2727 Milvia Street
September 6, 2011

Proposed
Sports Basement
Adaptive Reuse Project
at the
Berkeley Iceland
Skating Rink
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PROJECT SUMMARY INFORMATION

1. Project Title: Berkeley Iceland Adaptive Reuse Project

2. Lead Agency: Planning and Development Department
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

3. Contact Person: Leslie Mendez, Associate Planner
(510) 981-7426

4. Project Location: 2727 Milvia Street
Berkeley, CA 94703
Assessor’s Parcel No. 054-172300200

5. Project Applicant: Sports Basement, Inc.
c/o David Rumberg
P.O. Box 29570
San Francisco, CA 94129

6. General Plan Designation: Avenue Commercial

7. Zoning: C-SA, South Area Commercial

8. Description of Project:

The Berkeley Iceland Adaptive Reuse project proposes to rehabilitate the 53,334-square-foot Berkeley Iceland building consistent with the Secretary of the Interior’s Standards for Historic Rehabilitation and convert the building to commercial retail use. The adaptation of the structure would include the removal of the existing internal and external berms that support the north and south building walls to accommodate off-street parking and interior improvements including the removal of the wood bleachers and construction of two interior mezzanine areas. Approval of a Use Permit is requested to allow a change of use, to construct two mezzanine areas totaling 18,528 square feet, and to reduce the required number of off-street vehicle parking spaces. A Structural Alteration Permit is also being requested for the alteration of a City landmark. The renovated building would include a total of 71,862 square feet of commercial retail space (including accessory office and storage areas). Approximately 5,196 square feet of the building would be available to host community events.

The project proposes a total of 44 off-street vehicle parking spaces, two off-street loading spaces, 64 off-street bike parking spaces and an additional 40 bicycle parking spaces within the store.

The project is described in greater detail in the Project Description section of this document.
9. **Surrounding Land Uses and Setting:**

The project site is located in south Berkeley, approximately 0.75 miles south of the downtown core and the University of California Berkeley, and approximately 0.5 miles north of the Ashby BART station. The site is generally bounded by Ward Street to the south, commercial uses (Volvo sales/service) and Shattuck Avenue to the east, Derby Street to the north, and Milvia Street to the west. Existing land uses in the vicinity of the project site include the King Child Development Center (an early childhood education center) and Berkeley Technology Academy (a continuation high school) immediately west, the East Campus Ball Fields to the northwest, University of California Berkeley’s Physical Plant facility to the north, and single- and multi-family residential to the south.

10. **Other Public Agencies Whose Approval is Required:**

None.
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 requiring mitigation, as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agriculture/Forestry Resources ☐ Air Quality
☒ Biological Resources ☒ Cultural Resources ☐ Geology/Soils
☒ Greenhouse Gas Emissions ☐ 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: (To be completed by Lead Agency)

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 (EIR) 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.

__________________________  __________________________
Signature                   Date

__________________________ For
Printed Name
PROJECT DESCRIPTION

PROJECT SUMMARY

The Berkeley Iceland Adaptive Reuse project proposes to rehabilitate the 53,334 square-foot Berkeley Iceland building consistent with the Secretary of the Interior’s Standards for Historic Rehabilitation and convert the building to commercial retail use. The adaptation of the structure would include the removal of the existing internal and external berms that support the north and south building to accommodate off-street parking, and interior improvements including the removal of the wood bleachers and construction of the two interior mezzanine areas. Approval of a Use Permit is requested to allow a change of use, to construct two mezzanine areas totaling 18,528 square feet, and to reduce the required number of off-street vehicle parking spaces. A Structural Alteration Permit is also being requested for the alteration of a City landmark. The renovated building would include a total of 71,862 square feet of commercial retail space (including accessory office and storage areas). Approximately 5,196 square feet of the building would be available to host community events.

The project proposes a total of 44 off-street vehicle parking spaces, two off-street loading spaces, 64 off-street bike parking spaces and an additional 40 bicycle parking spaces within the store.

PROJECT SITE AND LOCATION

The project site is located in south Berkeley, approximately 0.75 miles south of the downtown core and the University of California Berkeley, and approximately 0.5 miles north of the Ashby BART station. The 81,781 square-foot rectangular project site is located on the western half of the block and is bounded by Ward Street to the south, commercial uses (Volvo sales/service) and Shattuck Avenue to the east, Derby Street to the north, and Milvia Street to the west, as shown in Figures 1 and 2, Project Area Aerial Photo and Project Vicinity Map. The site is easily accessed by public transit, including AC Transit lines 12, 18, 800, and F with six stops located within a quarter mile of the site.

Generally flat, the project site slopes approximately 12 feet over about 400 feet, from a high point at the northeast corner of the site on Derby Street to a low point at the corner of Milvia and Ward streets. The building is currently unoccupied and has been damaged by graffiti and vandalism. Windows and doors are boarded up or covered with plywood or hardened plastic materials; exposed glass areas are at risk for breakage and vandalism. The building occupies approximately 67 percent of the site; the remaining portions are either paved for building entries and loading and parking (16 spaces), or occupied by the earthen berms that extend beneath the north and south walls, as shown on Figure 3, Existing Site Plan. The property is currently enclosed with a chain-link fence. Two-way driveways enable access to the existing sixteen parking spaces from either Ward Street or Derby Street; a third driveway off of Ward Street allows access to loading area located at the rear (east) of the existing structure.
Source: City of Berkeley online Map Room, Parks Map 09012009, 2011

Berkeley Iceland Site

Figure 1
Berkeley Iceland Adaptive Reuse Initial Study
Project Vicinity Map
Figure 2
Berkeley Iceland Adaptive Reuse Initial Study
Project Area Aerial Photo

Source: Google Earth, 2011.

Berkeley Iceland Site

Surrounding Uses

1. McKevitt Volvo Nissan
2. UC Berkeley Physical Plant
3. Sports Field, Berkeley Unified Schools
4. Schools
5. Residential
6. Berkeley Fire Station #5
The area is landscaped with street trees along Ward and Derby streets as well as around the surface parking lots, including Victorian Box, Brisbane Box and Raywood Ash trees. Most of the trees are located within the public right-of-way, but three of the trees along Ward Street are located on the project site.

The neighborhood that surrounds the project site is currently characterized as a mixture of commercial, residential, educational, and light industrial uses. Land uses in the immediate vicinity of the project site include the King Child Development Center (an early childhood education center) and Berkeley Technology Academy (a continuation high school) immediately west, the East Campus Ball Fields to the northwest, University of California Berkeley's Physical Plant facility to the north, and single- and multi-family residential to the south. Shattuck Avenue and Adeline Street, major thoroughfares in Berkeley, are to the east of the site.

EXISTING OWNERSHIP AND HISTORICAL BACKGROUND

The project site is currently owned by East Bay Iceland Inc. The project applicant, Sports Basement, Inc. would take ownership of the site pending project approval.

Prior to the development of the existing structure, the project site was largely vacant other than a small two story, wood-frame, single-family dwelling. The Streamline Moderne-style Berkeley Iceland structure was constructed in 1940 and opened to the public in November of the same year, and continued operations as an Olympic-sized ice rink until it closed in 2007. The property is now owned by East Bay Iceland, Inc.

Berkeley Iceland was listed as a City of Berkeley Landmark in 2007. In 2010, Berkeley Iceland was determined eligible for listing in the National Register of Historic Places (National Register) and was placed on the California Register of Historical Resources (California Register) under Criteria A/1 (Events) and C/3 (Design/Construction) by the California Office of Historic Preservation. The Berkeley Iceland property is, therefore, considered a historic resource for the purposes of review under CEQA.
PROPOSED PROJECT

The Berkeley Iceland Adaptive Reuse Project ("proposed project") would adapt and refurbish the existing historic Berkeley Iceland building to allow reuse by a single commercial retail establishment, Sports Basement. Following is a discussion of the proposed project, including project demolition, building components, street improvements, required permits, and the anticipated construction schedule.

DEMOLITION

The proposed project would retain the entirety of the existing building, with the exception of the external and internal earthen berms that undergird the north and south walls of the building; the roof is also proposed to be replaced. The exterior portion of the berms would be removed as part of the proposed project in order to provide additional off-street parking on the property. The interior portion of the berms and the bleachers are also proposed to be removed to allow the area to be used for retail space. A small section of the bleachers would be reconstructed as shown on the Floor Plan, included in Figure 4, Ground Floor Plan. Removal of the exterior and interior berms would result in approximately 5,500 cubic yards of soil being hauled from the site.

PROPOSED BUILDING COMPONENTS

The proposed project would repair and retain the exterior façades of the structure as well as adapt and expand the internal space. It involves reusing the existing 53,334 square feet and constructing 18,528 square feet of new mezzanine area. Once complete, the total 71,862 square feet of floor area would be occupied by a Sports Basement retail store. See Figure 3, Site Plan.

Building Interior. Key elements of the proposed interior improvements include:

- Reuse of the 53,334 square-foot Berkeley Iceland structure;
- Construction of a new 18,528-square-foot mezzanine level along the north and south sides of the building;
- Encapsulation of the ice arena floor with concrete to meet the original lobby level of the building with preservation of the outline of the ice rink in a distinct finish to clearly illustrate the original rink area;
- Installation of an elevator to provide access from the main level (ice arena level) to the mezzanine level;

1 The Use Permit would allow conversion of the building from a Commercial Recreation facility to a Retail facility. Future retail tenant(s) would then be allowed to occupy the building “by right”, i.e. use would not be limited to Sports Basement.
• Disassembly of the existing wood bleachers and reconstruction of two sections. Additional bleacher materials would be reused as raw materials for seating, countertops, fixtures, and/or other display elements;

• Preservation of the large, open interior volume, the interior Streamline Moderne-style details, and seismically strengthening of the metal truss structural system;

• Removal of the graffiti covering the interior of the building, including cleaning and repairing the winter mural located at the rear arena wall;

• Maintenance of the existing lobby/foyer area as the main store entrance;

• Conversion of the former skate rental area in the southwestern corner of the building to a meeting room that would be available for community space;

• Conversion of the northwestern corner of the building from utilitarian functions to use as the bicycle department;

• Adaptation of the former café/snack bar area immediately to the east (rear) of the main entrance for point of sale (POS) equipment while maintaining the existing interior window pattern surrounding that area; and

• Replacement of existing office, locker room and showering spaces on the east end of the structure with office space, staff areas, and a delivery/loading area.

**Building Exterior.** The structure’s reinforced concrete Streamline Moderne-style architectural details would be preserved as part of the adaptation of the building for commercial/retail use. However, the earthen berms would be removed and the existing northern and southern walls of the building would be extended down to the revised grade level. The new walls would have a distinct texture on the outside to illustrate the shadow line of the removed earthen berms. Landscaping and parking areas would be created in the new flat areas along the north and south sides of the site. Additionally, a ramp that is in compliance with applicable ADA standards would be installed from the parking areas to the main entrance.

The proposed project would replace the roof material with a new Thermoplastic Olefin (TPO) single-ply “cool roof”, install new sheathing and insulation, and possibly install solar panels. The project would preserve and maintain the existing “Iceland” signage. The project would assume that all existing glazing is part of the historic fabric of the building and, where necessary, would replace broken and/or missing glass panels with “in kind” material. Where a specific window’s frame is rusted or damaged beyond repair, those frames would be replaced with similarly constructed, in kind steel frames. The project would also remove the graffiti covering the exterior of the building.

Although the north and south elevations would be modified, no exterior additions are proposed outside the existing building footprint. The project elevation plans show textured concrete walls
Figure 5
Berkeley Iceland Adaptive Reuse Initial Study
Project Existing & Proposed Elevations

Source: Nabi Construction & Engineering, 2011
with architectural detailing on portions of the north and south elevations that imitate the outline of the removed berms. See Figure 5, Building Elevations.

**SITE IMPROVEMENTS**

The proposed project includes several site improvements as described below.

**Parking and Vehicle Access.** The project proposes to increase on-site vehicle parking from 16 spaces to 44 spaces on the north and south sides of the building, with one-way driveway access via Derby Street or Ward Street. An additional 64 bicycle parking spaces would be added in the area adjacent to Milvia Street. The required truck loading space and loading dock for the commercial use would be located on the southeastern corner of the building. In addition, there are 54 existing adjacent on-street parking spaces: 20 spaces on Derby Street, 10 spaces on Milvia Street, and 24 spaces on Ward Street. The project proposes to remove two spaces from Derby Street in order to accommodate a driveway at the northeast corner of the project site, leaving 18 spaces. An existing white zone along Milvia Street located in front of the building’s main entrance would be removed and one additional parking space would be added, bringing the total spaces on Milvia Street to 11. A total of 24 parking spaces adjacent to the project site on Ward Street will remain. The changes to off-site parking spaces proposed by the project would result in 53 adjacent on-street parking spaces. These spaces are proposed to be metered spaces with time limit of 2 hours and would be available to serve the project.

**Miscellaneous Site Improvements.** The project proposes the installation of accessible ramp improvements to serve the parking lots and the main entrance as shown on Figure 3, Site Plan. Landscape improvements would include replanting of the existing raised beds located at the northwest and southwest corners of the site and the preservation of all existing street trees.

**STREET IMPROVEMENTS**

The project would be required to implement street improvements adjacent to the project site in order to improve traffic circulation and bicycle and pedestrian safety, and to mitigate potentially significant impacts. The planned improvements are described in Section XVI, Transportation/Traffic.

**REQUIRED PERMITS**

Use Permits are required for the proposed project under the following sections of the Berkeley Municipal Code:

- Use Permit for a change of use greater than 5,000 sq. ft. (Section 23E.52.030);
- Use Permit for construction of greater than 3,000 sq. ft. of new gross floor area (Section 23E.52.030);
- Administrative Use Permit to reduce the required off-street parking (Section 23E.28.130.C.2); and

- Structural Alterations Permit to modify a City landmark (Section 3.24.200)

Administrative permits such as temporary and permanent encroachments, traffic management/construction parking, building demolition, etc., and approvals would be required from other City departments. However, no discretionary permits are anticipated to be required by other jurisdictions or agencies.

**CONSTRUCTION**

The project applicant has provided a detailed construction plan which is provided in Appendix A of this document.

A construction start date has not yet been determined; once work has commenced the applicant anticipates completion of the work within 13 months. Table 1 illustrates the anticipated flow and timing of each phase of construction.
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CONDITIONS OF APPROVAL AND MITIGATION MEASURES

The project applicant has agreed to accept all of the Standard Conditions of Approval and Mitigation Measures described in this Initial Study.

Standard Conditions of Approval

Air Quality. Dust from construction activities shall be controlled by following BAAQMD Rules and Regulations to reduce construction dust and diesel particulate emissions. Adherence to these rules and regulations would minimize the exposure of sensitive receptors to less-than-significant levels.

Dust control measures include:

- All piles of debris, soil, sand or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- All active construction areas shall be watered at least twice daily, and all piles of debris soil, sand, or other loose materials shall be watered or covered.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load the top of the trailer).
- Sweep streets (preferably with water sweepers) of all visible soil material carried from the site.

Cultural Resources. If an archaeological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified archaeologist shall be consulted to determine the necessity for monitoring the remaining excavation and to evaluate any cultural resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the archaeologist. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal. Identified cultural resources shall be recorded on DPR 523 (historic properties) forms.

If a paleontological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist or archaeologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the paleontologist or archaeologist.

In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project applicant shall immediately notify the County...
Coroner and the City of Berkeley. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. In addition, all excavation work within ten feet of the find shall cease immediately.

Geology and Soils. Prior to issuance of a building permit, the applicant shall submit any geotechnical plans and recommendations required by the Building and Safety Division. A soils report shall be submitted to the City and all the report’s recommendations incorporated into the project.

Hazards and Hazardous Waste. The BAAQMD Best Management Practices shall be implemented to minimize potential negative effects to groundwater and soils. These could include the following:

- Follow manufacturer’s recommendations on use, storage, and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

Hydrology and Water Quality. Prior to issuance of a building permit, the project shall demonstrate compliance with the requirements of the City’s National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code (BMC) Section 17.20. Such projects are required to control construction-related drainage and erosion through the following conditions:

- The project plans shall identify site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants into the City’s storm drainage system, regardless of season or weather conditions.
- The project plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with BMC Chapter 17.20.
- Trash enclosures and/or recycling areas shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer.
- Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where feasible,
xeriscape and drought tolerant plants shall be incorporated into new development plans.

**Noise.** Hours of construction shall be limited to 8 a.m. to 6 p.m. on weekdays and 9 a.m. to noon on Saturdays; no work shall occur on Sundays or federal holidays. The Zoning Officer may approve up to 10 days of extended working hours upon written request by the applicant to accommodate special conditions, such as but not limited to extended concrete pours.

Prior to the issuance of building permits, the applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program should include, but shall not be limited to, the following measures:

- **Install a noise barrier at the site boundary adjacent to the abutting residential property,** if the acoustical analysis proves such a barrier to be substantially effective in reducing noise impact at the adjacent residential property.

- **Equipment and trucks used for project construction shall utilize the best available noise control techniques** (e.g. improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).

- **Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.** However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- **Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.** Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the on-site complaint and enforcement manager, and the City’s Noise Enforcement Officer, in the event of problems.

- **An on-site complaint and enforcement manager shall be available to respond to and track complaints.** The manager will be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager will determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the coordinator shall be posted at the
construction site and provided to neighbors in a notification letter. The manager shall notify the City’s Noise Enforcement Officer of all complaints within 24 hours. The manager will be trained to use a sound level meter and should be available during all construction hours to respond to complaints.

- Prior to the issuance of a building permit, a pre-construction meeting shall be held with the Noise Enforcement Officer and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed (including construction hours, neighborhood notification, posted signs, etc.).

Mitigation Measures

**BIO-1:** If any of the trees do not survive the construction period, the applicant shall replace them in kind.

Additional Standard Conditions of Approval and Mitigation Measures may be identified in the EIR that will be prepared.
ENVIRONMENTAL IMPACTS:

Issues (and Supporting Information Sources):

<table>
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<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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I. AESTHETICS. Would the project:

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<tr>
<td>a)</td>
<td>Have a substantial adverse effect on a scenic vista?</td>
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<td>b)</td>
<td>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>c)</td>
<td>Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<td>d)</td>
<td>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
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Discussion

a) Views of the Berkeley and Oakland hills are available from several points in the vicinity looking east along the east-west running streets. A project that substantially affected such views would have the potential to cause a significant impact. The proposed project would adapt for reuse an existing building; no significant exterior modifications are proposed. The removal of the earthen berms, construction of new walls in place of the berms, addition of surface parking lots, and restoration of exterior surfaces would not change the existing building mass. As a result, the proposed project would have no impact on publicly accessible scenic vistas in or around the vicinity of the site. Implementation of the proposed project would improve views within the area with the restoration and cleanup of the structure.

b) The project site is located approximately 2.25 miles east of Interstate 580, and is not located within a designated scenic highway or within a protected visual corridor. Because the site is not within or visible from a scenic highway or roadway, the proposed project would have no impact on scenic corridors.

c) The proposed project would result in improvements to an existing building that is in poor condition and improve the existing visual character and quality of the site and the
surrounding area. No adverse impacts to the visual character or quality of the site and its surroundings would result.

d) Existing sources of light and glare are associated with adjacent and nearby land uses. The project site is currently unoccupied and, as such, does not generate light during the evening hours. As a result, the proposed project would incrementally increase the level of light generated from the project site by establishing new sources of nighttime interior and exterior lighting, including lighting for the new parking areas typical of a commercial retail establishment. The overall increase in lighting would be visible from, and potentially cast light to, the surrounding neighborhood. However, the effect of the new use is not expected to be substantial or adversely affect existing day or night views as the project. Vehicles accessing the site would also generate light from headlights; new parking is designed as “head in” toward the building, thereby reducing the amount of light spilling off-site. Two exit driveways would serve the site. One of these (on Ward Street) would be a reuse of an existing loading dock driveway, which faces the common area of the residential area to the south, and would thus not be a significant new source of light. The project also would comply with the City of Berkeley Zoning Ordinance regulations for C-1 lots abutting residential zones. Specifically, the BMC Section 23E.04.060.C requires that “exterior lighting shall be shielded in a manner which avoids direct glare onto abutting lots in a residential district.” Compliance with these regulations would ensure that the increase in lighting would not result in any significant impacts.
Issues (and Supporting Information Sources):

II. AGRICULTURE AND FORESTRY RESOURCES. 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? 

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Discussion

a - e) The neighborhood that surrounds the project site is currently characterized as a mixture of commercial, residential, educational, and light industrial uses. The project site is shown as Urban and Built-Up Land on the California Department of Conservation’s 2010...
farmland map, and it is not governed by a Williamson Act contract.\(^3\) Additionally, according to the City of Berkeley General Plan, “Agriculture in Berkeley is limited to personal and community gardens.”

The site is currently zoned Avenue Commercial by the Berkeley General Plan, and C-SA South Area Commercial by the Berkeley Zoning Ordinance and has no association with forestland or timberland. There is no farmland or forest land in the project vicinity. No impacts or conflict related to agricultural or timberland resources would occur as a result of the proposed project.

Issues (and Supporting Information Sources):

III. AIR QUALITY. 4 Would the project:

a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

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

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?

Discussion

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the San Francisco Bay Area. At the State level, the California Air Resources Board (a part of the California Environmental Protection Agency) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has recently published updated CEQA Air Quality Guidelines5 that are used in this assessment to evaluate air quality impacts of the proposed project.

a) The most recent clean air plan is the Bay Area 2010 Clean Air Plan that was adopted by BAAQMD in September 2010. The proposed project would not conflict with the latest Clean Air planning efforts because (1) the project would have emissions well below the BAAQMD thresholds (see Impact b and c), (2) development of the project site would reuse...

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4 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.

5 Bay Area Air Quality Management District (BAAQMD), BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans, updated May 2011.
a building and site that has traditionally had a similar type of use, and (3) development would be near existing transit with regional connections. The project is below the threshold requirement to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

b) Ambient air quality standards have been established at both the State and federal level. The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM$_{2.5}$) under both the federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM$_{10}$) under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels.

Controlling the emissions of these precursor pollutants is the focus of the Bay Area’s attempts to reduce ozone levels. Highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter, or particles that have a diameter of 10 micrometers or less (PM$_{10}$), and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM$_{2.5}$). Elevated concentrations of PM$_{10}$ and PM$_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants listed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB,
and are listed as carcinogens either under the State's Proposition 65 or under the federal Hazardous Air Pollutants programs.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of Diesel Particulate Matter (DPM). Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the heavy-duty diesel truck and bus regulations. In 2008 CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2011 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the region. At the State level, the California Air Resources Board (a part of the California Environmental Protection Agency) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has recently published new CEQA Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of the proposed project.

As part of an effort to attain and maintain ambient air quality standards for ozone and particulate matter (i.e., PM$_{10}$ and PM$_{2.5}$), BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM$_{10}$ and PM$_{2.5}$ and apply to both construction period and operational period impacts. Projects that have emissions below these thresholds are not considered to cause or contribute to the violations of ozone, PM$_{10}$ or PM$_{2.5}$ standards in the Bay Area.

Based on the project size, construction period emissions would be less than significant. In its latest update to the CEQA Air Quality Guidelines, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. For construction impacts, the screening size for a retail project is identified at 77,000 square feet. For operational impacts, the screening size for retail projects is identified at 99,000 square feet. Projects of smaller size would be expected to have less-than-significant impacts with respect to construction- and operational-period emissions. Since the project proposes 71,862 square feet of retail type uses, it is concluded that emissions would be below the BAAQMD significance thresholds for both construction exhaust and operational emissions. Stationary sources of air pollution (such as generators and boilers) have not been identified with this project, and therefore, are not anticipated as part of the proposed project. Any ancillary on-site stationary sources, such as a backup generator, associated with the project may also affect local pollutant concentrations, but since they would be subject to BAAQMD permit requirements, they are presumed to have a less-than-significant effect on local pollutant concentrations.
Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. From December 2007 to December 2010 the BAAQMD sited a mobile ambient air monitoring station in west Berkeley to measure carbon monoxide concentrations. During the monitoring period, “west Berkeley air quality levels were well below all applicable State and National Ambient Air Quality Standards (NAAQS) for gaseous criteria pollutants including ozone, CO, SO2, and NO2.” The BAAQMD CEQA Air Quality Guidelines state that projects would have less than significant impacts with respect to carbon monoxide concentrations if the project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. According to the project applicant’s traffic study, prepared by TJKM Transportation Consultants none of the intersections that would be impacted by the proposed project have much lower traffic volumes.6 The intersection of Dwight Way and Shattuck has the highest peak hour volume at 1,328 vehicles per hour. The proposed project is projected to generate up to 183 weekday peak hour trips and 316 weekend peak hour trips which would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour at any intersection. As a result, the project would not cause or contribute to a violation of an ambient air quality standard.

c) As described in item b) above, due to the size and use of the proposed project, both construction and operation emissions would be below the BAAQMD significance thresholds for emissions of ozone precursor pollutants, PM_{10} and PM_{2.5}. As a result, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard. Also as discussed under Impact b), the project would not cause or contribute to violations of a carbon monoxide standard. Therefore, the project’s contribution to the cumulative air quality of the region would be less than significant.

d) The project would involve some interior building demolition, removal of the existing earthen berms, minor grading, and construction of new building structures, including walls where the berms were previously located, re-creation of a bleacher area, and a mezzanine level inside the structure. Site work for parking and pedestrian access and for landscaping would also occur. These activities are anticipated to occur within a 13-month time frame, with most construction work completed within 10 months. Much of the construction work would occur within the interior portion of the existing structure. Construction activities could temporarily expose sensitive receptors (located adjacent to the project site) to substantial pollutant concentrations, principally PM_{10}, from fugitive dust sources. Without appropriate dust controls, the impact could be significant. However, as a Standard Condition of Approval the City requires that all large construction projects comply with the

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BAAQMD’s Basic Control Measures for reducing construction emissions of PM$_{10}$. Implementation of the BAAQMD’s recommended Best Management Practices for construction would reduce the impact to less than significant. Compliance with the following City of Berkeley Standard Condition of Approval would reduce impacts from dust to a less-than-significant level.

*Dust from construction activities shall be controlled by following BAAQMD Rules and Regulations to reduce construction dust and diesel particulate emissions. Adherence to these rules and regulations would minimize the exposure of sensitive receptors to less-than-significant levels.*

Dust control measures include:

- All piles of debris, soil, sand or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- All active construction areas shall be watered at least twice daily, and all piles of debris soil, sand, or other loose materials shall be watered or covered.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load the top of the trailer).
- Sweep streets (preferably with water sweepers) of all visible soil material carried from the site.

If asbestos were found to be present in building materials to be removed, demolition and disposal would be required to be conducted in accordance with the procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD’s regulations. Required compliance with existing regulation would reduce the potential for public health hazards associated with airborne asbestos fibers or dust to a less-than-significant level.

With implementation of the above Standard Condition of Approval and adherence to existing regulations, project construction would not be expected to violate any air quality standard or contribute to an existing or projected air quality violation in the project vicinity.

e) As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities, transfer stations, and sometimes restaurants. No such uses would occupy the project site. Therefore, the project would not create objectionable odors that would affect a substantial number of people. Also, there are no existing odor sources in the vicinity of the project site that would significantly affect the project occupants.
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?  

   ![ ] [ ] [ ] [ ]

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 U.S. Fish and Wildlife Service?  

   ![ ] [ ] [ ] [ ]

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?  

   ![ ] [ ] [ ] [ ]

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?  

   ![ ] [ ] [ ] [ ]

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  

   ![ ] [ ] [ ] [ ]

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?  

   ![ ] [ ] [ ] [ ]
Discussion

a-d,f) The entire project site is developed and disturbed and located in an urbanized area in the City of Berkeley. The existing structure and paved parking and service areas cover approximately 82 percent of the site. The sloped earthen berms, which are covered with grass and weeds, comprise the remainder of the site. There are also three street trees located on the property line and ten immediately adjacent to the property line along the Ward Street frontage.

There are no known plants or animals of importance on the project site and it is not part of a riparian habitat or other natural community, nor is it part of a federally protected wetland. Further, according to the City’s interactive creek map, the site is not subject to the provisions found in Berkeley Municipal Code (BMC) Chapter 17.08 “Preservation and Restoration of Natural Watercourses.” Additionally, there are no Habitat Conservation Plans or other resource plans applicable to the site. Therefore, the project would not impact any significant biological resources. See discussion in Impact e) below.

e) As discussed above, there are no significant biological resources on or adjacent to the project site other than the existing street trees. There are currently a total of approximately 26 mature street trees along the site’s street frontages and an additional 6 trees growing on or adjacent to the project site. The species include Victorian Box, Brisbane Box, Scrub Oak, and Raywood Ash trees. Along Ward Street three trees are located on the project site and ten are immediately adjacent to the property line within the public right-of-way. Along Milvia and Derby Streets the trees are located in sidewalk wells adjacent to the site. The street trees range from 4 to 24 inches in trunk diameter, and from 16 to 30 feet tall. According to Policy EM-29 Street and Park Trees found in the Environmental Element of the City’s General Plan, new development should “preserve existing trees, wherever feasible, and add trees in the public right-of-way, where appropriate.” The proposed project would not significantly affect the trees along Derby and Milvia Street. It is the project applicant’s intention to preserve the existing mature street trees on Ward Street. However, it may not be possible to do the excavation work without irreparably harming the trees. The project applicant proposes to thin back these trees prior to work commencing.

Mitigation Measure BIO-1: If any of the trees do not survive the construction period, the applicant shall replace them in kind.

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7 City of Berkeley, General Information, Creeks Ordinance Administration (2004).
City of Berkeley, General Plan, Environmental Management (2003).
Further, Coast Live Oaks are the only tree species protected by City ordinance. Because the project would not remove any Coast Live Oak trees and no other significant biological resources exist on the site, the project would not conflict with any policies or ordinances protecting biological resources, such as tree preservation policies. Also see responses a) through d) above.
V. CULTURAL RESOURCES. Would the project:

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

b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5? ☐ ☐ ☒ ☐

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? ☐ ☐ ☒ ☐

Discussion

a) The existing building on the project site, constructed in 1940, was listed as a City of Berkeley landmark in 2007. In 2010, Berkeley Iceland was also determined eligible for listing in the National Register of Historic Places and listed on the California Register of Historical Resources under Criteria A/1 (Events) and C/3 (Design/Construction) by the California Office of Historic Preservation. The applicant also contracted with the firm of Page & Turnbull to determine the proposed project's potential effect on the historical significance of the Berkeley Iceland property under CEQA.

Page & Turnbull determined that the property was considered a historic resource for the purposes of review under CEQA and that the proposed project at Berkeley Iceland would "largely" comply with the Secretary of the Interior’s Standards for Rehabilitation, although the planned removal of the packed earth berms reduces the project’s compliance with Standard 2 and Standard 9. Standard 2 states that “the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.” Standard 9 states that “new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”
The majority of Berkeley Iceland’s character-defining features would be retained by the proposed project, and no changes are proposed to the building’s footprint, massing, large arena volume, or Streamline Moderne-style details.8

Ultimately, Berkeley Iceland would still retain sufficient integrity to convey its significance as a purpose-built Streamline Moderne-style ice skating rink, and its role in the expansion of the sport of figure skating on the West Coast. Because the proposed project is largely compliant with the Secretary of Interior’s Standards and would not affect the eligibility of Berkeley Iceland for listing in any local, State, or national historical registers, the applicant’s consultant concluded that it does not appear to cause a significant adverse impact under CEQA.9 However, City staff has determined that the changes to the site and building as a result of the project may be significant, and that an EIR is required to provide fuller discussion, mitigation measures, and consideration of alternatives.

A Structural Alteration Permit, issued by the Landmarks Preservation Commission, will be required for alterations to a historic structure. This review is subject to certain findings, including no adverse effect on the exterior architectural features of the landmark, nor adverse effects on the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.10 The LPC’s decision is appealable to the City Council.

The project site is located within ½-mile of several buildings designated as landmarks by the City of Berkeley, as listed in Table 2, below. The nearest designated City Landmark, the Frederick H. Dakin Warehouse, is located at 2750 Adeline Street, approximately one block south of the site. Due to the distance between these historic resources and the subject property, the proposed project would not affect the historic integrity or character of any of these buildings.

The California Historical Resources Information System’s Northwest Information Center (Northwest Information Center) was contacted on June 8, 2011 with a request for any record of historic properties listed on State or federal inventories at the project site or in the vicinity.

The Northwest Information Center identified three buildings that have been recorded within ½-mile of the project area (Table 3). They include the Webb Building (NRHP Status Code 3S)11, the A.L. Ancienne Building (NRHP Status Code 6Z/5D3)12, and the former Students'
Express and Transfer Company building (NRHP Status Code 6)\textsuperscript{13}, all built between ca. 1905 and 1922. The closest of these buildings is the former Students' Express and Transfer Company Building, located one block southeast of the project area at 2721 Shattuck Avenue. Due to the distance between these historic resources and the subject property, the proposed project would not affect the historic integrity or character of any of these buildings.

William Self Associates has been retained to peer review the Page & Turnbull study and provide a comprehensive assessment of the project’s potential effects on historic resources in an EIR. Additional information will be provided as part of the Draft EIR, to be published following the public review and comment period on this Initial Study.

\textsuperscript{13} Found ineligible or removed from listing by the Keeper.
Table 2: City of Berkeley Historic Landmarks in the Vicinity

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<thead>
<tr>
<th>Building Name</th>
<th>Location</th>
<th>Proximity to Project Site</th>
<th>Date of Construction</th>
<th>Historic Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frederick H. Dakin Warehouse</td>
<td>2750 Adeline St.</td>
<td>One block south of project site</td>
<td>1906</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>The Hoffman Building</td>
<td>2988 Adeline St.</td>
<td>Four blocks south of project site</td>
<td>1905</td>
<td>City of Berkeley Structure of Merit</td>
</tr>
<tr>
<td>The William Clephane Corner Store</td>
<td>3027 Adeline St.</td>
<td>Six blocks south of project site</td>
<td>1905</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Barlett House</td>
<td>2201 Blake St.</td>
<td>Three blocks north, two blocks east of project site</td>
<td>1877</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Woodworth House</td>
<td>2237 Carleton St.</td>
<td>One block north, three blocks east of project site</td>
<td>1905</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Boone’s University School</td>
<td>2029 Durant Ave.</td>
<td>Seven blocks north of project site</td>
<td>1880</td>
<td>City of Berkeley Landmarks</td>
</tr>
<tr>
<td>Howard Automobile Company</td>
<td>2140 Durant Ave.</td>
<td>Seven blocks north, two blocks east of project site</td>
<td>1930</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Williamson Building</td>
<td>2120 Dwight Way</td>
<td>Four blocks north, one block east of project site</td>
<td>1905</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Williams Building</td>
<td>2126 Dwight Way</td>
<td>Four blocks north, one block east of project site</td>
<td>1902</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Davis/Byrne Building</td>
<td>2134 Dwight Way</td>
<td>Four blocks north, one block east of project site</td>
<td>1895</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Benjamin Ferris</td>
<td>2314 Dwight Way</td>
<td>Four blocks north, three blocks east of project site</td>
<td>1868</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Northern Bertha Bosse Cottage</td>
<td>2424 Fulton St.</td>
<td>Five blocks north, two blocks east of project site</td>
<td>1884</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Southern Bertha Bosse Cottage</td>
<td>2426 Fulton St.</td>
<td>Five blocks north, two blocks east of project site</td>
<td>1884</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Kueffer House</td>
<td>2430 Fulton St.</td>
<td>Five blocks north, two blocks east of project site</td>
<td>1891</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Josiah J Rose – Goldsmith House</td>
<td>2919 Lorina St.</td>
<td>Four blocks south, two blocks east of project site</td>
<td>1891</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Webb House</td>
<td>1301 Otis St.</td>
<td>Four blocks south of project site</td>
<td>1904</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Church By The Side of the Road</td>
<td>2108 Russell St.</td>
<td>Three blocks south, one block east of project site</td>
<td>1908</td>
<td>City of Berkeley Structure of Merit</td>
</tr>
<tr>
<td>Corder Bldg.</td>
<td>2300 Shattuck Ave.</td>
<td>Seven blocks north of project site</td>
<td>1921</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Wallace Clark Building</td>
<td>2375 Shattuck Ave.</td>
<td>Six blocks north, one block east of project site</td>
<td>1894</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Morrill Apartments</td>
<td>2429 Shattuck Ave.</td>
<td>Five blocks north, one block east of project site</td>
<td>1911</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Barker Building</td>
<td>2484 Shattuck Ave.</td>
<td>Four blocks north, one block east of project site</td>
<td>1905</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Marshall Mansion – Gramma’s Inn</td>
<td>2740 Telegraph Ave.</td>
<td>One block south, four blocks east of project site</td>
<td>unknown</td>
<td>City of Berkeley Landmark</td>
</tr>
<tr>
<td>Marshall Mansion – Fay House</td>
<td>2744 Telegraph Ave.</td>
<td>One block south, four blocks east of project site</td>
<td>unknown</td>
<td>City of Berkeley Landmark</td>
</tr>
</tbody>
</table>

Table 3: Cultural Resources Recorded within ½-mile of the Berkeley Iceland Project Area

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Site Type/Constituents</th>
<th>Cultural/Temporal Affiliation(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-01-010727</td>
<td>A.L. Ancienne Building; located at 1979 Ashby Avenue</td>
<td>Historic; constructed ca. 1905-1907</td>
</tr>
<tr>
<td>P-01-005144</td>
<td>Webb Building; located at 1985 Ashby Avenue</td>
<td>Historic; constructed ca. 1905</td>
</tr>
<tr>
<td>P-01-011052</td>
<td>Students’ Express and Transfer Company Building; located at 2721 Shattuck Avenue</td>
<td>Historic; constructed 1922</td>
</tr>
</tbody>
</table>

Source: Northwest Information Center, June 2011

b-d) The California Historical Resources Information System’s Northwest Information Center (Northwest Information Center) was contacted on June 8, 2011 with a request for any record of Native American or historic-period cultural resources at the project site or in the vicinity. There are no previously recorded Native American or historic-period archaeological sites within the project area or a ½-mile radius thereof. Thirteen cultural resource studies, all overview reports, include the project area (Table 4). Another 4 have been conducted within a ½-mile radius of the project area.

On June 8, 2011, William Self Associates contacted the Native American Heritage Commission (NAHC) by letter requesting information on known Native American cultural properties or sacred lands within the project area and to request a listing of individuals or groups with a cultural affiliation to the project area. In a letter dated June 17, 2011, Debbie Pilas-Treadway of the NAHC indicated that “a record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate Project area.” The letter provided a list of Native American Contacts. On June 27, 2011, WSA mailed letters to the local Native American representatives, soliciting comments on the project and any additional information the individuals might have regarding cultural resources in the project area. No written responses were received. On August 18, 2011 and August 24, 2011, follow-up phone calls were placed to each individual on the contact list. Results of those efforts are provided in Table 5.

Native American archaeological sites in this portion of Alameda County tend to be situated on terraces adjacent to former and present creek channels, and along the margins of San Francisco Bay. The project vicinity encompasses portions of a broad alluvial plain approximately a mile from any freshwater source. In addition, the project site and vicinity have been heavily disturbed due to past development. Therefore, there is a low potential for Native American archaeological or sacred sites on the project site.

Implementation of the following City of Berkeley Standard Conditions of Approval would ensure no significant impacts would result.
## Table 4: Cultural Resource Studies that include the Berkeley Iceland Project Area

<table>
<thead>
<tr>
<th>Study #</th>
<th>Author</th>
<th>Date</th>
<th>Report Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-016660</td>
<td>Jeffrey B. Fentress</td>
<td>1992</td>
<td>Prehistoric Rock Art of Alameda and Contra Costa Counties, California</td>
</tr>
<tr>
<td>S-009462</td>
<td>Teresa Ann Miller</td>
<td>1977</td>
<td>Identification and Recording of Prehistoric Petroglyphs in Marin and Related Bay Area Counties</td>
</tr>
<tr>
<td>S-000848</td>
<td>David A. Fredrickson</td>
<td>1977</td>
<td>A Summary of Knowledge of the Central and Northern California Coastal Zone and Offshore Areas, Vol. III, Socioeconomic Conditions, Chapter 7: Historical &amp; Archaeological Resources</td>
</tr>
<tr>
<td>S-033600</td>
<td>Jack Meyer, Jeff Rosenthal</td>
<td>2007</td>
<td>Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4</td>
</tr>
<tr>
<td>S-020395</td>
<td>Donna L. Gillette</td>
<td>1998</td>
<td>PCNs of the Coast Ranges of California: Religious Expression or the Result of Quarrying?</td>
</tr>
<tr>
<td>S-033239</td>
<td>David Chavez, Jan M. Hupman</td>
<td>1994</td>
<td>Alameda Watershed, Natural and Cultural Resources: San Francisco Watershed Management Plan</td>
</tr>
<tr>
<td>S-032596</td>
<td>Randall Milliken, Jerome King, Patricia Mikkelsen</td>
<td>2006</td>
<td>The Central California Ethnographic Community Distribution Model, Version 2.0, with Special Attention to the San Francisco Bay Area, Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways</td>
</tr>
<tr>
<td>S-026045</td>
<td>Richard Carrico, Theodore Cooley, William Eckhardt</td>
<td>2000</td>
<td>Cultural Resources Reconnaissance Survey and Inventory Report for the Metromedia Fiberoptic Cable Project, San Francisco Bay Area and Los Angeles Basin Networks</td>
</tr>
<tr>
<td>S-009583</td>
<td>David W. Mayfield</td>
<td>1978</td>
<td>Ecology of the Pre-Spanish San Francisco Bay Area</td>
</tr>
<tr>
<td>S-004840</td>
<td>G. S. Breschini, T. Haversat</td>
<td>1980</td>
<td>Central California Obsidian Source Data and C-14 Dates</td>
</tr>
</tbody>
</table>

Source: Northwest Information Center, June 2011
<table>
<thead>
<tr>
<th>Native American Contact</th>
<th>Date of Notification Letter (uncertified)</th>
<th>Response to Letter (Date)</th>
<th>Date of Phone Contact</th>
<th>Comments</th>
<th>Date of Follow-Up Phone Contact</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Jakki Kehl</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td></td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>No answer or answering machine</td>
</tr>
<tr>
<td>720 North 2nd Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patterson, CA 95363</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>209-892-1060</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms Irene Zwierlein, Chairperson Amah/Mutsun Tribal Band 789 Canada Road Woodside, CA 94062 650-851-7747</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td></td>
</tr>
<tr>
<td>Native American Contact</td>
<td>Date of Notification Letter (uncertified)</td>
<td>Response to Letter (Date)</td>
<td>Date of Phone Contact</td>
<td>Comments</td>
<td>Date of Follow-Up Phone Contact</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Ms Jean-Marie Feyling, Amah/Mutsun Tribal Band</td>
<td>6/27/11</td>
<td></td>
<td>8/17/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
</tr>
<tr>
<td>19350 Hunter Court, Redding, CA 96003 530-243-1633</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms Ann Marie Sayers, Chairperson Indian Canyon Mutsun Band</td>
<td>6/27/11</td>
<td>Called WSA on 6-29-11</td>
<td>8/17/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
</tr>
<tr>
<td>of Costanoan P.O. Box 28 Hollister, CA 95024 831-637-4238</td>
<td></td>
<td>asking for the results of the records search. We had not received the results as of 6-29-11 so we told Ms. Sayers we would call her back after they arrive.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native American Contact</td>
<td>Date of Notification Letter (uncertified)</td>
<td>Response to Letter (Date)</td>
<td>Date of Phone Contact</td>
<td>Comments</td>
<td>Date of Follow-Up Phone Contact</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------</td>
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<td>-------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Ms. Rosemary Cambra, Chairperson Muwekma Ohlone Indian Tribe of the SF Bay Area 2574 Seaboard Avenue San Jose, CA 95131 408-205-9714 510-581-5194</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td></td>
</tr>
<tr>
<td>Mr. Andrew Galvan The Ohlone Indian Tribe P.O. Box 3152 Fremont, CA 94539 510-882-0527</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td>Left a message on his answering machine asking if he had any questions or concerns about the project.</td>
<td>8/24/11</td>
<td>Andrew Galvan recommended that if prehistoric cultural materials were found then a Native American monitor should be present.</td>
<td></td>
</tr>
<tr>
<td>Ms Ramona Garibay, Representative Trina Marine Ruano Family 30940 Watkins Street Union City, CA 94587 510-972-0645 home 209-688-4753 cell</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td>Ramona Garibay had no comments or concerns.</td>
<td>8/24/11</td>
<td>No follow-up call necessary</td>
<td></td>
</tr>
<tr>
<td>Native American Contact</td>
<td>Date of Notification Letter (uncertified)</td>
<td>Response to Letter (Date)</td>
<td>Date of Phone Contact</td>
<td>Comments</td>
<td>Date of Follow-Up Phone Contact</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------</td>
<td>----------</td>
<td>-------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Linda G. Yamane</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td></td>
</tr>
<tr>
<td>Katherine Erolina Perez</td>
<td>6/27/11</td>
<td>8/17/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td>8/24/11</td>
<td>Left a message on her answering machine: requested that if she had any questions or concerns about the project she could contact WSA.</td>
<td></td>
</tr>
</tbody>
</table>

If an archaeological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified archaeologist shall be consulted to determine the necessity for monitoring the remaining excavation and to evaluate any cultural resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the archaeologist. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal. Identified cultural resources shall be recorded on DPR 523 (historic properties) forms.

If a paleontological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist or archaeologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the paleontologist or archaeologist.

In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project applicant shall immediately notify the County Coroner and the City of Berkeley. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. In addition, all excavation work within ten feet of the find shall cease immediately.

The project would require excavation to remove the earthen berms on the north and south sides of the building, and limited grading to accommodate the proposed surface parking lot. Although these are earth-disturbing activities, and the dirt used to create the berms was originally graded from the central portion of the project area, the potential for encountering unknown archaeological or paleontological resources at the site is low. As a result, no significant impacts are anticipated and no mitigation measures are required.
VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. □ □ ❌ □
   ii) Strong seismic ground shaking? □ □ ❌ □
   iii) Seismic-related ground failure, including liquefaction? □ □ ❌ □
   iv) Landslides? □ □ ❌ □

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

c) Be located on 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 wastewater disposal systems where sewers are not available for the disposal of wastewater? □ □ □ ❌
Discussion

a.i) The project site is not within an Alquist-Priolo Fault Rupture Zone, as designated by the Alquist-Priolo Earthquake Fault Zoning Act. Because the project is not located on an active or potentially active fault, the potential for surface fault rupture is low and this impact would be less than significant.

a.ii) The project site is located in the San Francisco Bay Area, a seismically active region of California with numerous active faults. Seismic activity in the region is dominated by the San Andreas Fault system, which includes San Andreas, Hayward, and Calaveras faults. The project site is located approximately half a mile west of the Hayward Fault. According to the U.S. Geological Survey (USGS) Working Group on Earthquake Probabilities, the probability of one or more earthquakes of Richter magnitude 6.7 or higher occurring in the San Francisco Bay Area for the 30-year period from 2003 to 2032 is 62 percent. Of the Bay Area faults, the Hayward and San Andreas faults are the most likely to experience a major earthquake. The probability of a large Hayward Fault earthquake, occurring in the vicinity of the project site during the 30-year period, is 27 percent; the probability for an earthquake on the San Andreas Fault is 21 percent. In the event of a major earthquake on one of these faults, especially the Hayward Fault (due to its proximity to the project site), the project site would experience substantial ground shaking. The Association of Bay Area Governments (ABAG) has developed Earthquake Shaking Hazard Maps, which predict the potential for ground shaking during major earthquakes on the active fault in the Bay Area. The Shaking Hazard Maps rank degrees of ground shaking intensity based on the Modified Mercalli Intensity (MMI) scale. The MMI scale, originally developed by G. Mercalli in 1902, is commonly used to measure earthquake effects due to ground shaking. It is a useful scale because it describes ground motion in terms of effects observed by people in various types of structures during past earthquakes. The MM values for intensities range from MM-I (earthquake not felt by people), through more common, moderate earthquakes at MMI-V, to major catastrophic events at MMI-XII (damage nearly total). Because the site is close to the Hayward Fault, the ground shaking intensity could range from very strong (MMI-VIII moderate damage) to very violent (MMI-X, extreme damage).

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17 Intensities ranging from IV to X could cause moderate to significant structural damage. The damage level represents the estimated overall level of damage that will occur for various MM intensity levels. Some buildings will experience substantially more damage than this overall level, and others will experience substantially less damage. Not all buildings perform identically in an earthquake. The age, material, type, method of construction, size, and shape of a building all affect its performance.
The 2010 Uniform Building Code (UBC) locates the entire Bay Area within Seismic Risk Zone 4. Of the four seismic zones, Zone 4 is expected to experience the greatest effects from earthquake ground shaking and, therefore, has the most stringent requirements for seismic design. While building codes assume that some damage would occur during an earthquake, they are designed to prevent loss of life and limb and reduce the potential of structural collapse. The proposed project would be required to comply with the geotechnical and seismic design criteria required for construction in Zone 4 of the UBC, California Building Code (Title 24), and building codes set forth by the City of Berkeley. Although ground shaking at the subject site would be substantial during a large earthquake on the Hayward Fault and could be considerable during an earthquake on other Bay Area faults, compliance with the California Building Code, and building code requirements set forth by the City of Berkeley, would reduce the seismic hazard so that people would not be exposed to substantial injury and death and property would not undergo significant loss. Compliance with the building code provisions for structural design and construction in high earthquake hazard areas would ensure the ground shaking effects at the project site remain less than significant.

a.iii) Soil liquefaction is primarily associated with saturated soil layers located near the ground surface. Soils that are most susceptible to liquefaction are relatively loose, clean, poorly-graded, fine-grained sands. These soils lose strength during ground shaking and become incapable of supporting overlying structures. Due to the loss of strength, the soil acquires “mobility” sufficient to permit both horizontal and vertical movements. Densification, a closely-related phenomenon, occurs when ground-shaking causes predominantly granular soils to become compact and occupy less volume, which results in settlement.

The project site is not located within a potential liquefaction zone. Given that the project location is outside of a potential liquefaction zone, the potential for earthquake induced liquefaction as well as secondary ground failure associated with liquefaction is low. Therefore, the project would not be constructed on geologic materials that are unstable or otherwise prone to collapse. Required compliance with applicable City ordinances and Title 24 would ensure that potential impacts associated with ground shaking and liquefaction remains less than significant.

a.iv) The project site is relatively flat land surrounded by urban development that is also located on relatively flat land. The City of Berkeley General Plan, Disaster Preparedness and Safety Element, does not identify this area as being within a potential landslide area, nor does the Seismic Hazards Mapping Act. The proposed project would not be subject to substantial risk from landslides, as the site is not underlain by, or adjacent to, an area subject to slope hazards.

b) Project construction on the relatively flat property would include earthmoving activities related to the removal of earthen berms located under the north and south walls of the existing structure. Compliance with the Standard Condition of Approval for dust control listed above in Section III.d), Air Quality, would ensure that construction of the project would not result in substantial soil erosion or loss of topsoil.

c) The project site is located in a developed mixed-use residential, educational, and commercial area of Berkeley. The local soil geology on the site consists of loam surface soil with the soil component known as Tierra. The Tierra soil profile consists of loam from 0 to 11 inches below ground surface (bgs), followed by a clay layer to a depth of 31 inches bgs. These soil layers are then underlain by a sandy-clay loam to a depth of 59 inches bgs. The soil has very slow infiltration rates and is moderately well drained. The site would not be graded (except for removal of the earthen berms) for the proposed use as a retail store, and is not located within a potential liquefaction zone or landslide area. Compliance with the building code provisions would ensure that a Geotechnical Report is prepared and that effects of expansive soils on new foundations and slabs would remain less than significant.

d) Expansion and contraction of volume can occur when expansive soils undergo alternating cycles of wetting (swelling) and drying (shrinking). During these cycles, the volume of the soil changes markedly. As a consequence of such volume changes, structural damage to building and infrastructure may occur if the potentially expansive soils were not considered in project design and during construction.

The site is mapped as Urban land – Tierra complex. Tierra soils are rated as highly expansive. Urban land (man-made fill) can be composed of varying amounts of natural soil materials, construction debris, dredging materials, municipal solid waste and other fill. The Natural Resources Conservation Service does not assign engineering properties to soils of the Urban Land classification, as they are variable in content and

characteristics. The following City of Berkeley Standard Condition of Approval would ensure that proposed improvements are designed to address the expansive soils and ensure substantial risks to life or property:

Prior to issuance of a building permit, the applicant shall submit any geotechnical plans and recommendations required by the Building and Safety Division. A soils report shall be submitted to the City and all the report’s recommendations incorporated into the project.

e) The proposed project is located within the City of Berkeley and would use City services for potable water delivery and wastewater disposal; septic systems are not proposed. The proposed project would not result in any impacts related to septic tanks or wastewater disposal.
VII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☒ ☐ ☐ ☐ ☐

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gas? ☒ ☐ ☐ ☐ ☐

Discussion

a) Implementation of the proposed project would generate greenhouse gas (GHG) emissions that may have a significant impact on the environment or that may conflict with applicable plans, policies, or regulation related to reducing greenhouse gas emissions. This issue will be evaluated in the project EIR to determine if the proposed project would result in any significant impacts related to GHG emissions.

b) The City of Berkeley has a strong commitment to reducing the community’s greenhouse gas emissions. In 2006, Berkeley voters overwhelmingly approved ballot Measure G which mandates a reduction of the entire community’s greenhouse gas emissions by 80 percent below 2000 levels by 2050. The ballot measure directed the City to develop a Climate Action Plan to achieve that target.

The Berkeley Climate Action Plan, which is the result of the community-based climate action campaign that the Berkeley voters set in motion, was adopted by the Berkeley City Council on June 2, 2009. The plan is rooted in the vision for a sustainable Berkeley that emerged from the climate action planning process. The Plan’s vision for a more sustainable Berkeley states:

- New and existing Berkeley buildings achieve zero net energy consumption through increased energy efficiency and a shift to renewable energy sources such as solar and wind

- Public transit, walking, cycling, and other sustainable mobility modes are the primary means of transportation for Berkeley residents and visitors
• Personal vehicles run on electricity produced from renewable sources or other low-carbon fuels

• Zero waste is sent to landfills

• The majority of food consumed in Berkeley is produced locally

• Our community is resilient and prepared for the impacts of global warming

• The social and economic benefits of the climate protection effort are shared across the community

The EIR being prepared for the proposed project will assess whether the proposed project would conflict with the adopted Climate Action Plan and other relevant policy documents.
VIII. 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? [ ] [ ] [☒] [ ]

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? [ ] [ ] [ ] [☒]

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) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? [ ] [ ] [ ] [☒]

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? [ ] [ ] [ ] [☒]
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Several sources, consisting of past environmental reports, provided information regarding the project site history and environmental conditions of the project site. The primary environmental assessments and actions completed to date at the subject property include a Phase I environmental site assessment completed in January 2011 by Diablo Green Consulting, Inc., and a historic resource evaluation completed by Page & Turnbull in November 2010, as well as a limited Phase II environmental site assessment completed in May 2011 by ACC Environmental Consultants.

The City of Berkeley Toxics Management Division (TMD) conducted facility oversight and review of past hazardous materials release and subsequent mitigations. TMD conducted a final closure inspection of the project site on January 4, 2008 and approved the hazardous materials closure of the facility based on that inspection.23

Discussion

a) The proposed project could involve the transport, use or disposal of small quantities of hazardous materials during both the construction period and the operation period.

Construction Period. The proposed project is a retail development that would not involve the routine use and transport of hazardous materials or petroleum products. In the short-term, construction activities would require the use of certain materials such as fuels, oils, solvents, and glues that, in large quantities, could pose a potential hazard to the public or environment if improperly used or inadvertently released. Inadvertent release of large quantities of these materials into the environment could also adversely impact soil, surface waters, or groundwater quality. However, the on-site storage or disposal of large quantities — exceeding the reportable quantity, which is typically 25 gallons or more — of potentially hazardous materials is not required for a construction project of the proposed size and type. Considering the relatively small quantities of hazardous materials required for such a project, an accidental spill would only impact a small and localized area for a short period of time and, therefore, the impact would be less than significant. The applicant or the applicant’s contractor would be responsible for adequate clean-up and disposal of affected media. If large spills of hazardous materials occurred on the project site, the applicant or its contractor would be responsible under State law to report such a spill to the appropriate agencies and clean-up the spill to acceptable levels. Implementation of the following City

of Berkeley Standard Condition of Approval consistent with the requirements of the BAAQMD would ensure no significant impact results:

*The BAAQMD Best Management Practices shall be implemented to minimize potential negative effects to groundwater and soils. These could include the following:*

- Follow manufacturer’s recommendations on use, storage, and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

**Operational Period.** It is not anticipated that large quantities of hazardous materials would be permanently stored or used within the project site as part of business operations. Similarly, the project would not emit hazardous emissions or handle hazardous materials. Small quantities of common hazardous materials (e.g., paint, maintenance supplies) would be routinely used on the project site for maintenance and cleaning. However, these materials would not be used in sufficient volume to create a substantial risk of fire or explosion, or otherwise pose a substantial risk to human or environmental health.

Therefore, implementation of the proposed project would not create a permanent significant hazard to the public or environment through compliance with the City of Berkeley’s Standard Conditions of approval related to the routine transport, use, or disposal of hazardous materials.

b) There are no records of any Underground Storage Tanks (USTs) ever having been located on the project site. A cooling system that created ice for the ice rink floor used anhydrous ammonia which was stored in above ground storage tanks (ASTs) on the project site. Additionally, small amounts of solvent, gasoline, and motor oil were used and stored on the property. A closure application for hazardous materials storage facilities dated 2007 indicates that Berkeley Iceland had removed stored latex paint, floor cleaner, asphalt, bleach, and gear oil to Dublin Iceland located in Dublin, California. The application further noted that waste oil was picked up by Clearwater Environmental Management, Inc. and the remaining anhydrous ammonia was evacuated by Hill Brothers on April 2, 2007.

As part of the May 2011 Limited Phase II site assessment, the applicant contracted with ACC Environmental Consultants (ACC) to conduct soil sampling at four composite locations on the project site to determine the presence or absence of contamination beneath the project site. Sampling of soil and groundwater detected concentrations of lead at 16, 17, and 20 mg/Kg; levels of 20 mg/Kg were detected at the northwestern and
southeastern most locations samples, a level of 17 mg/Kg was detected in the sample collected in the southwestern location, and a level of 16 mg/Kg was detected in the sample collected in the northeast section of the project site. The levels of lead detected in all the samples are below the Bay Area Regional Water Quality Control Board’s Environmental Screening Levels (ESLs), the EPA Region 9 Preliminary Remediation Goals (PRGs), and the Cal-EPA California Human Health Screening Levels (CHHSLs) for unrestricted residential usage. Based on the results reported by ACC, the concentrations of lead reported in the soil is considered to be within the background levels for the Bay Area and acceptable for on-site reuse. Soils that are to be removed from the project site may be subject to additional analysis based on landfill criteria for acceptance and in accordance with all applicable regulations.

Potential Contamination from Nearby Sites. As part of the environmental assessment work completed for the site in January 2011, Diablo Green Consulting completed a review of off-site contamination sources that could potentially affect the project site. The review of regulatory databases identified five Cortese sites within approximately one mile of the project site. Additionally, nearby sites were identified in the RCRA Database, the Leaking Underground Storage Tank List (LUST), the Underground Storage Tank List (UST), the Historical UST Registered Database, the California Facility Inventory Database (CA FID), and the Department of Toxic Substance Control (DTSC) HAZNET hazardous waste manifest database (HAZNET). Table 6, below, provides a list of nearby Cortese, LUST, UST, and CA FID listed sites within 1/4 mile of the project site.

These sites are a sufficient distance away, are located down- or cross-gradient to the project site, have identified responsible parties, and/or are actively monitored, and, therefore, do not represent recognized, adverse environmental conditions on the project site.

Based on the historical site assessment and reconnaissance, no areas of on-site soil contamination were identified. Soil samples were collected to confirm that the soil does not contain unacceptable levels of lead. The City of Berkeley TMD observed, reviewed, and approved the application for closure of a hazardous materials storage facility. Considering these efforts, contamination resulting from past uses would not pose a potential hazard during construction or occupancy of the proposed commercial use.

With any development in urban settings, the possibility exists that residual contamination could be discovered during construction of a proposed project. The residual contamination could be a result of an undiscovered on-site source or contamination that migrated to the site from adjacent properties. These sources are typically discovered during excavation of basements and grading work. Additionally, the project site is within a City of Berkeley Environmental Management Areas (EMA), which is an area known or suspected to have

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Table 6: Listed Regulatory Sites in the Vicinity

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Site Location</th>
<th>Direction from Site</th>
<th>Regulatory List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley Iceland</td>
<td>2727 Milvia Street</td>
<td>---</td>
<td>HAZNET(^a), ERNS(^b), CHMRS(^c)</td>
</tr>
<tr>
<td>UC Berkeley Physical Plant</td>
<td>2000 Carleton Street</td>
<td>N</td>
<td>LUST(^d)</td>
</tr>
<tr>
<td>McKevitt Volvo</td>
<td>2700 Shattuck Avenue</td>
<td>E</td>
<td>CA FID UST(^e), SWEEPS UST(^f), Cortese(^g), LUST</td>
</tr>
<tr>
<td>Berkeley Fire Station #5</td>
<td>2680 Shattuck Avenue</td>
<td>NE</td>
<td>CA FID UST, SWEEPS UST, Cortese, LUST</td>
</tr>
<tr>
<td>Former Shell Service Station</td>
<td>2747 Adeline Street</td>
<td>ESE</td>
<td>LUST</td>
</tr>
<tr>
<td>California Cunocar</td>
<td>2020 Stuart Street</td>
<td>S</td>
<td>Cortese, LUST</td>
</tr>
<tr>
<td>Bekins Van Storage</td>
<td>2721 Shattuck Avenue</td>
<td>E</td>
<td>Cortese, LUST</td>
</tr>
<tr>
<td>Berkeley Honda</td>
<td>2600 Shattuck Avenue</td>
<td>NE</td>
<td>LUST</td>
</tr>
</tbody>
</table>

\(^a\) Facility and Manifest Data  
\(^b\) Federal Emergency Response Notification System list  
\(^c\) California Hazardous Materials Incident Reporting System  
\(^d\) Leaking Underground Storage Tank List. This database contains an inventory of reported leaking underground storage tank incidents. The data comes from the State Water Resources Control Board.  
\(^e\) The California Facility Inventory Database contains active and inactive UST locations.  
\(^f\) The Statewide Environmental Evaluation and Planning System lists known USTs  
\(^g\) The Cortese database identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release and all solid waste disposal facilities from which there is known migration. The source is the California Environmental Protection Agency/Office of Emergency Information.

SOURCE: Phase I Environmental Site Assessment
groundwater contamination. Implementation of the following City of Berkeley Standard Condition of Approval would ensure that any groundwater contamination or residual soil contamination identified during project construction does not result in significant environmental impacts:

Toxics Review – applies to projects in the Environmental Management Area (EMA), with (1) excavation more than 5 feet below grade, and (2) any commercial use or five or more dwelling units:

Prior to issuance of a building permit, construction drawings shall be reviewed and approved by the City’s Toxics Management Division (TMD). The applicant’s building permit submittal shall include a plan for detection, analysis, and removal of contaminated soil and groundwater discovered during construction activities, which shall be routed to TMD. TMD shall have authority, based on permit review and/or subsequent detection of contaminated materials, to require additional information and/or mitigations as necessary to protect construction workers, the community and the environment.

Based on the age of the structure, the most likely residual contamination that would exist at the project site would be asbestos-containing materials (ACM) and lead-based-paint (LBP).

If asbestos-containing materials are discovered during the adaptation of the existing structure for reuse, removal and containment would be required to comply with the regulations specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD’s Rules and Regulations. Additionally, if lead-based-paints are discovered during the adaptation of the existing structure for reuse, abatement would be required to comply with the regulations set by the State, Alameda County Department of Environmental Health, and/or the City of Berkeley. Compliance with these existing regulations would ensure no significant impacts related to asbestos or lead occur.

c) Schools within the immediate vicinity of the project site include King Child Development Center (an early childhood education center) located at 1939 Ward Street, approximately 0.1 miles to the west of the project site, and Berkeley Technical Academy (a continuation high school) located at 2701 Martin Luther King Junior Way, approximately 0.2 miles to the west of the project site. These public and private schools are located within one-quarter mile of the project site; however, as discussed above under a) the project would not emit or handle any hazardous materials in sufficiently large quantities to pose a significant hazard to schools in the vicinity. Therefore, the construction or operation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school.

d) A search of available environmental records was conducted by Environmental Data Resources, Inc. (EDR) in 2011 as part of the Phase I environmental site assessment. In
addition, Diablo Green Consulting, Inc. conducted a review of the files at the Berkeley Toxics Management Department (TMD). A summary of the database search for the project site as well as for nearby surrounding sites is provided in Table 6, above. The databases searched included, among others, the State of California Hazardous Waste and Substances List (Cortese List) and the California Hazardous Materials Incident Reporting System (CHMRS) and the Leaking Underground Storage Tank List (LUST), The California Facility Inventory Database (CA FID UST) which contains active and inactive UST locations, as well as the Statewide Environmental Evaluation and Planning System (SWEEPS UST). The Cortese List is a compilation of information from various sources listing potential and confirmed hazardous waste and hazardous substance sites in California and is maintained by the Department of Toxic Substances Control (DTSC).

The EDR records searches did not identify the project site as a Cortese or UST site. As such, there would be no impacts associated with listed sites as a result of short-term development projects.25

e,f) The project site is not located within an airport land use plan and is not within two miles of a public airport or public-use airport. Additionally, the project site is not within the vicinity of a private airstrip.

g) The project site is located on Milvia Street between Ward Street and Derby Street. According to Figure 9, Emergency Access and Evacuation Routes of the Berkeley General Plan, none of these streets are designated as Emergency Access and Evacuation Routes.26 The proposed project would not obstruct or interfere with established emergency access and evacuation routes nor would it interfere with other adopted emergency response plans during construction or during project operations.

h) For a discussion of fire protection services, see Section XIV. Public Services, below. According to the Berkeley General Plan, Berkeley “faces a significant wildland fire danger along its hillsides where the wildland and residential areas interface.” According to Figure 14, Hazardous Hill Area, Fire Station Locations and Evacuation Routes in the Berkeley General Plan, the project site is not located within a Hill Fire Hazard Area.27 Therefore, there would be no risk of loss, injury, or death involving wildland fires at the proposed project.

27 Ibid.
IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

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)?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

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 of siltation on- or off-site?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

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 which would result in flooding on- or off-site?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

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?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

f) Otherwise substantially degrade water quality?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

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?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  
   - Potentially Significant Impact  
   - Less Than Significant Impact  
   - Mitigation Incorporated  
   - No Impact
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? ☑ ☐ ☑ ☐

j) Inundation of seiche, tsunami, or mudflow? ☑ ☐ ☑ ☐

Discussion

a) The project proposes to excavate approximately 5,500 cubic yards of soil as part of the removal of the exterior and interior berms. An additional 5,950 square feet of impervious surface is proposed to accommodate new on-site parking areas. The additional impervious surface may cause a slight increase in the amount of pollutants such as sediment, petroleum based oils, and pesticides found in stormwater runoff. However, because the addition of the parking lots would disturb an area of less than 10,000 square feet, a project-specific National Pollutant Discharge Elimination System (NPDES) permit is not required. The project would apply for a city-wide permit and would comply with its requirements. Therefore, the project would not violate any waste discharge requirements or water quality standards. The impact would be less than significant.

b) The project would obtain water supplies from East Bay Municipal Utility District (EBMUD) and would not utilize the local groundwater supply. Although the area of impervious surfaces of the project site would increase, the project would result in a very minor change to groundwater filtration and recharge, if any, due to requirements for infiltration basins / planters. The project would not lower the local groundwater table or aquifer volume and would have a less-than-significant impact.

c-d) The project site is a relatively flat urban parcel and the project proposes a slight increase in impervious area of the site. There is no stream or river in the vicinity of the project. Following completion of the project, the new impervious area would be 5,950 square feet greater than existing conditions, resulting in a less-than-significant impact associated with alteration of the existing drainage pattern that could result in erosion or flooding, since all storm drainage would enter the municipal storm drain system.

e-f) The project site is currently almost entirely paved, with the exception of earthen berms that run the length of the structure along Derby and Ward Streets. Surface water runoff volumes and rates generated on the site could increase when the berms are removed and approximately 5,950 square feet of additional site area are paved, minimally reducing opportunities for surface water infiltration. The project would be required to comply with the City of Berkeley’s Standard Condition of Approval which addresses contamination found during demolition or construction to prevent degradation of water quality and describes runoff reduction measures. Compliance with these Standard Conditions of Approval (see below) would ensure that impacts would be reduced to less than significant:
Prior to issuance of a building permit, the project shall demonstrate compliance with the requirements of the City’s National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code (BMC) Section 17.20. Such projects are required to control construction-related drainage and erosion through the following conditions:

- The project plans shall identify site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants into the City’s storm drainage system, regardless of season or weather conditions.

- The project plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with BMC Chapter 17.20.

- Trash enclosures and/or recycling areas shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer.

- Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where feasible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

The project site does not lie within the 100-year or 500-year flood hazard area and the project does not propose housing. Therefore, there would be no impact associated with this project.

The project is not located behind a dam or levee failure area, or in the path of the flow of water from a dam or levee. The project is located above sea level and not in an area that would expose people or structures to flooding as a result of the failure of a dam or levee and, therefore, there are no impacts.

The project site is not likely to be inundated by a seiche or tsunami based on hazard maps found in the Berkeley General Plan Disaster Preparedness and Safety Element. There would be no impact to people or structures as a result of a seiche or tsunami.
X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community? ☐ ☐ ☐ ☒

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? ☐ ☐ ☐ ☒

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

Discussion

a) The project site is fully developed and surrounded by established commercial and residential uses. The proposed development would adapt and expand the floor area of the existing structure for reuse as a commercial retail structure. The proposed reuse of an existing structure for a commercial retail business would not physically divide an established community.

b) The project site is designated Avenue Commercial by the Berkeley General Plan and C-SA South Area Commercial by the Berkeley Zoning Ordinance. Both the Avenue Commercial and the C-SA land use designations encourage pedestrian-oriented, mixed-use development, including regional-serving commercial uses. The re-establishment of a commercial use on this site would be consistent with the site’s General Plan and Zoning designations and would not conflict with any plans or policies adopted for the purposes of avoiding or mitigating a significant environmental effect.

c) There are no habitat conservation plans or natural community conservation plans that are applicable to the site or its surroundings. As a result, the project would not conflict with any such plans.
Issues (and Supporting Information Sources):

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

XI. 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? □ □ □ ☑

Discussion

a,b) No mineral resources are identified within or around the project site by the City of Berkeley’s General Plan. The proposed project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resources. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that is valuable on a local, regional or state-wide basis.
XII. NOISE. 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? □ □ ☒ □

b) Exposure of persons to or generation of excessive groundborne 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? □ □  ☒ □

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 of 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? □ □  ❌ □

Discussion

a) Noise standards applicable to the proposed project include City of Berkeley General Plan policies and City of Berkeley Noise Ordinance standards. The proposed project is not noise sensitive and would be compatible with the noise environment at the site. However, as discussed below, the proposed project could increase noise levels at nearby sensitive uses on a temporary or permanent basis.

Noise Policies and Standards. The Environmental Management Element of the City of Berkeley General Plan sets forth policies and actions to address community noise in Berkeley. Policy EM-43 addresses noise reduction through increased enforcement of the noise ordinance, improvements to the noise ordinance, and increased public awareness.
Policy EM-44 addresses noise prevention and elimination by incorporating noise considerations into land use planning decisions, ensuring active enforcement of noise level limits, coordinating with CAL OSHA, and supporting federal and state legislation to lower motor vehicle noise limits. Policy EM-45 addresses reducing traffic noise by reducing local and regional traffic, encouraging neighborhood traffic calming strategies, restricting taxis and shuttles from honking in neighborhoods, and improving street circulation, traffic routing, and other traffic control measures, promoting new vehicle technologies, enforcing muffler laws, working with AC Transit to reduce bus noise, and establishing noise emission limits on sources under the jurisdiction of the City. Policy EM-46 requires noise mitigation in new construction and major rehabilitation and where noise would impact parks and public open space. Policy EM-47 guides the City in land use planning that is compatible with the noise environment.

The City of Berkeley’s Noise Ordinance (Chapter 13.40 of the Municipal Code) establishes noise regulations in the City of Berkeley. Section 13.40.050 (Exterior Noise Standards) provides the exterior noise limits not to be exceeded more than 30 minutes out of any hour (see Table 7). The Municipal Code also stipulates that if the measured ambient noise level exceeds these limits, the allowable noise exposure standard would be the ambient noise level. The project site is in a Commercial zone, but is adjacent to R-2 Residential zones, so the more restrictive standard applies.

Table 7: Exterior Noise Limits

<table>
<thead>
<tr>
<th>Zone</th>
<th>Time Period</th>
<th>L_{50} Noise Level, dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2</td>
<td>7:00 a.m. - 10:00 p.m.</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. - 7:00 a.m.</td>
<td>45</td>
</tr>
<tr>
<td>R-3 and above</td>
<td>7:00 a.m. - 10:00 p.m.</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. - 7:00 a.m.</td>
<td>55</td>
</tr>
<tr>
<td>Commercial</td>
<td>7:00 a.m. - 10:00 p.m.</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. - 7:00 a.m.</td>
<td>60</td>
</tr>
<tr>
<td>Industry</td>
<td>Anytime</td>
<td>70</td>
</tr>
</tbody>
</table>

Source: City of Berkeley Municipal Code Section 13.40

Noise limits for maximum noise levels and cumulative noise levels of shorter durations are also provided in the Noise Ordinance. However, the noise limits specified in Table 7 are the most conservative noise limits that would be applicable.

Code section 13.40.070 of the City’s Noise Ordinance regulates construction noise as follows:

*Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of seven p.m. and seven a.m., or eight p.m. and nine a.m. on weekends or holidays such that the sound therefore creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance*
issued by the NCO. (This section shall not apply to the use of domestic power tools as specified in Section 13.40.070, subsection B.11.)

Noise restrictions at affected properties: 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:

At residential properties: Mobile Equipment. Maximum sound levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment:

<table>
<thead>
<tr>
<th></th>
<th>R-1, R-2 Residential</th>
<th>R-3 and above Multi-Family Residential</th>
<th>Commercial/Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily, 7:00 a.m. to 7:00 p.m.</td>
<td>75 dBA</td>
<td>80 dBA</td>
<td>85 dBA</td>
</tr>
<tr>
<td>Weekends, 9:00 a.m. to 8:00 p.m. and legal holidays</td>
<td>60 dBA</td>
<td>65 dBA</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

Stationary Equipment. Maximum sound levels for repetitively scheduled and relatively long term operation (period of ten days or more) of stationary equipment:

<table>
<thead>
<tr>
<th></th>
<th>R-1, R-2 Residential</th>
<th>R-3 and above Multi-Family Residential</th>
<th>Commercial/Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily, 7:00 a.m. to 7:00 p.m.</td>
<td>60 dBA</td>
<td>65 dBA</td>
<td>70 dBA</td>
</tr>
<tr>
<td>Weekends, 9:00 a.m. to 8:00 p.m. and legal holidays</td>
<td>50 dBA</td>
<td>55 dBA</td>
<td>60 dBA</td>
</tr>
</tbody>
</table>

The project site and the property to the east are zoned C-SA and the properties to the west, north, and south are zoned R-2A.

Construction Noise. The major noise generating phases of project construction would include the excavation and removal of the earthen berms located on and under the north and south sides of the building, shoring of the existing north and south walls of the structure so that new foundations and supporting walls can be installed, the construction of the new walls along the north and south sides of the building, and replacement of the roof. Various types of equipment would be used for demolition and construction purposes. The total duration of the project is estimated to be 13 months, with the noisiest phases of project construction limited to the first six months. The remaining seven months of construction would be primarily within the building or limited in scope, if outdoors.

Residences and businesses surround the site and would be temporarily affected by construction noise. Noise impacts resulting from construction activities would depend on the noise generated by various pieces of construction equipment, the timing and duration
of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts over extended periods of time.

During each stage of construction, there would be a different mix of equipment operating. Construction noise levels would vary by stage and vary within stages based on the amount of equipment in operation and location where the equipment is operating. The highest noise levels would be generated during demolition, excavation, and foundation construction. Jackhammers typically generate maximum noise levels of 85 dBA at a distance of 50 feet. Large pieces of earth-moving equipment, such as graders, excavators, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet.

Average noise levels from typical construction activity at this site would range from 65 to 83 dBA Leq at a distance of 50 feet from the construction site. Construction-related noise levels would be 5 to 10 dBA less during finishing and landscaping phases when less heavy equipment is required on site and when construction activities are conducted within the building. These noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor, so noise levels at 100 feet would be expected to range from 59 to 77 dBA Leq, noise levels at 200 feet would be expected to range from 53 to 74 dBA Leq, and so on. Shielding provided by structures or terrain would result in lower noise levels. The nearest noise sensitive receptors, including the adjacent residential and educational uses, are located approximately 50 to 75 feet from the project site.

The City of Berkeley Noise Ordinance regulates the hours allowed for construction and demolition work and has guidelines for maximum allowable construction-related noise levels for residential and commercial/industrial areas. Specifically, the Noise Ordinance restricts construction to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on weekends or legal holidays, unless a variance is secured from the Noise Control Officer.

Also, where technically and economically feasible, the Noise Ordinance requires that construction activities be conducted in such a manner that the maximum noise levels at affected properties would not exceed the maximum allowable noise levels designated in the Ordinance. The project abuts an R-2A residential area, so that applicable standards for this project would include maximum noise levels of 75 dBA on weekdays and 60 dBA on weekends and legal holidays for short-term, mobile equipment such as jackhammers, drills, and saws, and maximum noise levels of 60 dBA on weekdays and 50 dBA on weekends and legal holidays for stationary, repetitively-scheduled equipment.

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28 Measurements taken using Google Earth from project site to adjacent residential and educational uses.
Based on this analysis, exterior construction activities could expose existing area residences and the adjacent school to construction-generated noise exceeding the Municipal Code noise limits over a several month period. Construction noise levels resulting from activities occurring indoors would not be expected to exceed General Plan and Municipal Code noise limits. Given the relatively short construction period for exterior construction and limited scope of the project, demolition and construction activities would result in a less-than-significant short-term noise impact provided that the following City of Berkeley’s Standard Condition of Approval is implemented:

Hours of construction shall be limited to 8 a.m. to 6 p.m. on weekdays and 9 a.m. to noon on Saturdays; no work shall occur on Sundays or federal holidays. The Zoning Officer may approve up to 10 days of extended working hours upon written request by the applicant to accommodate special conditions, such as but not limited to extended concrete pours.

Prior to the issuance of building permits, the applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program should include, but shall not be limited to, the following measures:

- Install a noise barrier at the site boundary adjacent to the abutting residential property, if the acoustical analysis proves such a barrier to be substantially effective in reducing noise impact at the adjacent residential property.

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g. improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).

- Impact tools (e.g. jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number
for the on-site complaint and enforcement manager, and the City’s Noise Enforcement Officer, in the event of problems.

- An on-site complaint and enforcement manager shall be available to respond to and track complaints. The manager will be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager will determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the coordinator shall be posted at the construction site and provided to neighbors in a notification letter. The manager shall notify the City’s Noise Enforcement Officer of all complaints within 24 hours. The manager will be trained to use a sound level meter and should be available during all construction hours to respond to complaints.

- Prior to the issuance of a building permit, a pre-construction meeting shall be held with the Noise Enforcement Officer and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed (including construction hours, neighborhood notification, posted signs, etc.).

**Operational Noise.** Trucks would deliver products and supplies to the proposed retail use during daytime hours. Truck traffic would circulate south of the building and back into a loading dock area located at the southeast corner of the building at distances over 100 feet from the nearest residences to the south. Maximum noise levels resulting from truck deliveries typically range from 65 to 75 dBA Lmax at a distance of 50 feet. It is calculated that attenuation due to distance would reduce these noise levels by 6 dBA at the nearest residences to the south, resulting in maximum noise levels of 69 dBA Lmax or less. Maximum noise levels from the loudest events would at times be audible but would not exceed existing maximum noise levels resulting from vehicle traffic along Ward Street or the City’s maximum noise level standard for noise occurring during daytime hours (75 dBA Lmax). Intermittent truck movements or trash pick-up would not substantially increase hourly average or daily average noise levels at residential uses south of the site. For these reasons, operational impacts due to loading and unloading of truck deliveries would be less than significant.

The proposed retail development would also include new parking spaces and associated drive aisles on site. The parking and circulation areas would be a minimum of 75 feet from the nearest residences. The hourly equivalent noise level resulting from the noise generating activities in a busy parking lot would range from 42 to 52 dBA Leq at 75 feet. These noise levels would be similar to ambient noise levels generated along local roadways and existing parking areas and would not typically be distinguishable from traffic along the roadway. Therefore, operational noise impacts related to parking and circulation areas would be less than significant.
Mechanical equipment at the retail store would likely include heating, ventilating, and air conditioning equipment. The operation of new mechanical equipment could generate noise levels that affect existing residences in the vicinity. The proposed project would be subject to the City’s Noise Ordinance, which sets limits for permissible noise levels during the day and night according to the land use zoning of the area. Provided that the equipment is designed and used in a manner that complies with those Noise Ordinance, as proposed, the related noise impact to on-site residents and adjacent land uses would be less-than-significant. Therefore, operational noise from HVAC and other mechanical equipment for the project would not be expected to expose persons to, or generate noise levels in, excess of standards established in the local general plan or noise ordinance. This impact would be less than significant.

b) The proposed project would not expose persons to, or generate, excessive groundborne noise.

Vibration regulations in the City of Berkeley Municipal Code are as follows: Operating or permitting the operation of any device that creates a vibration which annoys or disturbs at least two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source if on private property or at least one hundred fifty feet (forty-six meters) from the source if on a public space or public right-of-way (BMC §13.40.B.8).

Heavy construction on the exterior of the building would be limited because the proposed project would retain the entirety of the existing building, with the exception of the external and internal berms. Heavy construction activities would generally be limited to site preparation work and minor excavation and grading of internal and external earthen berms. Impact or vibratory pile driving, which typically produces the highest vibration levels, is not anticipated to occur. Therefore, groundborne vibration levels resulting from project construction activities would be less than significant.

For measuring structural damage, the California Department of Transportation uses a vibration limit of 0.5 in/sec, Peak Particle Velocity (PPV) for buildings structurally sound and designed to modern engineering standards, 0.2 in/sec, PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec, PPV for ancient buildings or buildings that are documented to be structurally weakened.

Project construction activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may at times generate perceptible vibration levels in the immediate vicinity of the site. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. At a distance of 25 feet, construction activities would not likely generate vibration levels exceeding the 0.2 in/sec PPV threshold for buildings that are found to be
structurally sound (e.g., adjacent residences). Therefore, groundborne vibration levels resulting from project construction activities would be less than significant.

Although the project is not expected to cause structural damage or significant groundborne vibration noise, vibration levels may still be perceptible to surrounding properties during construction. This perceptible level of vibration is common in any type of construction and would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (jackhammers and other high power tools).

c) The proposed project would increase ambient noise levels by increasing traffic volumes along roadways serving the project site. Projected changes to traffic volumes with the project were reviewed to calculate where the project would generate a substantial increase in traffic noise. According to the City of Berkeley General Plan, a substantial noise level increase is considered to be 4 dBA L_{dn} (i.e., daily average noise level) in Berkeley because changes in environmental noise levels of 3 dBA L_{dn} or less are usually not noticeable.

Traffic noise modeling shows that the greatest noise level increases would occur along Derby Street, between Martin Luther King Jr. Way and Shattuck Avenue, Ward Street, between Martin Luther King Jr. and Shattuck Avenue, and Milvia Street, between Stuart Street and Carleton Street.

Table 8 shows the calculated traffic noise level increases attributable to the project on the roadways most affected by the proposed project. Traffic noise levels during the weekday PM peak hour are calculated to increase by 2 to 3 dBA L_{eq} along Derby Street and Ward Street, and by 1 dBA L_{eq} along Milvia Street.

The relative traffic noise level increases expected during the Saturday PM peak hour are higher because existing traffic volumes on Saturdays are lower than the weekday and because the vehicle trips associated with the project would be greater on Saturdays. As a result, traffic noise levels are calculated to increase by 6 dBA L_{eq} during the Saturday PM peak hour along Derby Street, by 4 to 6 dBA L_{eq} along Ward Street, and by 3 dBA L_{eq} along Milvia Street during the Saturday PM peak hour.

Project-generated traffic noise level increases on roadway segments that currently experience much higher existing traffic volumes (e.g., Martin Luther King Jr. Way, Adeline Street, Ashby Avenue, and Shattuck Avenue) are calculated to be less than 1 dBA L_{eq} during the weekday PM peak hour and Saturday PM peak hour.

To measure the significance of the impact according to City standards, the increase in daily average noise levels (L_{dn}) was calculated assuming that PM peak hour noise levels attributable to the project would be sustained throughout the time period that the store would be open for business. This assumption overstates noise levels during all other non-peak traffic hours, but serves as a credible worst-case estimate in calculating the change in daily average noise levels at receivers near the site.
For example, the worst-case Saturday PM peak hour traffic noise increase of 6 dBA $L_{eq}$ was assumed to occur between the hours of 8:00 a.m. and 8:00 p.m. (a total of 12 hours) to calculate the increase in daily average noise levels attributable to the project. The project would not generate substantial traffic noise during the time periods that the store is closed and, therefore, the hourly noise increase during these hours was assumed to be 0 dBA $L_{eq}$. The calculated $L_{dn}$ noise level under the existing plus project scenario would be 1 dBA $L_{dn}$ above existing conditions without the project.

Correspondingly, Saturday PM peak hour traffic noise increases of 3 to 4 dBA $L_{eq}$ applied between the hours of 9:00 a.m. and 10:00 p.m. are calculated to increase the $L_{dn}$ noise level under the existing plus project scenario by less than 1 dBA $L_{dn}$ above existing conditions without the project. These increases to daily average noise levels are not considered substantial as defined by the City of Berkeley, and the impact is less than significant.

d) Construction equipment could result in the temporary increase of noise levels in the project vicinity, as discussed under section XII.a, above. The City’s Noise Ordinance regulates construction noise levels. Following the best practices specified in the City of Berkeley Standard Condition of Approval detailed above would reduce construction related noise to a less-than-significant level. There may be short-term noise increases related to construction even with implementation of the identified Condition of Approval, but they would be of limited duration and with the implementation of the identified conditions such temporary noise impacts would be less than significant.
Table 8: Permanent Noise Increases Attributable to Project Traffic

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>Calculated Project-Generated Traffic Noise Level Increases Above Existing Conditions (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Weekday PM Peak Hour Noise Level Increase (L_{eq})</td>
</tr>
<tr>
<td>Derby Street</td>
<td>MLK to Milvia</td>
<td>2</td>
</tr>
<tr>
<td>Derby Street</td>
<td>Milvia to Shattuck</td>
<td>3</td>
</tr>
<tr>
<td>Ward Street</td>
<td>MLK to Milvia</td>
<td>2</td>
</tr>
<tr>
<td>Ward Street</td>
<td>Milvia to Shattuck</td>
<td>3</td>
</tr>
<tr>
<td>Milvia Street</td>
<td>Stuart to Ward</td>
<td>1</td>
</tr>
<tr>
<td>Milvia Street</td>
<td>Derby to Carleton</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: Illingworth & Rodkin, June 2011

e) Oakland International Airport is located approximately 9 miles south of the project site, and the site is not covered by the airport’s land use plan. No existing or proposed public or public-use airports are located within two miles of the site and aircraft operations would not expose persons to excessive aircraft noise. Thus, the project would have no impact.

f) The project site is not located within two miles of a private airstrip. Thus the project would have no impact related to proximity of a private airstrip.
Issues (and Supporting Information Sources):

XIII. 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)?

☐ ☐ ☐ ☒

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?

☐ ☐ ☐ ☒

Discussion

a) There are no growth-inducing elements to the project. The adaptation of an existing structure for commercial retail use would not generate any additional resident population. No extension of facilities, infrastructure or services would be needed to implement the project; therefore there is no impact.

b) The project site is currently occupied by an existing commercial building. There are no existing residences at the proposed project site. No residents or residential housing units would be displaced by the proposed project.

c) See response to section XIII.b., above. No persons currently reside at the site, and, therefore, the project would not result in displacement of substantial numbers of persons resulting in a need for replacement housing elsewhere.
## XIV. 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 following public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Mitigation Incorporated</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>☑</td>
</tr>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>☑</td>
</tr>
<tr>
<td>Schools?</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>☑</td>
</tr>
<tr>
<td>Parks?</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>☑</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
<td>☑</td>
</tr>
</tbody>
</table>

### Discussion

a) The project will not be constructing new facilities or adding any new residents, so there would be a minimal impact to public services including schools, parks, and other public facilities. Although the building is currently vacant, the police and fire departments currently receive fairly regular calls for service to the site associated with the on-going property vandalism. Establishment of the new retail use would likely reduce the numbers of service calls associated with property vandalism; however, the reduction in these types of calls may be offset by calls for service associated with the general operation of a commercial retail use (e.g., petty thefts, medical emergencies).

The project would be expected to follow standard procedures in the City of Berkeley to ensure compliance with Uniform Building Codes (UBC) and Uniform Fire Codes (UFC) to ensure installation of adequate fire prevention measures. The police and fire departments have both confirmed that the proposed project would not result in the need to expand either department’s facilities in order to maintain acceptable service ratios, response times, or other performance objectives.\(^\text{29}\)

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\(^{29}\) Conversation with Officer Byron White, Operations Division Area Coordinator--Area 1, Conversation and Email Correspondence on June 15, 2011.
Issues (and Supporting Information Sources):

<table>
<thead>
<tr>
<th>Potential</th>
<th>Less Than</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
<td>Significant</td>
<td>Impact</td>
</tr>
<tr>
<td></td>
<td>With Mitigation</td>
<td>Incorporated</td>
</tr>
</tbody>
</table>

XV. 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?

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?

Discussion

a-b) The proposed project’s commercial retail use is not expected to generate any additional residents, and is not expected to result in substantial additional users of neighborhood and regional parks or other recreational facilities. Therefore the project would not require the construction or expansion of recreational facilities or contribute to substantial physical deterioration of these facilities and would have no impact.
XVI. TRANSPORTATION / TRAFFIC. Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

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

e) Result in inadequate emergency access?

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Discussion

a-b, d-g) Establishment of the proposed project would increase the amount of commercial retail space within this area of Berkeley. The applicant had a traffic study prepared by TJKM Transportation Consultants. The resulting Draft Traffic Impact Study for Proposed Sports
Basement Project in the City of Berkeley showed that there is the potential for significant transportation and traffic impacts based on trips associated with the proposed project.\textsuperscript{30} An analysis of potential transportation and traffic impacts will be included in the project EIR.

c) The proposed project is not located in an airport land use plan area nor would it impact traffic levels related to travel to or from a regional airport.

### Issues (and Supporting Information Sources):

<table>
<thead>
<tr>
<th>Potential Significant Impact</th>
<th>Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

**XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:**

- **a)** Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
  - No Impact

- **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?
  - No Impact

- **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?
  - No Impact

- **d)** Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
  - No Impact

- **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?
  - No Impact

- **f)** Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?
  - No Impact

- **g)** Comply with federal, state, and local statutes and regulations related to solid waste?
  - No Impact

**Discussion**

a-g) The proposed project involves the reuse of an existing structure that is currently served by all necessary utilities and services. Development of the project would not require any new facilities or expansion of existing facilities related to utilities and services. No significant impacts to utilities or service systems would occur.
XVIII. 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?

Discussion

The proposed project would not degrade the quality of the environment with respect to plant or animal habitats as the proposed project site is located in an urban area where no known significant species or habitats currently exist. No important examples of major periods of California history or prehistory are known to exist on the site. However, a more detailed analysis of the project’s potential impacts related to California history or pre-history will be provided in the EIR and if necessary mitigation measures will be recommended to reduce any identified impacts to a less-than-significant level.

b) Does the project have impacts that are individually limited, but cumulative considerable? (“Cumulative 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)?

Discussion

Given the scale of the proposed project, the incremental effects of the project can reasonably be expected to not be cumulatively considerable. Development of the project site is consistent with the General Plan and zoning designations for the site. However, potential cumulative impacts may result for cultural resources, greenhouse gas emissions, and traffic and transportation, which will be addressed fully in the EIR.
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☒ ☒ ☐ ☐ ☐

Discussion

The proposed project may have significant adverse effects on human beings related to an increase in greenhouse gas emissions or traffic at local intersections. As previously indicated throughout this Initial Study, each of these topics, and specifically the potential effects each may have on human beings, will be fully analyzed in the EIR.
LIST OF SOURCES CONSULTED


Association of Bay Area Governments (ABAG), www.abag.ca.gov, accessed May 2011.


California Geological Survey (CGS, formerly California Department of Conservation, Division of Mines and Geology), Special Studies Zone Map, Oakland West Quadrangle, January 1, 1982.

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California Geological Survey (CGS, formerly California Department of Conservation, Division of Mines and Geology), Seismic Hazard Zones Map, Parts of the Oakland West Quadrangle, March 30, 2000.


City of Berkeley, General Plan, Environmental Management (2003).

City of Berkeley, General Information, Creeks Ordinance Administration (2004).


City of Berkeley, Municipal Code.


Northwest Information Center Records Search, June 2011.


White, Byron, Officer, Operations Division Area Coordinator - Area 1, City of Berkeley Police Department. Phone and Email correspondence with Anne Koeller, June 15, 2011.

Zoning Project Application, Plans, and related information in project file.
The Iceland Building
Adaptive Reuse for Sports Basement
Major Phases of Project Construction

Preservation and Reuse of Building Fixtures

Sports Basement will carefully disassemble the existing wooden bleachers that line the north and south sides of the ice rink. Two of the sections will later be reinstalled in their approximate original locations as part of our multipurpose community spaces. Some of the bench style seating may be reused as is within the store. The remaining wood from the bleachers will be reused as raw material for various elements within the store such as our POS area, counters for our bike and ski shops, fixtures, and other decorative and display elements. The historic lobby of the Iceland building will be preserved and restored.

Landscaping Impacts

It is our intention to preserve the existing mature street trees on Ward Street. We have been advised that it will be possible to do the excavation work without irreparably harming the trees. We will be thinning back these trees prior to work commencing. If any of the trees do not survive it is our intention to replace them in kind.

Salvage Work

Obsolete steel and iron from the old refrigeration system for the ice rink will be removed and the scrap metal salvaged. This would be concurrent with a general clean up of the site and removal of accumulated debris. This work will involve hauling trucks.

Excavation Activities

Excavation and removal of the earthen berms located on and under the north and south sides of the building should take two to four months. Some of the dirt will be used inside the building to fill in the ice rink area, the remainder will be hauled off site to an appropriate facility. Approximately 5500 cubic yards of earth will be removed from the site which represents approximately 615 (9 yard) truckloads. Steps will be taken to minimize dust generated by the berm removal. This process will involve an excavator, a Bobcat, and hauling trucks for the dirt.

Shoring

During the excavation of the earthen berms, the existing north and south walls of the structure will be shored up so that new foundations and supporting walls can be installed. This process will be concurrent with the excavation and should take two to four months. Equipment involved will be trucks, shoring timbers/steel, and a Bobcat/Loader.

New Walls for North and South sides of building

Once excavation and shoring are complete, the foundations for the new walls that will
replace the berms will be formed and poured followed by the forming and pouring of the walls themselves. The new wall will have a distinct texture on the outside to call out the shadow line that follows that of the removed berms. This work should take two the four months and will commence as soon as the first berm section is fully excavated. No pile driving is required for the foundation work. However, temporary piles may be required to shore the berm material for the new 200 ft long concrete walls. Construction methodology for building the concrete walls has not yet determined. Equipment in use will be concrete delivery trucks, a concrete pump, and a Bobcat.

**Interior Concrete Work**

The level of the original ice rink will be raised, leveled and poured with concrete to meet the original lobby level of the building. The previous outline of the ice rink will be preserved with a distinct finish appearance in the concrete to make clear the outlines of the original rink. The previous sloping bleacher areas will be leveled out to approximately 4 feet above rink level, retaining walls formed and new floors and stairs poured. This will involve concrete delivery trucks and a concrete pump.

**Roofing**

The current roof will be torn off and removed. new sheathing and insulation will be installed where necessary, and then a new TPO single ply roof will be installed. This work will involve hauling trucks and delivery trucks. We anticipate this activity to take up to 3 months and to commence in the fourth month of construction.

**Glazing**

All existing glazing is assumed to be part of the historic fabric of the building. Where necessary, broken and or missing glass panels will be replaced with "in kind" material. Where any frames are rusted or damaged beyond repair, those frames will be replaced with similarly constructed in kind steel frames.

**New Electrical Service & Elevator**

New electrical service will be brought into the building from the north west corner of the property. (intersection of Milvia and Derby Streets). PG&E will locate a pad mounted transformer next to the building near the current emergency exits. We plan to locate electrical switch gear in the small basement room that is underneath the stairs leading to this emergency exit. This spot is almost adjacent to the interior location where the elevator will be installed. We anticipate that this electrical service installation work would begin in the second or third month of the project and continue for several months. PG&E will have service trucks on site. Elevator construction would begin shortly thereafter and continue for 6 to 8 months. There would be no impact on the outside of the building from this activity.

**Mezzanine Construction**

The project calls for a new mezzanine level to be constructed around the interior of the building covering primarily the area where the bleachers are now. This new structure will be independent
of the existing building and will be completely removable should the desired use of the building change at a future date. The construction of the mezzanine will involve steel framing work, some foundation work for the new steel members and welding. Other than deliveries of steel which will be brought inside the building, there should be no outside impact.

**New Water Service & Sprinkler System**

EBMUD will provide a new water main and meter connections for the building from the south east corner of the property on Ward Street. There will be some trenching work in the street and sidewalk. Equipment required will be service trucks and a backhoe. Once new water service is established, a new sprinkler system will be installed in the building.

**Curbs, Sidewalks & Ramps**

Depending on condition, sidewalks and curbs will be replaced where appropriate. This work could pose an inconvenience to pedestrians who will be directed to use opposite sides of the effected streets. As the south west corner parking lot is designated as our accessible parking area, a ramp will be added to service this area and bring the public to the main entrance of the building. Work may involve jackhammers, a bobcat, hauling trucks, concrete delivery trucks and a concrete pump.

**Painting**

The entire exterior of the building will be freshly painted upon completion of the project. The existing white, grey, and blue color scheme will be preserved.

**Schedule & Phasing Information**

We are unsure of an exact start date for the project. We are hoping to complete work within 13 months.

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