



# LANDMARKS PRESERVATION COMMISSION

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## STAFF REPORT

FOR COMMISSION DISCUSSION  
MARCH 3, 2016

## 1900 FOURTH STREET

**Draft EIR Scoping Session for # ZP2015-0068 / LMSAP2015-0005 for construction of a proposed mixed use development, containing 135 dwelling units, approximately 33,000 square feet of retail and restaurant use, and a 372 space parking garage, located on designated City of Berkeley Landmark, West Berkeley Shellmound (Spenger's parking lot).**

### I. Application Basics

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

#### **B. Parties Involved:**

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

**C. Permits Required:**

- Structural Alteration Permit (SAP), per BMC Section 3.24.260 to allow construction activities with the potential to affect a designated City of Berkeley Landmark site that is part of a group of several properties designated for their location within the potential boundaries of the West Berkeley Shellmound. The Design Review Committee (DRC) will preview the Project in February and the SAP will be referred to the DRC for Preliminary Design Review (PDR) recommendation and Final Design Review (FDR) of the Project.
- Demolition Permit, per BMC Section 22.12.060 to allow demolition of the existing commercial building.
- Use Permit, per BMC Section 23E.64.030.A to allow new retail sales uses greater than 7,500 square feet.
- Use Permit, per BMC Section 23E.64.030.A to allow a quick or full service restaurant use.
- Use Permit, per BMC Section 23E.64.030.A to allow a mixed-use development over 20,000 square feet.
- Use Permit, per BMC Section 23E.64.050.B.1 to allow creation of floor area greater than 5,000 square feet.
- Use Permit, per BMC Section 23E.64.060.A to allow restaurant operation from 7 a.m. to 1 a.m. on Fridays and Saturdays.
- Administrative Use Permit, per BMC Section 23E.64.030.A to allow alcoholic beverage service of beer and wine incidental to food service.

**D. Approvals Requested Under State Density Bonus Law:** The project applicant is requesting a waiver/modification under the State Density Bonus Law (Government Code Section 65915(e)) and this will be processed by the City in conjunction with the permits described above.

**Figure 1: Vicinity Map**



## II. Background

As noted above, an Environmental Impact Report (EIR) is being prepared for this Project. This is due to the fact that the Project would result in subsurface demolition, grading, and construction activities on a site that is part of a group of several properties designated as a City landmark for their location within the potential boundaries of the West Berkeley Shellmound. Pursuant to CEQA, this action is presumed to be a potentially significant impact requiring an EIR.

Specifically, the Spenger's parking lot is part of a group of several properties that were designated as a Landmark site by the Landmarks Preservation Commission in the summer of 2000. This status was conferred in an effort to preserve the area as an important Ohlone Indian living and burial site, defined primarily by what prior researchers and investigators estimated as the location and potential dimensions of the West Berkeley Shellmound, one of the oldest surviving remnants of native settlements in the Bay Area. Recent studies have indicated that the Project site is not located within the boundaries of the original Shellmound and that only secondarily re-deposited mound materials have been identified on the Project site, either by flows from Strawberry Creek or by early 20th Century excavation and redistribution as agricultural soil enhancement and road-base fill, both common practices of the era. The applicant's archaeological consultant, Archeo-Tec, completed archaeological testing at the site in June 2014; a discussion of this report is provided in a memorandum from Rhoades Planning Group as an attachment. The findings of this report indicate that primary Shellmound deposits do not exist on the Project site; however, ground disturbing activities occurring below the historic period debris layer should be monitored by a qualified archaeologist and a

representative of the Ohlone people. This report will be peer-reviewed as part of the EIR analysis and potential impacts to archaeological resources under CEQA will be evaluated and identified in the EIR.

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

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

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

As discussed above, the purpose of this scoping session is to solicit input from the LPC and other interested community members as to what topics the EIR should address. This input will be considered as the Draft EIR is prepared. The scoping session is also an opportunity for the LPC to learn more about the Project itself and the EIR process. Anticipated dates for key milestones in the EIR process are as follows:

**Table 1: Key Milestones in the EIR Process**

Task/Event	Date
Notice of Preparation (NOP) released (see Attachment 1 for copy)	February 10, 2016
DRC Project Preview	February 18, 2016
LPC DEIR Scoping Session	March 3, 2016
ZAB DEIR Scoping Session	March 10, 2016
End of 30-day NOP comment	March 14, 2016
Publication of Draft EIR	<i>late summer 2016</i>
LPC and ZAB Draft EIR Comment Sessions	<i>fall 2016</i>
Preliminary Design Review	<i>fall 2016</i>
Close of Draft EIR comment period	<i>fall 2016</i>
Draft EIR Response to Comments Publication	<i>winter 2017</i>

ZAB hearing on EIR certification	<i>winter 2017</i>
LPC hearing on SAP	<i>winter 2017</i>
ZAB hearing on UP	<i>early spring 2017</i>

### III. Site/Project Description

The Project site is located between University Avenue and Hearst Avenue in West Berkeley on a site that is part of a group of several properties designated as a City landmark for their location within the potential boundaries of the West Berkeley Shellmound. The approximately 2.21-acre, generally-level Project site consists of an approximately 350-space privately-owned surface parking lot that is open to the public for a fee and an approximately 900 square-foot one-story vacant commercial building that was most recently occupied by a fitness facility.

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

The proposed Project would be built on a deep foundation secured by piles in order to reach the stiffer clay soils that are present below the weaker shallow soils that underlie the site. Foundation supports may consist of pre-cast, pre-stressed reinforced concrete piles, or other options such as drilled displacement piles. Alternatively, shallow-footing foundation elements supported on underlying geo-piers or drilled concrete displacement columns that would transfer the building loads to deeper soils may also be feasible. No impact pile driving would occur as part of the proposed project. Excavation depths would be determined based on additional study.

Please see attached Notice of Preparation (NOP) for more Project information. The NOP and other project materials, including the Archeo-Tec archeological testing report, are available on the Project website at:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/1900\\_Fourth.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1900_Fourth.aspx)

#### **IV. Recommendation**

Landmarks Preservation Commission provide comments on the scope of the EIR. The LPC may make a motion reflecting the comments of the LPC as a whole, and/or individual LPC members may offer comments. Comments will be recorded and considered during the preparation of the EIR.

#### **Attachments:**

1. Notice of Preparation
2. RPG March 3, 2016 Memo re: Archaeological Work
3. LM NOD

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