✓ |

g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

|  | ✓ |

**Discussion:**

a) *Potentially Significant Impact.* Implementation of the proposed project would create new vehicle trips traveling to and from the project site. Therefore, the EIR will address the potential for the project to cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.

b) *Potentially Significant Impact.* Implementation of the proposed project and other reasonably-foreseeable development in the project area would create new vehicle trips traveling to and from the project site. Therefore, the EIR will address the potential for the project to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) *No Impact.* Due to the nature and scope of the proposed project, implementation of the project would not have the potential to result in a change in air traffic patterns at any airport in the area. Therefore, no further analysis of this issue is required.

d) *Potentially Significant Impact.* The proposed project would alter access to the project site. In addition, roadway and/or intersection improvements may be required in order to mitigate any potentially significant traffic impacts that could be identified in the EIR. Without proper design, the project could result in traffic hazards. Therefore, the EIR will address the potential for the project to substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). No agricultural land uses are located in proximity to the project site. Therefore, the project would not result in traffic hazards associated with incompatible uses, such as farm equipment. No further analysis related to this specific issue is required.

e) *Potentially Significant Impact.* The proposed project would alter access to the project site. Therefore, the potential for the project to result in inadequate emergency access will be addressed in the EIR.

f) *Potentially Significant Impact.* At this time, whether the proposed amount of parking spaces complies with the City’s Parking Code requirements is unknown. Therefore, the potential for the project to result in inadequate parking capacity will be addressed in the EIR.

g) *Potentially Significant Impact.* Traffic generated by the proposed project could exceed level-of-service standards. Whether the proposed project would incorporate measures that support alternative transportation
for the purpose of reducing vehicle trips is unknown at this time. Therefore, the EIR will address the potential for the proposed project to conflict with adopted policies, plans, or programs supporting alternative transportation, (e.g., bus turnouts, bicycle racks).

16. **Utilities & Service Systems.** Would the project:

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<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
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<td>a.</td>
<td>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<td>✓</td>
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<td>b.</td>
<td>Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td>✓</td>
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<td>c.</td>
<td>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>✓</td>
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<td>d.</td>
<td>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
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<td>e.</td>
<td>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
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<td>✓</td>
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<td>f.</td>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td></td>
<td>✓</td>
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<td>g.</td>
<td>Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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<td>✓</td>
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**Discussion:**

a) **Less than Significant Impact.** Wastewater from the project site would therefore be treated according to the wastewater treatment requirements enforced by the City and the Regional Water Quality Control Board for disposal in the City of Berkeley municipal sewer system. Therefore, project impacts related to exceeding wastewater treatment requirements would be less than significant, and no further analysis of this issue is required.

b) **Less Than Significant Impact.** The water and wastewater treatment facilities that serve the project site and area include the East Bay Municipal Utility District’s (EBMUD) Orinda Water Treatment Plant (OWTP) and the Main Wastewater Treatment Plan (MWTP), respectively. According to EBMUD, the OWTP and the MWTP would have adequate treatment capacity to serve the proposed project’s demand for water and
wastewater treatment. Therefore, project impacts related to water and wastewater treatment would be less than significant. No further analysis of this issue is required.

c) Potentially Significant Impact. Refer to answer to question 8d.

d) Less Than Significant Impact. Water service at the project site and in the project area is provided via EBMUD’s Central Pressure Zone. EBMUD owns and operates a four-inch cast iron mortar-lined single-fee (dead end) pipeline on the south side of University Avenue and a six-inch unlined cast iron pipeline in 4th Street, which provide continuous service to customers in the project area, including the project site. Additionally, a six-inch asbestos cement single-fee pipeline is located in Addison Street. According to EBMUD, the proposed project’s demand for water could be accommodated by EBMUD’s existing water supply. However, due to EBMUD’s limited water supply, future users of the site (and all EBMUD customers) should plan for shortages in time of drought. Further, as a condition of project approval, the project applicant would be required to coordinate with EBMUD and the CBFD to assess fire flow requirements. Therefore, project impacts related to water supply would be less than significant. No further analysis of this issue is required.

e) Less Than Significant Impact. Refer to answer to 16a.

f) Less Than Significant Impact. Solid waste generated by users at the project site and surrounding area is disposed of at the Vasco Road Sanitary Landfill. The most recently reported closure date and remaining capacity for the landfill is January 2015 and 12,279,865 cubic yards, respectively. However, according to the California Integrated Waste Management Board (CIWMB), the operator of the landfill will soon seek to revise the current permit to increase the capacity and expand the closure date of the landfill. The revision of the permit will likely take place early next year. According to the CIWMB, regardless of the when the permit is revised, the landfill has adequate capacity to serve the anticipated solid waste disposal needs of the proposed project. Therefore, project impacts related to landfill capacity would be less than significant. No further analysis of this issue is required.

g) Less Than Significant Impact. The construction and operation of the proposed project would be required to adhere to all applicable federal, State, and local statues and regulations related to solid waste. Therefore, project impacts regarding compliance with federal, state, and local statutes and regulations related to solid waste would be less than significant, and no further analysis of this issue is required.

17. Mandatory Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or

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24 Rehnstrom, David J., Senior Civil Engineer, Water Service Planning, EBMUD, correspondence, September 2, 2005.
25 Ibid.
26 Ibid.
28 Ibid.
prehistory?

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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**Discussion:**

a) **Yes.** As noted throughout this Initial Study, implementation of the proposed project could potentially degrade the quality of the environment.

b) **Yes.** As noted in this Initial Study, the proposed project could contribute to cumulative environmental impacts.

c) **Yes.** As noted throughout this Initial Study, implementation of the proposed project could cause substantial adverse effects on human beings, either directly or indirectly.