This mitigated negative declaration was prepared pursuant to the California Environmental Quality Act and Guidelines (Public Resources Code, Division 13 and California Code of Regulations, Title 14, Chapter 3) for the project that is described in the attached initial study and briefly described as follows:

PROJECT DESCRIPTION

Use Permit and Variances 01-10000098 to allow construction and operation of the Ed Roberts Campus, an 86,057 square foot, two-story, non-residential building on the west 1.5 acres of the east parking lot of the Ashby Bart station.

Project Location

3075 Adeline Street, Berkeley, Alameda County, County Assessor parcel numbers 053-1596-013-03 and 053-1553-022-04.

PROJECT SPONSOR

Jan Garrett, ERC President
c/o Center for Independent Living
2539 Telegraph Avenue
Berkeley, CA 94704

MANDATORY FINDING OF SIGNIFICANCE

The project sponsor made or agreed to revisions in the project plans or proposals before this mitigated negative declaration and initial study were released for public review. These revisions avoid significant environmental effects or mitigate the effects to a point where clearly no significant effects would occur. These revisions are described in the following Mitigation Measures section.
Therefore, there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

**MITIGATION MEASURES**

**Mitigation Measure - Air Quality 1:** During all grading operations, in addition to the standard dust control measures required as conditions of approval, the applicant shall comply with the following enhanced measures. If these measures are followed the potential adverse impacts are reduced to a level that is less than significant:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

**Mitigation Measure - Geology And Soils 1a:** Prior to the design of the project geotechnical investigations should be performed in accordance with generally accepted geotechnical engineering practices and as required by the City of Berkeley.

**Mitigation Measure - Geology And Soils 1b:** The project’s structures shall be designed to resist ground shaking in accordance with the seismic design procedures outlined in the most recent Uniform Building Code and as recommended by the project’s geotechnical investigations.

**Mitigation Measure - Hazards 1:** Prior to the issuance of grading or building permits the project sponsor shall have a report(s) prepared by a specialist in the field and based upon its (their) findings the report(s) shall recommend measures to address the below potential sources of hazardous material.

Prior to the issuance of grading or building permits the project sponsor shall develop a plan to implement these recommended measures and the implementation shall be integrated into all permit documents. This testing, the requirement for this report(s), its detail and scope, its recommendations, and the implementation program shall be subject to the prior approval to the Toxics Management Division of the City of Berkeley Planning Department.
• The soil beneath the site shall be sampled and analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and metals. If any such materials are found the report shall contain recommendations for the handling or disposition of the site’s soils.

• In the event that site development requires deep foundations/excavations, dewatering, or if determined necessary by the Toxics Management Division, the groundwater beneath the site shall be sampled and analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and metals.

• In the event that a transformer on the site is proposed for disposal the transformer oil be tested for PCBs prior to disposal. If the transformer is found to contain PCBs, then the transformer should be disposed of in accordance with local, state, and federal regulations.

Mitigation Measure - Hydrology And Water Quality 1: The project shall comply with all Phase II NPDES Storm Water regulations for Small Construction activities. In particular, the project-grading plan shall include Drainage and Erosion Control Plans to minimize the impacts from erosion and sedimentation during grading. This plan shall conform to all standards adopted by the City of Berkeley and Alameda County. This plan shall include at least the following procedures: (1) restricting grading to the dry season, unless such dates are specifically waived by the City Engineer (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff onto the banks of any adjacent creek; and (5) any other suitable measures outlined in the Association of Bay Area Governments’ (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board’s Erosion and Sediment Control Field Manual.

Mitigation Measure – Noise 1: Mechanical equipment, together with their respective screens, shall be Designed so that they do not exceed 55 dB at the residences to the north and south of the project. After the equipment is operational, additional field sound levels shall be taken and additional noise reduction (e.g. sound-absorbing materials on the insides of the mechanical screens) shall be taken as required.

Mitigation Measure – Noise 2a: During construction, noise level exposures from project construction shall be monitored by the applicant and/or the City in a manner acceptable to the Environmental Health Division. If and when construction related noise levels exceed 75 dB for mobile equipment and 60 dB for stationary equipment (the standards where adjacent to R-1 and R-2 properties) all technically and economically feasible measures shall be taken to reduce the impact below these levels; such measures shall include but not be limited to: reducing the duration in any one-hour period where the noise source, equipment, or operation may take place, shielding
noise sources, moving cutting and sawing activities to inside structures, and similar measures.

**Mitigation Measure – Noise 2b:** To reduce the potential annoyance from construction noise at nearby noise-sensitive receivers, the following measures should be included as a supplement to the City’s requirements:

- Neighbors located adjacent to the project site (i.e., the dwellings to the north and south) should be notified in writing of the construction schedule.
- Require that power construction equipment be turned off when not in use.
- To the extent feasible, locate all stationary noise-generating construction equipment, such as air compressors, away from existing nearby homes.
- All construction equipment should be in good working order and mufflers inspected for proper functioning.
- Designate a construction disturbance coordinator for the site. This coordinator would be available to respond to complains from neighbors and be responsible for taking appropriate measures to reduce any offending noise. The telephone number of the coordinator should be clearly posted on a sign at each construction site entrance.

**Mitigation Measure - Traffic 1:** Prior to the issuance of any project related construction permits the applicant shall enter into an agreement with the City of Berkeley to contribute the project’s fair share toward the cost of signalizing the Woolsey Street / Shattuck Avenue intersection.

**Mitigation Measure – Traffic 2:** Prior to the issuance of a building permit the applicant must submit to the City Traffic Engineer and secure his approval of a traffic-construction management plan. This plan shall cover all the components required by the City Traffic Engineer including but not limited to: the delineation of material and the equipment storage sites, the location of construction trailers and worker parking, scheduling of site operations which may block traffic and the provision of traffic control.

**Mitigation Measure - Traffic 3:** Prior to the commencement of operations at the Childcare center or the issuance of a business license, the childcare center operators shall receive approval of a childcare traffic management plan (or a drop-off/pickup plan). This plan shall be developed and implemented to maximize the safety of the facility’s clients, minimize impacts to traffic flows, and to minimize parking impacts to adjoining residential neighbors. This plan shall include some or all of the following elements and other elements the City Traffic Engineer finds necessary:

- The procedures parents; service attendees and others are to follow for parking, waiting, and departing during the drop-off and pick-up periods;
- The routes for arrival and departure;
- Instructions for on street queuing (should queues develop);
- The use of an alternative location for a secondary drop-off and pick-up zone;
- Designating specific drop-off/pick-up areas;
- Providing staff monitors to smooth traffic flows and minimize drop-off and pick-up parking duration;
- Staggering drop-off and pick-up times to avoid highly peaked traffic flows;
- And,
- The plan can also incorporate some flexibility to try alternative approaches, should unexpected conditions develop.

**Mitigation Measure - Traffic 4:** Prior to the issuance of any building permit or subdivision map the design of the new BART entry on Adeline shall be approved by the City of Berkeley Fire Department.

**ATTACHMENTS**

Initial Study
City of Berkeley
ENVIRONMENTAL INITIAL STUDY

1. Project Title:
   Ed Roberts Campus

2. Lead Agency Name and Address:
   Land Use Planning Division
   Planning and Development Department
   City of Berkeley
   2120 Milvia Street
   Berkeley CA 94704

3. Contact Person and Phone Number:
   Steve Solomon, Senior Planner
   Berkeley Land Use Planning Division
   (510) 981-7487
   ssolomon@ci.berkeley.ca.us

4. Project Location:
   3075 Adeline Street, Berkeley, Alameda County, County Assessor parcel
   numbers 053-1596-013-03 and 053-1553-022-04.

5. Project Sponsor’s Name and Address:
   Jan Garrett, ERC President
   C/o Center for Independent Living
   2539 Telegraph Avenue
   Berkeley, CA 94704

6. General Plan Designation:
   The Avenue Commercial and the Medium Density Residential classifications

7. Zoning:
   South Area Commercial (C-SA) and Multiple Family Residential (R-3)
TOPOGRAPHIC MAP

FIGURE 1

Source: USGS / National Geographic Holding
VICINITY MAP

Source: City of Berkeley
SITE MAP (Partial), East elevation and E-W Section

Source: Applicant (detail)
8. Description of project:

Use Permit and Variances # 01-10000098: The 149,081-square foot overall project site is the eastern parking lot for the Ashby Bay Area Rapid Transit District (BART) station. The lot occupies the southern three-quarters of the block bounded by Essex Street on the North, Woolsey Street on the south, Adeline on the west and Tremont on the East.

The parking lot is generally lower than the elevation of the surrounding properties and streets; it slopes down from east to the west to a parking-lot-level entry to the BART Station; the station is located beyond, beneath Adeline Street. The site provides parking for some 250 parking spaces, it has two driveways on Woolsey and it is landscaped with several larger pine and redwood trees.

The project site would be subdivided to create a separate 63,605-square foot lot for the Ed Roberts Campus (ERC) office building. The proposed ERC project is an 86,057-square foot, two-story, office building, with its principal pedestrian entry at street level on Adeline, it would be adjacent to Woolsey Street on the south, and it occupies the western half of the present BART parking lot. The land at the western end of the lot would be graded to allow the creation of a basement space for the project to provide a parking garage for 118 parking spaces. Access to the basement garage would be located on Woolsey Street. Approximately 36 additional parking spaces would be provided utilizing attendant parking.

The building would provide workspaces for eight enterprises, which would serve the disabilities community generally with legal services, counseling, and education and training. The site would also provide a 60-seat, a health and fitness center, café, and a small childcare center.

BART’s existing 250-space eastern parking lot, that now occupies the project site, would be reconstructed and provided with 187 parking spaces. Its existing driveways on Woolsey Street would be closed except for an emergency access. A new driveway onto Adeline Street would replace these; it would be located close to the project site’s northern property line. To accommodate vehicles entering and leaving the site, left hand turn
pockets (or “refuge and acceleration lanes”) would be placed in Adeline Street. Parking along the north side of Woolsey Street, adjacent to the project site would be restriped to provide angled parking. The project will provide new components that support public access and safety for the BART patrons:

- A public elevator in front of the ERC building from Adeline Street to BART station entrance.
- A staircase from Adeline to station entrance.
- A wheelchair, pedestrian and bicycle path from Tremont Street to the station.
- Improved public safety at the station through both the presence of ERC project as well as incorporating building, lighting, and landscape designs consistent with the principles of “Crime Prevention Through Environmental Design.”
- Pedestrian/bicycle features, including benches, bike racks, planters, and signage.

Construction would take approximately a year and a half. The BART lot would be expected to be back in operation after ten months. During the time the BART lot is unavailable, the applicant would fund an attendant parking service on the Western BART lot for approximately 200 additional cars; the services to be provided by a professional parking firm.
<table>
<thead>
<tr>
<th>ERC Tenants</th>
<th>Use</th>
<th>Floor Area (SQ. FT.)</th>
<th>Description</th>
<th>Permit required</th>
<th>Zoning</th>
<th>Total employees</th>
<th>Max. Employees / shift</th>
<th>Hours of operation M-F</th>
</tr>
</thead>
<tbody>
<tr>
<td>BORP</td>
<td>Gyms and Health Clubs</td>
<td>6,205</td>
<td>Health and fitness center and administrative offices. The project includes a 4,576 square foot fitness center.</td>
<td>UPPH – Gyms</td>
<td>C-SA</td>
<td>0 FT. 6 PT</td>
<td>5</td>
<td>1 am-7 pm</td>
</tr>
<tr>
<td>C for AT</td>
<td>Group Class Instruction</td>
<td>3,499</td>
<td>Computer training and administrative offices. 460 sq. ft. consulting room 667 sq. ft. Lab</td>
<td>AUP, group class instruction</td>
<td>R-3</td>
<td>5 FT, 5 PT</td>
<td>5</td>
<td>8am-6pm</td>
</tr>
<tr>
<td>CIL</td>
<td>Professional Offices</td>
<td>9,899</td>
<td>Direct services, information and referral and administrative offices. Peer and financial counseling, employment services work spaces for about 29 workspaces for counseling, 4,324 sq. ft.</td>
<td>UP &gt;5K</td>
<td>C-SA</td>
<td>20 FT, 23 PT</td>
<td>20</td>
<td>8am-6pm</td>
</tr>
<tr>
<td>CTP</td>
<td>Group Class Instruction</td>
<td>4,667</td>
<td>Computer training classrooms and administrative offices, Includes 2 class rooms totaling 1,150 -square feet, and instructor’s offices.</td>
<td>Community center</td>
<td>R-3</td>
<td>7 FT, 3 PT</td>
<td>7</td>
<td>8am-6pm</td>
</tr>
<tr>
<td>DREDF</td>
<td>Professional offices</td>
<td>4,322</td>
<td>Law, advocacy.</td>
<td>AUP 3 to 5K</td>
<td>C-SA</td>
<td>10 FT. 6 PT</td>
<td>10</td>
<td>8am-6pm</td>
</tr>
<tr>
<td>TLG</td>
<td>Professional Offices</td>
<td>5,020</td>
<td>Early childhood center and administrative offices. 24 children ages 0 to 3, With outdoor playground</td>
<td>C-SA / R-3</td>
<td></td>
<td>15 Fr, 22 PT</td>
<td>15</td>
<td>1 am-1 pm</td>
</tr>
<tr>
<td>ERC Tenants</td>
<td>Use</td>
<td>Floor Area (SQ. FT.)</td>
<td>Description</td>
<td>Permit required</td>
<td>Zoning</td>
<td>Total employees</td>
<td>Max. Employees / shift</td>
<td>Hours of operation M-F</td>
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</tr>
<tr>
<td>WID</td>
<td>Professional offices</td>
<td>8,582</td>
<td>Public policy, advocacy, includes 35 offices.</td>
<td>UPPH &gt; 5K</td>
<td>C-SA</td>
<td>14 FT. 16 PT</td>
<td>14</td>
<td>8am-6pm</td>
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<tr>
<td>World Institute on Disability</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>WWI</td>
<td>Group Class Instruction</td>
<td>2,668</td>
<td>Courses on wheelchair design and engineering; workshop for prototype development and administrative offices</td>
<td>AUP, group class instruction</td>
<td>C-SA</td>
<td>1 FT. 7 PT</td>
<td>1</td>
<td>8am-6pm</td>
</tr>
<tr>
<td>Whirlwind Wheelchair International</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Café</td>
<td>Quick Service Restaurant</td>
<td>1,847</td>
<td>Quick service items such as sandwiches, pastries, and hot/cold beverages</td>
<td>UPPH</td>
<td>C-SA</td>
<td>1 Fr, 1PT</td>
<td>1</td>
<td>7:00am-10pm</td>
</tr>
<tr>
<td>Computer Center</td>
<td></td>
<td>1,117</td>
<td></td>
<td>R-3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expansion Space</td>
<td></td>
<td>5,953</td>
<td></td>
<td>C-SA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class/meeting rooms</td>
<td></td>
<td>4,242</td>
<td></td>
<td>C-SA / R-3</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
The revised BART lot would have a new two-way driveway onto Adeline Street located just north of the proposed building. Of the existing driveways on Woolsey, the northern driveway would be kept for emergency access and the easterly driveway would be closed. The revised BART lot would have 187 parking spaces and it would receive new landscaping.

Required approvals:

- A Variance to allow a reduction in the number of required automobile parking spaces, truck loading spaces, and bicycle storage stands.
- A Variance to allow the R-3 district portion of the building to exceed the district’s 45% lot coverage standard.
- Use Permits including the following to allow:
  - Construction of new gross floor area of 3,000-square feet or more (C-SA District);
  - Mechanical penthouses and other nonproductive architectural elements to exceed the C-SA District’s 24-foot height limit;
  - Exceptions to setbacks required for commercial properties adjacent to residential zoning districts;
  - Application of the C-SA setback standards (required yards) to the R-3 portion of the property;
  - A fence greater than six feet in height (R-3 District);
  - An accessory structure (a transformer) in the front one-half of the property (R-3 District);
  - A community center (R-3 District);
  - A daycare play yard (C-SA District “Activities or Storage Outside of a Building”);
  - A café (C-SA District, “Quick Service Restaurants”);
  - An organization providing computer training and administrative offices (C-SA District, “Group Class Instruction”);
  - Two permits for a 9,900 square foot professional office and a 8,600 square foot professional office (C-SA District, a use greater than 5,000-square feet);
  - A 4,300 square foot professional office (C-SA District, a use of 3,000 to 5,000-square feet);
  - A Child Care Center (C-SA District); and
  - To allow the new BART driveway onto Adeline Street to be greater than 20-feet in width.

9. Surrounding Land uses and Setting:
The BART parking lot is in two zoning districts; the South Area Commercial Zoning District (C-SA) on the western side and the R-3 Multi-family Residential District on the east. The adjoining properties to the north and south are zoned C-SA and the Restricted Multiple-Family Residential District (R-2A). The residential properties to the east are also zoned R-2A. The lands to the west are in the C-SA commercial zone. The Ed Roberts Campus site would also be split between these two zoning districts.

The BART parking lot has a residential neighborhood on its northern, southern, and eastern sides. This is generally a neighborhood of two-story single-family and duplex dwellings and small multi-family dwellings. To the west is the western lot of the BART station on the other side of Adeline. Adeline is a commercial street with one and two story commercial buildings above and below the project site.

10. Other public agencies whose approval is required:

The BART Board will: a) determine the adequacy of this negative declaration to support their approval of an option agreement with the Ed Roberts Consortium; and b) they will act on a shared-parking agreement with the Ed Roberts Consortium.

The BART Staff will: a) approve an access/construction staging plan as it impacts use of BART service; b) approve the design and construction of BART's parking lot; and c) approve the design of all Ed Roberts Campus elements which could physically impact BART's station.
ENVIRONMENTAL INITIAL STUDY

INITIAL STUDY CHECKLIST

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 following pages.

☐ Aesthetics ☐ Biological Resources ☑ Air Quality
☐ Agriculture Resources ☐ Cultural Resources ☑ Geology/Soils
☐ Hazards & Hazardous Materials ☑ Hydrology/Water Quality ☑ Land Use/Planning
☐ Mineral Resources ☐ Noise ☐ Population/Housing
☐ Public Services ☐ Recreation ☑ Transportation/Traffic
☐ Utilities/Service Systems ☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will 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 that 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.

Mitigation Measures That have been incorporated into the project sponsor (See attached “Agreement To Incorporate Mitigation Measures.”)

Initial Study prepared by: Steve Solomon. Senior Planner
Current Planning Division
2120 Milvia Street
Berkeley CA 94704
Check List

I. AESTHETICS -- Would the project⁴:

a) Have a substantial adverse effect on a scenic vista?  
   
   Views: The Zoning Ordinance defines View Corridors as “a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.” The only available view from this neighborhood is the Berkeley Hills to the west. The project would not impact these views [Ref. 6]

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
   
   There are no State Scenic Highways within the City of Berkeley; therefore the project will have no effect. [Ref. 3]

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   
   The structure’s two-story configuration is in keeping with the pattern of the neighborhood’s commercial and residential buildings. The building’s horizontal scale is larger than its residential neighbors but it is compatible with adjoining commercial buildings. The proposed building is modern in character but its primary building materials are stucco, wood, and glass and the use of wooden trellises echoes many of the neighborhood’s buildings. [Ref. 6]

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

   A standard condition of Use Permits is that “all exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.” The lighting standards the applicant proposes in the parking lot direct their light only downward, they are 23 feet tall which is about 65% of the standards they area replacing, and they are designed to cut off direct views of the lights from off-site. A site-lighting plan (AL1) shows a maximum of 1 to 2 foot candles at the property lines. Therefore, since the referenced condition of approval would be applied to this project, and the design of its major sources of glare, the parking lot lighting is designed to have to off-site viewers the project will not have a significant glare impact.

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¹ The headers of column check boxes are defined as follows: PSI: Potentially Significant Impact, <SwM: Less Than Significant With Mitigation, LS: Less Than Significant Impact, ⊗: No Impact
II. AGRICULTURE 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☑️

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ☑️

c) Involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ☑️

Comment to sections a through c: This is not applicable, according to the Adopted General Plan (2001-2002) there is no significant agricultural resources in Berkeley. None is shown in that document’s Existing Land Use map and the Land Use Diagram. Further, the Land Management Element states “Agriculture in Berkeley is limited to personal and community gardens.” [Ref. 1]

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? ☑️

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ☑️

There would be a short-term increase in traffic due to drivers responding to the shortfall in parking, discussed below, and corresponding increase in auto emissions, that will diminish as the potential parkers learn and adapt to the new situation. Any additional temporary increase in auto emissions resulting from a 74-car/space change in the supply and demand of parking would not have a significant impact on air quality. [Ref.6]

Emissions during grading and construction of the project: Construction and grading activities would generate fugitive dust potentially causing short-term air quality impacts. The Bay Area Air Quality Management District has a list of feasible construction dust control measures that, for grading of less than four acres, can reduce construction impacts to a level that is less than significant. The Zoning Division has incorporated the District’s mitigations as a standard condition of approval for all Use Permits; it will be applied to this project. For projects of greater than four acres in size the BAAQMD has proposed, “enhanced control measures” in addition to the above-mentioned basic measures.
Impact - Air Quality 1: The grading of this site may cause significant levels of air bourn particulate matter (dust) that maybe detrimental to health.

Mitigation Measure - Air Quality 1: During all grading operations, in addition to the standard dust control measured required as conditions of approval, the applicant shall comply with the following enhanced measures. If these measures are followed the potential adverse impacts are reduced to a level that is less than significant:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

c) 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)?

d) Expose sensitive receptors to substantial pollutant concentrations?

e) Create objectionable odors affecting a substantial number of people?

Response to items a), c), d), and e): The long-term air quality impacts of an 86,057-square foot office building are minimal. The principal characteristic of an office project that would impact air quality would be its automobile traffic. The Bay Area Air Quality Management District (BAAQMD) has identified the size of a “General Office” that would potentially have significant emissions as being 305,000-square feet or nearly 3.4 times the size of the proposed ERC project. Further, this threshold value is based upon standard automobile trip generation rates; it is assumed that this project will generate lower than normal vehicle trips. According to this project’s transportation impact study the ERC project is expected to generate 422 trips per day or 4.9 trips per thousand-square feet of the project’s floor area (using a floor area of 86,057-square feet). The value reported by the BAAQMD for a medium sized office project is 14 trips per day, nearly three times the amount expected for this project. Therefore, this project will not have a significant impact on air quality.
IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The current project site, being fully developed with a parking lot and located in an urbanized area, is unlikely to provide significant habitat for wildlife and its redevelopment is not expected to impact endangered species. The EIR for the Berkeley General Plan and the Berkeley Conditions Trends And Issues document subdivide the City into four zones and this project is in the area described as urbanized Berkeley. These documents list the plant and animal species found in this area and they are associated with either imported species or animals that have adapted to urbanized conditions and not listed on lists of the State or Federal endangered or threatened species. Therefore, it is unlikely that this project would have any effect on these species. [Ref. 9, 11, and 12]

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

There are no identified watercourses near the project. Further, the previously developed project site, located within an existing developed residential and commercial area doesn’t provide significant habitat for endangered species. [Ref. 6]

c) 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?

Not applicable, the project site is not adjacent to wetlands. [Ref. 6]

d) 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?

The project site, which is surrounded by developed and frequently fenced residential properties and city streets, would not be the location of wildlife corridors or nurseries. [Ref. 6]
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☑

General Plan Policy EM-28 *Natural Habitat* calls for the restoration and protection of valuable, significant, or unique natural habitat areas. The site does not contain significant habitat areas. [Ref.1, 6]

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ☑

There are no plans of these types applicable to the project site. [Ref. 6]

**V. CULTURAL RESOURCES -- Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ☑

There are no known historical resources at or adjacent to this location. [Ref. 5]

The Berkeley Architectural Heritage Association surveyed the area around the project site. The report of their findings concluded by noting that,

“This rudimentary survey suggests that the Ashby Station district, including the APE² for the Ed Roberts Campus, could be potentially eligible for an historic district nomination to the National Register of Historic Places and, furthermore, it supports the necessity to proceed with the planning and design of the Ed Roberts Campus with sensitivity to its existing historic surroundings.” [Ref. 20]

Page & Turnbull, an architectural firm working in the area of historic preservation, reviewed the proposed project and the survey prepared by BAHA and stated that “Page & Turnbull believes that the current design of the Ed Roberts Campus … will not cause a significant adverse affect to any potential National Register-eligible historic districts or any other potential historical resources within the vicinity of the project site.” They further note that,

“The design of the building is sensitive to the scale and character of the residential fabric within the vicinity of the project site. In addition, the current design of the Ed Roberts campus provides for new community focus within the surrounding neighborhood and continues the street frontage along Adeline, which suffers from gaps caused by insensitive urban development.” [Ref. 21]

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2 The APE, “Area of Potential Effect” is a term used under the Section 106 Federal Review Process; the area within which an “undertaking” or project may directly or indirectly cause changes in the character or use of historic properties. (Paraphrased from the definition contained in the Page and Turnbull memorandum.)
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

There are no known archeological resources within or adjacent to the project site. [Ref. 8]

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Comment to items c) and d): There are no known paleontological resources, no exposed rock formations or other visible unique geologic features, or fossil remains resources within or adjacent to the site. A field review by staff disclosed no unique geologic resources. [Ref. 5, 6, and 8]

VI. GEOLOGY AND SOILS –

Comments for all the below questions of this section: The subject property is not located within areas mapped by the California Geologic Survey as being subject to liquefaction, landsliding, or the Alquist-Priolo Fault Zone. A preliminary geotechnical evaluation was prepared for the applicant that concluded:

- That there are no known mapped faults crossing the property,
- That the property will be subject to strong seismic ground shaking and that structures should be designed to resist ground shaking in accordance with the seismic design procedures outlined in the most recent Uniform Building Code.
- That the site will not be subject to liquefaction.
- Appropriate erosion control measures should be implemented during construction and in the landscaping of the completed project.
- There is not data that would suggest that expansive soils are present at the site. And
- It recommends that prior to the design of the project geotechnical investigations should be performed in accordance with generally accepted geotechnical engineering practices.

Therefore, with the exception of the generalized risk posed by earthquakes in the San Francisco Bay area, it is not likely that the project would be exposed to geologically related adverse affects.
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?

Impact - Geology And Soils 1: The site, as all properties in the San Francisco Bay Area, has a good potential to experience a significant earthquake within the life span of the structure.

Mitigation Measure - Geology And Soils 1a: Prior to the design of the project geotechnical investigations should be performed in accordance with generally accepted geotechnical engineering practices and as required by the City of Berkeley.

Mitigation Measure - Geology And Soils 1b: The project’s structures shall be designed to resist ground shaking in accordance with the seismic design procedures outlined in the most recent Uniform Building Code and as recommended by the project’s geotechnical investigations.

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

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

The geotechnical report did not note any special issues concerning erosion. Since most of the site will be graded, subsequent erosion can be expected until the site’s vegetation is reestablished. An erosion control plan will address this issue and it is a required mitigation measure (mitigation 1) listed below in Hydrology And Water Quality section.
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?  

Not Applicable. The project will be connected to a wastewater sewer system; the project is not proposing septic tanks.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  

b) 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?  

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  

Response to items a), b), and c): In general, an office or institutional use of properties is not a source of hazardous materials, substances, or waste. [Ref. 6]

The property is identified by the City of Berkeley as being in an Environmental Management Area. Permit applicants with properties located in this area may encounter potential health and environmental concerns during construction involving underground excavation or dewatering. For larger developments, a review of potential environmental impacts by the Toxics Management Division, at the applicant’s expense, is required.

During the construction phase the project may expose workers to hazardous materials. A Phase I site assessment was performed for the applicant that concluded:

- There is a potential for soil or groundwater contamination in the area of the site given its past use as an auto repair shop with a spray booth, a machine shop, and, perhaps, an airplane factory.
- There is a slight potential for soil or groundwater contamination associated with two former gasoline stations located within 100 feet of the site. Because these former gasoline stations were located west
(down-gradient) of the Site across Adeline Street, the potential environmental impact is considered slight.

- There is a potential that the existing transformer on the site may contain PCBs,

The report’s recommendations have been incorporated as mitigation measures.

d) 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?

The property is not included in the State’s *Hazardous Waste and Substances List* [Ref. 7]

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 result in a safety hazard for people residing or working in the project area?

f) or 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?

Comment to items e) and f) Not applicable; the closest airport is Oakland International which is approximately 7.5 miles from Berkeley. [Ref 2.]

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project will not affect any roadways and therefore not effect any emergency evacuation plan. [Ref. 6]

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?

The property is located in a developed area of the Berkeley Flatlands. Wildland fires are typically associated within the areas adjacent to the regional parks and other less developed areas. Therefore the project would not expose people to wildland fires.

**Impact Hazards 1:** The prior use of the property and nearby properties indicates that construction workers may be exposed to hazardous materials.

**Mitigation Measure Hazards 1:** Prior to the issuance of grading or building permits the project sponsor shall have a report(s) prepared by a specialist in the field and based upon its (their) findings the report(s) shall recommend measures to address the below potential sources of hazardous material.
Prior to the issuance of grading or building permits the project sponsor shall develop a plan to implement these recommended measures and the implementation shall be integrated into all permit documents.

This testing, the requirement for this report(s), its detail and scope, its recommendations, and the implementation program shall be subject to the prior approval to the Toxics Management Division of the City of Berkeley Planning Department.

- The soil beneath the site shall be sampled and analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and metals. If any such materials are found the report shall contain recommendations for the handling or disposition of the site’s soils.
- In the event that site development requires deep foundations/excavations, dewatering, or if determined necessary by the Toxics Management Division, the groundwater beneath the site shall be sampled and analyzed for petroleum hydrocarbons, volatile organic compounds (VOCs), and metals.
- In the event that a transformer on the site is proposed for disposal the transformer oil be tested for PCBs prior to disposal. If the transformer is found to contain PCBs, then the transformer should be disposed of in accordance with local, state, and federal regulations.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? ☐ ☑ ☐ ☐

The operation of an office or institutional use is not associated with the creation of substantial amounts of toxic materials. However grading operations have the potential to temporarily but significantly adversely impact the amount of erosion and the associated degradation of water quality.

Impact Hydrology And Water Quality: 1. Site grading operations have the potential to temporarily increase erosion that would be significant unless mitigated.

Mitigation Hydrology And Water Quality: 1. The project shall comply with all Phase II NPDES Storm Water regulations for Small Construction activities. In particular, the project-grading plan shall include Drainage and Erosion Control Plans to minimize the impacts from erosion and sedimentation during grading. This plan shall conform to all standards adopted by the City of Berkeley and Alameda County. This plan shall include at least the following procedures: (1) restricting grading to the dry season, unless such dates are specifically waived by the City Engineer (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff onto the banks of any adjacent creek; and (5) any other suitable measures outlined in the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board’s Erosion and Sediment Control Field Manual.
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? □ □ □ ✔

Historic groundwater usage within the City Limits has been minimal. Most of the usable groundwater resources were found in tunnels and springs in the hills east of the UC Berkeley campus, although these resources proved unsustainable at high pumping rates. The EIR for the 2002 General Plan found implementing those General Plan policies that could affect hydrology and water quality “would not contribute to depletion of ground water supplies…” [Ref. 11 pages 220 and 224] Therefore, the construction of a of this office building on a site that is already predominately covered with impervious surfaces, would not have a significant impact on groundwater, since this project is not in an area of historic groundwater resources and this project is consistent with the General Plan’s land use policies.

c) 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? □ □ □ ✔

d) 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 that would result in flooding on- or off-site? □ □ □ ✔

e) 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? □ □ □ ✔

The existing site is predominately covered with impervious surfaces and the proposed project would not increase runoff amounts by a significant amount. Further, there is adequate stormwater capacity in the City’s stormwater sewer system.

f) Otherwise substantially degrade water quality? □ □ □ ✔

Other than the temporary impacts caused by construction, as discussed above, an office or institutional use is not associated with degrading water quality. [Ref. 6]
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

Response to items g) and h): The property, according to the FEMA Map is not located in a 100-year flood plain, rather it is located in the area of the Berkeley Flatlands that the map designates “Zone C;” this is an area subject to minimal flooding. [Ref. 10]

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project is not shown within an area subject to the inundation from a seismically induced failure of the Berryman or Summit reservoirs located in the Berkeley hills. [Ref 1, Figure 16]

j) Inundation by seiche, tsunami, or mudflow?

The project site would not be affected by wind or seismically induced wave action (seiche and tsunami) events that are limited to lakeside or coastal areas. Mudflows are not cited as a source of hazards in Berkeley. [Ref 1 Figure 15, 9, and 11]

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

The project site is a portion of several existing subdivision lots; the project does not change any streets or paths that could divide a community. [Ref 6]

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?

For this project the Berkeley General Plan and the Berkeley Zoning Ordinance are the controlling policy and regulatory documents.

The General Plan designates the project site as being in the “Avenue Commercial” and the “Medium Density Residential” classifications. The plan contains various elements (e.g. Land Use, Transportation, etc.) relating to the planning, design, and development of the community. In large part these policies are
directions for City actions and programs and contain few standards and policies that effect the development of individual properties that are being developed in compliance with City ordinances. Because of the following points the project is found to be compatible with the applicable General Plan policies (with one exception noted below):

- This is an infill project that is compatible with the scale and character of neighboring land uses. It is a project that straddles commercial and residential neighborhoods; the building’s more elaborate and intense scale and activity focuses upon the commercial street of Adeline and the lower less intense portions of the building faces the surrounding residential neighborhoods. The Ed Roberts Campus building’s main entrance is oriented to the public sidewalk and provides an open and welcoming façade. This portion of the building has “significant exterior features and facades that stimulate the eye and invite interested perusal.”
- The project, while increasing the level of development on the site, decreases the amount of traffic on the residential neighborhood by relocating the entrances of the BART Station lot from Woolsey to Adeline Street.
- Because of the nature of the project’s service providers and their clientele, and the project’s location on a major transportation corridor with immediate access to public transportation the BART station and several AC Transit lines, will allow a reduction in the project parking without a significant adverse effect on the surrounding neighborhood.

The applicable policies are as follows:

**Land Use Policies**

**Policy LU-3 Infill Development**, Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

**Policy LU-6 Safe and Attractive Neighborhoods**, Ensure that all residential areas are safe and attractive places to live.

**Policy LU-7 Neighborhood Quality of Life**, Preserve and protect the quality of life in Berkeley’s residential areas through careful land use decisions.

**Policy LU-6 Safe and Attractive Neighborhoods**, Ensure that all residential areas are safe and attractive places to live.

**Policy LU-7 Neighborhood Quality of Life**, Preserve and protect the quality of life in Berkeley’s residential areas through careful land use decisions.

**Policy LU-9 Non-Residential Traffic**, Minimize or eliminate traffic impacts on residential areas from institutional and commercial uses through careful land use decisions.

**Policy LU-10 Parking**, Protect residential areas from institutional and commercial parking impacts by encouraging use of alternative modes of transportation and strictly enforcing residential parking permit regulations.
Policy LU-13 Basic Goods and Services, Ensure that neighborhoods are well served by commercial districts and community services and facilities, such as parks, schools, childcare facilities, and religious institutions.

Policy LU-14 Community Service Centers, Work with the Berkeley Unified School District and the University of California to establish a network of community centers including school sites, neighborhood resource centers, and City facilities that offer community services such as child care, health care, and recreational programs.

Policy LU-15 Service and Institutional Use Locations, Wherever possible, locate public and private institutional uses and community service centers that serve the city residents or have a regional-service orientation on transit corridors so that they are accessible to public transportation and will not disrupt adjacent residential areas.

Policy LU-23 Transit-Oriented Development, Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Policy LU-27 Avenue Commercial Areas, Maintain and improve Avenue Commercial areas … as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.

Policy LU-31 South Berkeley Area Plan, Implement the South Berkeley Area Plan and take action to achieve the 55 goals of the Plan.

Transportation Policies

Policy T-14 Private Employers, Encourage private employers to reduce the demand for automobile travel through …

Note: A condition of approval will be recommended that would require the development of a transportation demand management programs.

Policy T-20 Neighborhood Protection and Traffic Calming, Take actions to prevent traffic and parking generated by residential, commercial, industrial or institutional activities from being detrimental to residential areas.

Policy T-31 Residential Parking, Regulate use of on-street parking in residential areas to minimize parking impacts on neighborhoods.

Policy T-33 Disabled Parking and Passenger Zones, Ensure adequate disabled parking and passenger drop-off zones.

Note: the project is providing twelve disabled parking spaces within the project’s garage.

Policy T-40 Parking Impacts, When considering parking impacts under the California Environmental Quality Act for residential projects with more than two units located in the Avenue Commercial, Downtown, or High Density Residential land use classifications, any significant parking impacts identified that result from the project should be mitigated by
improving alternatives to automobile travel and thereby reducing the need for parking. Examples include improvements to public transportation, pedestrian access, car sharing programs, and bicycle facility improvements. Parking impacts for these projects should not be mitigated through the provision of additional parking on the site.

**Policy T-52 Pedestrian Safety and Accessibility**, Provide safe and convenient pedestrian crossings throughout the city.

Note: through the use of ramps and pedestrian walkways, the project improves pedestrian and wheelchair access to the project from Tremont and through the project site to the Adeline entries.

**Policy T-54 Pathways**, Develop and improve the public pedestrian pathway system.

**Environmental Management Policies**, 

**Policy EM-47 Land Use Compatibility**, Ensure that noise-sensitive uses, including, but not limited to, residences, child-care centers, hospitals, and nursing homes, are protected from detrimental noise levels.

**Urban Design Policies**

**Policy UD-16 Context**, The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

**Policy UD-17 Design Elements**, In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.

**Policy UD-18 Contrast and Cohesiveness**, The overall urban experience should contain variety and stimulating contrasts achieved largely through contrast between different areas each of which is visually cohesive.

**Policy UD-19 Visually Heterogeneous Areas**, In areas that are now visually heterogeneous, a project should be responsive to the best design elements of the area or neighborhood.

**Policy UD-24 Area Character**, Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

**Policy UD-25 Facades and Exterior Features**, Buildings should have significant exterior features and facades that stimulate the eye and invite interested perusal.

**Policy UD-27 Relation to Sidewalk**, Projects generally should be designed to orient the main entrance toward the public sidewalk, not a parking lot, and avoid confronting the sidewalk with a large windowless wall or tall solid fence.

**Policy UD-28 Commercial Frontage**, Commercial buildings on streets with public transit generally should have no appreciable setback from that street’s sidewalk, except in the case of occasional plazas or sitting areas that enhance the area’s pedestrian environment.
The project does not implement the below policy concerning the use of the Bart Station Site for residential development. However, since there will remain other larger portions of the BART Station parking lots the project does not eliminate the possibility of implementing this policy in the future. It is therefore not inconsistent with this policy.

**Policy LU-32 Ashby BART Station**, Encourage affordable housing or mixed-use development including housing on the air rights above the Ashby BART station and parking lot west of Adeline Street.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

There are no plans applicable to this area.

**X. MINERAL RESOURCES** -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? □ □ □ □

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? □ □ □ □

Comment to a) and b). The Berkeley General Plan does not identify any mineral resources or mineral resource recovery sites. [Ref 1 and 11]

**XI. NOISE**

The applicant submitted a noise study of the proposed project prepared by Charles M. Salter, Associates. The City’s Environmental Health Division reviewed this study. The study was based upon noise readings taken at five points around the project site.

<table>
<thead>
<tr>
<th>Location</th>
<th>Date/Time</th>
<th>A-Weighted Sound Level (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed entrance to BART parking lot, at northwest corner of site; 60 feet east of Adeline Street centerline</td>
<td>11 August 2003 24 hours</td>
<td>L_{eq} 69</td>
</tr>
<tr>
<td>BART parking lot, at proposed circulation closest to apartment buildings to the north; 150 feet east of Adeline Street centerline</td>
<td>11 August 2003 24 hours</td>
<td>L_{eq} 62</td>
</tr>
</tbody>
</table>
3. Northeast corner of site; 20 feet west of Tremont Street centerline | 11 August 2003, 24 hours | 58
4. Proposed entrance to ERC, at southwest corner of site; 40 feet north of Woolsey Street centerline | 11 August 2003, 24 hours | 65
5. In front of residence at 1912 Woolsey Street; 25 feet south of Woolsey Street centerline | 12 August 2003, 5:15 p.m. – 5:45 p.m. | 58

Based upon an analysis of the existing conditions and the proposed project it was found that the potential noise it may generate the project, as mitigated would not be significant:

- An increase of less than 1 dB is expected from the project related traffic.
- The proposed building would shield the proposed playground from the existing traffic noise on Adeline such that the noise at the playground would be 60 dB, where noise levels up to 70 dB are acceptable for this type of use.
- Noise from the building’s mechanical equipment would have an average noise level of 55 dB at the nearest residential property line to the south of Woolsey Street. The noise levels cannot be verified until after the equipment is operating.
- The residences immediately adjacent to the proposed project would be exposed to significant noise levels from construction. However this noise level is temporary and the City’s Noise Ordinance generally provides that “Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule” (BMC Section 13.40.070) [Ref. 19.]

A standard condition of approval limits the hours of construction operations to reduce the potential impacts to noise. The condition limits the hours of construction operations to fewer hours than does the City’s Noise Ordinance:

*Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday.*

The following responses are based on the referenced report and the comments from the City’s Environmental Health Division.
Would the project result in:

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? ✅

Impact – Noise 1: Noise from the buildings mechanical equipment may exceed standards.

Mitigation Measure – Noise 1: Mechanical equipment, together with their respective screens, shall be Designed so that they do not exceed 55 dB at the residences to the north and south of the project. After the equipment is operational, additional field sound levels shall be taken and additional noise reduction (e.g. sound-absorbing materials on the insides of the mechanical screens) shall be taken as required.

b) Exposure of persons to or generation of excessive ground borne vibration or groundborne noise levels? ✅

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ✅

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ✅

Impact – Noise 2: During construction activity at the project site, noise levels in the vicinity would temporarily be elevated. Although construction noise levels would not generally be expected to exceed those levels allowed by the Berkeley Noise Ordinance there may be instances when Construction operations may those standards. This would be a potential significant impact.

Mitigation Measure – Noise 2a: During construction, noise level exposures from project construction shall be monitored by the applicant and/or the City in a manner acceptable to the Environmental Health Division. If and when construction related noise levels exceed 75 dB for mobile equipment and 60 dB for stationary equipment (the standards where adjacent to R-1 and R-2 properties) all technically and economically feasible measures shall be taken to reduce the impact below these levels; such measures shall include but not be limited to: reducing the duration in any one-hour period where the noise source, equipment, or operation may take place, shielding noise sources, moving cutting and sawing activities to inside structures, and similar measures.

Mitigation Measure – Noise 2b: To reduce the potential annoyance from construction noise at nearby noise-sensitive receivers, the following measures should be included as a supplement to the City’s requirements:

- Neighbors located adjacent to the project site (i.e., the dwellings to the north and south) should be notified in writing of the construction schedule.
- Require that power construction equipment be turned off when not in use.
To the extent feasible, locate all stationary noise-generating construction equipment, such as air compressors, away from existing nearby homes.

All construction equipment should be in good working order and mufflers inspected for proper functioning.

Designate a construction disturbance coordinator for the site. This coordinator would be available to respond to complaints from neighbors and be responsible for taking appropriate measures to reduce any offending noise. The telephone number of the coordinator should be clearly posted on a sign at each construction site entrance.

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?

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?

Comment to items e) and f), Not applicable; the closest airport is Oakland International which is approximately 7.5 miles from Berkeley. [Ref. 2]

**XII. POPULATION AND HOUSING** -- Would the project:

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)?

An office project and one without a residential component would not induce substantial population growth.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Comment to items b) and c): The project does not involve the demolition of any dwellings and it will not displace any persons.
XIII. PUBLIC SERVICES

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 service ratios, response times or other performance objectives for any of the public services:

- Fire protection?  
  - ☑
- Police protection?  
  - ☑
- Schools?  
  - ☑
- Parks?  
  - ☑
- Other public facilities?  
  - ☑

The construction and occupancy of an 86,057-square foot office would not create a sufficient demand for public services so as to effect performance measures for those services.

XIV. RECREATION --

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?  
  - ☑

An office project would not significantly increase the use of any recreation facilities [Ref. 6]

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?  
  - ☑

The project will does not include any public recreation facilities and it would not require the expansion of any existing public recreation facilities [Ref 6]

XV. TRANSPORTATION/TRAFFIC

The project proposed changes to that would affect the capacity of street intersections and the supply and demand for parking:

- The construction of an 86,057-square foot building that would house a variety of professional offices, counseling services and training facilities.
- The provision of an underground garage that would provide 118 parking spaces. The garage’s entry would be on Woolsey Street.
- The number of parking spaces in the existing BART lot would be reduced from 250 parking spaces to 187 spaces.
The existing Woolsey Street driveways for the BART parking lot would be closed, except for emergency access, and a new driveway would be provided onto Adeline Street.

Traffic:

The increased automobile traffic and the new and redistributed traffic access points raises a question about the impacts and the capacity of existing street intersections around the project to handle additional traffic. Similarly, the proposed changes raise questions about parking impacts, from the increased demand for parking spaces and the changed number of parking spaces.

A transportation impact analysis was prepared by Fehr and Peers Associates, submitted by the applicant, and reviewed by the City Transportation Office. A summary of the report’s methodology, principal conclusions, and recommendations follows.

The analysis began by presenting the existing conditions; principally this is an assessment of how well traffic is being processed through 11 intersections around the existing BART Station. How well an intersection handles traffic is characterized by giving its performance or level of service (LOS) a letter grade from A to F. Although the City of Berkeley has not formally set a standard for acceptable service, the City has, in similar CEQA documents, used an LOS D as the lowest acceptable level of service; other communities also typically use this standard.

Only one intersection is currently operating at less than an acceptable LOS; during the evening peak hour the intersection of Woolsey Street and Shattuck Avenue is performing at LOS E. In the morning peak hour of traffic this intersection is operating at LOS D. The other intersections studied are performing, both in the morning and evening peak hours, at LOS C or better.

The consultant then calculated the project’s impact to traffic intersection performance as follows:

1. The proposed ERC project’s total traffic generation per day was estimated. To do this the consultant used several surveys of the its future tenants to determine their current and projected employment levels, visitor attendance patterns and the methods or vehicles used to get to the work places (the modal splits). The report’s Table 7A presents a summary of this analysis. It notes that there would be a total 585 daily round-trips to and from the center. Of these daily trips 44% would be by auto or van, 54% by bus or BART, and 2% would walk or take bicycles.

2. The daily trips by autos and vans was then used to determine the morning and evening peak hour trips in and out of the project, the peak hours being the times of maximum demand through the street intersections. The number of morning and evening peak hour trips was calculated using the daily traffic and standard percentages found in typical office buildings.

3. These trips were allocated to certain streets around the project site. The allocation assumed the distribution of vehicles to various streets based upon existing traffic volumes.
4. Trips from the revised BART lot Adeline driveway were similarly allocated to certain routes during the peak hours. The number of trips from the BART lot was not reduced to reflect the fewer number of parking spaces in the BART lot; this would produce a more conservative calculation.

5. The sum of the number of vehicles through each intersection—existing vehicles (plus a 3% increase to reflect future growth), those of the proposed ERC project and the revised BART lot—was then used to calculate the levels of service for each of the studied intersections.

The results of the projected or build out LOS calculation were mixed, as may be seen in the following table, the LOS for most intersection were unchanged or lower by one grade level but not to unacceptable levels. The exception is the Woolsey Street / Shattuck Avenue intersection.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Control</th>
<th>AM Peak Hour LOS</th>
<th>PM Peak Hour LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing</td>
<td>Build out</td>
</tr>
<tr>
<td>Woolsey St. / Adeline Ave.</td>
<td>Side-street stop</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Woolsey St. / West BART Dwy.</td>
<td>Side-street stop</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Woolsey St. / East BART Dwy.</td>
<td>Side-street stop</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td>Woolsey St. / ERC Driveway</td>
<td>Side-street stop</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Woolsey St. / Tremont St.</td>
<td>All-way stop</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Woolsey St. / Shattuck Ave.</td>
<td>Side-street stop/Signal</td>
<td>D</td>
<td>?/A</td>
</tr>
<tr>
<td>Prince St. / Tremont St.</td>
<td>No control</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Essex St. / Adeline Ave.</td>
<td>Side-street stop</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>Essex St. / Tremont St.</td>
<td>Side-street stop</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Emerson St. / Adeline Ave.</td>
<td>Side-street stop</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Emerson St. / Tremont St.</td>
<td>No control</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>
This intersection’s performance fell to an F during the evening peak hour. Because of its poor performance and history of accidents the report recommend that the intersection be signalized. When the intersection is signalized its morning and afternoon peak hour performance will improve to an “A” level of Service. [Ref. 17]

Parking,

There are three aspects of the project that would affect the amount of available parking:

- During project construction the eastern BART lot would be unavailable for parking, a loss from the present number of 250 parking spaces.
- The ERC project is proposing to create 118 standard and accessible parking spaces but it would not provide the number of standard parking spaces as either required by the Zoning Ordinance or the numbers the Fehr and Peers traffic study projects the project would need.
  - Based upon a standard of 1 space per 500 square feet and 1 space per 300-square feet for the cafe, the Zoning Ordinance would require 178 spaces. The applicant has requested a Variance from this and other Zoning Ordinance parking standards.
  - Based upon its surveys of the campus’ future tenants, the traffic engineers determined that the project would require 133 parking spaces daily and 15 to 29 additional cars for special meetings occurring roughly twice weekly.
  - The two proposed ERC meeting rooms could accommodate 280 persons or 147 persons in wheel chairs, but meetings of more than 100 persons would only be expected to occur during evenings and weekends; and,
- The revised eastern BART parking lot would be reduced from its current 250 parking spaces to 187.

The project applicant has taken steps or proposes to take steps to offset the parking shortages as follows:

- During the construction period ERC has agreed to provide attendant parking on the western BART parking lot (subject to BART’s prior approval of this replacement parking and construction staging) with other proposed changes. The July 2002 International Parking Design, Inc. report (Parking Analysis and Operating Plan for Ed Roberts Campus) indicated that 246 spaces can be created using a) attended parking on the west BART lot [201 spaces], b) diagonal parking on Adeline [36 spaces], and c) parallel
parking along a portion of MLK [9 spaces]. Due to changed conditions and other City parking considerations, City Staff has determined that only 216 spaces could be created³.

- The applicant proposes to use attendant parking within their garage that would provide an additional 36-spaces.
- In 1996, 47-new spaces were created on the western BART parking lot under an agreement with BART where ERC agreed to repay the cost of restriping to replace some of the parking spaces that would be lost.
- The project would pay for the striping and signage of angled parking on Woolsey.

The following responses are based upon the above information.

Would the project:

a) Cause an increase in traffic that 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)?

There would be a short-term increase in traffic due to drivers responding to the shortfall in parking, discussed below, that will diminish as the potential parkers learn and adapt to the new situation. Any additional temporary traffic resulting from a 63-car/space change in the supply and demand of parking would not have a significant impact on traffic.

There would be a temporary increase in traffic due resulting from the mitigation measure to provide attendant parking at the western BART parking lot and restriped on-street parking; this would provide for 216 additional spaces. These spaces would only be necessary while the reconstruction of the eastern BART parking lot and the reconstruction is expected to last for ten months. Because of the limited duration of the attendant parking the potential impacts to levels of service are not considered significant.

Impact - Traffic 1: The project would cause the Woolsey Street / Shattuck Avenue intersection, which is currently performing at LOS E to worsen to an LOS F; this is a significant impact.

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³ The Traffic Engineer noted “Option B.2 offers a reasonable parking plan during the construction period when the exiting east BART parking lot is closed.” However corrections are required to the parking report’s estimate of on-street parking; only 15 new on-street parking spaces could be gained.

- Nine spaces noted along the east side of Martin Luther King Jr. Way south of the southerly BART access driveway are no longer available; they are reserved for the Parking Enforcement Officers;
- Seventeen spaces are currently long-term parking along portions of the west side of Adeline between Ashby and Woolsey. This includes 6 spaces north of the passenger loading zone and 11 spaces to the south;
- Three spaces to accommodate taxi parking along the west side of the Adeline adjacent to the passenger loading zone; And,
- One space that would be occupying the crosswalk at Adeline/Essex
Mitigation Measure - Traffic 1: Prior to the issuance of any project related construction permits the applicant shall enter into an agreement with the City of Berkeley to contribute the project’s fair share toward the cost of signalizing the Woolsey Street / Shattuck Avenue intersection.

Impact – Traffic 2: Construction activities and construction related storage may impede the passage of motor vehicles including public safety equipment and on-street parking of construction employee vehicles or equipment may adversely affect residential neighbors.

Mitigation Measure – Traffic 2: Prior to the issuance of a building permit the applicant must submit to the City Traffic Engineer and secure his approval of a traffic-construction management plan. This plan shall cover all the components required by the City Traffic Engineer including but not limited to: the delineation of material and the equipment storage sites, the location of construction trailers and worker parking, scheduling of site operations which may block traffic and the provision of traffic control.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Ashby Avenue is State Route 13 and it is part of the Alameda County Congestion Management Agency’s (ACCMA) roadway system. The Agency’s standard of performance is LOS E. The section of Ashby Avenue from Shattuck Avenue to Martin Luther King Way is, according to the ACCMA’s Management Program, 2003, operating with an average speed of 9.3 miles per hour or level-of-service “D” according to their standards. The Fehr and Peers’ transportation report suggests that this project will not significantly affect the performance of the Adeline / Ashby intersection, the level-of-services for this intersection are not changing in their letter grade during the morning and evening peak hours. Therefore it is reasonable to conclude that the proposed project would not cause the section of the system to exceed the ACCMA LOS E standard. [Ref. 16 pages 23, Table 5, and Table 7.]

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?

Not applicable; the closest airport is Oakland International which is approximately 7.5 miles from Berkeley. [Ref. 2]

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

The only significant, physical changes the project proposes that have the potential to create a hazardous condition for the street system are the new driveways. Bicycle access to the BART station and the ERC project are from Adeline Street, Woolsey, and Tremont. The new BART parking lot driveway onto Adeline would create an “additional traffic turning location” that bicyclists would have to negotiate but, according to the Fehr and Peers report, Adeline has a bike lane that channelized bike traffic and there are adequate...
sight lines north and South of the driveway. Reducing the number of driveways and the amount of traffic along Woolsey Street should improve conditions for bicyclists along that street. [Ref. 17]

The operation of a childcare center, during the drop off and pick up times for the center’s children has the potential to create a hazardous situation for its clients.

**Impact – Traffic 3.** The operation of a childcare center has the potential to create a hazardous situation for its clients.

**Mitigation Measure - Traffic 3.** Prior to the commencement of operations at the Childcare center or the issuance of a business license, the childcare center operators shall receive approval of a childcare traffic management plan (or a drop-off/pickup plan). This plan shall be developed and implemented to maximize the safety of the facility’s clients, minimize impacts to traffic flows, and to minimize parking impacts to adjoining residential neighbors. This plan shall include some or all of the following elements and other elements the City Traffic Engineer finds necessary:

- The procedures parents; service attendees and others are to follow for parking, waiting, and departing during the drop-off and pick-up periods;
- The routes for arrival and departure;
- Instructions for on street queuing (should queues develop);
- The use of an alternative location for a secondary drop-off and pick-up zone;
- Designating specific drop-off/pick-up areas;
- Providing staff monitors to smooth traffic flows and minimize drop-off and pick-up parking duration;
- Staggering drop-off and pick-up times to avoid highly peaked traffic flows; And,
- The plan can also incorporate some flexibility to try alternative approaches, should unexpected conditions develop.

e) Result in inadequate emergency access?

The General Plan identifies Adeline Street as an emergency access and evacuation route. The changes proposed for Adeline (the left hand turn pockets and the revised pedestrian crosswalk) would not affect the street’s emergency access function [Ref. 1 -figure 9, and 6].

The Fehr and Peers traffic study found that a fire truck could negotiate within the parking lot as designed; it could also enter the lot by way of the new driveway from Southbound Adeline, but it could only make the turn right into the driveway from northbound Adeline by using Adeline’s left-most lane. Additional emergency access could be made by way of the emergency access driveway on Woolsey. [Ref 17]

**Impact – Traffic 4:** The design and location of the proposed new driveway into the BART lot may not have adequate access from northbound Adeline for fire vehicles; unless the proposed emergency access driveway on Woolsey would be sufficient for this purpose; this may be a significant impact for emergency access.
Mitigation Measure - Traffic 4: Prior to the issuance of any building permit or subdivision map the design of the new BART entry on Adeline shall be approved by the City of Berkeley Fire Department.

f) Result in inadequate parking capacity? ☑

As discussed above, the project proposes a number of changes that would affect the long-term supply and demand for parking. The project has also proposed several changes to increase the available parking. The parking required by the Zoning Ordinance for an 86,057 square foot building, 175 spaces, is likely more parking than would actually be needed for this facility, which has direct access to a BART Station and which has in part a unique community of clients who would be more likely to use other modes of transportation than the automobile. The demand numbers for parking calculated by Fehr and Peers—133 spaces daily and for twice-weekly demands of 148 to 162 spaces—is reasonable. The project proposes a parking garage with 118 parking spaces—including 11 tandem spaces. To enhance the supply shortfall the applicant proposes to provide an additional 36-spaces on as needed basis using attendant or attendant parking. Thus the total parking available would be about 154 spaces or about 8 spaces short of the maximum estimated weekly peak.

The parking that would be lost from the existing BART lot—63 spaces —was anticipated when ERC agreed to and BART implemented a restriping of their western lot that created 47 new spaces (the additional on-street parking along Woolsey Street is not considered here since it is not included in normal parking calculations as satisfying on-site parking requirements)4. Thus the BART lots plus the shortfall of the ERC project would net 16 fewer spaces than that which existed prior to 1996.

To put the numbers in perspective, a facility like the BART station has an almost inexhaustible demand for parking; if it is built it will be used. Conversely, if parking is not provided the potential users will find other ways to get to BART or elect to drive to their destinations.

Still, despite an elastic demand for parking, the parking shortfall of (either the 16 spaces since a 1996 benchmark or 63 spaces from today’s situation) will likely cause the project’s neighbors to experience reduced availability of on street parking, primarily during the workweek day. Presumably the existing supply of on-street parking within a convenient walking distance is either currently occupied for most of the day or it is unattractive to BART users because of the City’s Residential Parking Permit program (RPP) which limits parking to two hours. Thus, unless a practical limit has already been reached, the radius that BART parkers might be willing to walk in order to drive to the station may be expanded. Most probably, there would be a corresponding request by the project’s neighbors to expand the City’s RPP areas.

There will be a shortfall of parking but this is in itself is not an environmental impact; in 2002 an appeals court held that “The social inconvenience of having to hunt for scarce parking spaces is not an

4 If the parking short fall were in itself a CEQA issue, this discussion could only look at today’s situation and could not consider the prior striping of the westerly BART lot as a mitigating circumstance.
environmental impact; the secondary effect of scarce parking on traffic and air quality is. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment” [Ref. 18].

Another potential effect of the future, 63-space shortfall of BART parking would be to transit ridership. There are two considerations that will more than compensate for any potential loss in BART ridership. First, given all of the other access improvements incorporated in the project, BART’s loss in ridership, if any, will be significantly less than that represented by the 63 lost parking spaces. Other access improvements for the station, as mentioned above in the project description, will total, according to BART $3.9 million and will result in shifts in modes of access from auto to pedestrian, bicycle, and bus. Also, the Fehr and Peers study noted that the new project would provide more convenient access to the station for patrons in wheelchairs that use the easterly parking lot. Finally, reduction in BART ridership from the loss of the 63 parking spaces is more than offset by a significant increase in ERC project ridership with approximately 300 BART riders per day generated by the project.

While the parking effects are not an impact of the project the decision makers may wish to consider including the following condition into the project’s approval. This would help reduce both the number of cars traveling to and parking at the ERC project site:

**Proposed Permit Condition:** Prior to the commencement of operations and the issuance of any occupancy permits the operator shall have received approval of the Assistant City Manager for Transportation and the Zoning Officer or their designees of a Transportation Demand Management (TDM) Plan. The campus’ operator shall maintain and implement the provisions of the approved plan for the life of the project. This plan shall be reviewed and amended by the operator and the City every three years so as to minimize the use of private automobiles related to this project. The elements of this plan should include one or more of the following elements as required by the Assistant City Manager:

- Identify an ERC TDM Coordinator who shall provide carpool/vanpool-matching organization and information, Commuter Check information and services, and promote a “no parking on neighborhood streets” policy;
- Providing a central “clearing house” of meeting schedules to ensure orderly event planning and preventing overlapping of large attendance events. To the extent possible large events shall be scheduled for times after normal working hours and on the weekends. For weekday events require the use of measures necessary to insure that parking does not overflow the ERC garage parking; these measures include:
  - Providing off-site parking with shuttle service,
  - In all event announcements encourage the attendees to use alternative modes of travel and of the City enforced residential parking permit program,
  - Advising the City Police Department of the event schedules.
- Provided that BART concurs, obtaining BART’s approval to use the BART lots on weekday evenings and weekends.
- Providing Commuter Checks for all persons employed at the Ed Roberts Campus.
- Participating in the County’s Guaranteed Ride Home program.
• Providing a hotline for neighbors to report parking related issues. These reports shall be forwarded to the City Zoning Officer monthly together with descriptions of how ERC addressed the issues.

• ERC employee and company cars shall be required to display ERC parking stickers, to discourage parking in the neighborhood.

• Provide a central, interior kiosk with transit schedules, transit first policy statement, and many other transportation-related promotions, including the COB Transportation Options Guide.

• Employees shall be charged a reasonable fee for parking, and the fee shall be review and updated at least every three years.

• Parking space leases may not be included in the building space leases. Allow tenants/employees to break their parking space leases without penalty, upon reasonable notice.

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

The General Plan provides the only transportation policies and plans applicable to this area. The plan’s policies and goals are discussed above under Land Use Issues. The project is consistent with these goals. [Ref 1]

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☑

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☑

c) 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? ☑

Comment to items a), b), and c): Because the project is consistent with the City’s General Plan, and there are adequate treatment facilities to serve development projected under the General Plan, an office or institutional use would not create sufficient demand to exceed existing water system capacities or require the construction of any new: waste water, potable water, or storm water facility. [Ref 1, 6]

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☑

Because the project is consistent with the City’s General Plan, and there are adequate treatment facilities to serve development projected under the General Plan, the existing water-supply distribution-system serving this property has adequate capacity to meet its needs.
e) 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? ☑

See comment to item a)

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☑

g) Comply with federal, state, and local statutes and regulations related to solid waste? ☑

The amount of solid waste generated by this project would not be unusual for an institutional or office use. The City provides recycling collection for Berkeley businesses including food waste for composting. Businesses can typically reduce their refuse bill by half. The principal solid waste output presumably would be paper products; but other uses in the building a café, computer training, classrooms, etc., that would generate other types of solid waste including food, computer related and other electronic equipment (CRTs, printers, VCRs, TVs, etc.) that could be recycled by existing City of Berkeley recycling programs.

A standard condition of approval for construction projects now requires an applicant to prepare a construction waste-recycling plan and have that plan approved by the Public Works Department Staff. [Ref 6]

VIE. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a 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 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)? ☑

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Impact Mitigation Impact ☑
18. SOURCE REFERENCES

1. General Plan, City of Berkeley, Adopted 2001-2002

2. California Division of Aeronautics “California Airport Data”


4. The Bay Area Air Quality Management District, BAAQMD CEQA Guidelines

5. City of Berkeley, *City of Berkeley Landmarks, Structures of Merit, and Historical Districts,* a map prepared by the Land Use Planning Division.

   Berkeley Architectural Heritage Association, *Buildings Included in State Historic Resources Inventory.*

6. Profession judgment of Land Use Planning Division staff planner, based upon one or more site visits and review of the project application, plans and other material.


8. Archaeological Mapping Services, map of archeological resource, City of Berkeley, June 2002


10. Federal Emergency Management Agency, *Flood Insurance Rate Map: City of Berkeley, California, Alameda County; Community Panel Number 060004 0002A; Page 2 of 2; Effective Date September 1, 1978.*

11. *Berkeley General Plan EIR,* 2001


   *State and Federal Listed Endangered and Threatened Plants of California,* October 2004

13. City of Berkeley Planning and Development Department, a map entitled *CGS Zones by Parcel,* July 9, 2003

15. Subsurface Consultants, Inc., *Phase I Environmental Site Assessment, Ed Roberts Campus...*, October 1, 2001


Appendix A

INSTRUCTIONS FOR THE 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 on 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 is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Potentially Significant Unless 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 Section 17, "Earlier Analysis," may be cross-referenced).

5. Earlier analysis 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. 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

6. 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.

7. 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.

8. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

9. 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.