### PROJECT SUMMARY INFORMATION

1. **Project Title:** Parker Place

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

3. **Contact Person and Phone Number:**
   Aaron Sage, AICP, Senior Planner
   (510) 981-7425

4. **Project Location:**
   2598-2600 Shattuck Avenue & 2037 Parker Street
   Berkeley, CA 94703
   
   Assessors Parcel No. 055-182100600
   055-182100700
   055-182000101

5. **Project Sponsor’s Name & Address:**
   CityCentric Investments
   c/o Mark Rhoades & Ali Kashani
   5715 Claremont Ave.
   Oakland, CA 94618

6. **General Plan Designation:**
   Avenue Commercial & Medium Density Residential

7. **Zoning:**
   C-SA (South Area Commercial) Zoning District &
   R-2A (Restricted Multiple-Family Residential)

8. **Description of Project:**
   Mixed-use development with two 5-story buildings, 155 dwelling units, 22,905 sq. ft. of
   ground floor commercial space, and 170 to 188 parking spaces (detailed description
   follows).
9. Surrounding Land Uses and Setting:

The property at 2598 Shattuck and 2037 Parker currently serves as an automobile sales lot for a Honda dealership, which has its main sales floor, offices and service/repair facility in a one-story building located across Parker Street at 2600 Shattuck. Existing surrounding uses include commercial, mixed-use, multi-family residential, and senior congregate housing (detailed description follows).

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
- Biological Resources
- Greenhouse Gas Emissions
- Land Use / Planning
- Population / Housing
- Transportation / Traffic
- Agriculture Resources
- Cultural Resources
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Utilities / Service Systems
- Air Quality
- Geology / Soils
- Hydrology / Water Quality
- Noise
- Recreation
- 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 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.

November 1, 2011
Signature
Aaron Sage

Date
November 1, 2011
Signature
Aaron Sage

Printed Name
City of Berkeley
For

PROJECT DESCRIPTION

PROJECT SETTING

Neighborhood/Area Description: The project site is located on the west side of Shattuck Avenue, about one-half mile south of the Downtown Berkeley BART station, and about one-half mile north of the Ashby BART station. Three AC Transit lines, including two Transbay lines, operate on this portion of Shattuck. Nearby uses on Shattuck include retail, offices, a yoga studio, and a senior housing facility. Also nearby is the UC Berkeley corporation yard on Carleton. The east side of Shattuck between Parker and Carleton is occupied by several vacant commercial buildings. The residential neighborhood to the west is comprised primarily of two-story single- and multi-family dwellings built prior to 1930.

Site Conditions: The project would be located on the following two sites, which are located across Parker Street from each other (see Figure 1):

- **2600 Shattuck** – The larger site is located between Parker and Carleton Streets and has an area of just over one acre (44,142 square feet). The eastern portion of the site (31,314 sq. ft.) along Shattuck Avenue is zoned C-SA and the western portion (12,976 sq. ft.) is zoned R-2A. A single-story building, approximately 22 feet tall, covers the entire site, and is currently occupied by a Honda automobile dealership and service garage. The building was built in 1923 and is not a designated historical resource.

- **2598 Shattuck/2037 Parker** – Located immediately north of the Honda building across Parker Street, this site is comprised of three contiguous lots with a total area of 16,162 square feet. The Honda dealership currently uses the site as an automobile sales lot and there is a small, one-story brick building, formerly a garage for a residence that was demolished in 1959, located at the northwest corner of the site that is used for storage. The western lot (2037 Parker Street) is located in the R-2A District, the middle lot (no address) is split roughly equally between the R-2A and C-SA Districts, and the eastern lot (2598 Shattuck) is located in the C-SA District.
OWNERSHIP AND HISTORICAL BACKGROUND

The project site is currently owned by Parker Place Group, LLC.

Local architect James Plachek designed the existing building at 2600 Shattuck as a Ford and Studebaker car sales facility on land leased from Francis K. Shattuck. Since its construction in 1923, the building has been in continuous use as an automobile sales and service facility. The building is not a designated City landmark or structure of merit, nor is it listed on the State Historic Resources Inventory. The Landmarks Preservation Commission (LPC) has considered the proposed alterations to the building and has taken no action with regard to initiating the building for City landmark status. A single-story, brick garage at the northwest corner of the Honda sales lot at 2598 Shattuck was built in 1921 for a dwelling previously existing on the site (under the address 2037 Parker St.), which was demolished in 1959. This structure is not known to have any historical significance. Pursuant to 23C.08.050.C of the Zoning Ordinance, the proposed demolition of the structure is being referred to the LPC at its December 1, 2011 meeting.

Figure 1: Vicinity Map
PROPOSED PROJECT

- **2600 Shattuck** – This portion of the project would be a mixed-use building with an underground parking garage, constructed within the exterior walls of the Honda building, which would become the ground floor walls of the new building. The building would contain 123 condominium dwelling units on floors 2-5, 20,284 square feet of commercial space and a 37-space commercial garage on the ground floor, and at least 131 parking spaces in an underground garage. Of these 131 spaces, 103 would be for residents of 2600 Shattuck, 14 would be for employees of ground-floor businesses at 2600 Shattuck, and 14 would be for residents of 2598 Shattuck and 2037 Parker. The underground garage has been designed to accommodate up to 18 additional spaces for residents as needed. Driveways for both garages would be located on Carleton Street. Two spaces for a car sharing service (yet to be determined) would also be provided near the entrance to the commercial garage on Carleton. These vehicles would be accessible to all members of the service, not just project residents, and are therefore not counted toward meeting the project’s parking requirement.

One hundred and twelve of the building’s dwelling units would be located on the C-SA side of the building, in two four-story volumes (built above the commercial ground floor) about 52 feet from the residential neighbors to the west. The remaining 11 units would be located in a row of two-story “micro cottages” (as described by the applicant) along the west (R-2A) side of the building, 15 feet from the west property line and above the ground floor commercial / parking level. Along this side, the roof of the existing building, which would form the podium level for the R-2A units, would be lowered several feet from its current height to meet the R-2A height limit.

- **2598 Shattuck** – This portion of the project would be a 5-story mixed-use building with a U-shaped floor plan forming an internal courtyard opening to the north, 28 units on floors 2-5, and 2,621 square feet of commercial space on the ground floor. The ground floor commercial space includes a larger space at the corner of Shattuck and Parker, intended for a full-service restaurant, and three small retail spaces on the west side of the building, adjoining a landscaped area shared with the new four-unit building to the west (2037 Parker, see below). The ground floor would also include a manager’s office, laundry room and common room for residents of the building. The applicant has requested a Use Permit to reduce the required off-street parking for the building to 10 spaces, which would be provided in the residential garage at 2600 Shattuck.

- **2037 Parker** – A three-story building with four dwelling units would be built on the western portion of the vacant site on the north side of Parker Street. The existing brick garage building on the site would be demolished. The entries would be located along a landscaped courtyard or “mews” shared with 2598 Shattuck. Parking would be provided in the residential garage at 2600 Shattuck. The building requires an Administrative Use Permit to exceed the R-2A District’s 28-foot height limit, but otherwise complies with all R-2A requirements.
Figure 2: Site Plan

2037 Parker

2598 Shattuck

R-2A

C-SA

2600 Shattuck

North
Public Improvements – The project includes a new traffic signal at the Shattuck/Carleton intersection to accommodate the project’s traffic and meet City traffic congestion standards, a raised pedestrian crossing called a “speed table” across Parker Street to provide a safe crossing between the two properties and help slow cars passing through the adjacent neighborhood, and curved driveways and widened sidewalks on the Carleton Street frontage to prohibit right turns out of, or left turns into, the project site in order to direct project traffic to Shattuck Avenue rather than through the adjacent residential neighborhood. The project also includes new landscaping and street trees along the project street frontages.

REQUIRED PERMITS

A. Zoning Permits Required:

2598 & 2600 Shattuck Avenue:
- Use Permit to construct a mixed use development of more than 5,000 sq. ft., under BMC Section 23E.52.030.A
- Use Permit to modify requirements for building height, yards, lot coverage, and parking, under BMC Section 23E.52.070.D.5
- Administrative Use Permit to allow architectural elements, mechanical/elevator penthouses and stairwells to exceed height limit, under BMC Section 23E.04.020.C
- Use Permit to allow full-service restaurants, under BMC Section 23E.52.030.A
- Use Permit to allow alcoholic beverage service (beer, wine and distilled spirits) in full-service restaurants, under BMC Sections 23E.16.040.A and 23E.52.030.A¹
- Administrative Use Permit to allow live entertainment incidental to food service, under BMC Section 23E.52.030.A²
- Administrative Use Permit to allow sidewalk café seating, under BMC Sections 23E.24.010.A and 23E.52.030.A

2598 Shattuck Avenue only:
- Use Permit to waive requirement for 6-foot fence at C-SA/R-2A boundary and allow ground-floor windows and doors along west side of 2598 Shattuck to face R-2A lot, under BMC Section 23E.04.060.F

2600 Shattuck Avenue only:
- Use Permit to enlarge a lawful non-conforming building that exceeds the R-2A lot coverage standard, under BMC Section 23C.04.070.C

¹ This permit has been denied by the Zoning Adjustments Board and staff is not recommending that the City Council overturn that denial.
² Ibid.
- Use Permit to enlarge a lawful non-conforming building containing a lawful nonconforming automobile sales/service use, under BMC 23C.04.070.F
- Use Permit to allow a quick service restaurant, under BMC Section 23E.52.030.A
- Use Permit to allow 8 dwelling units in R-2A District, under BMC Section 23D.32.030
- Administrative Use Permit to allow dwelling units in R-2A District to exceed average height limit of 28 feet by 6 feet, 5 inches, under BMC Section 23D.32.070.C
- Administrative Use Permit to vertically extend existing building with non-conforming yard on R-2A portion of Carleton Street frontage, under BMC Section 23C.04.070.B (13 feet proposed for new construction, 15 feet required)
- Administrative Use Permit to allow balconies on west side of five-story portion to exceed R-2A height limit, under BMC Section 23D.04.020.D

2037 Parker Street:
- Use Permit to allow 4 dwelling units in R-2A District, under BMC Section 23D.32.030
- Administrative Use Permit to exceed R-2A District height limit of 28 feet by 4 feet, 6 inches, under BMC Section 23D.32.070.C
- Administrative Use Permit to allow Joint Use Parking Agreement for 4 parking spaces at 2600 Shattuck to serve 2037 Parker Street, under BMC Section 23D.12.060.A
- Administrative Use Permit to demolish a nonresidential accessory structure of over 300 sq. ft. (garage for former dwelling), under BMC Section 23C.08.050

B. Requests Pursuant to State Density Bonus Law:
- Allow 11 dwelling units on R-2A portion of 2600 Shattuck, where R-2A density standard allows 8

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3 Currently part of Berkeley Honda lot at 2598 Shattuck.
ENVIRONMENTAL IMPACTS:

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?
   □ □ ☒ □

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
   □ □ □ ☒

c) Substantially degrade the existing visual character or quality of the site and its surroundings?
   □ □ ☒ □

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

Discussion

a) Although the City has not formally adopted a definition of “substantial adverse effect on a scenic vista” for the purposes of environmental review, the General Plan and Zoning Ordinance provide some guidance on this issue. General Plan Policy UD-31 states that “construction should avoid blocking significant views, especially ones toward the Bay, hills, and significant landmarks such as the Campanile, Golden Gate Bridge, and Alcatraz Island. Whenever possible, new buildings should enhance a vista or punctuate or clarify the urban pattern.” Section 23F.04.010 of the Zoning Ordinance defines “view corridor” as “a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.”

As discussed in the project description, the project would replace the existing 22-foot tall single-story building and parking lot with a new mixed-use project including two five-story buildings fronting on Shattuck Avenue and a three-story building at 2037 Parker Street. Due to the flat topography and relatively dense development pattern of the area, no significant public views of San Francisco Bay are available from the project site or its immediate vicinity. There are also no significant private views of the Bay from surrounding buildings, due to the fact that most of the area is developed with two-story buildings with steep-pitched roofs, and there are numerous large trees interspersed throughout the neighborhood which extend above these roofs. While there is a three-story building on
Parker Street east of Shattuck Avenue that may be tall enough to have Bay views, any such view would be of marginal quality, and not significant under the above definition, due to its proximity to surrounding rooftops and partial obstruction by trees.

The 5-unit building at 2033-35 Parker Street, located immediately west of the existing Honda parking lot, has views of the Berkeley Hills from its east windows. The hills are visible above the single-story building on the east side of Shattuck Avenue. However, this view is not significant because it is partially blocked by trees, utility poles and wires, and other buildings, and there is not a reasonable expectation that the view would remain given that the occupants of 2033-35 Parker Street have access to it over a developable parking lot in a dense urban setting.

Limited public views of the Berkeley Hills are available from the site and its vicinity looking east. Due to the height of the existing Honda building, there are no public views of the hills from Carleton Street that would be blocked by the project. Along Parker Street, portions of the hills currently visible looking northeast across the parking lot at 2598 Shattuck Avenue would be blocked by the proposed five-story building at that location. However, in this case, a substantial portion of the hills would still be visible looking due east up Parker Street, and therefore this impact would be less than significant.

b) In Alameda County, segments of I-580 are designated by the State Department of Transportation (Caltrans) as California Scenic Highways, which requires the protection of scenic resources visible from the roadway. The project site is located approximately 1.8 miles from Interstate 580, and is not visible from this highway. The City of Berkeley’s General Plan does not designate any scenic roadways. Because the site is not within or visible from a scenic corridor, there is no impact.

c) The project would substantially alter the appearance of the site from nearby areas. However, because the project would consist of three structures with unique architectural characters and varied massing and height to reduce bulk and provide an appropriate transition from Shattuck Avenue to the residential neighborhood to the west, the project would not degrade the visual character of the site or its surroundings. The buildings themselves would have green planting screens, wood shaded decks, and other façade enhancements to bring greenery and natural materials to the site. Additionally, street trees and landscaping would be incorporated at the perimeter of the project site, adding greenery, shade, and visual interest at the pedestrian level to Shattuck Avenue, Parker Street, and Carleton Street. Finally, the Design Review Committee’s approval of the project indicates that it will have a favorable impact on the visual character of the area. For these reasons, this impact is considered less than significant.

d) The existing conditions on the project site include exterior lighting. Additional lighting would be generated by the commercial storefront as well as from residential windows at night, plus perimeter security lighting. The project would comply with the City of Berkeley Zoning Ordinance regulations for C-lots abutting residential zones. Specifically, 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.”

The additional windows proposed by the project would produce more glare than is currently generated by the existing one-story building. However, the project does not propose substantial walls of glass that would result in significant amounts of glare. Furthermore, most of the windows will have shading devices that will also help block glare and emitted light. Therefore, the project would not result in substantial new sources of light and glare at the project site, nor light spilling from the site onto nearby buildings.

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

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

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

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

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

Discussion

a-c) The project site and vicinity are designated by the California Department of Conservation’s Alameda County Important Farmland 2006 map as Urban and Built-Up Land. The map defines Urban and Built-Up Land as having a density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. The definition encompasses land used to support residential, industrial, and commercial uses, as well as institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control
The project site is not subject to the Williamson Act or the California Conservation Act of 1965, which provides a reduction in property taxes in return for agreeing to protect open space or agricultural values. According to the City of Berkeley General Plan: “Agriculture in Berkeley is limited to personal and community gardens.”

The project site is therefore not considered farmland nor is it in the vicinity of any designated or de facto farmland. The proposed project would have no impact on farmlands designated by the State of California as Unique or Prime Farmland, or Farmland of Statewide Importance. Additionally, the proposed project would not conflict with existing zoning, nor would it result in the conversion of farmland to non-agricultural uses.

### III. AIR QUALITY:

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

- **a)** Conflict with or obstruct implementation of the applicable Air Quality 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

a-c) The Bay Area Air Quality Management District (BAAQMD) publishes CEQA Guidelines to assist lead agencies in evaluating air quality impacts of projects proposed in the San

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**Potential Impact**  | **Less Than Significant Mitigation** | **Less Than Significant Impact** | **No Impact**
---|---|---|---

Francisco Bay Area Air Basin (SFBAAB). These guidelines provide BAAQMD-recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements, and include the thresholds of significance for criteria pollutants shown in Table 1 below.

BAAQMD has conducted an air quality screening analysis for the proposed project, taking into account the existing and proposed vehicle trips, duration of construction, and other factors affecting emissions. According to this analysis, the project would not exceed any of the thresholds of significance in Table 1, and would actually reduce operational emissions for all pollutants except ROG. Table 2 provides BAAQMD’s estimated net emissions for the construction and operational phases of the project, with the exception of greenhouse gases, which are discussed in Section VII.

Table 1: Thresholds of Significance for Air Quality Impacts

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Construction-Related</th>
<th>Operational-Related</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criteria Air Pollutants and Precursors (Regional)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROG</td>
<td>54</td>
<td>54</td>
</tr>
<tr>
<td>NOX</td>
<td>54</td>
<td>54</td>
</tr>
<tr>
<td>PM10</td>
<td>82 (exhaust)</td>
<td>82</td>
</tr>
<tr>
<td>PM2.5</td>
<td>54 (exhaust)</td>
<td>54</td>
</tr>
<tr>
<td>PM10/PM2.5 (fugitive dust)</td>
<td>Best Management Practices</td>
<td></td>
</tr>
<tr>
<td>Local CO</td>
<td>None</td>
<td>9.0 ppm (8-hour average), 20.0 ppm (1-hour average)</td>
</tr>
</tbody>
</table>

Notes: ROG = reactive organic gases; NOX = oxides of nitrogen; PM10 = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; PM2.5 = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide; ppm = parts per million

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5 Bay Area Air Quality Management District, "Parker Place Air Quality Screening Analysis," received October 3, 2011.
Table 2: Net Emissions from Proposed Project

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Construction-Related</th>
<th>Operational-Related6</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Criteria Air Pollutants and Precursors (Regional)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROG</td>
<td>2012 – 0.8</td>
<td>9.3</td>
</tr>
<tr>
<td></td>
<td>2013 – 5.1</td>
<td>1.7</td>
</tr>
<tr>
<td></td>
<td>2014 – 0.3</td>
<td></td>
</tr>
<tr>
<td>NOX</td>
<td>2012 – 7.0</td>
<td>(3.1)</td>
</tr>
<tr>
<td></td>
<td>2013 – 4.8</td>
<td>(0.6)</td>
</tr>
<tr>
<td></td>
<td>2014 – 0.0</td>
<td></td>
</tr>
<tr>
<td>PM10</td>
<td>2012 – 0.4</td>
<td>(2.3)</td>
</tr>
<tr>
<td></td>
<td>2013 – 0.3</td>
<td>(0.4)</td>
</tr>
<tr>
<td></td>
<td>2014 – 0.0</td>
<td></td>
</tr>
<tr>
<td>PM2.5</td>
<td>2012 – 0.3</td>
<td>(0.4)</td>
</tr>
<tr>
<td></td>
<td>2013 – 0.0</td>
<td>(0.1)</td>
</tr>
<tr>
<td>Local CO</td>
<td>None</td>
<td>(21.5)</td>
</tr>
</tbody>
</table>

As noted in Table 1, impacts from fugitive dust from construction activities are considered less than significant for projects that implement BAAQMD’s “Best Management Practices” for dust control, which are provided in Table 8-1 (“Basic Construction Mitigation Measures”) of the BAAQMD CEQA Guidelines. In order to ensure that the proposed construction activities do not generate significant dust, the following mitigation measure is required:

**Mitigation Measure III.1:** The project sponsor shall implement the following Basic Construction Mitigation Measures of the Bay Area Air Quality Management District:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

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6 Net new emissions, derived by deducting existing emissions from proposed. Values in parentheses indicate a net reduction, due to the fact that the existing land use emits a greater amount of that particular pollutant than the proposed project.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.

8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

Based on BAAQMD’s analysis and the above mitigation measure, the project’s impacts regarding air quality standards would be less than significant.

d) BAAQMD’s thresholds of significance for local community risk and hazard impacts are identified below and are used to determine whether the project would expose any sensitive receptors to substantial pollutant concentrations. These thresholds apply to both the siting of a new source and to the siting of a new receptor. Local community risk and hazard impacts are associated with toxic air contaminants (TACs) and fine particulate matter (PM2.5) because emissions of these pollutants can have significant health impacts at the local level. If emissions of TACs or PM2.5 exceed any of the thresholds listed below, the proposed project would result in a significant impact.

- Non-compliance with a qualified Community Risk Reduction Plan;
- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a significant cumulatively considerable contribution;
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m3) annual average PM2.5 from a single source would be a significant cumulatively considerable contribution.

Cumulative Impacts:

A project would have a cumulative considerable impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000 foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, exceeds the following:

- Non-compliance with a qualified Community Risk Reduction Plan; or
- An excess cancer risk levels of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0; or
- 0.8 µg/m3 annual average PM2.5.
In order to determine if the siting of new sensitive receptors (i.e., project residents) at the site would exceed any of the above thresholds, BAAQMD staff conducted a risk and hazard assessment of the construction and operational phases of the project. This assessment included a survey of the area within 1,000 feet of the site to identify potential sources of TACs and PM2.5. The following sources were identified, and their risk levels and PM2.5 emissions were calculated as follows:

### Table 3: Sources of TACs and PM2.5 Within 1,000 Feet of Project Site

<table>
<thead>
<tr>
<th>Source</th>
<th>Cancer Risk Level (per million)</th>
<th>Non-Cancer Hazard Index</th>
<th>PM2.5 (μg/m³/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shattuck Ave.</td>
<td>7.18</td>
<td>N/A*</td>
<td>0.30^7</td>
</tr>
<tr>
<td>Dwight Way</td>
<td>1.55</td>
<td>N/A*</td>
<td>0.04</td>
</tr>
<tr>
<td>Alta Bates Hospital (backup generator)</td>
<td>6.53</td>
<td>0.019</td>
<td>0.097</td>
</tr>
<tr>
<td>Berkeley Fire Station No. 5 (backup generator)</td>
<td>2.6</td>
<td>N/A*</td>
<td>0.022</td>
</tr>
<tr>
<td>UC Berkeley Corporation Yard (backup generator)</td>
<td>5.1</td>
<td>N/A*</td>
<td>0.028</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>22.96</strong></td>
<td><strong>0.019</strong></td>
<td><strong>0.487</strong></td>
</tr>
</tbody>
</table>

* Note: These sources were identified by BAAQMD staff as having insignificant non-cancer hazard risks.

BAAQMD staff also conducted modeling of diesel emissions, dust, and other hazardous pollutants from the construction phase of the project, and determined that the excess cancer risk level from construction activities at the site would be 4.64 in one million, below the threshold of 10 per million, and that the PM2.5 concentration at the nearest sensitive receptor would be 0.16 micrograms per cubic meter, below the threshold of 0.3. This modeling was based on the risk to the closest sensitive receptors, the adjacent dwellings to the west. The nursing home located across Carleton Street from the site is located further from the site and would therefore have a lower risk level, since pollutants would be more dispersed. According to BAAQMD staff, BAAQMD does not have a lower threshold of significance for risk and hazard impacts to nursing homes or other types of receptors.

Based on information from the applicant, the construction risk and hazard assessment assumed that all on-site construction equipment (i.e., excluding vehicles) beyond the structural concrete phase of the project would be electric. The following mitigation measure would ensure that construction activities adhere to the assumption in the risk and hazard assessment and therefore do not exceed BAAQMD’s thresholds of significance:

**Mitigation Measure III.2:** All on-site construction equipment (i.e., excluding vehicles) beyond the structural concrete phase of the project shall be electric.

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^7 This value does not account for the fact that the proposed dwelling units are located on the second floor, approximately 15 feet above the roadway. This value is therefore conservative and would be reduced with further project-specific modeling. However, because the value does not exceed the threshold of significance, additional modeling has not been performed.
Based on BAAQMD’s analysis and the above mitigation measure, the project’s impacts regarding local community risk and hazard impacts would be less than significant. Potential impacts related to removal of asbestos containing materials are addressed in Section VIII.

e) Table 3-3 of the BAAQMD CEQA Guidelines lists land uses considered by BAAQMD to have greater potential for offensive odors. The list includes wastewater treatment plants, landfills, transfer stations, composting facilities, and food processing facilities. None of the uses listed in Table 3-3 are located in close enough proximity to the project site to affect substantial numbers of people at the site. While there may be some odors from future restaurants, these would be controlled according to standard permit conditions of the Health Department, BAAQMD, and Building Department. This impact would therefore be less than significant.

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

**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 proposed project site is occupied by an existing building and an automobile sales lot and is located in an urbanized area in the City of Berkeley. The site is subject to motor vehicle traffic on a 24-hour basis, seven days a week. The existing structures and paved parking and service areas cover the entire site. Therefore, no protected species are known to occur on the project site and the site has no significant wildlife habitat value. Because the site is fully developed, the site is not part of a riparian habitat or other natural community, nor is it part of a federally protected wetland. Further, the site is not within 30 feet of a creek based on the City’s Creeks Map. The project would therefore not interfere with the movement of any species or conflict with an adopted Habitat Conservation Plan, Natural Community Plan or other approved habitat conservation plan.

e) There are currently a total of sixteen street trees located on the sidewalks surrounding the site. No trees are currently located directly on the project site. According to Policy EM-31 of the City’s General Plan, new development should contribute to the urban forest through preservation of existing on-site trees, wherever feasible; replacement of trees on-site; and the addition of new trees in the public right of way. As noted above, there are no existing trees on the site. The project would add landscaping and approximately 23 street trees along the perimeter of the site. In addition, the conceptual landscape plans call for over 60 trees within the open space areas of the project. Coast Live Oaks are the only trees protected by City ordinance. Because the project is not located within 30 feet of a creek, would not remove any Coast Live Oaks or any other existing trees, and would add a large number of new trees to the project site and to the public right-of-way, consistent with the General Plan, the project will not conflict with any local ordinances protecting biological resources.
V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
   - No Impact
   - Less Than Significant
   - Mitigation Incorporated
   - No Impact

b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?
   - No Impact
   - Mitigation Incorporated
   - No Impact

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
   - No Impact
   - Mitigation Incorporated
   - No Impact

d) Disturb any human remains, including those interred outside of formal cemeteries?
   - No Impact
   - Mitigation Incorporated
   - No Impact

Discussion

a) The existing building on the 2600 Shattuck portion of the project site was likely designed by noted Berkeley architect James Plachek and constructed in 1923. The building is not a designated historical resource on any local, state or federal list, and it is not proposed for demolition as that term is defined in Zoning Ordinance Section 23F.04.010.

The applicant has submitted a “Historic Architectural Evaluation” of the building, prepared by Preservation Architecture of Oakland. According to this report, the building does not meet the criteria of the California Register of Historical Resources or the City’s Landmarks Preservation Ordinance. In particular, the report states that the building is not associated with specific events of importance related to the development of automobiles or the Havens or Shattuck families. Regarding potential significance due to the building being designed by James Plachek, the report states:

Considered alongside this wide range of surviving, local buildings [by Plachek that have been landmarked], 2600-2620 Shattuck is of the least interest. As stated, it is a plain commercial building, with minimal architectural form and design, all the more so given the loss of its original show windows, which were a large part of its original façade. Nor does the record about this building suggest a work of importance. One brief citation alone identifies it as a work of Plachek. No original documents and only a few early images have been located [meaning, for example, that the missing windows could not be accurately reconstructed]. Neither is this work mentioned in any account or survey of Plachek’s oeuvre. Nor, as with nearly all of his other surviving buildings, has previous historical resource consideration been given to it. [p. 10]
The City’s Landmarks Preservation Commission (LPC) reviewed the proposed demolition of the existing building, and considered the architectural historian’s report on November 5, 2009, and did not initiate the property for consideration as a City landmark or structure of merit. Based on the above information, the building at 2600 Shattuck Avenue is not considered a historical resource under CEQA Guidelines Section 15064.5, and the project would have no impact on historical resource due to demolition of this building.

There is also a single-story, four-car garage of approximately 720 square feet at the northwest corner of the Honda sales lot at 2037 Parker Street. This garage is constructed of hollow clay tile masonry walls on the sides and rear, a brick façade, and a flat, wood-framed roof, and is generally in very poor condition. As documented in a letter by architectural historian Mark Hulbert of Preservation Architecture, City permit records indicate the structure was built in 1921 as a garage for a dwelling previously existing on the site, which was demolished in 1959. According to Hulbert, the garage has no substantial architectural detail and no association with historically significant events or persons. Pursuant to 23C.08.050.C of the Zoning Ordinance, the proposed demolition of the garage was referred to the LPC, and the LPC is scheduled to consider it at its December 1, 2011 meeting. Due to the lack of historical or architectural significance, the garage is not considered a historical resource under CEQA Guidelines Section 15064.5, and the project would have no impact on historical resources due to demolition of this building.

The project site is located within 1,000 feet of several buildings designated as landmarks by the City of Berkeley, as listed in Table 4, below. The nearest designated City Landmark, Berkeley Iceland, is located at 2727 Milvia Street, approximately 440 southwest of the site. Due to the distance between these historic resources and the subject property, the proposed project would not adversely impact the eligibility of these buildings for the City or State historical resource listings, and therefore it would have a less than significant impact on their significance.

Several other properties in the vicinity were identified in the State Historic Resources Inventory (SHRI) prepared by the Berkeley Architectural Heritage Association in 1979 (and expanded since then) as listed in Table 5.

As noted in the key to Table 5, Fire Station #5 was determined to be ineligible for designation as a historical resource. The building at 2528 Shattuck Avenue was determined to be eligible for the National Register, and would therefore be automatically eligible for the California Register and a historic resource for CEQA purposes. However, as this building is approximately 200 feet north of the project site, the proposed project would not change its historic character such that it would no longer be eligible for the National Register. The historic significance of the buildings at 2721 Shattuck Avenue and 1933 Carleton Street, which have been determined ineligible for the National Register, but

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have not been evaluated for state or local historic eligibility, would also not be adversely affected by the project, as these buildings are even further from the project site.

b-d) Based on previous inquiries to the California Historical Resources Information System’s Northwest Information Center, staff has no record of Native American cultural resources at the project site or in the vicinity. 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 the Bay. The site is located on a broad alluvial plain at least 400 feet from the nearest former creek channel (Derby Creek). In addition, the project site and vicinity have been heavily disturbed due to past development. Therefore, there is a low potential for Native American sites on the project site. Furthermore, the Northwest Information Center states that no historic properties within the project vicinity are listed on State or federal inventories. Therefore, there is a low possibility of identifying historic cultural resources on the project site.

Although the potential for uncovering an unknown archaeological or paleontological resource at the site is low, the project would require substantial excavation. Portions of the site may have never been excavated in the past and project excavation could therefore uncover such resources. However, the following mitigation measures would reduce any potential for accidentally uncovering unknown archaeological or paleontological resources to a less than significant level.

Table 4: City of Berkeley Historic Landmarks within 1,000 feet of Project Site

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Location</th>
<th>Proximity to Project Site (Approximate)</th>
<th>Historic Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berkeley Iceland</td>
<td>2727 Milvia Street</td>
<td>440 feet southwest of project site</td>
<td>City of Berkeley Landmark #298</td>
</tr>
<tr>
<td>Barker Block</td>
<td>2486 Shattuck Avenue</td>
<td>530 feet north of project site</td>
<td>City of Berkeley Landmark #22</td>
</tr>
<tr>
<td>Luther M. Williamson Building</td>
<td>2120-24 Dwight Way</td>
<td>550 feet northeast of project site</td>
<td>City of Berkeley Landmark #142; CA SHRI</td>
</tr>
<tr>
<td>Williams Building</td>
<td>2126-28 Dwight Way</td>
<td>550 feet northeast of project site</td>
<td>City of Berkeley Landmark #143</td>
</tr>
<tr>
<td>David-Byrne Building</td>
<td>2138-40 Dwight Way</td>
<td>620 feet northeast of project site</td>
<td>City of Berkeley Landmark #144</td>
</tr>
<tr>
<td>Alfred Bartlett Houses</td>
<td>2101-05 Blake Street</td>
<td>820 feet northeast of project site</td>
<td>City of Berkeley Landmark #284; CA SHRI</td>
</tr>
<tr>
<td>John Kueffer House</td>
<td>2430 Fulton Street</td>
<td>910 feet northeast of project site</td>
<td>City of Berkeley Landmark #255</td>
</tr>
<tr>
<td>Bertha Bosse College (southern)</td>
<td>2426 Fulton Street</td>
<td>910 feet northeast of project site</td>
<td>City of Berkeley Landmark #259; CA SHRI</td>
</tr>
<tr>
<td>Building Name</td>
<td>Location</td>
<td>Proximity to Project Site (Approximate)</td>
<td>Historic Status</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------</td>
<td>----------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Bertha Bosse College (northern)</td>
<td>2424 Fulton Street</td>
<td>910 feet northeast of project site</td>
<td>City of Berkeley Landmark #260; CA SHRI</td>
</tr>
<tr>
<td>Morrill Apartments</td>
<td>2429-37 Shattuck Avenue</td>
<td>930 feet northeast of project site</td>
<td>City of Berkeley Landmark #81; CA SHRI</td>
</tr>
<tr>
<td>Frederick H. Dakin Warehouse</td>
<td>2750 Adeline Street</td>
<td>950 feet south of project site</td>
<td>City of Berkeley Landmark #276; CA SHRI</td>
</tr>
</tbody>
</table>

**Table 5: Potential Historic Resources, Surveyed but not Designated**

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Location</th>
<th>Proximity to Project Site</th>
<th>Historic Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Station #5</td>
<td>2680 Shattuck Avenue</td>
<td>200 feet south of project site</td>
<td>SHRI; 6J</td>
</tr>
<tr>
<td>The Halls or Washing Well</td>
<td>2528 Shattuck Avenue</td>
<td>230 feet south of project site</td>
<td>SHRI; 3S</td>
</tr>
<tr>
<td>Benkins Warehouse</td>
<td>2721 Shattuck Avenue</td>
<td>570 feet southeast of project site</td>
<td>SHRI; 6Y</td>
</tr>
<tr>
<td>N/A</td>
<td>1933 Carleton Street</td>
<td>720 feet west of project site</td>
<td>SHRI; 6Y</td>
</tr>
</tbody>
</table>

**Key to SHRI Status Codes:**
- 3S: Appears eligible for National Register as an individual property through survey evaluation.
- Category 6 properties have been determined “Not Eligible for Listing or Designation as specified”:
  - 6J: Landmarks or Points of Interest found ineligible for designation by SHRC.
  - 6Y: Determined ineligible for National Register by consensus through Section 106 process; Not evaluated for CR or Local Listing.

**Mitigation Measure V.1:** 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, privies, shell and bone artifacts, ash and charcoal. Identified cultural resources shall be recorded on DPR 523 (historic properties) forms.

**Mitigation Measure V.2:** 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.

Mitigation Measure V.3: 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. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the Coroner and Native American Heritage Commission, as appropriate.

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-iii) **Fault Rupture.** The project site is not located in an Alquist-Priolo Earthquake Fault Zone, as defined by the California Department of Conservation, California Geological Survey (CGS, formerly California Division of Mines and Geology), and no active or potentially active faults exist on or in the immediate vicinity of the site. The nearest active faults are the Hayward fault, located about 1 mile east of the site; the Calaveras fault, located about 13 miles southeast; the Concord fault, located about 17 miles northeast, and the San Andreas fault, located about 19 miles southwest. Because the site is not located on an active or potentially active fault, the potential for surface fault rupture is low and the impact is considered less than significant.

**Ground Shaking.** The proposed project is located in the San Francisco Bay Area, a region of intense seismic activity. Recent studies by the United States Geological Survey (USGS) indicate there is a 63 percent likelihood of a Richter magnitude 6.7 or higher earthquake occurring in the Bay Area in the next 30 years, and an 80 percent likelihood of a Richter magnitude 6.0 to 6.6 earthquake occurring within this 30 year timeframe. The project site could experience a range of ground shaking effects during an earthquake on one of the aforementioned Bay Area faults. This ground shaking could cause secondary ground failure such as localized liquefaction, or differential settlement. Secondary ground failures could cause structural damage to buildings, placing people in risk of injury. It is likely that the most significant ground shaking would be generated by a characteristic earthquake on the Hayward fault, due to its close proximity to the project site.

In accordance with the City of Berkeley’s Building Code (BMC Chapter 19.28), prior to issuance of a building permit, the geotechnical report for the project would be reviewed to

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9 Alquist-Priolo Zones designate areas most likely to experience fault rupture, although surface fault rupture is not necessarily restricted those specifically zoned areas.
10 An active fault is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches.
confirm that it includes an analysis of ground shaking effects, and provides recommendations to reduce these hazards, in accordance with the seismic requirements of the California Building Code (Title 24). Required compliance with BMC Chapter 19.28 and Title 24 would ensure that potential impacts associated with ground shaking remain less-than-significant.

**Ground Failure and Liquefaction.** Seismic shaking can also trigger ground-failures caused by liquefaction. Liquefaction and associated failures could damage foundations, disrupt utility service, and cause damage to roadways. Liquefaction potential is highest in areas underlain by Bay fills, Bay mud, and unconsolidated alluvium with earthquake intensities greater than MM VI or equivalently, peak ground accelerations of 0.07g or greater. The depth to groundwater also controls the potential for liquefaction in this area; the shallower the groundwater, the higher potential for liquefaction. The project area has not been designated by the CGS as a liquefaction Seismic Hazard Zone.

Geotechnical analyses performed at the project site indicate liquefaction potential is relatively low. The soil material underlying the proposed project site and the groundwater depths in this area are not characteristic of conditions susceptible to liquefaction as described above. The project site is underlain by stiff to hard clay and sandy clay with varying gravel content to the maximum depth explored (50 feet). Tests performed on clay samples indicate a moderate to high expansion potential. Groundwater was measured approximately 15 to 25 feet below ground surface (bgs), although groundwater level may not have stabilized prior to the measurements, and would be expected to fluctuate a few feet seasonally. Therefore, any potential impact associated with liquefaction would be less than significant.

a.iv) **Landslides.** The project site is located on relatively level topography in an urbanized area, and the project’s geotechnical report did not identify any hazards associated with landslides. There would, therefore, be no potential impact due to landslides.

b) **Soil Erosion.** See Response to VIII.1, below. Soils at the project site are classified as Urban Land-Tierra Complex by the U.S. Department of Agriculture, Natural Resources Soil Conservation Service (USDA NRCS). Urban Land-Tierra Complex soils are not designated as prime or unique farmland or farmland of statewide importance by the USDA.
NRCS. The project site is presently an automobile dealership building and sales lot in a heavily urbanized area; the surface soils at these sites are heavily disturbed from past construction and do not represent a valued resource. There would therefore be no impact associated with potential loss of topsoil.

Although Tierra Complex soils are not highly susceptible to erosion, urban land soils are highly variable in composition. Borings advanced on the project site encountered stiff to hard clay and sandy clay with varying gravel content. Soil exposed by demolition, excavation, grading and construction activities could be subject to erosion if exposed to heavy winds or rain. Compliance with federal and local permitting requirements, which include the National Pollutant Discharge Elimination System (NPDES) permit (per a standard condition of approval) would minimize soil erosion during grading and construction activities and ensure that impacts would remain less than significant.

c) **Geologic Unit.** According to the submitted geotechnical report, the proposed project would be sited on soils with sufficient cohesion to resist seismic ground shaking. The City of Berkeley requires a geotechnical report, as well as compliance with the report's recommendations prior to issuance of construction permits. Compliance with the geotechnical report recommendations would ensure that impacts associated with ground failure or unstable geologic structures remain less than significant. The submitted geotechnical report complies with City of Berkeley requirements.

d) **Expansive Soils.** Soil borings at the project site indicate that subsurface materials exhibit strong expansive (shrink-swell) properties. To reduce the potential for movement of buildings due to these properties, the submitted geotechnical report recommends that soil in footing excavations be prevented from drying prior to placement of concrete, and that non-expansive fill material be placed underneath slab foundations. As earlier discussed in VI.b and VI.c, above, the geotechnical report required by the City of Berkeley includes an assessment of soil properties and recommendations to reduce adverse effects associated with expansive soils to a less than significant level. The geotechnical report would be reviewed by the City of Berkeley Engineering Department, to verify its competency in assessing geologic site hazards and assure that appropriate structural design measures are included, thereby reducing the potential for risk to life or property and ensuring that potential impacts remain less-than-significant.

e) **Septic.** The project would not include the installation of septic tanks or alternative wastewater disposal systems. There would, therefore, be no impact associated with these features. For further discussion of the impact of the project on the City of Berkeley's wastewater disposal system, see Section XVI., *Utilities and Service Systems.*
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? [ ] [ ] [X] [ ]

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? [ ] [ ] [ ] [X]

Discussion:

a) BAAQMD has adopted the following thresholds of significance for greenhouse gas (GHG) emissions from land use development projects: compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO2e (carbon dioxide equivalent); or 4.6 MT CO2e per resident and/or employee. Although the City has adopted a Climate Action Plan (CAP), the CAP is not a “qualified GHG Reduction Strategy” because it has not undergone CEQA review.

BAAQMD’s preferred method for quantifying GHG emissions from a project is to use the BAAQMD GHG Model (BGM). The Air District developed this model to calculate GHG emissions not included in URBEMIS (another commonly used model) such as indirect emissions from electricity use and waste and direct fugitive emissions of refrigerants. BGM quantifies different types of GHG emissions in terms of CO2e and contains a broad range of GHG reduction strategies that may be applied to projects. BGM also adjusts for state regulations, specifically California’s low carbon fuel rules and Pavley regulations.

Using the BMG, BAAQMD staff calculated the project’s “unmitigated” net GHG emissions at 1,021 MT/yr, which is below the significance threshold of 1,100 MT/yr. This calculation does not account for reduced automobile usage due to bicycle parking, transit passes, and parking “cash-out”, which the applicant has agreed to provide as part of the project. To show the benefit of these measures, BAAQMD also calculated the “mitigated” net GHG emissions at 496 MT/yr. Based on these calculations, the project would not generate significant GHGs.

b) The City of Berkeley adopted a Climate Action Plan (CAP) on June 2, 2009. The CAP focuses on transportation, which encompasses 47 percent of Berkeley’s GHG emissions. As such, the CAP outlines multiple policies and actions in Chapter 3, Sustainable Transportation & Land Use, to ensure that new development is oriented towards public transit and a mix of accessible land uses, and manages parking in a manner that discourages automobile use.
The project site is well-served by public transportation, with three AC Transit lines (including two Transbay lines) on this portion of Shattuck Avenue, and two BART stations within a ½-mile distance. The site is also within walking distance of numerous goods and services, including Walgreen’s and the Berkeley Bowl Marketplace four blocks to the south. It is also located one block east of the Milvia Street Bicycle Boulevard, which provides access to Downtown Berkeley, Berkeley High School, and UC Berkeley, and the project includes over 100 on-site bicycle parking spaces. Finally, the project would encourage transit use by providing discounted transit passes to residents, and would discourage car ownership by provide two parking spaces for carshare vehicles and by unbundling parking (charging for parking separately from residential leases).

The CAP also contains a chapter on Building Energy Use, in which it promotes green building practices through the City of Berkeley’s Best Builders program. In keeping with the related CAP regulations, the project sponsor has completed a preliminary LEED checklist, which indicates that the project would qualify for a rating of LEED Gold, and the project sponsor has agreed to a condition of approval requiring that the project achieve LEED certification, at minimum. The GreenTRIP evaluation of the project demonstrates, using standard modeling such as URBEMIS, that this project will reduce GHG generation relative to a traditional suburban development by approximately 46% and will reduce occupants’ use of private motor vehicles by half.14

The proposed project therefore would be in compliance with the goals and policies of the CAP, and there would be no impact. The project is also consistent with recognized strategies for reducing regional GHG emissions, in that it is a relatively dense infill development near transit, as opposed to lower-density development in more suburban locations, which generate much higher per-capita GHG emissions.

### 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?

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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? ☐ ☐ ☐ ☒

SETTING

2600 Shattuck Avenue has been in continuous use as an automobile sales and repair facility since it was developed in 1923 as a Ford and Studebaker car sales facility. A single-family residence occupied 2307 Parker Street until it was demolished in 1959\(^\text{15}\); a four-car garage remains on this property. The two parcels at 2598 Shattuck were occupied by a service station from at least 1922 through 1960 according to building department records. All three parcels were converted to a parking lot for the auto dealership in the early 1960s.\(^\text{16}\)

Several sources, consisting of past environmental reports, provided information regarding the project site history and environmental conditions of the project site. Listed below are the

\(^{15}\) LandAmerica Assessment Corporation, \textit{Phase 1 Environmental Site Assessment Report} (2005), 13.

\(^{16}\) Ibid.
primary environmental assessments and actions completed to date at the subject property, as stated in the Phase I, Phase II and Phase II supplemental reports for the site.

- A single underground storage tank (UST) was removed from the 2598 Shattuck parcel in 1990 according to files reviewed at the City of Berkeley Fire Department. A closure letter for this UST removal was issued by the Fire Department in 1990. A 500 gallon UST was removed from the 2600 Shattuck Avenue parcel in 1990. No closure document was located for this UST.

- Augeas Corp prepared a report for 2037 Parker Street\(^\text{17}\) for the Havens trust in 1993.

- Advanced Geological Services (AGS) performed a ground penetrating radar and magnetometer survey of the property in 2006. A UST was detected beneath the sidewalk along Carleton Street. A subsurface reinforced concrete pad was identified within the parking lot at 2598 Shattuck Avenue and AGS indicated that it was not possible to see beneath the pad.

- LandAmerica Assessment Corporation (LAC) completed a Phase I Site Assessment Report in December 2005. The assessment recommended a ground penetrating radar (GPR) study of the entire site, due to the following recognized environmental conditions (RECs) identified on the project site:
  
  - Approximately 15 in-ground hydraulic lifts are located in the service area. No information regarding these lifts was available from the current tenant, who has been onsite for approximately 6 months. The current tenants have installed above-ground lifts and do not operate the in-ground lifts.
  
  - In the Fire department file for 2600 Shattuck, references are made to 2 USTs in the sidewalk outside the service area, and a 250 gallon fuel tank. Also, the file indicates that the service area operated a body shop around 1970 and was permitted to store bulk solvents. No closure was on record for the two USTs in the sidewalk, however, remnants of a pump island were observed during the Property visit. Two areas of patched areas of sidewalk concrete are located outside the service door of the service area.
  
  - Berkeley Honda at 2600 Shattuck currently services vehicles in the service bay. Lubricants are stored in bulk in several work stations located on the perimeters of the service area and are dispensed from each service area. The bulk motor oil is stored in a 350 gallon AST in the service bay.
  
  - Waste oil is collected in a 350 gallon AST located in the service area. This AST is located on the concrete floor of the service area.
  
  - One out-of-use storage tank is located in the southwest corner of the service area. It was not accessible at the time of the site visits, but appeared to be out of use.

\(^\text{17}\) As noted previously, this parcel is collectively referred to as 2598 Shattuck Avenue with its adjacent parcels to the east for the purposes of this Initial Study.
• One of the in-use above ground lifts appeared to be leaking hydraulic fluid at the time of the site visit.
• An abandoned waste oil tank is located in the garage in the northwest corner of the 2598 Shattuck property.
• Three unidentified brass floor monuments labeled with the letters “ABT” are located in the southeast corner of the service area.

• In February 2006, LAC conducted a geophysical investigation of the property using Time Domain Electromagnetic Metal Detection (TDEM), Radio Frequency Locating (RFL), Hand-Held Metal Detection (MD), and Ground Penetrating Radar (GPR). The results of this investigation were presented in a Phase II Limited Subsurface Investigation Report, completed in March 2006, which also included soil sampling and groundwater sampling. This Phase II investigation was performed to determine the potential for a release to soil and groundwater at the subject property from underground storage tanks (UST) and auto repair hydraulic lifts resulting from a history of auto sales and service at the property. This report gave the following conclusions:

  • The GPR survey identified a UST beneath the sidewalk along Carleton Street. No USTs were identified beneath the sidewalk along Parker Street. Several anomalies not believed to be USTs were identified beneath the parking lot at 2598 Shattuck Avenue. Additionally, a 7-by-16 foot subsurface reinforced concrete pad was identified beneath the parking lot. AGS indicated that it was not possible to see beneath the pad. Often USTs are protected with reinforced concrete pads. Therefore, LAC recommends advancing soil borings at an angle so that samples can be collected beneath the southern and western sides of the pad to determine if petroleum-impacted soil is present.

  • The volatile organic compounds (VOCs) detected in soil sample B-13 appear to be related to the 1,000-gallon UST located at the southern end of the property. LAC recommends the existing inactive UST be removed under a permit by the Berkeley Fire Department. During UST removal, the condition of the UST will be examined, evidence of soil contamination will be observed and soil testing will be required. Impacted soil around the UST could possibly be removed as part of the UST closure. Based on this process, the ultimate disposition of impacts from the UST will be evaluated by the UST removal consultant.

  • Fire department records indicate that no contaminants were detected in samples collected during the closure of the 1,000-gallon UST located adjacent to the entrance gate at the 2598 Shattuck parcel. The sample depths were not provided in the fire department records, therefore it is possible that the samples were collected below the water table (which is shallow in this area), and were not representative of actual conditions that existed around and beneath the UST. Therefore, LAC recommends that one soil boring be completed within the former UST basin, and a second boring be completed down gradient (southwest) from the former UST basin. LAC also recommends that ground water samples be collected.
from the down-gradient boring (which would also be down gradient from the reinforced concrete pad).

- LAC recommends that two additional soil samples be collected near the sidewalk of Parker Street because the exact location of the former waste oil tank is not known. These samples should be collected to the southwest (down gradient) of boring B-14.
- LAC recommends that a ground water sample be collected from the southwestern corner of the service center. This area should be the hydraulically lowest portion of the property. A ground water sample from this area should confirm that no other ground water impacts have occurred at the property.
- The VOCs detected in the soil sample from boring B-4 appear to indicate seepage of a petroleum hydrocarbon, possibly diesel fuel or lighter motor oil, and are relatively low concentrations. We understand that oil containers were stored in this area, so the contamination may be due to a surface release into below-ground runners on the hydraulic lift. Soil samples obtained from this boring appeared to be stained between 9 and 14 feet BGL. Therefore, LAC recommends that a ground water sample be collected at boring B-4. LAC also recommends that two or three additional borings be completed in the vicinity of boring B-4 to evaluate the horizontal extent of the petroleum-impacted soil and the magnitude of contamination.
- Borings B-6, B-7, and B-8 define the extent of the impacted soil to the north and east, however these borings are at least 15 feet from B-4. The impacted area may be relatively small, but this is not certain, and can only be determined by the additional samples recommended by LAC. Since no PAH or PCBs were detected in sample B-4, and the VOC concentrations were very low, cleanup activity does not appear warranted unless the soil is to be excavated for construction purposes or if greater contaminant concentrations are discovered by the additional recommended sampling. The estimated cost for removing the impacted soil, which is dependent upon the horizontal and vertical extent of impact and the maximum contaminant concentrations, probably ranges from $10,000 to $15,000. The estimated cost range will probably change, depending upon the results of the recommending sampling.
- As a potential buyer of the property it may be advisable to request that, prior the purchase, the current property owner remove the UST that is located adjacent Carleton Street and to remove any accessible contaminated soil.

- LAC completed a Phase II Supplementary Subsurface Investigation Report in April 2006 to further assess the RECs and to provide additional environmental information regarding subsurface conditions at the property. This report gave the following conclusions:
  - Total petroleum hydrocarbon (TPH), assumed to be from lubricating oil or hydraulic oil, was detected in boring B-22B at a concentration of 1,900 mg/kg, which exceeds the SFRWQCB screening level of 1,000 mg/kg. Normally, it is not likely that this type of contamination would require cleanup. No other significant
concentrations of TPH were detected in the soil samples. Additionally, no contaminants were detected in groundwater at this sampling location.\footnote{The City’s Toxics Management Division (TMD) has reviewed this conclusion and further states: “The petroleum hydrocarbons were found at a depth of 15 feet. The oil detections are of limited extent in the soil and do not appear to have significantly impacted shallow groundwater. These oils are characterized by low human toxicity, are relatively immobile in the subsurface, and are absent volatile components. In the absence of an ecological receptor at this depth, it is not likely that this type of contamination would require cleanup. The recognized TPH impacts will be addressed when the facility is closed, prior to or concurrent with development.”}

- Arsenic was detected in two soil samples at concentrations slightly exceeding the Environmental Screening Levels (ESLs) for commercial/industrial land use. Cobalt was also detected at a concentration slightly exceeding the ESL for commercial/industrial land use. It is believed that these concentrations are naturally occurring. No other metals were detected at concentrations exceeding the ESLs. There is no historical use of the property which would result in contamination by arsenic and cobalt.\footnote{TMD has reviewed this conclusion and further states: “Subsequent reviews found that the State of California had revised the toxicity levels of arsenic and cobalt in 2007. The ESL for arsenic went up from 5.5 to 15 mg/kg for industrial settings below 3 meters in depth. The ESL for cobalt went up from 10 to 94 mg/kg in 2007. Since the levels found at depth were 6.42 mg/kg for arsenic and 13.6 mg/kg for cobalt, the risk for the intended commercial/industrial use is acceptable. The residential ESLs are set at the same levels as for commercial industrial at depths of greater than 3 meters. Hence, the use of the site for both residential and commercial uses is acceptable. It should be pointed out that naturally-occurring background levels of arsenic in Berkeley soils is typically up to 30 times the ESL for unrestricted uses for residential uses at the surface.”}

- No significant VOC concentrations were detected in the samples that were collected during this phase of investigation. Additionally, no contaminants were detected in groundwater at concentrations exceeding the groundwater ESLs.

- The additional investigation determined that a UST or contaminated soil is not located beneath the buried concrete slab at 2598 Shattuck Avenue, that there apparently is no environmental concern with contaminated ground water at 2598 and 2600 Shattuck Avenue, and that the soil at the former waste oil UST location was apparently not impacted by a release.

- As described in the previous Phase II investigation, LAC recommends the existing inactive (i.e., abandoned or legacy) UST under the sidewalk along Carleton Street be removed under a permit by the Berkeley Fire Department. During UST removal, the condition of the UST will be examined, evidence of soil contamination will be observed and soil testing will be required. Impacted soil around the UST could possibly be adequately removed as part of the UST closure. Based on this process, the ultimate disposition of impacts from the UST will be evaluated by the UST removal consultant.

- LAC also suggests the property owner request “no further action” documentation from Berkeley Fire Department based on Fire Department records showing the UST removal was performed under inspection by Berkeley Fire Department and that no evidence of leaking was recorded. The sampling information obtained from
near the former UST basin could also be provided as evidence that there has been no release.²⁰

- On April 25, 2006, the inactive UST under the sidewalk along Carleton Street was removed under a permit from the Berkeley Fire Department, in the presence of Toxics Management Division (TMD) staff. Per TMD staff, on May 3, 2006, the UST pit was overexcavated to remove approximately 75 tons of contaminated soil from leaks in the UST, and this soil was properly disposed of offsite. The final dimensions of the excavation were fifteen feet in length, nine feet in width and thirteen feet, six inches deep. Sampling from the removed soil indicated no detection of benzene, toluene, ethylbenzene or xylene (BTEX), methyl-tertiary-butyl-ether (MBTE), or TPH as gasoline at the depth of the excavation.

- On January 11, 2007, the California Regional Water Quality Control Board (RWQCB) issued a closure letter for the aforementioned UST. The letter stated that “this agency finds that the site investigation and corrective action carried out at your [UST] site is in compliance with the requirements of … the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.”

On February 22, 2011, the City received a declaration from Matt Hagemann, an environmental consultant, claiming that significant unresolved issues with regard to hazardous materials at the site remain despite the fact that the site has been closed by the San Francisco Regional Water Quality Control Board (SFRWQCB). TMD has reviewed this declaration and the documents attached thereto, and provides the following response:

- The site was properly closed, without use restriction, as recommended by TMD and approved by the SFRWQCB under the “Low-Risk Closure” scenario. The case closure references reports and includes data and site information for all tanks and other investigations performed at the site. Thus, the entire project site, not just the 1,000 gallon UST, was considered by the SFRWQCB and closed without condition. However, it was noted that the tabular information regarding USTs in the “Site Closure Summary” only provided details of the closure of one tank. The other USTs were included by reference to the Phase I/II reports and summary data was provided in the attachments to the “Site Closure Summary”. Mr. Hagemann’s Exhibit J includes the supporting references.

- Mr. Hagemann did not consider the following safety factors, which will further reduce the already less-than-significant potential risk of exposure to future occupants of the site. These factors make the site a low-risk site and provide the basis for closing the site without use restrictions.

- Mr. Hagemann’s use of screening levels, such as drinking water standards, is not appropriate for this site. Drinking water standards are worst-case health risk evaluations based on many years of direct exposure through ingestion, and the groundwater at the site will not be ingested.

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²⁰Regarding this conclusion, TMD further states: “Berkeley TMD and the RWQCB make this determination, not the Fire Department.” As discussed above, the RWQCB issued a closure letter for this UST.
The existing auto dealership and service facility is regulated by TMD under authority of the Unified Program (UPA per 6.11 Div 20, California Health & Safety Code). TMD will oversee closure of this facility and will require removal of all hazardous materials and remediation of any spills, residues, and polluted equipment, pipes, tanks, etc. Therefore, closure of the facility will further reduce pollutants below the already less-than-significant existing amounts.

Construction of the project will involve removal of the existing building foundation at 2600 Shattuck Avenue and the excavation of a substantial amount of soil beneath the building in order to construct the underground parking garage. This further reduces the likelihood that any pollutants will remain at the site after completion of the project.

The fine-grained nature of Berkeley’s soils reduces the likelihood of vapor migration.

The nature of the existing pollutants as heavier and less toxic hydrocarbons makes them non-volatile and less mobile in situ.

The presence of a parking garage under the dwelling units and commercial space at 2600 Shattuck Avenue eliminates any pathway between any remaining pollutants and building occupants.

The pollution found at 2598 Shattuck Avenue and 2037 Parker Street is of limited extent and poses no significant risk to the occupants of these buildings.

Discussion

a) Construction Phase. 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. All construction projects with on-site storage of chemicals exceeding Berkeley Municipal Code or California Fire Code thresholds are required to be reported to TMD and the Fire Department. TMD requires a standard Hazardous Materials Business Plan (HMBP), which includes a spill response plan and emergency notification requirements. All spills that may have environmental or human health impacts must be reported to TMD, which is the Administering Agency under the California Health & Safety Code, Division 20, Chapter 6.95. In addition, a General Permit from RWQCB will be required, which is the standard for managing construction sites including chemicals, groundwater, construction debris, soil, and groundwater. Potential impacts from impacted soil or groundwater due to USTs or historic use of hazardous materials at the site are discussed under item d below.

Best management practices typically implemented as part of construction under the General Permit would minimize the 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.

- Properly dispose of discarded containers of fuels and other chemicals.

Based on the age of the Honda dealership buildings, there is a high likelihood that some building components and materials will contain hazardous materials such as lead paint, polychlorinated biphenyl (PCB), mercury, asbestos-containing materials (ACM), and chemically treated wood. These materials can be hazardous to construction workers if improperly removed, and can also become hazardous wastes upon disposal, and must be properly identified for proper disposal. At least 10 days prior to any demolition involving the removal of 100 square feet/linear feet or greater of Regulated ACM, the Bay Area Air Quality Management District (BAAQMD) requires that it be notified and that a survey to determine the presence of Regulated ACM be prepared. The person who performs the survey must be Cal-OSHA certified and must have passed an EPA approved building course. Any Regulated ACM identified in the survey must be removed by a certified asbestos abatement contractor. Because the City normally only verifies that a J permit has been issued when an entire building is being demolished, and because the project does not propose full demolition of the existing Honda building, the following has been included as a mitigation measure to ensure proper removal and disposal of existing hazardous building materials, in compliance with BAAQMD regulations:

**Mitigation Measure VIII.1:** Prior to issuance of a demolition permit, the applicant shall obtain a J permit from the Bay Area Air Quality Management District.

For hazardous building materials other than ACM, California Environmental Protection Agency (CalEPA) regulations require proper handling and disposal as Universal Waste, and these regulations are enforced by TMD. The following mitigation measure would ensure compliance with these regulations:

**Mitigation Measure VIII.2:** Prior to issuance of a demolition permit, the applicant shall submit to TMD a survey of hazardous building components and materials, including, but not limited to, lead paint, polychlorinated biphenyl (PCB), mercury, asbestos, and chemically treated wood. The survey shall include a plan for proper disposal of such materials, and shall be prepared by a qualified professional, as determined by TMD.

Adoption of these mitigation measures would reduce potential impacts from removal and disposal of hazardous building materials to less than significant.

**Operational (Post-Construction) Phase.** The proposed residential units and commercial uses would use small quantities of household and commercial quantities of substances that, if not properly stored or used, could be considered hazardous to human health or the environment. These chemicals would include familiar materials such as toners, paints and
thinner, lubricants, kitchen and restroom cleaners, and other maintenance materials. These common consumer products would be used for the same purposes as in any residential or neighborhood commercial use. Residential and commercial residents would dispose these substances and the spent containers through household hazardous waste centers or through standard refuse collection. Considering the types, quantities, and use of commercially available household chemicals, the proposed project would not result in an adverse effect on the environment with respect to the use, storage, or disposal of hazardous substances and therefore the impact would remain less than significant.

Commercial uses of chemicals will be subject to oversight and permitting through TMD if the quantities exceed the State or Berkeley Municipal Code thresholds. Any hazardous waste generation is subject to regulation by TMD.

b) Potential impacts from impacted soil or groundwater due to USTs or historic use of hazardous materials at the site are discussed under item d below. As discussed in item a above, the project would not include any industrial or commercial uses likely to contain large quantities of hazardous materials that could cause significant hazard to the public or the environment through upset and accident conditions. Any impact would therefore be less than significant.

c) The only school within one-quarter mile of the project is Berkeley Technology Academy at 2701 Martin Luther King, Jr. Way, approximately 0.17 miles southwest of the site. However, as noted above, the project would not emit or handle any hazardous materials in sufficiently large quantities to pose a significant hazard to this or any other school.

d) The site appears on the State Water Resources Control Board’s “Geotracker” website21, an online map of contaminated, or formerly contaminated sites, which is compiled pursuant to Government Code Section 65962.5. Geotracker shows Berkeley Honda/2600 Shattuck as a LUST (Leaking Underground Storage Tank) Cleanup Site with a cleanup status of “Completed – Case Closed”. As discussed above, both TMD and the RWQCB have found that the site has undergone adequate discovery and remediation, with the result that the site poses no significant hazard to the public or the environment.

Furthermore, according to TMD, “The recognized soil and groundwater impacts do not appear to extend beyond the property boundaries. Petroleum oils are relatively immobile and Berkeley has typically clayey soils which further impede migration. Oils tend to adhere to soils, are relatively immiscible in water (groundwater), float (limiting possible impacts to deeper groundwater resources), and are absent hazardous volatile fractions such as benzene, which are often identified with gasoline or other volatile petroleum products (no concern for migration to indoor air).”

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The following mitigation measure would ensure that there will be no significant hazard to the public or the environment during any necessary remediation work during or after construction of the project:

Mitigation Measure VIII.3: Prior to issuance of a building permit, construction drawings shall be reviewed and approved by the City’s Toxics Management Division (TMD). The applicant shall provide to TMD a plan (hereinafter “Plan”) for detection, analysis, and removal of any contaminated soil and groundwater or underground storage tanks that may be discovered during construction activities, and this Plan must be approved prior to building permit issuance. TMD shall have authority, based on permit review and/or subsequent detection of contaminated materials, to require additional information and/or actions as necessary to protect construction workers, the community and the environment. Impacted soil and groundwater identified during demolition, grading, or excavation shall be removed, segregated, and covered and disposed of according to the approved Plan. The soil shall be profiled for off-site disposal and be removed from the site within 48 hours. TMD shall be notified upon discovery of any new contamination not previously addressed by the TMD. Otherwise, the developer will follow agreed-upon goals for removal and clean up.

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 proposed project would not obstruct or interfere with any established emergency access and evacuation routes nor would it interfere with other adopted emergency response plans during construction or during project operations. The Fire Department has reviewed the project and concluded that the amount of additional traffic generated by the project would not significantly affect emergency response operations from the nearby Fire Station 5 at 2680 Shattuck Avenue (corner of Shattuck Avenue and Derby Street).22

h) For a discussion of fire protection services, see Section XIII. 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. Therefore, there is would be no risk of loss, injury, or death involving wildland fires at the proposed project.

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22 E-mail from Gilbert Dong, September 14, 2011.
### IX. HYDROLOGY AND WATER QUALITY -- Would the project:

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<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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<td>a)</td>
<td>Violate any water quality standards or waste discharge requirements?</td>
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<td>b)</td>
<td>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<td>c)</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation on- or off-site?</td>
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<td>d)</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>e)</td>
<td>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f)</td>
<td>Otherwise substantially degrade water quality?</td>
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<td>g)</td>
<td>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?</td>
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<td>h)</td>
<td>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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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) Water quality in surface and groundwater bodies is regulated by the State and RWQCBs. The project site is under the jurisdiction of the San Francisco Bay RWQCB, which is responsible for implementation of State and federal water quality protection regulations. The RWQCB is in charge of implementing the Water Quality Control Plan (Basin Plan)\(^\text{23}\), a master policy document for managing water quality issues in the region. The Basin Plan establishes beneficial water uses for waterways and water bodies within the region.

As discussed in Section VIII above, the RWQCB has found that all necessary actions regarding the former LUST at the site have been performed. Any as-yet-unknown contaminated soil or groundwater discovered during construction would be addressed by the mitigations in Section VIII. In addition, the project must comply with the City’s National Pollution Discharge Elimination System (NPDES) permit as part of any building or grading permit. The requirements of Section 17.20.050 include:

1. Any construction contractor performing work in the City shall provide filter materials at catch basins to retain any debris, dirt, or other pollutants generated by such work to prevent said pollutants from flowing into the City’s storm drain system.

2. Any applicant for a building or grading permit from the City shall, as a condition of receiving such permit, sign a certification stating that the applicant has read and shall use, to the maximum extent practicable, applicable portions of the state stormwater best management practices manual for construction activity, a copy of which shall be available to the applicant where building and grading permits are obtained.

3. Any applicant for a building or grading permit from the City who is subject to the state NPDES construction general permit shall, as a condition of receiving such permit, provide evidence that the applicant has submitted a notice of intent to the state Water Resources Control Board as required by said permit.

4. The City Manager may establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants into the storm drain system.

Excavation depths are estimated to extend 18 to 20 feet below ground surface (bgs), and depth to groundwater is estimated at or greater than 20 feet bgs. In some areas, excavation may intersect perched subsurface water-bearing sediments. Depending on the construction activities, these perched zones of subsurface water may flow into the excavation. A common practice employed to facilitate construction is dewatering, in which

water is pumped to the surface and then discharged. Water extracted during dewatering may contain contaminants (either from pre-existing MTBE and petroleum hydrocarbon sources or from equipment) or may become sediment-laden from construction activities. If water containing sediment or contaminants is discharged directly to the storm or sanitary sewer, it could ultimately contribute to the degradation of surface waters (i.e. creeks and San Francisco Bay) or generate sediment and contaminant levels that are in excess of those permitted by sewage treatment plants. However, such discharges are regulated by the RWQCB to ensure that adverse impacts do not occur.

Compliance with the City NPDES requirements would reduce the impact of erosion during construction to a less than significant level, and compliance with RWQCB regulations for dewatering would reduce potential hazards associated with discharge of MTBE and petroleum-impacted groundwater (generated by construction dewatering activities) to sewer or storm drain systems to a less than significant level. Hazards associated with erosion of petroleum-impacted soils would be reduced to less-than-significant levels through implementation of the mitigation measures identified in Section VIII. Compliance with conditions, regulations and procedures discussed above would minimize or eliminate potential erosion impacts to surface water runoff and therefore, this impact would be less-than-significant.

b) The East Bay Municipal Utility District (EBMUD) provides municipal water supply in the City of Berkeley. The project would not use groundwater for its water supply, nor would it change groundwater infiltration rates at the project site. Therefore, the project would have no impact on the aquifer volume or groundwater table level.

c) See Response to IX.a., above. The existing drainage pattern would temporarily be altered during construction. Following completion of the project, drainage patterns would be similar to the existing setting. No creeks or rivers flow through the project site. Compliance with NPDES permit requirements, as discussed above, would lessen the impact of project construction on the existing drainage pattern of the site to a less-than-significant impact.

d,e,f) Surface water runoff volumes and rates generated from undeveloped, unpaved areas can increase significantly when a site is paved, and the capability of surface water infiltration is reduced or eliminated. The project site is currently entirely paved and developed, and contains no landscaping. The proposed project would add landscaping and vegetated filtration swales to the site and its surrounding sidewalks, thereby reducing stormwater run-off volume following completion of construction.

Changes to the land use at the project site could change the amount of non-point source pollutants generated. The existing site includes an automobile sales facility and storage lot. Although the proposed project would create additional on-site parking, all on-site parking would be underground and would therefore not generate runoff to the stormwater system. The amount of non-point source pollutants generated at the site would not change substantially, and may decrease with the incorporation of stormwater
management features as part of the landscape plan for the project. Potential impacts are therefore considered less than significant.

g,h) Within the City of Berkeley, the Federal Emergency Management Agency (FEMA) 100-year flood plain establishes the base flood elevation for new construction. The City of Berkeley only requires site planning and drainage design for new construction proposed to be located within the 100-year flood plain. The project site does not lie within the 100-year or 500-year flood plain as determined by the FEMA flood hazard mapping.

i) There are no impounded water bodies upstream from the project site. Therefore, no loss resulting from failure of a dam is expected as a potential outcome of this project. In addition, this project is located above sea level and is not subject to loss from failure of a levee.

j) The project site is not located in an area subject to inundation by a seiche, tsunami, or mudflow. The project site is located about 1.9 miles from San Francisco Bay. There are no water bodies upstream from the project site (e.g., reservoirs, ponds, canals, etc.) that might experience flood waves.

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 physical division of an established community would typically involve the construction of large features (such as freeways) that then function as physical or psychological barriers between communities or the removal of roads such that access from one neighborhood to another is diminished.
The proposed mixed-use project would occur at a previously-developed site in an urbanized area surrounded by mostly commercial and residential uses. The proposed commercial and multi-family residential uses would complement existing uses in the surrounding area as well as help meet demand for new housing and commercial space. The project does not remove or block existing roadways or sidewalks. Implementation of the project would not change access patterns around the project site, create barriers within the site, or otherwise prevent persons from traveling in the vicinity of the project. Rather, by creating a new zone of increased pedestrian activity several blocks south of Downtown Berkeley, the project would help connect Downtown to the neighborhoods further south along Shattuck Avenue. The project would also facilitate pedestrian and bicycle crossings of this portion of Shattuck Avenue by installing a new traffic signal at Carleton and Shattuck. Therefore, the proposed project would not physically divide an established community.

b) As discussed below, the project would not 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.

Zoning Ordinance: The proposed project is an affordable housing project that is entitled to a density bonus under Government Code Section 65915. In order to accommodate the required density bonus on the site, the project applicant has requested that three additional dwelling units be allowed on the R-2A portion of the 2600 Shattuck site beyond the eight units otherwise allowed by the R-2A density standard. Because this additional density is required under State law, the granting of additional density pursuant to state law is not considered to be in conflict with the zoning ordinance density standard.

As stated in the Project Description, the project also includes several Use Permits to modify the otherwise applicable development standards of the C-SA and R-2A Zoning Districts. The Zoning Ordinance contains many development standards which may be modified with a Use Permit, upon a finding that the requested modification is not detrimental. Such modifications are typically requested as part of similar development projects, and are not considered to be in conflict with the Zoning Ordinance if a Use Permit is issued.

South Shattuck Strategic Plan: The proposed project would be consistent with the City of Berkeley South Shattuck Strategic Plan of 1997. The Plan addresses specific economic, urban design, housing, and transportation issues facing south Shattuck Avenue and serves as a guide for future development and policy decisions for the area. In particular, the Plan encourages commercial and mixed-used development, pedestrian-oriented amenities, reuse of vacant and underdeveloped sites, and the creation of a stronger identity for South Shattuck Avenue. The Plan divides South Shattuck into four target areas; the project site would fall under Target Area 1 (Shattuck Avenue between Dwight and Ward), which is identified as the section most in need of economic
revitalization. Consistent with the South Shattuck Strategic Plan, the project proposes increased density, green features, and a variety of uses to revitalize the site and create a linkage to existing businesses. The proposed project would be a more efficient use of land and would take full advantage of the site’s proximity to public transit and Downtown Berkeley by focusing more on the pedestrian experience.

**General Plan:** The General Plan has several policies relevant to the proposed project. These are discussed and analyzed below.

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

- **Policy UD-26 Pedestrian-Friendly Design**: Architecture and site design should give special emphasis to enjoyment by, and convenience and safety for, pedestrians.

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

- **Policy UD-28 Commercial Frontage**: Commercial buildings on streets with public transit generally should have no appreciable setback from that street’s sidewalk, except in the case of occasional plazas or sitting areas that enhance the area’s pedestrian environment.

**Analysis:** The project is consistent with these policies because it transforms a relatively uninteresting automotive building with relatively little pedestrian activity into a vibrant, attractive, pedestrian-oriented mixed-use development with substantial street amenities. The project provides a variety of ground-floor commercial uses oriented to the street, a generous street-level plaza, improved pedestrian crossings (the “speed table” and traffic signal), commercial bike parking spaces, curbside trees and planting, and street furniture, and introduces approximately 300 residents to the area that would enliven the street life.

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

- **Policy LU-25 Affordable Housing Development**: Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area, and other transit-oriented locations.

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Policy H-16 Transit-Oriented New Construction: Encourage construction of new medium and high density housing on major transit corridors and in the Downtown consistent with zoning and compatible with the scale and character of these areas.

Analysis: The project satisfies these goals by providing 155 residential units, including 31 affordable units (or an in-lieu affordable housing fee), on a major transit corridor within one-half mile of the Ashby and Downtown Berkeley BART stations and reduced parking, carsharing, unbundled parking, and transit passes.

Policy H-6 Economic Diversity: Encourage inclusion of households with a range of incomes in housing developments through both regulatory requirements and incentives.

Policy H-24 The Elderly and the Disabled: Support housing program activities that increase the ability of elderly and disabled households to remain in their homes or neighborhoods, and if necessary, to locate other suitable affordable housing to rent or purchase.

Policy H-25 Disabilities: Encourage provision of an adequate supply of suitable housing to meet the needs of people with serious physical, mental, and/or emotional disabilities.

Policy H-26 Supportive Services: Encourage and coordinate the provision of affordable housing with supportive services.

Analysis: The project satisfies these goals by providing either 31 affordable housing units, including 28 deeply affordable rental units for persons with disabilities, with on-site services, or an in-lieu affordable housing fee which would help fund City-sponsored housing projects, potentially serving persons with disabilities and other special-needs populations.

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

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

Policy UD-22 Regulating New Construction and Alterations: Regulate new construction and alterations to ensure that they are individually well-designed and that they are so designed and located as to duly respect and where possible enhance the existing built environment.
Policy UD-23 Design Review: Ensure that the design review process ensures excellence in design and that new construction and alterations to existing buildings are compatible with the best elements of the character of the area.

Analysis: The project is consistent with these policies because it reduces its height and bulk from five stories along Shattuck Avenue, where greater height and bulk are appropriate, to a three-story scale that is compatible with the neighborhood to the west. The project has been approved by the DRC after substantial revisions that improved its appearance and its compatibility with its surroundings. The existing Honda building, although it will be substantially preserved, is not a significant historical resource.

Policy UD-32 Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Analysis: The project is designed to minimize shadows on nearby residential properties by reducing the height and bulk on the western portion of the site.

Policy EM-5 “Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

Policy UD-33 Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Analysis: The project features numerous sustainable design elements including reuse of the existing Honda building, proximity to jobs, goods and services, and transit, electric vehicle and bicycle parking, rooftop solar panels, automobile parking that is unbundled from dwelling units, AC transit passes for all units, car share spaces, and on-site storm water treatment. The project is designed to achieve LEED Gold and will be subject to a condition of approval requiring LEED certification.

c) The site is not subject to a habitat conservation plan or a natural community conservation plan.

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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
Discussion

a,b) No mineral resources are identified within or around the project site by either the Alameda County General Plan or the City of Berkeley’s General Plan. 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 are typically addressed in Title 24, local General Plan policies, and local noise ordinance standards. The proposed project could expose people to, or generate, noise levels in excess of General Plan standards in two ways. First, the project could expose sensitive receptors to noise above applicable standards by introducing sensitive land uses (proposed residential uses) that are incompatible with the noise environment at the site. Second, the project itself could lead to an increase in ambient noise levels thereby affecting existing sensitive receptors in the project vicinity. These potential impacts are discussed below.

Compatibility of Site for Proposed Uses. The City of Berkeley General Plan contains guidelines for determining the compatibility of various land uses with different noise. The Noise Element recognizes that some land uses are more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. For multi-family residential uses, the guidelines indicate that exterior noise environment between DNL 60 and 70 dBA is considered “conditionally acceptable,” meaning that a specified land use may be permitted only after detailed analysis of the noise environment and project characteristics are conducted to determine whether noise insulation or protection features are required. A noise environment between DNL 70 and 75 dBA is considered “normally unacceptable,” meaning that multi-family residential development should generally not be undertaken unless adequate noise reduction measures have been analyzed and appropriate measures incorporated into the project to reduce the noise exposure to acceptable levels. For retail, office, and other “business commercial” uses, the “conditionally acceptable” and “normally unacceptable” noise environments are DNL 67.5 to 77.5 dBA, and DNL 75 to 85 dBA, respectively.

According to Figure 21 of the General Plan (Noise Contour map), noise levels at the project site are between 70 and 75 Ldn (average Day-Night level) along the Shattuck Avenue frontage, and between 65 and 70 Ldn further west. Therefore, the majority of the site falls within the “conditionally acceptable” category of the General Plan Land use Compatibility Guidelines for residential uses, and the portion along Shattuck falls within the “normally unacceptable” category. Title 24 of the State Building Code establishes a 45 dB standard for multi-family residential interiors. The common open space will be sheltered from street noise by the building. The following mitigation measure would ensure that project residents are not exposed to excessive noise levels:

Mitigation Measure XII.1: Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
Increases in the Noise Environment at Nearby Sensitive Receptor Locations.

Construction Phase. The noise ordinance\textsuperscript{25} regulates the allowable hours for construction and demolition work and sets forth guidelines for maximum allowable construction-related noise levels at residential properties located in single-family, multi-family, and commercial and industrial areas. Specifically, the noise ordinance prohibits the operation of any tools or equipment used in construction or demolition work between 7:00 p.m. and 7:00 a.m. on weekdays, or 8:00 p.m. and 9:00 a.m. on weekends or holidays, such that the related noise creates a noise disturbance across a residential or commercial real property line, 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 will not exceed the maximum allowable noise levels set forth in the ordinance. The applicable standards for the adjacent residential district are 75 dBA on weekdays and 60 dBA on weekends and legal holidays for mobile equipment, and 60 dBA on weekdays and 50 dBA on weekends and holidays for stationary equipment.

The Zoning Adjustments Board has regularly imposed more restrictive limitations on hours for construction projects next to existing residential properties or other sensitive receptors, in order to reduce impacts on such uses. With this standard condition, construction is typically restricted to the hours from 8 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 12 p.m. on Saturdays. The applicant has formally requested construction hours of 7 a.m. to 5 p.m. on weekdays, and 9 a.m. to 4 p.m. on Saturdays, in order to reduce the duration of construction activity and cost of the project. The applicant is also requesting the ability to extend these hours as necessary up to 10 working days for certain construction activities such as concrete pouring that require long, continuous periods of time that may not be possible to fit within a normal workday. Such extensions would be approved by the Zoning Officer on a case-by-case basis, with a minimum advance notice of 4 days to neighbors within 500 feet. The following analysis is based on the above request.

Construction noise levels at and near locations on the project site would fluctuate depending on the particular type, number, and duration of use of various types of construction equipment. The effect of construction noise would depend upon how much noise would be generated by construction, the distance between construction activities and the nearest noise-sensitive uses, and the existing noise levels at those uses.

Table 6 shows typical noise levels generated by construction of commercial buildings. As shown in Table 6, the noisiest phases of construction would generate approximately 89 $L_{eq}$ at 50 feet. Pile driving, one of the loudest types of construction noise, would not be required as part of this construction project. The receptors nearest to the proposed construction activity would be the residences located immediately west and north of the project site and the senior convalescent hospital located immediately south of the site.

across Carleton Street. The main noise sources associated with excavation are the operation of excavators removing material and trucks hauling excavated materials away. The main noise sources associated with exterior finishing would be operation of concrete mixers and pumps for application of stucco material to the building exterior.

Table 6: Typical Commercial Construction Noise Levels

<table>
<thead>
<tr>
<th>Phase</th>
<th>Noise Level (Leq)$^{26}$</th>
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<tr>
<td>Ground Clearing</td>
<td>84</td>
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<tr>
<td>Excavation</td>
<td>89</td>
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<tr>
<td>Foundations</td>
<td>78</td>
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<tr>
<td>Erection</td>
<td>85</td>
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<tr>
<td>Exterior Finishing</td>
<td>89</td>
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Building construction noise during the noisiest phases of construction would be 89 L$_{eq}$ at 50 feet and would be even higher at the residences located immediately north and west of the project site. These predicted noise levels would exceed the applicable standards of the Noise Ordinance discussed previously. Consequently, project-related construction activities would have the potential to exceed the construction noise standards of the Noise Ordinance.

During very limited periods, construction noise would be generated into the evening and early morning hours to accommodate special round-the-clock construction activities such as pouring the concrete for the basement and podium levels. During these limited periods, construction noise would be more noticeable (since background noise is lower) given the more sensitive nature of the nighttime period. Therefore, these limited, temporary impacts would be significant unless the following mitigation measure is applied:

**Mitigation Measure XII.2:** Prior to the issuance of a building permit, 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:

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

$^{26} \text{Estimates correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase and 200 feet from the other equipment associated with that phase. SOURCE: U.S. Environmental Protection Agency, } \text{Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, December 1971.}$
• 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; and

• 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 reduction
measures and practices are completed (including construction hours, neighborhood notification, posted signs, etc.).

Implementation of this measure will reduce construction noise impacts to the maximum extent feasible, as required by the City Noise Ordinance, so construction noise impacts would be considered less-than-significant.

Operational Impacts. The proposed project could generate noise from motor vehicle trips as well as from stationary sources (i.e., HVAC equipment, etc.) that could adversely affect nearby noise-sensitive land uses. The sensitive receptors nearest to the project site are residences located to the west and north of the project site, and a senior congregate housing facility to the south across Carleton Street. These sensitive receptors would be most affected by roadway noise along Shattuck Avenue, Parker Street, and Carleton Street.

It is projected that upon build-out, the proposed project would generate approximately 44 net new vehicular trips during the a.m. peak hour and another 32 net new trips during the p.m. peak hour. While these trips would be focused on Carleton Street for those trips accessing the parking garage, they would then be distributed on the local road network and would only marginally increase noise levels along the affected roads. The increase in traffic is too small to produce a significant increase in traffic-related noise on the affected road segments and intersections. Therefore the impact of the project traffic on roadside noise levels would be less than significant.

Heating, ventilation, and air conditioning (HVAC) and other mechanical equipment would also be operated at the project site. Because such equipment is required to be designed and used in a manner that complies with the Noise Ordinance, the related noise impact to on-site residents and adjacent land uses would be less-than-significant.

b) The existing noise environment of the site is discussed in XII.a, above. Existing potential sources of groundborne noise or groundborne vibration near the site include heavy vehicle traffic such as buses along Shattuck Avenue and the BART subway rail service. Future occupants of the project would be exposed to these sources to the same degree as other residences located along Shattuck Avenue, except that the project would be constructed according to current codes, and would locate the new residences above ground-floor retail and parking areas which would isolate the upper floors from the surface-level vibration.

Construction activities associated with the project could temporarily expose persons in the vicinity of the project site to ground-borne vibration or ground-borne noise levels due to excavation and compaction for building foundations. However, construction of the project would not involve pile driving, tunneling, the use of heavy tracked equipment, or other similar activities that generate excessive vibration, and would be subject to the limited days and hours of construction discussed above, and therefore any ground-borne vibration or noise would be less than significant.
c) As discussed in Section XII.a, permanent noise sources in the project would comply with the Noise Ordinance, and are therefore not expected to create a substantial increase in ambient noise levels. In addition, the amount of additional traffic generated by the project is not substantial enough to cause a significant increase in noise. Therefore, project impacts to ambient noise levels would be less than significant.

d) As discussed under XII.a, project-related construction activities could result in a substantial temporary increase in ambient noise levels. Implementation of Mitigation Measure XII.1 would reduce this impact to a less than significant level. There may be short-term noise impacts related to construction even with implementation of the identified measure, but they would be of limited duration and with the implementation of the identified measures such temporary noise impacts would be less than significant.

e,f) The project site is not located within two miles of a public airport or within two miles of a private airstrip. The nearest public airport is the Oakland International Airport, which is located approximately 9.5 miles south of the project site.

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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) The average household size in the City of Berkeley in 2010 was 2.17 persons per household. The project site is located in U.S. Census tract 4235.27 In 2010, the population in this census tract was estimated at 3,118 (about 2.8 percent of Berkeley’s total population of 112,580), and average household size was estimated at 1.96 persons

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per household. Using this average, the proposed 155 unit project could result in an estimated 304 additional residents living in the area. If the estimated citywide average of 2.17 persons per household is used, the proposed project would generate approximately 336 additional residents.

Using a range of between 304 and 336 additional residents, the proposed project would result in an estimated 9.7 percent to 10.8 percent increase over 2010 Census figures in Census tract 4235. Citywide, however, the new residents would account for an estimated 0.3 percent increase in Berkeley’s population. This would not be considered a substantial increase in growth. The project is consistent with the City’s goal of increasing the supply of market rate and affordable housing in the City. In addition, the proposed project would be constructed in an urbanized area near Downtown Berkeley, and would not, by itself, induce additional growth in the area nor within the City of Berkeley.

b, c) There are no existing residences at the proposed project site and so no residents or housing units would be displaced by the proposed project 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 public services:

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

**Discussion**

a) **Fire Protection:** Fire protection and emergency medical services for the project site are provided by the City of Berkeley Fire Department, which operates seven fire stations including seven engine companies, two truck companies, and two ambulances. Station No. 5, located at 2680 Shattuck Avenue, and Station No. 2, located at 2025 Berkeley Way, would provide primary and secondary service, respectively, to the project site. Each of
these stations is equipped with one engine, one aerial ladder fire truck, and one ambulance. Station No. 5 has a staff of 8 firefighters and paramedics combined, and Station No. 2 has a staff of 9 firefighters and paramedics combined.

The Berkeley Fire Department also administers the Uniform Fire Code and applicable sections of the California Health and Safety Code, California Administrative Codes, Title 19, Public Safety and Title 24, Building Standards. The Department actively participates in the City of Berkeley’s development process by commenting on building design and materials.

The Department responds to an average of 12,200 calls per year. Calls for emergency medical services comprise approximately 70 percent of all calls for service. The standard response time for emergency medical service calls is 5.5 minutes and the standard response time for non-emergency medical service calls is 4.5 minutes.

While the Fire Department anticipates an increase in calls for fire and emergency medical services as a result of the proposed project, the project would have a minimum impact on these services at an individual level. The Department has adequate fire protection and emergency medical services to serve the proposed project site, without the need for new or physically altered facilities or significant staff increases. As part of standard development practices in the City of Berkeley, the Department would review project plans at time of issuance of permits to ensure compliance with all applicable Uniform Building Codes (UBC) and Uniform Fire Codes (UFC) to assure installation of adequate fire sprinklers, fire wall protection, fire hydrants, smoke detectors, and other similar fire prevention measures.

**Police Protection:** The Berkeley Police Department (BPD), headquartered at 2100 Martin Luther Jr. Way, would provide police protection services to the project site. Currently BPD provides a staffing ratio of approximately 1.5 sworn officers per 1,000 residents, a total personnel staffing ratio of 2.5 personnel per 1,000 residents, and a total of 279 full-time sworn officers and staff. The project site is located in Beat 5. One patrol officer is assigned to this beat at all times.

The Police Department has reviewed the project and has determined that it would not unduly impact service ratios, response times, or other performance objectives.

**Schools:** The Berkeley Unified School District (BUSD) operates and manages public schools in the City of Berkeley. During the 2007-2008 school year, total enrollment at the...
District was approximately 8,954 students\(^{32}\) and comprised primarily of 12 elementary schools (grades K-5), three middle schools (grades 6-8), and one high school (grades 9-12). The project site falls within the District’s Southeast Zone for elementary schools, which encompasses Emerson, John Muir, LeConte, and Malcolm X elementary schools. The site is located within the zone for Willard Middle School located at 2425 Stuart Street. Berkeley High School (BHS), the City’s only public high school, would accommodate all high-school age public school students from the project. BHS is located approximately one-half mile northwest of the project site at 2246 Milvia Street. The project is estimated to generate between 304 and 336 additional residents. Based on Census 2010 data, the number of students in Berkeley between the ages of 5 and 17 is 9,736, or approximately 8.6 percent of Berkeley’s population. BUSD has not formally adopted a ratio to estimate the number of students that would be generated by housing units within the City. However, BUSD has indicated that a ratio of 0.5 students per housing unit would be an appropriate generation rate for planning purposes.\(^{33}\) Using this rate, the project could generate up to 78 students. According to BUSD staff, there is currently capacity at each of these schools to accommodate the additional students, and no new or physically altered facilities would be required.\(^{34}\) Therefore, the project would not a significant adverse impact in this area.

Senate Bill 50, enacted in February, 1999, prohibits local agencies, such as the City of Berkeley, from denying land use approvals on the basis that school facilities are inadequate. This legislation also establishes the legally mandated mitigation measure under CEQA in the form of impact mitigation fees for use at impacted schools. BUSD may therefore be entitled to impact fees from the project applicant.

**Parks:** The City of Berkeley’s Department of Parks, Recreation, and Waterfront manages approximately 235 acres of parks and marinas. LeConte School Park (1.3 acres), Grove Park (3.09 acres), and Becky Temko Tot Park are located within a quarter mile of the project site. An additional 11 parks are within a one-mile radius of the project site.

The proposed project would provide about 28,000 sq. ft. of useable open space, which exceeds the minimum zoning requirement of about 10,000 sq. ft. by a considerable margin. Based on the amount of useable open space provided, and the park and recreation facilities located nearby, the project would not result in the need for construction of new park facilities.

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32 Education Data Partnership, District Profile <http://www.ed-data.k12.ca.us/profile.asp?Tab=1&county=01&district=61143&level=06&reportnumber=16> (accessed May 20, 2009).

33 0.5 students per housing unit is the same rate used by the West Contra Costa Unified School District for the Kensington area, as indicated in the UC Berkeley 2020 LRDP Draft EIR.

34 E-mail from Lew Jones, BUSD Facilities Director, to Aaron Sage, September 6, 2011.
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) See response to XIV.a, Parks, above. Based on the amount of usable open space provided, and the park and recreation facilities located nearby, the project would not result in the need for construction of new park facilities, and no significant impact would occur.

b) Although the project would provide open space, it would not provide recreation facilities. Because of the variety of nearby recreation facilities, the project would not, by itself, require construction or expansion of recreational facilities, and no significant impact would occur.

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 supporting alternative transportation (e.g., bus turnouts, bicycle racks)? □ □ ☒ □ □

Discussion

a) A traffic impact analysis has been prepared for the proposed project, and is summarized here.³⁵

Study Intersections and Scenarios

Six intersections were selected for the study analysis in consultation with City of Berkeley staff. The intersections and their traffic control types are as follows:

1. Shattuck Avenue / Carleton Street (One-Way Stop)

2. Shattuck Avenue / Adeline Street (Signal)

3. Shattuck Avenue / Dwight Way (Signal)

4. Shattuck Avenue / Haste Street (Signal)

5. Martin Luther King Jr. Way / Dwight Way (Signal)

6. Carleton Street / Project Driveway (Future One-Way Stop)

This study evaluated morning and evening peak hour traffic conditions on a typical weekday under the following five scenarios:

1. *Existing Conditions* – Current (Year 2008) traffic volumes and roadway conditions.

2. *Existing plus Approved Projects Conditions* – Identical to Existing Conditions, but with traffic added from approved/pending projects in the vicinity of the project site.

3. *Existing plus Approved plus Project Conditions* – Identical to Existing plus Approved Project Conditions, but with the addition of traffic generated by the proposed project.

4. *Year 2030 Conditions* – This scenario is based on projections from the latest Alameda County Congestion Management Agency (CMA) travel demand model. Twenty-two-year incremental traffic growth was added to existing volumes to estimate 2030 traffic conditions.

5. *Year 2030 plus Project Conditions* – This scenario is identical to Year 2030 Conditions, but with the addition of traffic generated by the proposed project.

The proposed project is expected to generate approximately 44 net new outbound trips during the a.m. peak hour and 32 net new inbound trips during the p.m. peak hour, on a typical weekday.

Under Existing Conditions, all signalized study intersections are operating at acceptable service levels (LOS D or better). During the p.m. peak hour, the minor approach of the intersection of Shattuck Avenue and Carleton Street operates unacceptably at LOS E with 38.7 seconds of delay.

Under Existing plus Approved Project Conditions, all study intersections that operated acceptably under Existing Conditions are expected to continue operating at acceptable levels of service, with minor increases in delay during the weekday peak hours. The intersection of Shattuck Avenue and Carleton Street would continue to operate unacceptably at LOS E with a slight increase in delay.

Under Existing plus Approved plus Project Conditions, all study intersections that operated acceptably under Existing plus Approved Project Conditions are expected to continue operating at acceptable levels of service, with minor increases in delay during the weekday peak hours. The level of service at the intersection of Shattuck Avenue and Carleton Street would improve to LOS A due to the project sponsor’s inclusion of a traffic signal at this intersection as part of the proposed project. The proposed curved driveways and widened sidewalks on the Carleton Street frontage would prohibit right turns out of, or left turns into, the project site, in order to direct project traffic to Shattuck Avenue rather than through the adjacent residential neighborhood. Although this feature is not necessary to mitigate a potential significant impact, it would further reduce the project’s already less-than-significant contribution to traffic volumes in the adjacent neighborhood.
Under 2030 Conditions, all intersections except the intersections of Shattuck Avenue/Carleton Street and Martin Luther King Jr. Way/Dwight Way are expected to operate at LOS D or better. The intersections of Shattuck Avenue/Carleton Street and Martin Luther King Jr. Way/Dwight Way are expected to operate worse than City LOS standard of LOS D.

Under 2030 plus Project Conditions, the Shattuck Avenue/Carleton Street intersection would improve significantly due to the applicant’s proposed installation of a traffic signal. This intersection is expected to operate at LOS A during both a.m. and p.m. peak hours. The Martin Luther King Jr. Way/Dwight Way would continue to operate worse than the City standard of LOS D; however, the expected increase in the V/C ratio and delay due to added project traffic at the intersection would be less than significant. Therefore, no mitigation is required for the intersection of Martin Luther King Jr. Way and Dwight Way.  

Based on this information, the project would not conflict with the City’s level of service standards for roadway congestion and would not have a significant impact based on traffic. As discussed in item (f) below, the project would not conflict with applicable plans and policies regarding non-automotive modes of transportation.

b) University Avenue, San Pablo Avenue and the Eastshore Freeway (I-80/I-580) are the nearest congestion management agency facilities to the project site. The project would not contribute a significant number of trips to these facilities such that it would individually or cumulatively exceed the established level of service standard for these facilities.

c) Based on the project’s five-story height and distance from the nearest airport, there would be no change to air traffic patterns associated with the project.

d) TJKM reviewed the project site plan to evaluate on-site circulation and access. Both access points from Carleton Street are expected to be adequate for cars and small trucks accessing the site. TJKM recommends that a minimum width of 22 feet (i.e. 12-foot lane for inbound traffic and 10-foot lane for outbound traffic) be provided for the project driveways on Carleton Street. Two “STOP” signs should also be installed facing exiting vehicles at the project driveways. In addition to the signs, per the instructions of the City’s traffic engineer, a street-level audio/visual warning system that alerts pedestrians of exiting vehicles will be installed at the project driveways, in accordance with normal practice. This system will be equipped with an on/off switch to allow it to be disabled in the event that the traffic engineer determines pedestrian volumes along Carleton Street do not warrant use of the signal, and an ambient noise and light sensor (or alternative technology acceptable

36 It should be noted that in Parker Shattuck Neighbors v. City of Berkeley, et al. (Case No. RG10544097), opponents of this project previously asserted that the traffic signal included in the project design was a CEQA mitigation measure. This assertion was rejected by the Alameda County Superior Court in a ruling dated June 30, 2011. There, the Court held that because the traffic signal and other design elements “were part of the Project itself, they are not ‘mitigations.’” The Court concluded that the design elements more closely matched the facts in Bankers Hill v. City of San Diego 139 Cal.App.4th 249, 275 and were not like the dozens of measures imposed in Salmon Protection and Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098. The Court’s June 2011 ruling supports the City’s consistent treatment of the project design elements.
to the traffic engineer) that automatically adjusts the volume and brightness level so that the warning sound and light (if necessary) are not louder or brighter than necessary and cause minimal disturbance to nearby residents.

Given that the proposed residential and commercial uses are consistent with established uses in the surrounding neighborhood, incompatible uses would not be an issue. Regarding design features, all of the roadway and sidewalk design features of the project will enhance safety rather than reducing it. The proposed traffic signal at Shattuck and Carleton would not only reduce traffic congestion at this intersection below current levels, but would also enhance pedestrian and bicycle safety by providing a safe, signalized location for crossing Shattuck Avenue, where currently the nearest signalized crossing are three blocks north at Dwight Way, and two blocks south at Ward Street. The proposed “speed table” across Parker Street would also enhance pedestrian safety by providing a raised crossing that will be more visible to motorists, and which will also slow motor vehicle traffic into the adjacent residential neighborhood. The proposed curved driveways and widened sidewalks on the Carleton Street frontage, although not necessary to mitigate a potential significant impact, would further reduce the project’s already less-than-significant impacts on pedestrian safety in the adjacent neighborhood.

**Construction Phase.** Demolition, excavation, and construction activities associated with development of the project would generate traffic composed of material and equipment deliveries, export of excavated soils, and demolition and construction debris, and trips generated by construction workers. Also, construction activities would affect vehicle access and parking in the immediate vicinity of the project site. The construction period is expected to last approximately two years. To accomplish construction staging, parking would be temporarily eliminated adjacent to the project site. Sidewalks along the site frontages may be temporarily covered and/or may be re-routed to the street adjacent to the curb or to the opposite side of the street (in the case of Parker and Carleton Streets).

During the excavation phase of the project, which is anticipated to last approximately 30 work days (six weeks), approximately 65 trucks would enter and exit the site each day. A total of 1,800 truck trips would occur during this period. The concrete pouring phase of the project is anticipated to last approximately three months, and would require approximately 1,700 concrete transport trucks to access the site on approximately 22 specific days when concrete would be placed in foundations, slabs, walls and columns through the level 2 podium. Approximately 5 to 80 trucks would access and exit the site during each of these days. All trucks would drive up either Martin Luther King, Jr. Way (from I-980/CA-24) or Ashby Avenue (from I-80) to Adeline Street to Shattuck Avenue prior to reaching the project site, and would follow the same route when leaving the site.

If not properly controlled, construction activities such as material deliveries, vehicle parking, and use of inadequate streets by large trucks and equipment could have significant impacts on the circulation of vehicles, bicycles and pedestrians in the vicinity by blocking streets and sidewalks without proper control or notice. Approval and implementation of a construction management plan, pursuant to the following mitigation...
measure, would address procedures and timing for these activities and reduce these impacts to less-than-significant. The following mitigation reflects the City's standard practice on similar projects, and the City's experience has established that such measures are effective in mitigating potential traffic disruption:

Mitigation Measure XVI.1: Prior to issuance of a building permit, the applicant shall secure the City Traffic Engineer’s approval of a “construction traffic management plan”. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, provisions for traffic control, and designated routes for construction-related traffic. The City Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety, or convenience of the surrounding neighborhood. A current copy of this plan shall be available at all times at the construction site for review by City staff. All contractors shall be required to comply with the provisions of the construction management plan.

e) As discussed in item VIII(g), the proposed project would not obstruct or interfere with any established emergency access and evacuation routes nor would it interfere with other adopted emergency response plans during construction or during project operations. The Fire Department has reviewed the project and concluded that the amount of additional traffic generated by the project would not significantly affect emergency response operations from the nearby Fire Station 5 at 2680 Shattuck Avenue (corner of Shattuck Avenue and Derby Street).

During construction, vehicle access around the perimeter of the site on the existing surface streets would be preserved with temporary restrictions during the construction period. However, at all times adequate emergency access would be provided. The Transportation Division works directly with the Fire Department in reviewing construction traffic management plans to ensure adequate emergency access is maintained throughout construction. Therefore, the project would not have a significant impact on emergency access.

f) The project is consistent with applicable policies, plans, or programs supporting alternative transportation, because it aggressively promotes alternatives to automobile travel. First, the site facilitates transit trips by being located on a major transit corridor, served by three AC Transit lines, including two Transbay lines, and about one-half mile from the Downtown Berkeley and Ashby BART stations. Second, the project provides two AC Transit passes per unit for the first 40 years at a minimum 50 percent discount. This commitment, among other project features has qualified the project for a conditional “GreenTRIP certification” from TransForm, a non-profit organization that promotes traffic reduction in new residential development projects. The commitment will be included in the project’s conditions of approval.
The project promotes walking and bicycling due to its location near the UC Berkeley campus and Downtown Berkeley, major job centers, and a wide variety of basic goods and services such as the Berkeley Bowl supermarket four blocks to the south. The project would also promote bicycling by providing over 100 interior bike parking spaces (for residents) and a designated bike work room, in addition to about 50 exterior bike parking spaces (primarily for retail/restaurant customers and employees). These features are particularly noteworthy because the project is located one block east of the Milvia Street bicycle boulevard, and within easy biking distance of the Downtown and the UC Berkeley campus. The project would also help discourage car ownership, both by project residents and in the surrounding neighborhood, by providing two spaces for car share vehicles in the ground-level garage. Although the applicant would not pay residents’ car share fees, the two spaces would be provided to the car share service free of charge. This will be included in the project conditions of approval.

Based on the above, the project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

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

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

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

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? □ □ ☒ □

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

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? ☐ ☐ ☒ ☐

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

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

Discussion

a,b,d,e) Sanitary Sewer. In Berkeley, sanitary sewage flows toward the San Francisco Bay through a network of pipes, beginning with building connections at the upper laterals, which are privately owned and maintained, and continuing to the lower laterals and to the sewer mains, which are City-owned and maintained. All of the mains connect to the East Bay Municipal Utility District’s (EBMUD) regional interceptor line, which conveys the sewage to the EBMUD treatment plant, which then discharges the treated effluent into the Bay from a submerged outfall pipe under the Bay Bridge. Within the City of Berkeley, there are approximately 400 miles of sanitary sewer mains, with an estimated 28,000 lateral connections. The sewer mains vary from 1 to 100 years old, and vary in size from 6 to 48 inches in diameter.

The City of Berkeley’s Inflow/Infiltration correction program allows for a 20 percent increase in the base wastewater flow for each of the City’s 89 sub-basins due to changes in land use or population. The Inflow/Infiltration correction program, initiated in late 1987, proposes rehabilitation or replacement of 50 percent of the City’s existing system over 30 years.

EBMUD provides secondary treatment for a maximum flow of 168 million gallons per day (MGD) and primary treatment for up to 320 MGD. Storage basins provide plant capacity for a short-term hydraulic peak of 415 MGD. The average annual flow is currently 80 MGD.

The proposed project would generate domestic wastewater, treated by the East Bay Municipal Utility District’s (EBMUD) treatment facilities. EBMUD is required to meet applicable RWQCB treatment requirements. In addition, the proposed project would use an incremental portion of EBMUD’s wet weather treatment capacity. If wastewater generation is calculated at 100 gallons per day per person (with an estimated 304 to 336 residents living at the site after completion of the project), the additional approximately 33,600 gallons per day would require less than 0.01 percent of EBMUD’s sustained wet

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38 Ibid.

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weather treatment capacity. The existing sewer line has sufficient capacity to accommodate the wastewater generated by the project. In addition, as part of standard development practices within the City of Berkeley, the project applicant would be required to pay fees to cover its fair share of the cost for sewer line upgrades, as determined in consultation with the City of Berkeley Public Works Department, prior to issuance of a certificate of occupancy. Thus, the project’s impact on existing sewer systems would be less than significant.

Water: Water is provided to the City of Berkeley by EBMUD. EBMUD currently obtains its water from the Mokelumne River watershed. EBMUD also has a contract with the U.S. Bureau of Reclamation to obtain water from the American River via the Folsom South Canal, but these facilities have yet to be built because of litigation opposing further diversions from the Sacramento River Delta.

EBMUD faces water supply problems such as the growing risk of aqueduct failure in the Delta, increasing shortages in dry periods, and increased difficulty in maintaining high quality drinking water. In response, EBMUD has developed a Water Supply Management Program, in which recycled water has been identified as a key supplemental water supply. The City of Berkeley is located in one of EBMUD’s identified water reuse zones. Some of the recycled water demands identified by EBMUD in the City of Berkeley include irrigation, toilet flushing, commercial process water, and decorative fountains. EBMUD’s Non-Potable Water Policy 73 (Policy 73) seeks to implement recycled water programs. Policy 73 requires that, when non-potable water is available, customers of EBMUD use non-potable water for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant life, fish and wildlife.

The proposed project would add to the City’s demand for water that the General Plan EIR has identified may not be satisfied by existing water supplies. Policy EM-26 in the City of Berkeley General Plan promotes water conservation through City programs and requirements, including cooperation with EBMUD to make recycled water available for irrigation and other uses. Compliance with standard City requirements for incorporating water conservation measures into the project design will ensure efficient use of water at the site and minimize the project’s potential water demand to a level that is considered less than significant.

The proposed project is not subject to either an assessment required by Senate Bill 221 (project is consistent with the General Plan, is not subject to a referendum, and is not a subdivision) or an assessment required by Senate Bill 610 (project consists of less than 500 units and 500,000 sq. ft. of commercial space, and will have fewer than 1,000 employees).

Storm Water: Most of the creeks in Berkeley (except in a few locations) have been culverted, forming the basis of the storm drain system layout. Berkeley’s original storm drain system is over 100 years old. Prior to 1945, the system conveyed both untreated
sanitary sewer and storm water to the San Francisco Bay. The storm drain system was separated from the sanitary system by 1961, with the exception of 72 sewer-to-storm drain bypass installations.

Berkeley has approximately 78 miles of storm drains ranging from 6 inches to 6 feet in diameter. In addition, there are approximately 1,900 catch basins and 4,000 storm inlets/outlets which divert the storm water runoff into the underground mains. Maintenance and improvement of the system is paid for by the General Fund and through hook-up fees paid by new development.

The proposed project would connect to the existing stormwater system. The project applicant would be required to pay the cost of installing new storm drains at the project site, if determined necessary by the Public Works Department. The project would not increase impervious surfaces at the site and would therefore not result in increased amounts of stormwater; therefore new, larger stormwater facilities are unlikely. Implementation of the City’s standard conditions for controlling runoff from the construction site would reduce potential impacts to stormwater runoff quality to less than significant. See Section IX.

f, g) Solid waste. The City of Berkeley is one of the few cities in Northern California to operate its own refuse collection system. Solid waste would be transported from the Berkeley Transfer Station, located at 1021 Second Street, to the Altamont Landfill and Resource Recovery Facility, located near the Altamont Pass, northeast of the City of Livermore. This landfill will not reach capacity within the next 20 years and is estimated to reach its capacity in approximately 80 years (Benenson, 2002). The proposed project would use an incremental portion of landfill capacity and would not significantly lessen landfill capacity at the Altamont Landfill Facility.

In 2006, the City of Berkeley diverted approximately 57 percent of its solid waste from landfills through recycling and/or composting efforts. The project site could result in one to two pounds of construction debris per square foot of construction, in addition to the demolition debris from the existing structures. Prior to approval of large development projects, the City of Berkeley Solid Waste Management Division staff reviews proposed plans for the adequate design of trash and recycling facilities. In addition, the City’s standard conditions of approval require the submittal of a Construction and Demolition Recycling Plan prior to building permit issuance. The purpose of the plan is to divert as much debris as possible from the waste stream. Implementation of these standard measures reduce the impact of the proposed project and help the city to comply with state laws regulating waste reduction.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

b) Does the project have impacts that are individually limited, but 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)?

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

Discussion:

a) The proposed project will 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 exist on the site. Mitigation measures would address potential impacts in the event that unanticipated archaeological or paleontological resources are uncovered during construction activities to ensure that resources potentially important California prehistory are not eliminated.

b) The project’s close proximity to two BART stations and its location in a central urban area with existing infrastructure would reduce the possible cumulative effects the project may have in combination with other planned development in Berkeley and surrounding communities, including greenhouse gas emissions. The impacts of the proposed project, when combined with approved but not yet built residential and mixed-use residential projects within the vicinity of the project site will not result in significantly considerable cumulative effects above and beyond what was already analyzed within the City of Berkeley General Plan EIR at full build out. The project includes a new traffic signal at
the Shattuck Avenue/Carleton Street intersection, that would avoid cumulatively significant traffic impacts at that intersection, and in fact improves traffic flow at that intersection.

c) The project will not result in any potential environmental effects that will cause substantial adverse effects on human beings, upon implementation of the identified mitigation measures for dust control, construction emissions, hazardous materials, noise, and traffic.