BERKELEY ICELAND ADAPTIVE REUSE PROJECT

RESPONSE TO COMMENTS

SCH 2011092011

Prepared for the City of Berkeley

By:

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I. INTRODUCTION

A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the Berkeley Iceland Adaptive Reuse Project (project) (SCH# 2011092011). The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides response to each comment received on the Draft EIR and revises the Draft EIR, as necessary, in response to comments received or to correct or clarify material in the Draft EIR.

None of the comments received on the Draft EIR constitute new information that warrants recirculation of the Draft EIR. Comments received do not identify new impacts, result in a substantial increase in the severity of impacts, nor do the comments include feasible project alternatives or mitigation measures that are considerably different from those analyzed in the Draft EIR and/or which the applicant has refused to implement.

This RTC Document, together with the Draft EIR, constitutes the Final EIR for the proposed Berkeley Iceland Adaptive Reuse project.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of Berkeley prepared an Initial Study and circulated a Notice of Preparation (NOP) that briefly described the proposed project and the topics that would be evaluated in the EIR: historic resources, greenhouse gas emissions, and transportation and circulation. The Initial Study determined that the proposed project would not result in any significant impacts for the following topics and that no further evaluation in the EIR would be necessary. Environmental topics not warranting detailed evaluation based on the findings of the Initial Study (see Appendix A) include aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems.
The NOP was published on September 6, 2011, and the public comment period for the scope of the Draft EIR was from September 6, 2011 to October 7, 2011. The NOP was sent to responsible and trustee agencies, organizations, and interested individuals. Additionally, the NOP was sent to the State Clearinghouse.

A Scoping Session for the Draft EIR was held as part of a Zoning Adjustment Board (ZAB) meeting for the project on September 22, 2011. The Landmarks Preservation Commission (LPC), at its October 6, 2011 meeting, was provided an opportunity to preview the project and take comments on the Initial Study/Environmental Checklist and provide advisory comments. The LPC focused its discussion on the merits of the project, although concerns related to earthen berms, interior features, and the current state of the project site were discussed. Written comments received by the City on the NOP and verbal comments received at the scoping meeting were taken into account during the preparation of the EIR. The NOP and written comments received are included in Appendix A.

Topic areas that were most widely referenced in the NOP comments included issues related to:
- Aesthetics – concerns about the change in character associated with removal of the berms.
- Historic Resources – concerns about adverse impacts to the earthen berms and interior features of the structure.
- Transportation and Circulation – concerns related to the proposed project’s potential to increase traffic on surrounding streets.

Non-CEQA topic areas that were widely referenced include:
- Parking – concerns related to the project’s impact on parking demand on surrounding streets.
- Recreation – concerns that the City does not have adequate opportunities for indoor recreation.

The Draft EIR was made available for public review on November 17, 2011 and distributed to applicable local and State agencies. Copies of the Notice of Availability of the Draft EIR (NOA) were mailed to all individuals previously requesting to be notified of the Draft EIR, in addition to those agencies and individuals who received a copy of the NOP.

The public comment period for the Draft EIR ended on January 3, 2012. The City of Berkeley Landmark Preservation Commission (LPC) held a meeting on December 1, 2011 and the Zoning Adjustments Board (ZAB) held a meeting on December 8, 2011 in order to accept comments on the Draft EIR. Copies of all written comments received during the comment period and verbal comments provided by Commission members and members of the public.
during the LPC and ZAB meetings are included in Chapter III, Comments and Responses, of this document.

C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- **Chapter I: Introduction.** This chapter discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.

- **Chapter II: List of Commenting Agencies, Organizations, and Individuals.** This chapter contains a list of agencies, organizations, and persons who submitted written comments on the Draft EIR during the public review period or verbal comments at the Planning Commission hearing.

- **Chapter III: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period and for verbal comments received during the ZAB and LPC public hearings is provided. Each response is keyed to the associated comment.

- **Chapter IV: Text Revisions.** Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Text with **double underline** represents language that has been added to the Draft EIR; text with **strikeout** has been deleted from the Draft EIR.
II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

This chapter presents a list of letters and comments received during the public review period and describes the organization of the letters and comments that are included in Chapter III, Comments and Responses, of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each letter received on the Draft EIR and comments received at the public hearings conducted by the Landmarks Preservation Commission (LPC) and Zoning Adjustments Board (ZAB). The comments are grouped by the affiliation of the commentor, as follows: State, local and regional agencies (A); individuals and organizations (B); and public hearings (C).

The comment letters and public hearing comments are numbered consecutively following the A, B, and C designations. Each comment within the letters and each speakers’ individual comments are annotated in the margin according to the following code:

- State, Local, and Regional Agencies: A1-#
- Individuals and Organizations: B1-#
- Hearings on Draft EIR: C1-#

B. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the City during the public review period.
# LIST OF COMMENT LETTERS RECEIVED

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III. COMMENTS AND RESPONSES

Written responses to each comment letter and verbal comments received on the Draft EIR are provided in this chapter. Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters and comments are grouped by the affiliation of the commenting entity as follows: State, local, and regional agencies and commissions (A); individuals and organizations (B); and Landmark Preservation Commission (LPC) and Zoning Adjustment Board (ZAB) meeting comments (C).

MASTER RESPONSES

A significant number of comments received on the Draft EIR related to two topic areas: (1) removal of the earthen berms and (2) modifications to the building interior. A master response for comments related to each of these two comment topics has been prepared to ensure the comments are comprehensively addressed. The two master responses are provided below, followed by individual responses to the letters and verbal comments received on the Draft EIR. Corrections and/or clarifications to the Draft EIR are captured in the individual responses as well as in Chapter IV, Text Revisions.

MASTER RESPONSE 1: EARTHEN BERM

Many of the comments on the Draft EIR related to the earthen berms (berms) being integral to the design of the building and its historical significance and that the berms were not adequately addressed in the Draft EIR. The Berkeley Iceland building is listed on the California Register of Historical Resources (CRHR), is eligible for the National Register of Historic Places (NRHP), and is a listed City of Berkeley Landmark. This master response provides a comprehensive response to each of the comments related to the berms.

**Removal of the berms will have a significant impact.** Recognizing the importance of the berms to the local nomination, the Draft EIR finds that removal of the berms would result in a potentially significant and unavoidable impact. See page 47 of the Draft EIR; the impact statement is also restated below.

*Impact HIST-1: The City of Berkeley has determined that a significant impact would occur to the historic setting of the existing Berkeley Iceland structure if the earthen berms are removed as part of project construction. (S)*
The Draft EIR also recommended the following mitigation measure to minimize this impact, but recognized that although it would minimize the impact, it would not reduce the impact to a less-than-significant level:

**Mitigation Measure HIST-1:** It is recommended that the historic feeling that would be affected by the berms’ removal be replicated to the extent possible through creation of a silhouette on the walls that would be constructed once the berms are removed that would depict the height and shape of the berms that once existed in those locations. This silhouette could be accented by a change in materials, patterns/texturing color, or other techniques. These techniques would mitigate but not fully compensate for the loss of the berms, and would result in a **significant unavoidable impact** to the historic resource based on the loss of integrity according to the landmark nomination forms. (SU)

The project applicant has agreed to implement a more specific version of this mitigation to further minimize this significant and unavoidable impact as described below under Mitigation.

**Local and national significance.** The City of Berkeley Landmark designation describes the berms as excerpted below (see the landmark designation approval resolution in Appendix B of the Draft EIR).

WHEREAS, Berkeley Iceland (2727 Milvia Street, 1939, W.C. Ambrose), consistent with §3.24.110.A.1, possesses architectural merit as a significant and rare example of the Streamline Moderne style and as a rare 1939 example of the use of earth sheltered construction. The structure houses a larger than Olympic size ice skating rink, the largest and oldest in Northern California, with seating for over 3,000 spectators. The design is an example of engineering economy where a waste material, excavated soil, was incorporated into the building’s design for insulation and cooling, for building circulation and excavation, and for maximizing spectator seating.

The NRHP registration form (see Appendix B of the Draft EIR) does not identify the berms as a contributing factor to the facility’s historical significance. The NRHP finds the eligibility of Berkeley Iceland dependent on (1) Criterion A, property associated with events that have made a significant contribution to the broad patterns of [...] history; and (2) Criterion C, property [that] embodies the distinctive characteristics of a type, period, or method of construction [...]. Examples of items that contribute to its role as a historic ice rink (Criterion A) are the more than Olympic-sized ice surface and its significant role in the history of ice skating, including fulfilling the role of host to the U.S. National Figure Skating Championships in 1947, 1957, and 1966. The NRHP registration form identifies building features that contribute to its distinctive Streamline Moderne architectural characteristics (Criterion C) as the stepped massing, rounded corners, horizontal scoring, stepped pilasters, multi-light steel-sash windows, and Moderne lamps. Other major features that are noted are the arena’s gabled west facade, tall windows and pilasters, and the sleek lines of
the building in general as well as the front pavilion's central bay with its distinctive lamps, canopy, neon sign and terrazzo porch. The berms are not mentioned relative to either of the nominating criterion (A or C).

**Secretary of the Interior’s Standards for Rehabilitation.** The Rehabilitation Standards are one of four treatment approaches detailed in the *Secretary of the Interior’s Standards for the Treatment of Historic Properties.*¹ The four treatment approaches in hierarchical order, are:²

1) The first treatment, **Preservation,** places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a building's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

2) **Rehabilitation,** the second treatment, emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. (Both the Preservation and Rehabilitation standards focus attention on the preservation of those materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)

3) **Restoration,** the third treatment, focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

4) **Reconstruction,** the fourth treatment, establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials.

The Standards also state:

*The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation’s irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But once a treatment is selected, the Standards provide philosophical consistency to the work.*

As described in Appendix C of the Draft EIR, the Historic Evaluation, and in the introduction to the Standards, typically, one set of standards is chosen for a project based on the project scope. At Berkeley Iceland, the proposed project would convert the building from its original use as an ice skating rink to retail use as a sporting goods store, so the **Standards for Rehabilitation** were identified as most appropriate.


²Ibid.
The Draft EIR discusses the project’s relationship to the *Standards for Rehabilitation* on pages 41 to 44 and pages 27 to 30 of Appendix C of the Draft EIR. A discussion of the project’s relationship to each of the Standards (1 through 10) is provided.

**Mitigation.** In order to further mitigate this significant impact, although not to a less-than-significant level, Mitigation Measure HIST-1 is revised as follows in response to suggestions from the LPC:

Mitigation Measure HIST-1: The following mitigation measures shall be implemented:

**HIST-1a:** It is recommended that the historic feeling that would be affected by the berms’ removal shall be replicated to the extent possible through creation of “green” walls that depict the height and shape of the berms that once existed. Silhouette on the walls that would be constructed once the berms are removed that would depict the height and shape of the berms that once existed in those locations. This silhouette could be accented by a change in materials, patterns/texturing color, or other techniques.

**HIST-1b:** As the berms are landscape features that create a sense of green edges for the north and south elevations of the building, their loss shall be mitigated to the extent possible through the preservation and replacement as necessary (see Mitigation Measure BIO-1) of existing perimeter and street trees and the use of permeable paving and other forms of landscaping between both the building edge and property lines along Derby and Ward streets to maintain landscaping buffers.

**HIST-1c:** A photograph documentation of the berms shall be conducted and an educational exhibit for Berkeley Iceland shall be created. The documentation shall be conducted following the standards listed below and submitted to the LPC for review prior to the issuance of a grading and/or building permit and the existence of the exhibit should be verified prior to Final Inspection. The exhibit shall be displayed in the Iceland lobby at all times for the period the building is occupied by a retail establishment.

Photo documentation standards: **Camera:** A 35mm camera should be used. **Lenses:** No soft focus lenses should be used. Lenses may include normal focus length, wide angle and telephoto. **Filters:** Photographer’s choice. Use of a pola screen is encouraged. **Film:** Must use black and white film. Tri-X, Plus-X, or T-Max film is recommended. **View:** Perspective view-façade and one side. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary. **Lighting:** Sunlight is usually preferred for exteriors.
especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs. **Technical:** All areas of the photograph must be in sharp focus. **Digital:** Digital photos can supplement film, but primary documentation shall be black and white film. **Submission:** Two (2) copies of the black and white photos with the negatives (for distribution to archives) and one (1) photocopy (for project file) shall be submitted to the Zoning Officer prior to issuance of Building Permit.

These techniques would mitigate but not fully compensate for the loss of the berms, and would result in a significant unavoidable impact to the historic resource based on the loss of integrity according to the local landmark nomination forms. (SU)

**MASTER RESPONSE 2: BUILDING INTERIOR**

This master response comprehensively addresses comments received on the Draft EIR that relate to the building interior.

**Plan Detail.** Several of the comments received on the Draft EIR stated that the detail of the interior alterations on the exhibits included in the Draft EIR were not adequate for an evaluation. As noted in the Draft EIR and associated staff reports and public notices, additional plans and renderings have been continuously available since they were scanned and uploaded to the City’s project website at http://www.ci.berkeley.ca.us/Content Display.aspx?id=65488.

**Interior Modifications and the Secretary’s Rehabilitation Standards.** Pages 27 through 31 of the Historic Resource Evaluation included in Appendix C of the Draft EIR evaluates the proposed interior modifications relative to the 10 Rehabilitation Standards as they are applicable to the interior modifications. The analysis considers the following key interior modifications: removal of a majority of the bleachers and ice surface and the installation of a new mezzanine, raised first floor, and elevator. The Evaluation finds that the construction of a new freestanding mezzanine and interior elevator would still allow the large arena volume and exposed trusses to be clearly perceived and the retention of a small section of the existing bleachers and an outline of the former ice surface would help convey the building’s original ice skating use. The Evaluation concludes that ultimately Berkeley Iceland would still retain sufficient integrity to convey its significance as a purpose-built Streamline Moderne-style ice skating rink, and its role in the expansion of the sport of figure skating on the West Coast. A more specific discussion of each interior modification is provided below.

**Removal of the arena floor.** The exposed brine pipes on the arena floor are all that remain today of Iceland’s famous ice surface. As part of the proposed project, the
brine pipes would be encapsulated in a new concrete slab, not removed. These pipes were never meant to be visible, and thus the overall character of the interior would still be preserved. The proposed project also includes details such as outlining the former ice surface on the retail floor and displaying historic photographs in the lobby that will help convey the building’s original ice skating use. Pages 27-29 of the Historic Resource Evaluation included in Appendix C details the treatment of the floor relative to each applicable Rehabilitation Standard. The analysis finds while Berkeley Iceland’s original use as an ice rink is an important part of its history, that the encapsulation of the arena floor with a concrete slab will not conflict with any of the Rehabilitation Standards.

**Removal of the bleachers.** As part of project plans to increase floor space within the building, the existing bleachers would be removed from the north and south wings of the arena. The removal of the bleachers would affect the overall feel of the space as an arena. In an attempt to compensate for this, the project proposes to reinstall some of the bleachers to provide seating for community events, and to reuse the remaining wood where possible throughout the building (for retail displays, for example). Recreation of a section of bleachers on each side of the arena floor in their original relationship to the open arena and exposed beams and trusses would help maintain the historic character and feel of the property's interior space. This would support consistency with Standards 2 and 5 by preserving an example of material, feature and craftsmanship that characterized the spatial relationships in the interior of the arena.

**Addition of Mezzanine and Elevator.** A new mezzanine would be installed around the perimeter of the arena. This new structure is designed to be independent of the existing building and it would be completely removable without causing further impact to the historical structure should the desired use of the building change at a future date. As a freestanding structure, the mezzanine would not add to the structural load of the existing trusses. As noted in the Evaluation (see page 29 of the Draft EIR), the mezzanine would not be connected to the historic trusses and walls and, therefore, would not damage the historic fabric. Its design would comply with Standard 5. In addition, the mezzanine is designed along the plane of the clerestory windows, which would still allow the open arena and exposed beams and trusses to dominate the view. The mezzanine would be accessed by a freestanding interior elevator. As pointed out in the Evaluation (page 29), the elevator is mostly transparent and does not abut any windows, walls, or trusses, thereby minimizing its effect on historic materials. The modern mezzanine design is intended to integrate additional floor space without modifying the historic character of the structure and would comply with Standard 3 in that it allows the property to retain a physical record of its time, place, and use.

**Other interior alterations.** Other interior alterations are located in the front pavilion and include conversion of the café area into a retail checkout space and creation of
open community and retail areas in the south and north lobbies. These interior alterations have a potential to impact Berkeley Iceland’s historical significance relative to Criterion C. However, the spatial relationship between the historic lobby and the arena would be largely retained, and the fenestration pattern at the café would be retained in the new point-of-sale area. Other interior alterations would occur in the secondary rooms/areas of the building, and would not result in the removal of significant spaces or spatial relationships. These changes may require removal of historic doors and plate glass windows, but these elements were not found to be character defining features in the Historic Evaluation and their removal is not considered to be inconsistent with any of the Rehabilitation Standards.

The north lobby alterations would result in the creation of a large open retail space greater than the original double doors allowed. The north lobby would be relatively closed off from the entrance lobby by a new public access corridor that would allow direct access from the retail checkout to the entrance lobby. These alterations would require the removal of interior walls now forming office space and men's and women's restrooms. A new men's restroom and a partition wall that forms the northern wall of the public access corridor would be constructed. The stairway leading to the northern parking lot through the small northeastern bay would be retained and restored. The planned alterations to the north lobby would modify a layout that is the result of previous renovations (English 2010:5). The offices along the west side were originally locker rooms that were subsequently converted. Lockers lining the wall at the north end of the north lobby were at some point extended to replace what was originally a storeroom. The removal of the old interior walls is not considered to be inconsistent with Standard 2, since the partition walls are not defining features of the Berkeley Iceland. The construction of new interior walls in the north lobby would not alter the historic character of the structure as they are designed to connect the rehabilitated historic lobby and the open arena.

The south lobby would undergo a similar conversion into an open community room with an adjoining women's restroom and access corridor between the lobby and arena that mirrors the one on the northern side of the retail checkout area. There would be open access between the corridor and the community room. The community space would be opened more to the arena than the original double doors allowed. These changes would require removal of interior office walls on the south end of the lobby and construction of new walls for the restroom and access corridor. The exit to the southern parking lot through the small southeast bay would be closed off and the bay would contain a stairwell leading up to the mezzanine area. The counter and shelves associated with skate rentals would be removed. The removal of the old interior walls is not considered to be inconsistent with Standard 2, since the partition walls are not defining features of the Berkeley Iceland. The construction of new interior walls in the south lobby would not alter the historic character of the structure as they are designed to connect the rehabilitated historic
lobby and the open arena. The south lobby would retain its historic open spatial connection to the entrance lobby.

William Self Associates (WSA), the historic consultant to the City for this EIR, concurs with Page & Turnbull, the applicant’s historic consultant, that Berkeley Iceland would retain sufficient integrity with the proposed interior improvements/modifications to convey its significance as a purpose-built Streamline Moderne-style ice skating rink as well as its role in the expansion of the sport of figure skating on the West Coast, and that its eligibility for listing in the National Register of Historic Places, its listing on the California Register of Historical Resources, and its designation as a City of Berkeley landmark would not be compromised.
A. STATE, LOCAL, AND REGIONAL AGENCIES
December 20, 2011

Leslie Mendez
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Land Use Planning Division
City of Berkeley Planning and Development Department
2120 Milvia Street
Berkeley, CA
L.Mendez@ci.berkeley.ca.us

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the Berkeley Iceland Adaptive Reuse Project (2727 Milvia Street) in the City of Berkeley

Dear Ms. Mendez:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Iceland Adaptive Reuse Project (2727 Milvia Street) in the City of Berkeley. The Berkeley Iceland Adaptive Reuse project proposes to rehabilitate the 53,334 square-foot Berkeley Iceland building consistent with the Secretary of the Interior’s Standards for Historic Rehabilitation and convert the building to commercial retail use. The adaptation of the structure would include the removal of the existing internal and external earthen berms to accommodate off-street parking and interior improvements including the removal of wood bleachers and construction of the two interior mezzanine areas. The renovated building would include a total of 71,862 square foot of commercial retail space (including accessory office and storage areas). Approximately 5,196 square feet of the building would be available to host community events. The project proposes a total of 44 off-street vehicle parking spaces, two off-street loading spaces, 64 off-street bike parking spaces and an additional 40 employee bicycle parking spaces within the store.

The Alameda County Transportation Commission (Alameda CTC), on behalf of the Alameda County Congestion Management Agency (ACCMA) through the powers delegated to Alameda CTC by the joint powers agreement which created Alameda CTC, respectfully submits the following comments:

- As part of the Alameda County Congestion Management Program’s Land Use Analysis Program, the City of Berkeley is required to send all Notices of Preparation (NOP) to the Alameda CTC for review and comment. While the City of Berkeley has in the past forwarded all NOPs to us, to our knowledge we never received the NOP for this project. We assume this is an oversight or a mail delivery issue, but would appreciate the City double checking that the Alameda County Transportation Commission is included on the City’s mailing list to receive future notifications.
Based on our review of the information provided in the DEIR, specifically the trip generation calculations shown on page 8, Table IV C-5, the project is expected to generate more than 100 p.m. peak hour trips over existing conditions which triggers a Tier 1 transportation analysis. Therefore, the following comments are respectfully submitted.

- The City of Berkeley adopted Resolution No. 56,593 on September 29, 1992 establishing guidelines for reviewing the impacts of local land use decisions consistent with the Alameda County Congestion Management Program (CMP). If the proposed project is expected to generate at least 100 p.m. peak hour trips over existing conditions, the CMP Land Use Analysis Program requires the City to conduct a traffic analysis of the project using the Countywide Transportation Demand Model for projection years 2020 and 2035 conditions. Please note the following paragraph as it discusses the responsibility for modeling.
  - The CMP was amended on March 26th, 1998 so that local jurisdictions are responsible for conducting the model runs themselves or through a consultant. The Alameda CTC has a Countywide model that is available for this purpose. The City of Berkeley and the Alameda CTC signed a Countywide Model Agreement on September 15, 2010. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request.

- The DEIR should address all potential impacts of the project on the MTS roadway and transit systems. These include MTS roadways as shown in the attached map as well as BART and AC Transit. The MTS roads in the City of Berkeley in the project study area are: Sacramento Street, Martin Luther King Jr. Way, Shattuck Avenue, Bancroft Way, Dwight Way, SR 13, and Adeline Street. (See 2011 CMP Figure 2). Potential impacts of the project must be addressed for 2020 and 2035 conditions.
  - Please note that the Alameda CTC has not adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2011 CMP for more information).
  - For the purposes of CMP Land Use Analysis, 2000 Highway Capacity Manual is used.

- The adequacy of any project mitigation measures should be discussed. On February 25, 1993, the ACCMA Board adopted three criteria for evaluating the adequacy of DEIR project mitigation measures:
  - Project mitigation measures must be adequate to sustain CMP service standards for roadways and transit;
  - Project mitigation measures must be fully funded to be considered adequate;
  - Project mitigation measures that rely on state or federal funds directed by or influenced by the CMA must be consistent with the project funding priorities established in the Capital Improvement Program (CIP) section of the CMP or the Regional Transportation Plan (RTP).
The DEIR should include a discussion on the adequacy of proposed mitigation measures relative to these criteria. In particular, the DEIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and what would be the effect on LOS if only the funded portions of these projects were assumed to be built prior to project completion.

- Potential impacts of the project on CMP transit levels of service must be analyzed. (See 2011 CMP, Chapter 4). Transit service standards are 15-30 minute headways for bus service and 3.75-15 minute headways for BART during peak hours. The DEIR should address the issue of transit funding as a mitigation measure in the context of the Alameda CTC/ACCMA policies discussed above.

- The DEIR should also consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 2011 CMP, Chapter 5). The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal. A copy of the checklist is enclosed.

- The EIR should consider opportunities to promote countywide bicycle and pedestrian routes identified in the Alameda Countywide Bicycle and Pedestrian Plans, which were approved in October 2006. The approved Countywide Bike Plan is and Pedestrian Plan are available at http://www.actia2022.com/app_pages/view/58

- For projects adjacent to state roadway facilities, the analysis should address noise impacts of the project. If the analysis finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

- Local jurisdictions are encouraged to consider a comprehensive Transit Oriented Development (TOD) Program, including environmentally clearing all access improvements necessary to support TOD development as part of the environmental documentation.

Thank you for the opportunity to comment on this Notice of Preparation. Please do not hesitate to contact me at 510.208.7405 if you require additional information.

Sincerely,

Beth Walukas
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner
Figure 2—Designated System Map for Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
Design Strategies Checklist
for the
Transportation Demand Management Element
of the
Alameda County CMP

The Transportation Demand Management (TDM) Element included in Alameda County Congestion Management Program requires each jurisdiction to comply with the Required Program. This requirement can be satisfied in three ways: 1) adopting “Design Strategies for encouraging alternatives to using auto through local development review” prepared by ABAG and the Bay Area Quality Management District; 2) adoption of new design guidelines that meet the individual needs of the local jurisdictions and the intent of the goals of the TDM Element or 3) providing evidence that existing local policies and programs meet the intent of the goals of the TDM Element.

For those jurisdictions who have chosen to satisfy this requirement by Option 2 or 3 above, the following checklist has been prepared. In order to insure consistency and equity throughout the County, this checklist identifies the components of a design strategy that should be included in a local program to meet the minimum CMP conformity requirements. The required components are highlighted in bold type and are shown at the beginning of each section. A jurisdiction must answer Yes to each of the required components to be considered consistent with the CMP. Each jurisdiction will be asked to annually certify that it is complying with the TDM Element. Local jurisdictions will not be asked to submit the back-up information to the CMA justifying its response; however it should be available at the request of the public or neighboring jurisdictions.

Questions regarding optional program components are also included. You are encouraged but not required to answer these questions. Alameda County Technical Advisory Committee (ACTAC) and the TDM Task Force felt that it might be useful to include additional strategies that could be considered for implementation by each jurisdiction.

CHECKLIST

Bicycle Facilities

Goal: To develop and implement design strategies that foster the development of a countywide bicycle program that incorporates a wide range of bicycle facilities to reduce vehicle trips and promote bicycle use for commuting, shopping and school activities. (Note: an example of facilities are bike paths, lanes or racks.)

Note: Bold type face indicates those components that must be included the “Required Program” in order to be found in compliance with the Congestion Management Program.
Local Responsibilities:

1a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

1a.1 provides a system of bicycle facilities that connect residential and/or non-residential development to other major activity centers?
   Yes  No

1a.2 bicycle facilities that provide access to transit?
   Yes  No

1a.3 that provide for construction of bicycle facilities needed to fill gaps, (i.e. gap closure), not provided through the development review process?
   Yes  No

1a.4 that consider bicycle safety such as safe crossing of busy arterials or along bike trails?
   Yes  No

1a.5 that provide for bicycle storage and bicycle parking for (A) multi-family residential and/or (B) non-residential developments?
   Yes  No

1b. How does your jurisdiction implement these strategies? Please identify.
   Zoning ordinance:
   Design Review:
   Standard Conditions of Approval:
   Capital Improvement Program:
   Specific Plan:
   Other:

Pedestrian Facilities

Goal: To develop and implement design strategies that reduce vehicle trips and foster walking for commuting, shopping and school activities.

Local Responsibilities

2a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that incorporate the following:

2a.1 provide reasonably direct, convenient, accessible and safe pedestrian connections to major activity centers, transit stops or hubs parks/open space and other pedestrian facilities?
   Yes  No

Note: Bold type face indicates those components that must be included the “Required Program” in order to be found in compliance with the Congestion Management Program.
2a.2 provide for construction of pedestrian paths needed to fill gaps, (i.e. gap closure), not provided through the development process?

Yes  No

2a.3 include safety elements such as convenient crossing at arterials?

Yes  No

2a.4 provide for amenities such as lighting, street trees, trash receptacles that promote walking?

Yes  No

2a.5 that encourage uses on the first floor that are pedestrian oriented, entrances that are conveniently accessible from the sidewalk or transit stops or other strategies that promote pedestrian activities in commercial areas?

Yes  No

2b. How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review, such as ADA Accessibility Design Standards:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Transit

Goal: To develop and implement design strategies in cooperation with the appropriate transit agencies that reduce vehicle trips and foster the use of transit for commuting, shopping and school activities.

Local Responsibilities

3a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

3a.1 provide for the location of transit stops that minimize access time, facilitate intermodal transfers, and promote reasonably direct, accessible, convenient and safe connections to residential uses and major activity centers?

Yes  No

3a.2 provide for transit stops that have shelters or benches, trash receptacles, street trees or other street furniture that promote transit use?

Yes  No

3a.3 include a process for including transit operators in development review?

Note: Bold type face indicates those components that must be included the “Required Program” in order to be found in compliance with the Congestion Management Program.
Yes  No

3a.4 provide for directional signage for transit stations and/or stops?

Yes  No

3a.5 include specifications for pavement width, bus pads or pavement structure, length of bus stops, and turning radii that accommodates bus transit?

Yes  No

3.b How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Carpools and Vanpools

Goal: To develop and implement design strategies that reduce the overall number of vehicle trips and foster carpool and vanpool use.

Local Responsibilities:

4a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

4a.1 For publicly owned parking garages or lots, are there preferential parking spaces and/or charges for carpools or vanpools?

Yes  No

4a.2 that provide for convenient or preferential parking for carpools and vanpools in non-residential developments?

Yes  No

4.b How does your jurisdiction implement these strategies? Please identify.

Zoning ordinance:
Design Review:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Note: Bold type face indicates those components that must be included the “Required Program” in order to be found in compliance with the Congestion Management Program.
Park and Ride

Goal: To develop design strategies that reduce the overall number of vehicle trips and provide park and ride lots at strategic locations.

Local Responsibilities:
5a. In order to achieve the above goal, does your jurisdiction have design strategies or adopted policies that include the following:

5a.1 promote park and ride lots that are located near freeways or major transit hubs?

Yes  No

5a.2 a process that provides input to Caltrans to insure HOV by-pass at metered freeway ramps?

Yes  No

5b. How does your jurisdiction implement these strategies? Please identify.
Zoning ordinance:
Design Review:
Standard Conditions of Approval:
Capital Improvement Program:
Specific Plan:
Other:

Note: Bold type face indicates those components that must be included the “Required Program” in order to be found in compliance with the Congestion Management Program.
LETTER A1
Alameda County Transportation Commission
December 20, 2011

A1-1  This introductory comment does not specifically address the adequacy of the Draft EIR; no further response is necessary. See responses to comments A1-2 through A1-10.

A1-2  The City of Berkeley sent an NOP on September 6, 2011 for this project to Beth Walukas at the Alameda County Congestion Management Agency (ACCMA) at the same address as the Alameda County Transportation Commission (Alameda CTC). The City has added the Alameda CTC to its mailing list and will send NOPs to both the Alameda CTC and ACCMA in the future.

A1-3  The Draft EIR traffic analysis was conducted using the Alameda CTC Countywide Transportation Demand Model for 2035. Based on staff-to-staff discussion, Alameda CTC has since waived the requirement to analyze 2020 for this project and asked that two additional MTS street segments be evaluated.

A1-4  An analysis of the MTS roadways is provided as an addition to Appendix E, Traffic and Circulation Analysis and shown in Chapter IV, Text Revisions, of this RTC document. Additionally, see Response A1-6.

A1-5  Mitigation measures in Chapter IV.C, Transportation and Circulation found on pages 86 and 90, include a discussion on the adequacy of the mitigation measure, including the elements identified in this comment.

A1-6  Page 92 of the Draft EIR is revised to include a new section on transit as shown below.

f. Transit Systems
Transit system access and usage was reviewed based on the site location and is discussed below.

BART System
The potential impacts of the Project on BART were evaluated by estimating increased ridership with the development of the proposed Project. The BART station at Ashby will provide primary access to the project site as this station is within walking distance to and from the project.

Based on Alameda countywide travel demand model it was estimated that total transit trips are about 4 percent of the total non-auto trips (Transit/Walk/Bike). Based on trip generation, the project will generate about 36 transit trips on a weekday and 48 transit trips on a weekend day.
BART’s April 2011 monthly ridership report for Ashby Station shows that the daily average ridership including entry and exit is approximately 8,837 riders during weekday and 5,702 riders during a Saturday. The increase in transit ridership at the station will be less than 1 percent. No supplemental impacts are therefore anticipated to the BART system.

AC Transit
Alameda-Contra Costa County (AC) Transit Bus Routes F, 18, and 800 (All Nighter) along Shattuck Avenue and Route 12 along MLK Jr. Way would serve the proposed development. Bus stops for all lines along Shattuck Avenue are located on both sides of Shattuck Avenue south of Parker Street. Route F connects the proposed project site to and from the Transbay Terminal in San Francisco, providing both weekday and weekend bus service at approximately 30-minute headways. Route 18 connects the proposed project site to the Berkeley BART station and the MacArthur BART station. Route 18 provides both weekday and weekend bus service along the Shattuck Avenue corridor at 15- to 30-minute headways. Route 800 connects the proposed project site to BART stations in downtown San Francisco and the following East Bay BART stations: West Oakland, Ashby, Berkeley, El Cerrito Del Norte, and Richmond. Route 12 connects the proposed project to Berkeley Bart, Ashby Bart and 19th Street/Uptown Transit Center. Route 12 provides weekday service with 20-minute headway during peak periods and 30 minute headways during other periods. On the weekend, the bus service is at approximately 30-minute headways. The project is expected to generate one passenger per bus or approximately 22 bus trips during weekday PM peak hour and two passengers per bus or approximately 37 bus trips during Saturday peak hour. Based on observations of the transit stops in the project vicinity it was observed that the additional passengers generated by the project would be accommodated by existing transit services.

f.g. Parking Demand Analysis

A1-7 Traffic Demand Management (TDM) analysis was completed for this project; TDM measures address demand related strategies on page 81 of the Draft EIR.

A1-8 The text of the Draft EIR is revised to specifically address the Alameda Countywide Bicycle and Pedestrian plans. Page 91 of the Draft EIR is revised as shown below:

- **Pedestrian and Bicycle Access and Circulation Analysis**
  Pedestrian and bicycle access and circulation was reviewed based on the site plan and is discussed below.
(1) **Pedestrian Access and Circulation**

There would be no new significant impacts to pedestrians associated with the proposed project. The project would result in additional pedestrian traffic; however, there are existing crosswalks and sidewalks on Milvia, Derby, and Ward Streets that would adequately serve the anticipated increase in pedestrian traffic. The site plan includes sidewalks for safe pedestrian circulation within the development and along the project frontage on Milvia Street, Ward Street, and Derby Street.

(2) **Bicycle Access and Circulation**

There would be . . . and the bike boulevard.

The project is expected to generate about 9 bike trips and 29 pedestrian trips each day during the weekday PM peak hour and 15 bike trips and 49 pedestrian trips during the Saturday peak hour. The proposed project is consistent with both the City’s and the County’s bicycle plans, in that it provides ready access to the existing network of bicycle routes and a bicycle boulevard, on-site bicycle parking for employees and customers, and employee lockers and showers. There would be no changes to the existing bicycle boulevard on Milvia Street.

A1-9  This project is not located adjacent to a State roadway facility, no further response is necessary.

A1-10  This comment does not specifically address the adequacy of the Draft EIR; no further response is necessary.

A1-11  This closing comment does not specifically address the adequacy of the Draft EIR; no further response is necessary. See responses to comments A1-2 through A1-9.
B. INDIVIDUALS AND ORGANIZATIONS
From: Janice Hamer [mailto:hamerja@att.net]
Sent: Thursday, December 01, 2011 5:10 PM
To: Mendez, Leslie
Cc: Zoning Adjustments Board (ZAB)
Subject:  

Dear Leslie and ZAB:

I am writing regarding the currently proposal from David Rumberg and Sports Basement to turn the previous Berkeley Iceland structure into another shopping store. Instead of another run of the mill super sized sporting goods facility, please try to steer the structure revamping into a new, upgraded ice rink if at all fiscally possible which the SBI people claim.

While I did talk with the Sports Basement people and they seem nice, a shopping store could go anywhere - people can and are buying lots of this sort of stuff through the internet. Sports Basement mentioned that it would offer free classes to the community doing yoga, zumba, tai chi - but Berkeley already has many opportunities for these activities that are economical.

What is hard to find on the internet or just anywhere is an ice skating session and skating really is good for health by working balance, cardio, and coordination skills. The skating rinks in the Bay Area at present are either not easy to attend regularly, as in San Francisco or Santa Rosa, or are in not terribly attractive neighborhoods, as in Oakland. So please build the rink - I would've skated at Berkeley today. Perhaps you can work out a way for Sports Basement to co-manage the sports supplies, and make everyone happy.

Sincerely,

Janice Hamer
LETTER B1
Janice Harner
December 1, 2011

B1-1 Discussions related to the viability of an ice rink facility in this location are not related to the adequacy of the Draft EIR; but the City may consider this item during the review of the project merits. A No Project/Ice Rink alternative is considered in the Draft EIR on page 105.

B1-2 This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

B1-3 This comment does not relate to the adequacy of the Draft EIR, see response B1-1 related to alternatives. Additionally, the feasibility of the alternatives analyzed in the EIR has not been finally determined. All were determined to be potentially feasible in certain respects in that they would attain some of the objectives identified in Chapter III, Project Description, would use the proposed project site, and are all capable of being constructed on the project site.

Formal determinations of feasibility will be made as part of the CEQA findings made by decision-makers as part of their deliberations on the proposed project. As noted in CEQA Guidelines §15021 and §15091, a project should not be approved if there are feasible alternatives available which would substantially lessen the significant environmental effects; however, specific economic, social, legal, technological, or other conditions may make an alternative infeasible. Reasons why any alternative is found by decision-makers to be infeasible would be provided in those findings; the reasons would need to be supported by substantial evidence in the record. The evidence need not be presented in the EIR, however. Analysis of the economic feasibility or infeasibility of an alternative is typically presented in separate memoranda or reports made available to decision-makers during consideration of actions on a proposed project. Information on conditions that might make an alternative infeasible could be available in reports prepared by the lead agency. The requests for further information about feasibility will, therefore, be answered in the findings adopted by the ZAB and LPC (and City Council on appeal and in supporting evidence in the record outside of this EIR, as the City’s decision makers consider the proposed project for action. No further response is necessary.
Dear Ms. Mendez:

This is to comment on the Draft Environmental Impact Report for the Berkeley Iceland Adaptive Reuse Project.

The document fails to acknowledge that the project, as proposed, would have a significant adverse impact in terms of AESTHETICS. This failure evidently relies on the Initial Study's false claim (see Appendix A's pages 23-24) that "No adverse impacts [at all!] to the visual character or quality of the site and its surroundings would result."

Quite to the contrary, removing the earthen berms would significantly detract from the property's visual character and have adverse aesthetic impact on nearby properties. The berms have always importantly softened the huge Iceland building's visual impact on its smaller-scale surroundings. The proposed project would destroy this vital balance. It would result in the Ward and Derby frontages' presenting long high walls, starkly exposed behind long open parking lots.

The attempt to mitigate this by painting the vanished berms' "profile" onto those high walls would be very inadequate, and maybe laughably fake.

For partial mitigation, I suggest retaining (or at least reconstituting) some PORTIONS of the berms, perhaps at and near their west and east ends.
And to the extent that berms are permanently removed, veiling the walls' lower reaches with ivy or other PLANTING would be more helpful than painting fake profiles onto them.

A related problem involves trees along Ward Street. Here, at the foot of the berm, there's now a long line of closely spaced trees, which I believe are on private property rather than within the street right-of-way. The Draft EIR's Figure III-3 seems to imply that all these trees would be removed and that they'd be replaced--within the street right-of-way--by FEWER trees. It's very unclear whether or how this reduction would comply with the Draft EIR's claim (on page 26) that the project would entail "the preservation or replacement of all existing street trees."

Regarding HISTORIC RESOURCES, the Draft EIR claims that berm removal would be the ONLY significant impact on them. But that claim appears unjustified, in light of the proposed very extensive changes to the building's historic interior.

Even though the project plans show some effort to maintain the feel of the front lobby's central portion, one detail about this caught my eye.
Above the lobby's fireplace there's now a large mirror that's incised with a scene and words that strongly evoke the building's history as an ice rink.
But the drawing that's on the Draft EIR's own cover appears to show this mirror being replaced with something quite different. I very much urge retaining the historic mirror here.

Sincerely,

John S. English
2500 Hillegass Ave., Apt. 3
Berkeley, CA 94704-2937
LETTER B2
John S. English
December 28, 2011

B2-1 This introductory comment does not specifically address the adequacy of the Draft EIR; no further response is necessary.

B2-2 Impacts to aesthetic resources were analyzed as part of the Initial Study completed for the proposed project (see Appendix A of the EIR). It was concluded as part of this analysis that the proposed project would not have a substantial adverse effect on a scenic vista; would not substantially damage scenic resources; would not substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare that adversely affects day or nighttime views in the area.

The Initial Study discussion concludes that the proposed changes would not substantially degrade the existing visual character or quality of the site. Removal of the earthen berms and the addition of off-street surface parking would change building and site aesthetics including the existing building mass and the site’s topography. Removal of the berms would increase the structure set back from the street, and would add to the open character of the surrounding landscape that consists of a mix of single- and multi-family residential, educational including sports fields, and commercial uses. The establishment of on-site parking on this area of the site will also change the view along the Derby and Ward Street frontages. However, the introduction of another row of angled parking between the existing on-street parking and the building would not substantially degrade the existing visual character or quality of the site. The proposed project would result in improvements to an existing building that is in poor condition and improve the existing visual character and quality of the site. Street trees would be retained to the maximum extent possible or, in the event any are removed, would be replaced in kind, subject to review by the City Arborist (see Mitigation Measure BIO-1 in the Initial Study) if damaged as a result of construction activity. A “green” wall would be installed at the location of the berms as noted in the revised mitigation measures detailed in HIST MM-1, which the project applicant is committed to implementing; for additional information, please see Master Response 1, Earthen Berms.

B2-3 As noted in the Biological Resources section of the Initial Study, there are currently a total of 26 mature street trees along the project site’s street frontages and an additional 6 trees growing on or adjacent to the project site. Mitigation measures state that any tree replacement necessitated by construction activities would be consistent with City of Berkeley standards as determined and approved by the City arborist. The applicant anticipates preserving the majority of trees.
B2-4 See Master Response 2, Building Interior, for details related to the building lobby. The existing mirror found in the building lobby is not listed as a significant interior feature in either the National or the City historic resource nomination form (See Appendix B). The applicant intends to repair and/or replace in kind the existing mirror.
Tom and Elizabeth,
All the information minus one page was available to the public. I have discussed this matter with Steve Buckley, and we will NOT be extending the comment period for the DEIR. The 45 day time period is sufficient.
Thank you and Happy New Year.
Leslie

Leslie Mendez | Associate Planner | City of Berkeley
Planning and Development | Land Use Planning Division
2120 Milvia Street | Berkeley, CA 94704
☎ 510.981.7426 | ☏ 510.981.7420
✉ lmendez@ci.berkeley.ca.us

Please note: As a cost saving measure the City of Berkeley is closed the 2nd and 4th Friday of every month. Additional closures may occur. For the latest City Closures and Holidays please check the City of Berkeley Homepage at www.ci.berkeley.ca.us.

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From: Tom Killilea [mailto:tkiller@netbox.com]
Sent: Thursday, December 29, 2011 11:39 PM
To: Mendez, Leslie
Cc: Elizabeth Grassetti
Subject: Berkeley Iceland [2727 Milvia] DEIR Comments

Dear Leslie -

Attached please find a document listing my comments to date for the Draft Environmental Impact Report (DEIR) for Permit # 11-10000006 Berkeley Iceland, 2727 Milvia. Because of the lack of data and holidays, I have not had the opportunity to fully comment. As Elizabeth Grassetti informed you on 12 December, the lack of data made a proper evaluation of the GHG findings not possibly by and expert. I repeat her request for a 30 day extension for the comment period.

Even within the time (and holiday interruptions), I have been able to detail 44 specific items which need addressing before the EIR can be considered. Most of my comments fall into a set of common categories which cover the preparation of the DEIR as submitted:

+ Unsubstantiated Claims: In a number of key points in the DEIR, the preparers make statements and allusions which are not supported by data or analysis.
+ Omissions of topics and conditions: a number of issues which should be included to make the EIR complete are missing; the completed EIR should include these topics.
+ Lack of drawings and renderings sufficient to evaluate claims in the EIR - this includes interior details, exterior changes and conditions, and traffic patterns.

The combination of the issues for which these shortcomings apply should require the DEIR be
revised based on the missing and incomplete items. Once the DEIR is revised, a new comment period should be opened for review of the revised document.

If there is a problem with this, the document is also available on the web at the URL:

https://docs.google.com/spreadsheet/pub?hl=en_US&hl=en_US&key=0Ahv1zeYeA4N5dF9xb2hyUDNOLWdDeDZjd3RrMVINV1E&output=html

Best - Tom Killilea / 510-435-7259
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<td>6</td>
<td>scope</td>
<td>project objectives</td>
<td>Preserve the character defining features of the interior of the Iceland building.</td>
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<td>building interior</td>
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<td>Claims of reversibility for potential future use of rink and outline of ice surface</td>
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<td>conversion of skate rental and utilitarian areas to new uses</td>
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<td>proposed project</td>
<td>removal of stands</td>
<td>Disassembly of existing wood benches with reconstruction of a portion</td>
</tr>
<tr>
<td>10</td>
<td>proposed project</td>
<td>change of cafe</td>
<td>Adaption of former cafe/snack bar area for POS equipment/check out</td>
</tr>
<tr>
<td>11</td>
<td>proposed project</td>
<td>building interior</td>
<td>GENERAL COMMENT</td>
</tr>
<tr>
<td>12</td>
<td>proposed project</td>
<td>building exterior</td>
<td>GENERAL COMMENT</td>
</tr>
</tbody>
</table>
### Building Exterior

**Building Exterior**

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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<tbody>
<tr>
<td>Building Exterior</td>
<td>It is likely that the berms were employed to save time and money during construction and to facilitate egress from the facility. The berms were a key part of the design of Berkeley Iceland from its inception and not an afterthought for economic expediency. Early renderings included in the 1939 prospectus used to raise funds clearly show berms [see <a href="https://picasaweb.google.com/lh/photo/NqsdLY5eP68nOxecEZE0KNMItjNh2ETYmyPJu0iip">https://picasaweb.google.com/lh/photo/NqsdLY5eP68nOxecEZE0KNMItjNh2ETYmyPJu0iip</a>]. They were designed to provide access to the arena, as stated in the EIR. The Berkeley Landmark designation, arrived at after much evidence and discussion, clearly sites them as elements to be preserved. The implication is that since the EIR considers them an afterthought, they do not warrant significant mitigation measures.</td>
</tr>
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<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Bem Removal</td>
<td>The earthen berms would be removed and the existing northern and southern walls of the building would be extended down to the revised grade level. The new walls would have a distinct texture on the outside to illustrate the shadow line of the removed earthen berms. Removal of the berms without mitigation is acknowledged as a significant and unavoidable impact. Texturing of the wall is a completely unacceptable mitigation without meaning. Further mitigation steps must be explored before the EIR can be adapted with real recognition of the berms and the active role they played fitting the building into the neighborhood need to be taken.</td>
</tr>
</tbody>
</table>

### Site Access and Parking

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Site Access and Parking</td>
<td>Increase on-site parking to 44 / convert surrounding 53 off-site parking to 2hr metered spots (total 97 spots). With these actions, still at least 45 spots short of that required by Berkeley regulations of 142 off-street parking. Impact of these additional metered spots need to be evaluated in terms of new services required (Berkeley Parking workers and possible police). Who pays for the added meters?</td>
</tr>
</tbody>
</table>

### Landscape and Streetscape

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Landscape and Streetscape</td>
<td>Landscape improvements would include replanting of the existing raised beds located at the northwest and southwest corners of the site and the preservation or replacement of all existing street trees. No indication what improvements consist of and details on trees to be affected.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Traffic Flow</td>
<td>The project would be required to implement street improvements adjacent to the project site in order to improve traffic circulation and bicycle and pedestrian safety, and to mitigate potentially significant impacts. No indication who would pay for mitigation actions (see below). Project sponsor should be responsible for any expenses of making traffic flow improvements.</td>
</tr>
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</table>

### Environmental Topics

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Environmental Topics</td>
<td>Non-significant includes Air Quality, Public Services. EIR does not recognize the presence of sensitive receptors - children living in the adjacent residential area and the students at the Child Development Center across the street. Increased traffic and construction can significantly impact these populations and need to be evaluated.</td>
</tr>
</tbody>
</table>

### Historic Resource Setting

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Resource Setting</td>
<td>The building falls with Categories 2 and 3. Incomplete. As Berkeley Iceland is listed on the California Register it also qualifies under Category 1.</td>
</tr>
</tbody>
</table>

### History of Berkeley Iceland

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Size of Rink</td>
<td>Actual ice size was larger than 100-foot x 200-foot making it one of the largest sheets of ice in Western US.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>Ownership Story</td>
<td>Frank Zamboni purchased building in 1956. The purchase was of the East Bay Iceland corporation, not the rink itself. He started to purchase shares in 1956 but did not have controlling interest until later in the decade. Approximately 1/3 of the shares are owned by non-Zamboni family members including former employees, the University and St. Moritz skating clubs.</td>
</tr>
</tbody>
</table>

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Tom Killilea
### Berkeley Iceland (2727 Milvia St.) DEIR Comments

<table>
<thead>
<tr>
<th>No.</th>
<th>Topic</th>
<th>Issue</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>history of Berkeley Iceland</td>
<td>unsubstantiated claim</td>
<td>No support for the claim that ice skating was declining in popularity. One measure, membership in US Figure Skating, had continued growth through the period. East Bay Iceland elected to close the facility, which suffered from poor maintenance and no marketing efforts, when it elected to continue full dividends for the ownership rather than investing in their business.</td>
</tr>
<tr>
<td>23</td>
<td>historical architectural resources</td>
<td>building drawings</td>
<td>GENERAL COMMENT Ron Parson, State Historian at SHPO, advised that the provided renderings and drawings do not provide sufficient information to determine the impact of proposed alterations. EIR needs to be revised to include project detail sufficient to determine compliance with the Secretary of Interior's standards.</td>
</tr>
<tr>
<td>24</td>
<td>historical architectural resources</td>
<td>inaccurate categorization</td>
<td>Removal of berms affect compliance with Secretary of Interior Refurbish guideline Standards 2 and 9 Ignores Standard 5 &quot;Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved&quot; - berms clearly portray a distinctive construction technique even if you assume they were for easy deployment of &quot;waste&quot; dirt. Since they support the walls, they are an integral part of the building and make the building less formidable.</td>
</tr>
<tr>
<td>25</td>
<td>historical architectural resources</td>
<td>unsubstantiated claim</td>
<td>Conditions of the berms are alluded to in other sections as well, but there is no documentation or reporting on the condition of the berms. If they were deteriorated to a great extent, they would not be able to support the outer walls. Conflating the apparent condition of the former walkways on the berms with the berms themselves is inaccurate and misleading without authoritative evaluation. No data is provided to evaluate this claim.</td>
</tr>
<tr>
<td>26</td>
<td>historical architectural resources</td>
<td>inaccurate categorization</td>
<td>The packed earth berms are representative of a construction method employed by the builders of Berkeley Iceland and not as a design feature of the building, The Secretary of Interior standards for restoration recognizes construction techniques as elements to be preserved. Recognition of the berms as a construction technique (in addition to being a designated historic resource by the LPC) further compromises the statement that the plan would &quot;largely&quot; comply with these standards (there is also no context for &quot;largely&quot;). Further mitigation to the berm removal must be included before the EIR can be accepted.</td>
</tr>
<tr>
<td>27</td>
<td>mitigation measure HIST-1</td>
<td>ineffective mitigation</td>
<td>The historic feeling that would be affected by the berms removal be replicated to the extent possible through creation of a silhouette on the walls The berms augment the architectural structure by providing a transition from a large industrial building to the surrounding neighborhood. They were always a design feature - they were included in the rendered used in the 1939 prospectus document used to sell shares. They are a key part of the design to fit the building into its surroundings. To remove them without mitigating this utility is unacceptable. To be complete, the EIR must include mitigations which address this aspect of the design.</td>
</tr>
<tr>
<td>28</td>
<td>mitigation measure HIST-2</td>
<td>omitted topics</td>
<td>No mention of mitigation for interior changes While Berkeley Landmark regulations do not pertain to interiors, as a site eligible for listing on the National Register of Historic Places and listed on the California Register of Historic Resources, historic interiors need to be evaluated as well. The project plans provided do not detail the changes sufficiently to evaluate the impacts, but there are clear impacts shown in what has been provided. There are added walls in the historic lobby, removal of the arena stands, inclusion of new features, removal of walls, etc. No discussion of mitigation is made. Without mitigation of these extensive impacts, the EIR is not complete.</td>
</tr>
<tr>
<td>29</td>
<td>transportation and circulation</td>
<td>omitted condition</td>
<td>Existing plus Project Conditions not included in baseline scenarios. CEQA considers existing conditions as baseline, not existing plus approved conditions. Needs to be included before the EIR can be accepted.</td>
</tr>
<tr>
<td>30</td>
<td>transportation and circulation</td>
<td>omitted condition</td>
<td>Important intersection of Shattuck and Derby not included. It appears that project traffic from Shattuck is expected to access the project via this intersection. LOS analysis for this intersection needs to be included in the EIR.</td>
</tr>
<tr>
<td>31</td>
<td>transportation and circulation</td>
<td>omitted condition</td>
<td>Exclusion of morning hours in study No explanation of why morning traffic of any day was excluded. May be implied, but not clear.</td>
</tr>
<tr>
<td>Page</td>
<td>Text</td>
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<td></td>
</tr>
<tr>
<td>32</td>
<td><strong>transportation and circulation</strong></td>
<td>omitted condition</td>
<td>&quot;Curvy Derby&quot; project not included in analysis</td>
</tr>
<tr>
<td></td>
<td>Berkeley Unified School District (BUSD) will be making significant changes to Derby Street as part of its East Campus Sports Field Project, nicked named Curvy Derby. This project has been well publicized and funding is secure. The current BUSD project is expected to be complete by 2013. Any analysis of traffic in this area which does not include the impacts of this project is incomplete. Must be included and LOS for the surrounding intersections need to be adjusted, particularly since the peak hour in this analysis is likely to coincide with peak use of the field (4-6 PM weekdays and 1:30 - 3:30 PM weekdays).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td><strong>transportation and circulation</strong></td>
<td>inaccurate categorization</td>
<td>Various intersections represented incorrectly</td>
</tr>
<tr>
<td></td>
<td>Intersection #1 - MLK approach has one lane only and operates as one approach lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intersection #8 - Shattuck east approach has two shared lanes</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Intersection #9 - Oregon intersection my need to be evaluated as single intersection</td>
<td></td>
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<td></td>
<td>These need to be revised to proper configuration and LOS recalculated.</td>
<td></td>
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</tr>
<tr>
<td>34</td>
<td><strong>transportation and circulation</strong></td>
<td>traffic intersection figures</td>
<td>GENERAL COMMENT</td>
</tr>
<tr>
<td></td>
<td>Intersection turning movement figures (Figure IV.C4-C9) were found difficult to read, some intersections/lane groups have two numbers with some just a single number, and there are no notes to differentiate between pm peak or Saturday peak. This makes evaluation by a qualified expert difficult limiting commentary on the traffic analysis. Check all turning movement figures to compare with LOS calculations and revise as needed before EIR can be accepted.</td>
<td></td>
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</tr>
<tr>
<td>35</td>
<td><strong>transportation and circulation</strong></td>
<td>inaccurate categorization</td>
<td>Project Traffic and Distribution Analysis</td>
</tr>
<tr>
<td></td>
<td>Analysis does not include traffic accessing the site from the west via Ashby and there is no indication why it was not included. Assumptions and assignments on Figure IV.C-7 are not consistent; e.g., assumes 19% of traffic from south via MLK but trip assignments show 1 and 0 trips. Reevaluation of the assumptions and assignments needs to be made with revisions as necessary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td><strong>transportation and circulation</strong></td>
<td>ineffective mitigation</td>
<td>Mitigation Measure TRAF-1</td>
</tr>
<tr>
<td></td>
<td>The EIR proposes a mitigation for the traffic impact on the Ward Street intersection, but claims it may not be feasible for economic reasons. No back-up of this claim. Since mitigation is possible, it should be the responsibility of the developer to take the actions needed for mitigation.</td>
<td></td>
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</tr>
<tr>
<td>37</td>
<td><strong>parking demand ratio</strong></td>
<td>inaccurate categorization</td>
<td>Table IV C-9 shows total parking requirement of 53 spaces</td>
</tr>
<tr>
<td></td>
<td>DEIR misinterprets Berkeley code to apply parking requirements only to only the expanded floor area. While this would be acceptable if maintaining the same use or a use with same or lesser requirements than the district minimum. Retail operations specifically calls for 2 spaces per 1000 square feet which is higher than the district minimum. Since the applied-for permit is a change in use, this factor applies to the entire area, not just the expansion. The parking sections need to be revised to reflect 142 required spaces.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td><strong>project alternatives</strong></td>
<td>omitted topics</td>
<td>No specific alternative site locations are considered in this EIR. Relocation of the project to another location, if one were available...because the proposed project objectives seek to adaptively reuse and rehabilitate the historic Berkeley Iceland building, studying an off-site alternative would fail to achieve a fundamental project objective...</td>
</tr>
<tr>
<td></td>
<td>The EIR for this project is not complete without the analysis of alternative locations for the project. Eliminating this requirement because of the goal of refurbishing the site for retail use disregards the significant unmitigated impact the project has on the historic resource. There is nothing unique to the site which makes it uniquely suitable for a large retail sports operation. There are many suitable candidate sites which would not result in the unmitigated impact on the historic resource as well as reducing the impact on traffic and GHG. Examples of suitable sites are the former Andronico stores on University Avenue and Telegraph Avenue and the former Odwalla distribution center at 6th and Harrison. Others exist on major routes, closer to freeways, and without impacts on historic resources. EIR must include this analysis before it can be accepted.</td>
<td></td>
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<tr>
<td>Page</td>
<td>Alternatives</td>
<td>Claim</td>
<td>Analysis</td>
</tr>
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</tr>
<tr>
<td>39</td>
<td>No Project/No Build</td>
<td>- This alternative, the site and building would also most likely continue to be the subject of vandalism and the conditions would continue to deteriorate.</td>
<td>Analysis assumptions do not include the City of Berkeley enforcing existing regulations on upkeep of buildings designated as historic. Upkeep of the building is the responsibility of the owners and the assumption should be that the City enforces codes to curtail vandalism and deterioration of the appearance of the building. The EIR should include this when evaluating this alternative.</td>
</tr>
<tr>
<td>40</td>
<td>No Project/Ice Rink</td>
<td>- Trips expected to be generated by this alternative would be 126 trips during the weekday PM peak period as compared to 183 trips for the proposed project.</td>
<td>No documentation or analysis is included in the EIR for the claim of 126 trips for the rink alternative. Active users of the rink would be very surprised at this number. Because of the nature of the ice rink, users tend to travel to it in groups, are dropped off, or walk from the neighborhood. Rarely was there significant traffic impact on the surrounding streets or competition for parking. The trip assumption must be documented before this analysis can be accepted.</td>
</tr>
<tr>
<td>41</td>
<td>No Project/Ice Rink</td>
<td>- This alternative is likely to result in the same greenhouse gas cumulative significant impact as the proposed project.</td>
<td>The most significant contribution to the GHG impact is traffic, as shown in Table IV.B-1. Even using the unsubstantiated assumption in the analysis for this alternative, there would be over 30% fewer trips during peak (and most likely far fewer when a real analysis is done). This would presumably significantly reduce the GHG from this source. The determination of this alternative resulting in the same GHG impact must be accompanied by analysis which supports this claim.</td>
</tr>
<tr>
<td>42</td>
<td>No Project/Ice Rink</td>
<td>- This alternative would likely result in some of the same impacts, such as traffic, parking, noise, and greenhouse gas emissions.</td>
<td>The goal of the project not achieved in this alternative - additional off-street parking - is not relative to the alternative, so should be discounted. There is no indication for the need of additional off-street parking is critical for the ice rink alternative. What little analysis done for this alternative is based on unsubstantiated claims and inaccurate characterization of the ice rink alternative. The analysis of this alternative would have to be revised based on data which can be evaluated by experts in so that the claims can be properly evaluated.</td>
</tr>
<tr>
<td>43</td>
<td>No Project/Ice Rink Refurbishment alternative is the environmentally superior alternative, the Retail/Maintain Earthen Berm alternative would represent the next-best alternative.</td>
<td>This EIR concludes that the No Project/No Build alternative or the No Project/Ice Skating Rink Refurbishment alternative is the environmentally superior alternative. The goal of the project not achieved in this alternative - additional off-street parking - is not relative to the alternative, so should be discounted. There is no indication for the need of additional off-street parking is critical for the ice rink alternative. What little analysis done for this alternative is based on unsubstantiated claims and inaccurate characterization of the ice rink alternative. The analysis of this alternative would have to be revised based on data which can be evaluated by experts in so that the claims can be properly evaluated.</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>No Project/Ice Rink</td>
<td>- However, it would not result in some of the beneficial impacts of the proposed project and achieve several of the key project objectives.</td>
<td>As indicated above, no analysis of the project in a different location was made on invalid assumption that an off-site alternative would fail to achieve a fundamental goal. Without the inclusion of the analysis of the environmental impacts of locating the retail operation to another site, it is not clear what the second best alternative would be for this project. This EIR cannot be accepted without the complete analysis of the alternatives.</td>
</tr>
</tbody>
</table>

- Implied beneficial impacts, if any, of the project are not relevant to the EIR.
- No documentation for the claimed beneficial impacts are provided.
- If beneficial impacts for the project are to be considered, they need to be weighed against the beneficial impacts to the community of a working public recreational ice center.
- Key project objectives not achieved, principally off-street parking, are not shown to be relevant to the superior alternative.
- Economic feasibility is not a consideration for the EIR (that will be addressed in the discussion for granting the permit).
LETTER B3
Tom Killilea
December 29, 2011

B3-1 This comment confirms that the City of Berkley did not extend the Draft EIR comment period.

B3-2 This introductory comment does not specifically address the adequacy of the Draft EIR; no further response is necessary.

B3-3 This comment summarizes general themes of the comments attached to the email; see responses to comments B3-4 to B2-39 below. The Draft EIR and all other available information was posted to the website at http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=65488, as noted in the NOP, Notice of Completion, public hearing notices, and staff report.

B3-4 See Response B2-2 related to aesthetic resources.

B3-5 This comment refers to the Berkeley Master Plan (1977), which was superseded by the current General Plan (2002). Policies in the Open Space and Recreation Element of the City of Berkeley General Plan that address the preservation and expansion of public and publicly-owned recreational resources (OS-1, OS-2, OS-4, and OS-6) in the City do so with a focus on public open space, recreation centers, and sports fields/courts. Neither Berkeley Iceland, nor ice skating, are mentioned in these goals. The Iceland facility is a privately owned recreational facility and its renewed operations are not currently the responsibility of, or controlled by the City. The Use Permit allows conversion subject to making necessary findings.

B3-6 The building known as Berkeley Iceland is the home of a former ice skating rink which is currently owned by East Bay Iceland Corporation. The closure of the facility is not part of the project being evaluated in this CEQA analysis as it has been closed since 2007. CEQA normally requires an analysis to consider the existing/baseline condition to be what existed at the time the NOP was issued (see CEQA Guidelines §15126.2. As the existing condition of the building was vacant, the re-use of the structure for a retail business would not remove a public or publicly-owned recreational facility and would not impact other City recreation facilities.

B3-7 The project applicant would be responsible for the purchase and installation of any additional meters required by the City. The revenue from the new meters is estimated
to be approximately $2,500 per meter per annum, which would more than cover additional costs associated with monitoring meters.¹

B3-8 The project objectives listed in Chapter III, Project Description, are adequate and appropriate for CEQA project objectives. See Chapter IV.A Historic Resources and Master Responses 1 and 2 for further discussion of impacts and significance criteria related to the rehabilitation of a historic resource. Additionally, see Mitigation Measure HIST-1 as revised which provides details on appropriate treatments.

B3-9 See Master Response 2, Building Interior.

B3-10 See Master Response 2, Building Interior, and drawings available at the project website, as noted in the Notice of Preparation, Notice of Completion, Notice of Public Hearing, Draft EIR, and staff reports.

B3-11 See Master Response 1, Earthen Berms. The berms were recognized as contributing to the building’s significance, and their removal as a significant impact requiring mitigation. See revised Mitigation Measure HIST-1 for details.

B3-12 While the analysis of parking conditions is not required by CEQA, parking conditions were evaluated as part of Chapter IV.C, Transportation and Circulation of the Draft EIR. Parking demand for the proposed project was estimated based on a parking space occupancy count on both a Saturday and typical weekday at the Sunnyvale Sports Basement facility. On-street parking occupancy surveys were conducted on a total of 52 block faces in the vicinity of the project site during typical peak and non-peak weekday and weekend times. According to survey results provided in Chapter IV.C, Traffic and Circulation, ample on-street parking is available to meet the anticipated demand of the proposed project.

See Response B3-7 related to parking meters.

B3-13 See Response B2-3 related to trees on and around the project site.

B3-14 The cost of any required street improvements would be borne by the project proponent; any on-going maintenance costs to public improvements would be borne by the City of Berkeley. Additionally any revenues generated by installed street improvements (e.g. parking meters) would be to the benefit of the City, see Response to Comments B3-7 and B3-12 above.

¹ Phil Kamlarz, City Manager City of Berkeley. Impacts of Establishing a City Wide Parking Holiday on December 18 and 24, 2010, http://www.ci.berkeley.ca.us/uploadedFiles/Clerk/Level_3__City_Council/2010/12Dec/2010-12-14 Item 29 Impacts of Establishing a City Wide Parking Holiday on December 18 and 24 2010.pdf
B3-15 Impacts to sensitive receptors in the area were considered related to noise, air quality, greenhouse gas emissions, and traffic. See the Initial Study in Appendix A of the Draft EIR, and technical studies in Appendix C, D, and E of the Draft EIR, as well as the topical sections of Chapter IV of the Draft EIR.

B3-16 Pages 34 & 35 of the Draft EIR are revised as follows:

4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to §5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in §5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code §5020.1(j) or §5024.1. 40

Berkeley Iceland is currently listed as a City of Berkeley Landmark, is listed in the California Register of Historical Resources, and has also been determined eligible for listing on the National Register of Historic Places. As such, the building falls within Categories 1, 2 and 3 and, therefore, qualifies as a historic resource under CEQA.

B3-17 Page 40 of the Draft EIR is revised as follows:

Berkeley Iceland’s Streamline Moderne-style design was intended to include the most modern equipment and amenities. The design centered on a well-lit and air conditioned arena with a 90 x 200-foot ice surface. The ice rink was excavated from the center of the site and the displaced dirt was used to create berms on the north and south edges of the property to support the building’s concrete pier foundations. It is likely that the berms were employed to save time and money during construction and to facilitate egress from the facility.

B3-18 Page 40 of the Draft EIR is revised as follows:

Berkeley Iceland opened to the public on November 1, 1940. Berkeley Iceland, one of three area ice rinks owned by East Bay Iceland, Inc., opened to the public on November 1, 1940. It was purchased in 1956, by Frank Zamboni began to purchase shares in the corporation and gained a controlling interest soon thereafter. Approximately one-third of the shares are owned by non-Zamboni family members including former employees, the University and St. Moritz ice skating clubs. Within a few years after it opened, and Berkeley Iceland became one of the West Coast’s most significant ice skating facilities. Several internationally recognized skating coaches worked at Iceland and a number of Bay Area champion skaters including Olympic gold medalists Peggy Fleming, Brian Boitano, and Kristi Yamaguchi trained at the
rink. The rink has also been the site of several notable skating events such as the first U.S. National Figure Skating Championships held west of the Mississippi in 1947, and again in 1957 and 1966. However, the declining popularity of ice skating and increasing maintenance costs at the rink eventually forced the closure of the Berkeley Iceland in 2007.

B3-19 Comment noted; the comment does not relate to the adequacy of the Draft EIR.

B3-20 See Master Response 2, Building Interior, and drawings available online as noted in the Notice of Preparation, Notice of Completion, Notice of Public Hearing, Draft EIR, and staff reports. Additionally, a set of current project plans have been included as Appendix F, Project Plans and are shown in Chapter IV, Text Revisions, of this RTC document.

B3-21 It is noted that the comment refers to "Refurbish guideline standards". Master Response 1, Earthen Berms, discusses Rehabilitation standards as it is assumed that is what this comment is referencing.

B3-22 See Master Response 1, Earthen Berms.

B3-23 See Master Response 1, Earthen Berms.

B3-24 See Master Response 1, Earthen Berms.

B3-25 See Master Response 2, Building Interior.

B3-26 An analysis of Existing plus Project Conditions is included as an addition to Appendix E, Traffic and Circulation Analysis and shown in Chapter IV, Text Revisions, of this RTC document. The analysis does not result in any new significant impacts.

B3-27 The Derby Street approach to the project site at Shattuck Avenue only allows a right-turn movement; access to the project site would require a left turn from this intersection. Since Level of Service (LOS) analysis is based on approaching traffic volume, the intersection was not included.

B3-28 Sports Basement does not generate significant traffic during the latter half of the AM peak period and is closed during the first hour of the AM peak period. As a result, the Draft EIR traffic analysis does not consider an AM peak hour analysis.

B3-29 The Alameda CTC model already incorporates anticipated developments in the study. The analysis in Chapter IV.C, Transportation and Circulation uses the Alameda CTC travel demand forecast model to derive the cumulative traffic volumes. These volumes were then used to complete greenhouse gas emission analysis. Analysis of
Existing plus Approved and Existing plus Approved plus Project conditions indicate that addition of trips from East Campus Sports Field project will not have any impact on the project.

B3-30 **Intersection #1** - The MLK Jr. Way approach has two lanes. The second thru lane in the north bound direction starts well ahead of the end of the queue for that intersection and therefore the intersection was analyzed with two lanes. Moreover, Highway Capacity Manual requires that the number of lanes at the intersection be used for Level of Service (LOS) analysis.

**Intersection #8** - The east approach to this intersection has two shared lanes. Field visits and observed volumes indicate that the second lane is used more as a de-facto right turn lane and was therefore coded that way to accurately represent the field conditions. This lane geometry considers only one through lane and is a conservative approach as it reduces the capacity for the through movement. Intersection LOS would improve if it is analyzed with two through lanes.

**Intersection #9** – The intersections on Oregon Street have been analyzed as a clustered intersection (single intersection) in Synchro, geometrically it appears as two separate intersections as in the field.

B3-31 Legends are included for each figure which clearly distinguishes between the PM peak hour volumes and Saturday peak hour volumes. In Figure IV.C-4 there was a slight overlap of the figure frame over the first digit of the number for the PM peak hour volume for right turns from eastbound Dwight Way onto Shattuck Avenue; to clarify that number is 163. An updated figure can be found in Chapter IV, Text Revisions. All turning movements used in LOS calculations match the volumes shown in the figures.

B3-32 Trip distribution for the project was approved by the City. All trip assignments are consistent with trip distribution percentages. Additionally, eastbound left turns are prohibited during peak hours at that intersection.

B3-33 Installation of a traffic signal was identified as one potential mitigation measure in Chapter IV.C, Transportation and Circulation. However the traffic volumes on Ward Street are very low and do not meet the criteria of signal warrant analysis, as a result, the City may not want a signal installed.

B3-34 See Response B3-12 related to parking. Table III-2 found on page 29 of the Draft EIR captures the requirement of an Administrative Use Permit to reduce the required off-

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4 Synchro is a traffic analysis software for determining the Level of Service at intersections based on Highway Capacity Manual 2000.
street parking, and pages 92 and 93 of the Draft EIR discuss the City's Zoning Ordinance as it relates to off-street parking requirements.

CEQA does not specifically require the analysis of alternative locations. §15126.6 details that an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The Guidelines further state "[t]he range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives to the project." Guideline 15126.6(f) provides guidance as to what constitutes a range of reasonable alternatives including guidance about whether an alternative location should be included.

An off-site alternative is infeasible for several reasons, including that it does not meet the basic objectives of the project. As underscored by the title of the project (the "Berkeley Iceland Adaptive Reuse Project"), the project sponsor proposes to historically rehabilitate the Iceland Building. This goal is emphasized throughout the project objectives, the first of which is to "adaptively reuse, seismically retrofit, and to the extent feasible, rehabilitate the historic Iceland building in a manner consistent with the Secretary of Interior's Standards for Historic Rehabilitation." An off-site alternative would not involve the historic rehabilitation of the Iceland building, would not meet the basic goals of the project, and is therefore infeasible. An off-site alternative is additionally infeasible because the project sponsor does not own or is not in contract to own or lease other property in Berkeley. Additionally no other vacant buildings of similar size are currently available in central Berkeley. Andronico's on Telegraph Avenue is approximately 28,077 square feet, and Andronico's on University Avenue is approximately 31,758 square feet; neither would meet the project objective for building floor area.

The commenter suggests that an off-site alternative would be appropriate because such an alternative would mitigate the significant environmental effect to the historic resource created by the project's proposed removal of the earthen berms on the sides of the Iceland building. The EIR meets the requirements of CEQA to analyze alternatives that substantially lessen the significant effects of the project because it analyzes an alternative that would preserve the existing berms. An off-site alternative would not additionally mitigate this significant effect, nor would an off-site alternative be likely to significantly lessen the other significant environmental effects caused by the project (for example, the project's significant greenhouse gas effect is related to the size of the use rather than its location) and is therefore not required by CEQA.

Blight removal is legislated via Chapter 12.92 of the City's Municipal Code and §12.92.060 defines the City's duty to enforce. Code Enforcement works on a complaint driven system. After receiving calls, Code Enforcement would be
responsible for sending notice to the property owner. City Municipal Code §3.24.290 defines that duty of an owner of a historic landmark to keep the exterior and interior of a structure in good repair; nothing in the City’s regulations will prevent graffiti or vandalism, they only obligate the property owners to keep structures in good repair. The applicant has paid for temporary power to be brought to the building, and has installed construction lights around key areas inside the building for the safety of Police and Fire personnel. Exterior lights of the building have been activated in order to discourage vandalism. In addition, the applicant has contracted with Bay Alarm to install motion sensors and cameras inside the building. The cameras are monitored via a live feed that is sent when the motion sensors are tripped which has provided video photographic evidence of break-ins.

B3-37 The Institute of Traffic Engineers Trip Generation Manual 8th Edition was used in determining the expected trips generated and The Institute of Parking Engineers Parking Generation Manual 4th Edition was used to determine peak parking demand of an Ice Rink. These counts provide a basis for the limited analysis required by CEQA Guidelines §15126.6 for alternatives considered for a proposed project. Sufficient information related to trip generation and parking demand has been provided in the analysis to allow comparison to similar data presented in Chapter IV.C, Transportation and Circulation.

B3-38 As stated in Response B3-37, expected trip generation of an Ice Rink was determined by following guidelines in the 8th Edition of the Institute of Traffic Engineers Trip Generation Manual which satisfies the requirement of CEQA Guidelines §15126.6 in that the analysis allows for meaningful evaluation and comparison with the proposed project. The conclusion reached in the Draft EIR states that the impacts of the No Project/Ice Skating Rink Refurbishment alternative would likely be similar or slightly less than that of the proposed project because the trip generation would be comparable. Reductions in off-street parking in the alternatives compared to the proposed project would result in additional parking spillover onto the local on-street spaces beyond the project site frontages.

B3-39 The project applicant has a stated objective to provide additional off-street parking which was considered in the analysis completed in the Draft EIR including analysis of alternatives considered. As stated in Response B3-35, an alternative location for this project was not analyzed as it would not meet the project objective of preservation, renovation, and retrofit of the Berkeley Iceland structure. The impact to a Historic Resource would be avoided, however, regardless of location; the proposed project would have similar impacts to greenhouse gas emissions and transportation/traffic at most other locations. Beneficial impacts to the project site include the rehabilitation and seismic retrofit of the historic Iceland building in a manner consistent with the Secretary of Interior’s Standards for Historic Rehabilitation. Additional beneficial impacts include the removal of blight and the preservation of the structure and the vast majority of its character defining features for future
generations. A revitalized ice rink in the project location could also provide these beneficial impacts to the site; however the project proposed is not for an ice rink; this option has been considered in Chapter V, Alternatives.

A-B) The site description found in paragraph a. Description on page 104 of the Draft EIR describes the conditions of the project site and the deterioration of the project site that would continue if there was no project developed.

C) CEQA Guidelines §15126.2 state that analysis of a project should be done against the existing conditions of a project site. The project site is currently a vacant building; therefore impacts of the proposed project are analyzed as compared to that state.

D) CEQA Guidelines §15126.2(b) state that “the discussion of alternative shall focus on alternative so the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternative would impede to some degree the attainment of project objectives...”

E) Economic feasibility is a consideration of alternative (see CEQA §15126.2) however it is considered a non-CEQA impact as related to environmental impact analysis.
Dear Ms. Mendez,

Below are my comments on the Draft EIR for the proposed project for Berkeley Iceland, 2727 Milvia Street Berkeley. As you are aware, a 30-day extension was requested to complete the analysis of the DEIR because the 45 day comment period started just before Thanksgiving and ends the first work day after New Years, 2012. The City of Berkeley, as the lead agency, may have followed the letter of the law (CEQA), but the effect was to limit public comment as much as it possibly could.

SCOPE:
The scope of this Project as defined in the DEIR is too narrowly defined. The project scope according to this document is to build parking and retail store. Parking is not a goal - it is a project requirement. The goal is to build a big box “Sports Basement” store in Berkeley.

The mitigation measures are inappropriate and inadequate, particularly those as they relate to the historic resources of the site and exterior including berms and landscaping of Iceland and the treatment of the lobby and what is called commonly known as the “front of the house” or entry pavillion including skate rental counters, shop, coaches lounge, club office, and rental locker areas.

The cumulative impacts of all the developments in the neighborhood are not being reviewed as a whole. There are undoubtedly additional cumulative impacts on traffic and circulation and GHG’s when you review the projects together.

Additionally the urban planning and land use issues are significant and need to be considered when you have critical mass of projects and changes to the nature and character of a neighborhood.

The project alternatives that include No Project/No Build are not allowed to be the environmentally superior alternative under CEQA. An alternative location should have been studied along with the possibility of a recreation center by itself and in some combination of recreation and housing and/or commercial uses.

Each of the three environmental topics that are addressed in the DEIR will be discussed further in more detail below:

EIR states that the following don’t warrant detailed evaluations: I believe that they should have been studied as they are vital to the future of the livability of the neighborhood and the City of Berkeley.

- **Aesthetics** - there is no doubt that the proposed alterations will change the aesthetics of the building and therefore should have been studied.
- **Land Use and Planning** - the conversion from a recreation to a retail use needs to be studied as it is a significant change in use which will be detrimental to the children and youth in the community.
- **Recreation** - The assumption that because Iceland is not in operation, that it is not a recreational facility for the City is false. CEQA looks at the physical facility, and a purpose built ice skating rink is a recreation facility. Therefore the change of use of the facility from recreation to retail uses is a loss of recreation which the EIR needs to
consider. In addition, the best and least intrusive use of the building would be one that requires the least alteration which would be for it to be a recreational facility.

III Project Description

A. Project Site
The first sentence is confusing - commercial uses is put in the description on the first line, but the other uses are described separately.

Existing General Plan and Zoning - Other than the east side of the building, the neighborhood is zoned residential and it would appear that the entire block was zoned commercial because of Iceland being there. The City needs to consider if that designation of retail is appropriate given that the uses are primarily residential and recreational and educational to the west and south.

B. Project Objectives
Leaves out California State registry designation and Eligibility for National Historic Landmark Designation yet states that rehabilitation will meet Secretary of Interior standards.

Providing off street parking is not a proper project goal. It is a project requirement. Unless the project is to build a parking structure, this is incorrect under CEQA.

The project objectives of “needed sufficient square ft to make project feasible” is a requirement not an objective of the project. The project is to make an economically viable development. Adding square footage to make a project economically viable should be supported by economic evidence and not an arbitrary statement.

C. Proposed Project
4. Building and Uses

Building Interior
Construction of an additional 18,528 square feet will easily make this the largest store in Berkeley. From a practical perspective, a general department store would be far more desirable as there are a number of large sporting goods stores in the vicinity including one less than half a mile away (Any Mountain).

Encapsulation of ice arena floor - the hockey boards should be preserved as well. No rink is ever without them, and they are historic.

Removal of bleachers and reuse of the bleacher material severely diminishes the overall feeling of skating in the rink and having those bleachers full of Cal and Stanford fans. I believe they are an important part of the interior and should be left as is.

The lobby is only being defined as immediate entryway. It should be the whole public areas as when used as a rink - boot changing areas, etc. the project is significantly changing the flow in the lobby per the drawings. While the project description states that there will be an adaptation of the cafe/snack bar area, the renderings provided show they are proposing demolition. The mural above the windows should be uncovered if at all possible. It was there until a few years before the rink closed and featured a pastoral landscape that likely predated the back (east) wall mural.

B. Building Exterior
The berms hide the mass of the building and are key to making the building fit in with the neighborhood. They are a crucial design element that was featured in the earliest renderings of Berkeley Iceland. They are not an after-thought. Given the flat site, the contention that the berms were a way to cheaply dispose of the soil moved during excavation for the building is unsupported.

The proposed removal of the berms and proposed mitigation is entirely inadequate under CEQA. The removal of the berms cannot be mitigated by painting their shape on a wall. This supposed mitigation provides no context to understand what was once there. Parking, if truly a project requirement could be placed under a berm shaped roof so that the site looks unchanged from the street.

Site Access and Parking
The proposed 44 on-site spaces is far short of the 143 that are required. It appears that the proposed project assumes that the only parking needed is for the additional square footage to be added as part of the project, but because of the proposed change of use of the property, parking must be provided at the rate of 2 spaces per each 1,000 square feet of retail space. The use of metered spaces on the surrounding streets will negatively impact residents, and users of the ball field and farmers market.

Landscaping and Streetscape
It’s unclear what is meant by requiring street improvements to improve traffic circulation and bicycle and pedestrian safety. This section refers to planned improvements in Section IV.C which suggests a couple of improvements subject to funding by the City. The Project sponsor should be required to pay for such street improvements.

Transit Demand Management Measures
The project assumes 20% of staff to bike - so out of 65 - 80 employees, that’s 13 to 16 employees. The EIR vastly over-estimates this according to models used.

Demolition – how many truckloads of dirt is 5,500 cubic yards? What percentage of building is being demolished? How does this effect parking, and the farmers market and the neighbors? This section is inadequate.

IV. Setting, Impacts and Mitigation Measures
The overall land and planning use of this area needs reconsideration in light of the four other approved projects being developed in the immediate neighborhood. The cumulative impacts of these developments are significant for the neighborhood.

A. Historic Resources
CEQA Requirements - The EIR states that the building was found eligible under section 2 and 3 of the categories listed in CEQA Guidelines Section 15064. According to the guidelines listed, Iceland qualifies under sections 1, 2, and 3 because it is listed on the California Register of Historic Resources as a result of being found eligible for National Historic Register listing.
The building was found to be eligible for the National Register of Historic places under National Register Criterion A in the subject area of entertainment/recreation and the context of sports in California as it is the Bay Area’s oldest surviving ice rink and a survivor from the golden age of ice skating.

It was also found eligible under National Register Criterion C in the subject area of architecture. The context is commercial architecture in California. Experts such as Michael F. Crowe, author of two books on Art Deco called Iceland a “superb example of the later phase of the art deco style often called Streamlined Moderne”.

Under the City of Berkeley LPC, a structural alteration permit is only allowed if there are no adverse impacts on the exterior architectural features of the landmark and its setting. In my discussion with Ron Parsons of California State Historic Preservation Office (SHPO), he stated that the drawings and renderings provided do not provide sufficient information to determine if in-fact the proposed alterations result in substantial adverse impacts. Therefore, the DEIR should be revised to discuss in detail how the project meets or doesn’t meet each of the Department of Interior’s standards for the treatment of Historic Properties.

Of special interest is the Department of Interior’s standard requiring that “distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.” The earthen berms surely qualify as a distinctive feature and construction technique. The use of Berms in outdoor ice skating rinks is well documented. They are used to provide shelter from the wind, and to provide a form for water to be sprayed, making the ice surface. They are often made of snow or soil. In many cases, soil is brought to a site and shaped into a berm to provide a permanent form for the ice skating rink. It is also documented that berms were used as insulation from extreme temperatures. Notable examples of the use of berms include Frank Lloyd Wright’s Cabaret Theatre at Tallesin West, built in 1949 and Frank Lloyd Wright’s Thomas E. Keys Residence, built in 1950, in Rochester, Minnesota. Frank Lloyd Wright designed these building in a style he referred to as “Usonian”. Hallmarks of Usonian homes include the use of native materials, flat roofs and large cantilevered overhangs for passive solar heating and natural cooling, natural lighting with clerestory windows, and radiant-floor heating. A strong visual connection between the interior and exterior spaces is an important characteristic of all Usonian homes. Iceland’s berms, clerestory windows, and flat roof certainly echo elements of this style.

Section d. History of the Berkeley Iceland Building incorrectly states that the ice surface was 90 x 200 feet. It was 100 x 200 feet. As stated earlier, there is no proof that the berms were designed as a way to save money during construction. They were a key design element from the earliest sketches of the building, and were designed as a way to insulate the ice surface and to blend the building’s enormous mass into a neighborhood of more modest structures.

The statement that Iceland was bought by Frank Zamboni is incorrect. Iceland is not owned by Frank Zamboni, it is owned by East Bay Iceland, Inc. which owns three Iceland ice skating rinks: Berkeley, Dublin and Belmont. Frank Zamboni became majority shareholder of the East
Bay Iceland, Inc. by buying up shares owned by community members. Approximately 1/3 of the
shares are owned by former employees, and two historically important ice skating clubs, both of
predate Iceland, and were major tenants of Iceland.

The statement that ice skating is suffering a decline is unfounded. There is no evidence that
ice skating is suffering a decline in popularity. In the Bay Area in the past 20 years, ice skating
rinks have opened in Oakland, Fremont, San Jose, and San Francisco. In addition, temporary
rinks have opened up for the 2012 skating season in San Jose, San Francisco (2 rinks), Alameda,
Walnut Creek, and Brentwood. In order for this statement to stand, a complete economic analysis
would need to be included in the DEIR.

Historical Architectural Resources - as stated earlier, the project does NOT appear to meet
Standard 5, as well as Standard 2 and Standard 9. Without adequate architectural drawings, it
is impossible to draw the conclusions that the building would still be largely compliant with
the Department of Interior Standards. The statement that the Berms are “in their current poor
condition” is entirely unsubstantiated. The building may be graffitied and the windows broken
due to the owners purposeful neglect, but the berms appear to be in fine condition other than
overgrown with grass. Section (3) seems to be based entirely on opinion rather than fact, and
should be revised to reflect fact.

2. Impacts and Mitigation Measures
Impact Hist -1 Placing a silhouette on the walls of a building is not mitigation because it
provides no context or explanation to the viewer. The silhouette is especially out of place
because the doors that exited out to the berms will remain.

B. Greenhouse Gas Emissions - and Air Quality Issues

Air Quality
The Initial Study and Environmental Review Checklist: Berkeley Iceland Adaptive Reuse Project
incorrectly assessed the air quality issues. A proper air quality analysis should be performed and
incorporated in the EIR for the Project. The analysis in the initial study dismissed the mass emissions
impacts of air quality based on the screening tables in BAAQMD’s CEQA Guidelines which indicate
that the mass emissions for the construction and operation are likely less than significant as indicated on
page 30 of the initial study. The initial study however is incorrect in part d of the discussion on page 30
which respect to exposing sensitive individuals to substantial pollutant concentrations. In May of 2011,
BAAQMD implemented quantitative significant thresholds to determine the health risks and hazards
impacts to sensitive receptors. These specifically apply to both construction and operational sources
that increase TACs and PM2.5. The analysis in the initial study only qualitatively discusses that the
construction is short term and would only temporarily expose sensitive receptors to substantial pollutant
concentrations, principally PM10 from fugitive dust sources. The initial study concludes that with
implementation of a Standard Condition of Approval that implements the BAAQMD’s recommended
Best Management Practices for construction would reduce the impact to less than significant. This
analysis is flawed as it fails to adequately consider the TACs and PM2.5 associated with diesel fueled
construction equipment. The analysis fails to properly determine if the construction equipment (in
particular the TAC diesel particulate matter) at the project site would cause significant health risks
according to BAAQMD’s quantitative health risk and hazards significance thresholds. According to BAAQMD’s Screening Tables for Air Toxics Evaluation During Construction Table 2 indicates that the minimum distance from the Project site to the nearest sensitive receptor to screen out is 100 meters. The nearest sensitive receptor to the Project is less than 100 meters. Thus, a more refined analysis needs to be performed and adequate mitigation measures implemented to reduce the health risks and hazards to less than significant. Therefore the EIR must further analyze the health risks and hazards associated with the Project.

Greenhouse Gas Emissions
The analysis of greenhouse gas (GHG) emissions is significantly flawed and needs to be corrected. The GHG emission inventory for the project significantly underestimates the magnitude of the emissions. Several serious flaws that need to be resolved in the EIR are outlined below.

Analysis lacks sufficient methodology detail
The DEIR failed to provide sufficient detail on the methodology and assumptions utilized so as to be reproducible by some one skilled in the art. The URBEMIS output was not provided in the DEIR and was only obtained after requests were made to the City. The inputs utilized in both URBEMIS and BGM were not sufficiently detailed to allow the values to be verified. The City did not provide the electronic input files for URBEMIS and BGM when requested. Therefore, the comments are limited to the detail that can be determined based on the incomplete information contained in the DEIR.

Incorrect build-out year used
BAAQMD CEQA Guidelines page 4-6 indicate that the GHG thresholds should be compared to the build-out year of the project. According to the assumptions stated on page 58 of the DEIR, the GHG emissions were estimated assuming a build-out year of 2020 which is not consistent with the 13 month construction period stated in the DEIR. The rational provided is consistency with AB32, however this is not consistent with BAAQMD guidelines for their thresholds of significance as stated above. The analysis should utilize the correct build-out year. This error results in a significant underestimation of GHG emissions associated with mobile sources.

Assumptions not clear on construction data used
The Initial Study Appendix A Applicant’s Construction Plan provided details of the specific type, number and schedule of construction equipment that will be utilized in the Project. It is unclear if this was used in the estimate of the construction GHG emissions as suitable description of the values entered into the URBEMIS program were not provided to be reproducible. Requests to provide the URBEMIS input files were not fulfilled. This should be rectified in the EIR.

Underestimation of Construction GHG Emissions due to flaws in models utilized
The analysis in the DEIR to estimate construction emissions from offroad equipment is flawed. The URBEMIS model utilized to quantify emissions contains a serious error which results in an almost 50% underestimation of the GHG emissions from construction offroad equipment. In addition, CARB has released an updated model for offroad equipment emission estimation which should be utilized instead of the flawed URBEMIS model.

The trip generation rates used are flawed
The DEIR states that it utilized trip rates based on trip rate surveys conducted at Sports Basement stores located in Sunnyvale and San Francisco. As stated in the DEIR, the peak hour rate for both a weekend and weekday were estimated and a factor of 8 was used to convert this to a daily
trip rate. This factor of 8 was used without any substantial evidence provided justifying its use. This adjustment factor is questionable since the trip rate utilized is significantly lower than recommended in the ITE Trip Generation Manual 8th edition. The trip rate was further adjusted to account for alternative commute modes used by the customers and workers. This additional reduction in trips is not consistent with the trip rate surveys used as the basis. Table IV.C-4 clearly indicates that the counts are based on vehicle trips and not all transportation trips. Therefore the any additional reduction in vehicle trips attributable to alternative transportation is double counting these reductions. The trip generation rates should be corrected to provide a more accurate estimate of the GHG emissions associated with the project.

GHG emissions associated with building energy use are flawed
The DEIR states that it utilized the default assumptions in BGM to estimate GHG emissions associated with building energy use and applied an additional 20% reduction based on state and City building codes. As the Project is doing retrofits on an existing building, the energy reductions possible are typically lower than a newly built building due to limitations in working with the existing building envelope. Furthermore, the BGM program overestimates emission reductions since it does not limit the 20% reduction to the built environment but rather takes this reduction to non-built energy uses such as lighting, appliance usage, and other plug-ins such as computers. These non-built energy uses comprise a significant portion of the energy use. It is inappropriate to take reductions for these as they are not enforceable reductions under CEQA since the building tenants can utilize any amount of these non-built energy uses using inefficient and energy intensive equipment.

The DEIR takes further reductions in the GHG emissions estimated from electricity use due to the Renewable Portfolio Standard, however, the exact value utilized is not provided. This reduction shown in the supporting tables is greater than a 20% reduction stated (266 tons are converted to 174 tons due to implementation of the RPS of 20%).

Project Design Features need to be listed as mitigation measures
In order to ensure that the Project Design Features that resulted in GHG emission reductions are implemented and enforceable, the City should require these as specific mitigation measures. Currently, the DEIR determines that the GHG emissions are significant and unavoidable, but do not have any specific GHG mitigation measures. The mitigation measures should ensure the reductions are real and enforceable. For instance the TDM program should be incorporated with proper enforcement and monitoring to ensure that the level of reductions assumed in the DEIR are met. The energy reduction of 20% should be stated as 20% below current Title 24 building codes with proof of this reduction using state approved alternative compliance models prior to issuance of any building permits.

All feasible mitigation measures have not been implemented
The DEIR fails to show an exhaustive list of possible GHG mitigation measures and any rationale on why these are not feasible for the Project. Several suggested mitigation measures that should be considered are listed in BAAQMD CEQA Guidelines as well as CAPCOA’s Quantifying Greenhouse Gas Mitigation Measures. Specifically the Project should consider the following measures:

- The Project currently does not have an enforceable commitment to utilize renewable energy sources such as photovoltaic panels at the Project site. Due to the large roof space of the facility significant amounts of electricity could be generated.
- The project does not provide for any improvements in enhancements to the local transit system.
These and other mitigation measures should be considered.

C. Transportation and Circulation

Study Scenario:
The report evaluated five traffic scenarios but omitted the "Existing plus Project Conditions" scenario. CEQA considers existing condition is the baseline, not the approved projects condition or other future conditions and project impact is determined based on comparing Existing Conditions.
The DEIR needs to include "Existing plus Project" scenario to the study.

Study Intersections:
The intersection of Shattuck Avenue and Derby Street should be included in the study as traffic from Shattuck Avenue, both north and south directions, and traffic to and from Derby Street will use this intersection to access the project site. Also, two of the study intersections, MLK Jr. Way/Dwight Way, and Ashby Avenue/Shattuck Avenue were coded with incorrect lane geometry and may have resulted in incorrect LOS and delays for the two intersections. The eastbound approach of Dwight Way/MLK Jr. Way intersection may appear to have two approach lanes, but the right lane is quite short. Coding the approach as two-lane may artificially increase the capacity and resulting better LOS. The westbound approach of the Ashby Avenue/Shattuck Avenue has two share lanes instead of one-left-turn and one shared through and right-turn lane.
The DEIR needs to have a LOS analysis for the Shattuck Avenue and Derby Street intersection, and revise intersection lane configuration and LOS calculations for the two intersections discussed above.

Project Traffic Distribution Analysis:
Why is there no traffic traveling to and from the west via Ashby Avenue. Also, some of the project trip distribution assignments (percentages) and assignments on Figure IV.C-7 are not consistent. For example, trip distribution assumption shows 19% of site generated traffic would travel to and from the south via MLK Jr. Way, but trip assignments from the north and south approaches of the MLK Jr. Way/Ashby intersection (intersection 5) shows 1 and 0 trip(s). The distribution assumptions and assignments for all intersections need to be checked and revised accordingly.

Traffic LOS Calculation:
The LOS calculations in the technical appendices were reviewed, and two of the study intersections in the above "Study Intersection" section have incorrect lane configurations and should be corrected. This will likely change the intersection delay and perhaps LOS. Revise the lane configurations for the two study intersections mentioned above and re-calculate intersection delays and LOS accordingly.
Project Impact and Mitigation:
Analysis indicates that the intersection of MLK Jr. Way/ Ward Street intersection will receive significant project impact by Berkeley’s LOS standards and significant impact definition and recommended restricting the left-turn from Ward Street during the peak period as a mitigation measure. While this measure will eliminate the unacceptable LOS E condition at the intersection but will create inconvenience for neighborhood residents and traffic diversions to another intersection.

Parking Analysis:
The traffic report indicated that Berkeley’s parking requirement for the site is 53 spaces and the site provides 44 spaces and is short by 9 spaces. The parking requirement was determined by using the ratio for the additional square footage being added in the proposed development. Because this project is changing the use of the building, the proper ratio is 2 parking spaces for each 1,000 square feet for the entire project. The parking requirements are 143 spaces, and the site is short by 99 spaces. The DEIR also conducted a parking demand analysis, which indicated that the project may create an unmet parking demand for 120 spaces during the p.m. peak-hour and 167 unmet parking spaces demand.

Intersection Turning Movements (Figures):
The intersection turning movement figures (Figure IV.C4-C9) were reviewed and they are difficult to read, some intersections/lane groups have two numbers and some have just one number and there are no notes to differentiate which numbers represent pm peak or Saturday peak. Also, the turning movements in the figures are not consistent with the volumes used in the LOS calculation in the technical appendixes. This is likely errors of the graphic presentation. All turning movement figures needed to be checked against those used in the LOS calculation and revised as needed.

V. ALTERNATIVES
An additional site/location alternative should be included in this EIR because the proposed project could be built at many other locations within Berkeley and the East Bay.

The three alternatives reviewed include two which are No Project alternatives.
No project/ No build
No project/ Ice skating rink refurbishment alternative
Retail / Maintain earthen berms

Section 15126.6 (c)(2) of CEQA requires that “If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” This EIR is incomplete without the study of an additional alternative that meets this requirement.
Project Objectives and impacts

Project objectives:
The project objectives as written could only lead to one conclusion, and that is that the only feasible project is the one that locates this particular retail development at this site and requires the demolition of the berms and the addition of parking spaces. This conclusion is reached by defining project components as project objectives. The Project objectives need to be restated to building a Sports Basement store.

1. The project objective to adaptively reuse and seismically retrofit and rehabilitate Berkeley Iceland is a project requirement, not a project objective. It would be a project objective if the project applicant owned the building, and therefore could not find it economically viable to locate the project elsewhere. The applicant does not own the building, and has the option to purchase any other suitable site in Berkeley for this project.

2. The project is not to build a parking lot or garage so providing additional off-street parking on the project site is a project component.

3. Project objective should state “feasible use of a building for proposed retail uses”. This project doesn’t need to be at Berkeley Iceland, and other project could use the building without the need for additional square footage.

4. Renovating the exterior and removing blight is a requirement under the Landmarks Preservation Ordinance and under the City Code. It is not a project objective. If the City was enforcing its Landmark Ordinance and Nuisance Codes, the owner would have been sited for not maintaining the property.

5. Preserving the character defining features of Iceland is not a project objective. It is a project component. If the project were a skating rink, or recreation center, the same component would apply.

6. Retrofitting the building to comply with ADA standards would be necessary under any project at the site. It is not a project objective.

2. Project Impacts
See notes in sections on Historic resources, GHG Emissions and Transportation and Circulation Sections comments of this letter.

Project Alternatives

Recreation will be impacted by the alteration of a recreation facility to a retail establishment. Given that the recreational facility exists, and the project will change the use of the facility to retail establishment, the EIR must study the impact on recreation. The argument that the establishment of a skating rink is not an economically viable use cannot be stated with out
Redevelopment of the site with mix-use residential and commercial or recreational uses was not studied even though there was a viable project that was made to do just this. The conclusion that a mixed-use project would have more adverse environmental impact that the proposed project has not been proven.

**No Project/No Build**
The assumption that the building would continue to deteriorate is due to the lack of code enforcement action on the part of the City of Berkeley.

**No Project/Ice Skating Rink Refurbishment Alternative**
Obviously this development avoids the adverse impacts to the historic facility. The assumption that the GHG emissions would be about the same since there would be far fewer vehicle trips that to a retail establishment. Based on the authors experience it appears that the number of trips during a weekday PM peak period are vastly overstated for an ice skating rink.

**Retail/maintain Earthen Berms Alternative**
Clearly, this alternative would have fewer adverse impacts on the historic resource. The proposed number of parking spaces are so few, (28) that the difference in impact from the proposed project is negligible. City Code requires 2 parking spaces for every 1,000 square feet of retail floor space. Using this guideline, the project needs to have 142 parking spaces on site. The project should be required to build parking elsewhere in the vicinity - perhaps at the McKevitt car lot, or by sharing a parking with Any Mountain, or building parking at the North Berkeley BART station.

**Environmentally Superior Alternative**
As stated before, Section 15126.6 (e)(2) of CEQA requires that “If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” This EIR is incomplete without the study of an additional alternative that is not a “No Project” alternative. There are many places in and near Berkeley that could be an alternative location for this project that would not have the adverse impact on a historic resource or recreation. For example, with the closure of Andronico’s Park and Shop markets on University Avenue and Telegraph Avenue, there are two locations which would fit this project perfectly. They are located on major streets in commercial neighborhoods, have large parking lots, and plenty of retail floor space to serve the needs of this project.

**VI. CEQA - Required Assessment Conclusions**

**A. Effects Found Not To Be Significant**
The findings that aesthetics, Recreation, and Land Use and Planning did not warrant further
consideration in this document are not borne out by the negative impact the proposed project would have on land use, recreation and aesthetics at this site and in Berkeley as a whole. The decision to not classify Iceland as a recreational facility under CEQA is questionable because the facility exists. Iceland was a functioning rink until it was closed by the owners. It was marketed as an operating rink initially, and just because this project wasn’t proposed until after it was closed for business doesn’t change the fact.

The change in use from recreation to retail should be reviewed in light of the numerous new housing units that are being proposed for the neighborhood surrounding the facility. The new residents of the neighborhood need to have indoor and outdoor recreational facilities available to them. There is a sports field immediately across the street from Iceland, and with reopening of Iceland as a skating rink, the City has the opportunity to build a true recreation district.

The proposed development, a big box discount retail store, will be the first of its kind in Berkeley, if approved. The store will likely compete with established stores in Berkeley, such as Any Mountain and REI, and could cause them significant economic hardship.

The aesthetics of the proposed alterations to Iceland are significant, and will have a profound effect on the siting of the building on its lot, and in its neighborhood, and therefore should have been studied as part of this EIR.

**C. Significant Unavoidable Impacts**

The significant unavoidable impacts of this project are due to the way this project’s objectives were defined. The project is to build a Sports Basement store, and not to renovate the historic structure and build parking. Parking and renovations are project requirements for this project in this location. The project could easily be moved to other large industrial or commercial sites and still meet the objective of building a Sports Basement store without significant unavoidable impacts.

Traffic impacts are unavoidable with a retail store of this size, especially because the proposed project is in a residential neighborhood without sufficient traffic capacity. Mitigation for the significant traffic impact should be provided by the project sponsors, and not placed as a burden on tax-payers and residents.

**D. SIGNIFICANT IRREVERSIBLE CHANGES**

1. **Changes in Land Use Which Commit Future Generations**

From the renderings and drawings provided, it was unclear if the changes proposed are consistent with the Secretary of the Interior’s Standards for Historic Rehabilitation. Until such architectural drawings are provided to CalSHPO and the Landmarks Preservation Commission,
this conclusion is unsupported and needs revision.

Also, it is unclear which proposed changes would be reversible, and which are not. If, for example, the proposed elevator is not removable, the building could not be converted back to a skating rink because the elevator would be in the center of the ice surface. Without architectural drawings and details of the proposed changes, the conclusion that the project would not create changes in land use which commit future generations is unsupported and needs to be removed.

E. Cumulative Impacts

Nowhere in this document are the cumulative impacts of this development and the four other developments being proposed in this the South Berkeley Neighborhood studied. The DEIR also does not address the impact of the project on the Berkeley Unified School District’s (BUSD) property immediately across the street from the project site and kitty-corner from it. This EIR did not study the impacts on young children who are at the Child development center across the street from the project even though they are sensitive to pollution and noise. Perhaps most glaringly, there was no study done on the combined impact of BUSD’s East Campus Sports Field Project (commonly known as Curvy Derby) with this project on Curvy Derby, which will place the home plate of the new baseball diamond in the middle of the intersection of Derby and Milvia streets, steps from the proposed development.

This draft EIR has many inaccuracies, unsupported conclusions, and is missing important analysis of air quality, recreation, land use and planning, and aesthetics. The project alternatives are insufficient under CEQA because alternative other than a no project/no build alternative must be provided as an environmentally superior alternative. Therefore, this DEIR must be revised, and a new DEIR recirculated for comments.

Sincerely,

Elizabeth Grassetti
egrass@aol.com or 510-847-4342
LETTER B4
Elizabeth Grassetti
no date

B4-1 This introductory comment does not specifically address the adequacy of the Draft EIR; no further response is necessary. Public comments were accepted during the State-mandated review period including at two public hearings.

B4-2 The commenter’s opinion regarding the scope of the project being too narrowly defined is noted. The project is defined consistent with the requirement of CEQA §15124(b) and the development application submitted to the City.

B4-3 See Master Response 1, Earthen Berms and Master Response 2, Building Interior.

B4-4 Each topic evaluated in the Draft EIR (and the Initial Study) considered cumulative impacts as required under CEQA. The Alameda County Transportation Commission model incorporates anticipated developments in the South Berkeley neighborhood. The analysis in Chapter IV.C, Transportation and Circulation, of the Draft EIR used the Alameda County Transportation Commission travel demand forecast model to derive the cumulative traffic volumes which were then used to assess impacts to greenhouse gas emissions.

B4-5 The Initial Study considered land use impacts, and concluded that no significant land use impacts would result. Urban planning per se is not a specific topic considered as part of the CEQA process.

B4-6 In Chapter V, Alternatives, the environmentally superior alternative is listed as both the No Project/No Build and the No Project/Ice Skating Rink Refurbishment alternatives. The No Project/No Build alternative would have no impact on transportation/circulation, greenhouse gas emissions, or on the historic resource other than the continued deterioration of the site. The No Project/Ice Skating Rink Refurbishment alternative was found to be the environmentally superior alternative if a willing project sponsor was found and if it was found to be financially feasible. CEQA Guidelines state that a No Project alternative may not be found to be the environmentally superior alternative. As a result, the Retail/Maintain Earthen Berms was found to be the next-best alternative. See Response B3-35 related to alternative project locations.

B4-7 This introductory statement does not specifically address the adequacy of the Draft EIR; no further response is necessary.

B4-8 See Response B2-2 related to aesthetics.
Impacts to land use and planning were analyzed as part of the Initial Study completed for the proposed project. The Initial Study concluded that the project would not physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflict with any applicable habitat conservation plan or natural community conservation plan.

Impacts to recreation were analyzed as part of the Initial Study completed for the proposed project. It was concluded as part of this analysis that the project: (1) would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of such facilities would occur or be accelerated; and (2) does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The change of use from recreation to retail use is consistent with the City's zoning, is conditionally allowed by the Zoning Ordinance for a change of use of floor area over 5,000 square feet, and does not exceed any significance thresholds under CEQA. The existing building is not a public recreation facility; see Response to Comments B3-5 and B3-6.

The project site abuts a commercial use (Volvo sales and service) on its immediate east side along the property line. The uses to the north, west, and south are separated from the project site by adjacent roadways. No further response is necessary.

This comment does not address the adequacy of the Draft EIR. According to Policy LU-26 in the City of Berkeley Land Use Element, neighborhood commercial areas should maintain and encourage a wide range of community and commercial services as well as encourage infill development of vacant or underutilized properties. The proposed project meets both of these criteria. The reason the City zoned this block commercial is speculative, and consideration of rezoning it is beyond the scope of the project and the EIR.

It is not necessary to list the California State registry or the National Historic landmark designation as project objectives as these are current conditions. The Secretary of Interior standards apply generally when evaluating projects that could affect historic resources.

There is no requirement in CEQA that prohibits including a project objective related to providing off-street parking. This is particularly true for a retailer of hard goods (e.g., bikes, skis, camping equipment), which may be difficult to transport via alternative modes due to size and weight.

The project applicant has a stated objective to provide sufficient square footage to make economically feasible the use of the building for the proposed retail use. This
was considered in the analysis completed in the Draft EIR; including analysis of the alternatives considered. There is no requirement under CEQA that would prohibit this as a project objective.

B4-16 The commenter’s preference for a general department store is noted.

B4-17 See Master Response 2, Building Interior.

B4-18 See Master Response 1, Earthen Berms.

B4-19 See Response B3-7 and B3-12 related to parking.

B4-20 See Response B3-14 related to street improvements.

B4-21 The assumption of 20 percent of the staff biking to work was based on surveys of other comparable Sports Basement locations with transit. The trip reductions applied to the analysis use a more generalized reduction of 13 percent for employees, including all non-auto modes (see page 80 of the Draft EIR).

B4-22 Using a standard of 20 cubic yards per truckload, the number of trips required to move 5,500 cubic yards of dirt from the site would be 275 trips, which is less-than-significant in light of the trips that would be generated by the project once operational, the relatively short duration during which they would occur, and the standard requirement that trucks use designated Truck Routes. The project proposes to remove the earthen berms located on the northern and southern side of the structure and several interior walls. Parking impacts are discussed in Chapter IV.C, Transportation and Circulation. See Master Response 1, Earthen Berms for more information.

B4-23 See Response B4-4 related to cumulative analysis, and Responses B4-5 and B4-9 related to land use and planning.

B4-24 See Master Response 1, Earthen Berms; Master Response 2, Building Interior; Response B3-16 related to listing on historic registry; and Response B3-20 related to project plans and renderings.

B4-25 The proposed project would not have a heavy construction period (grading) that would involve intensive use of large construction equipment for extended periods of time (e.g., six months or more). Construction activity would primarily be conducted within the building using smaller sized construction equipment. The main heavy construction activity would be removal of the berms and construction of the new support walls. Due to the relatively short duration of construction activities that involve use of diesel-powered equipment, the qualitative analysis concluded that an analysis of sensitive receptor health risk would not be necessary and that the
The project’s construction-related emission would be less than significant when compared to the BAAQMD thresholds as shown in Chapter IV.B Greenhouse Gas Emissions.

B4-26 The output files were provided upon request to the commenter. The models used (URBEMIS and BGM) are recommended by BAAQMD for these types of analyses. Except where noted in the test footnotes, model default values were used. See Appendix D, Greenhouse Gas Emissions Calculations, of the Draft EIR for output files.

Greenhouse gas emissions (GHG) analysis was based on 2020, because BAAQMD’s threshold is based on meeting emissions reduction targets in 2020. Evaluating all land use projects for 2020 allows the City to judge each project on an equal basis in terms of reaching AB32 goals to reduce GHG emissions to 1990 levels by 2020. Project GHG emissions prior to 2020 would be slightly higher, because State programs that would result in higher traffic emission (e.g., Pavley Rules and Low Carbon Fuel Standard) would not be fully implemented until after the project is completed. While the emissions for years prior to 2020 would be slightly higher, the conclusions related to the impact would not change.

The URBEMIS 2007 modeling assumed new construction, and therefore, likely overestimated the GHG emissions. There are no quantified GHG emissions thresholds in the model, so the emissions predictions were provided for informational purposes.

The models selected to conduct the analysis are recommended by BAAQMD in their CEQA Air Quality Guidelines and continue to be the current recommendation. As stated in Chapter IV.B, Greenhouse Gas Emissions, the modeling likely overestimates the construction emission because it assumed new construction of the project and included a typical grading phase. The Draft EIR uses the URBEMIS 2007 model as recommended by BAAQMD (see page 57 of the Draft EIR). However, California Air Resources Board (CARB) has updated its model (i.e., OFFROAD 2010) to reflect much lower emissions from construction equipment usage factors based on a review of the inputs to OFFROAD 2007 (the model used on URBEMIS2007 for construction emissions). That review found that construction equipment emissions were overestimated by 33 percent because of the assumed usage factors. Construction emissions are based on the maximum horsepower of the equipment multiplied by a usage factor that represents the typical horsepower of the equipment. In the case of the proposed project, because the project applicant has proposed to reuse and adapt an existing building and there would not be a typical grading phase, the construction emissions are likely overestimated to a large degree. Furthermore, the project would be subject to the City’s Standard Conditions of Approval as they relate to dust control as stated in the Initial Study (page 31 of Appendix A to the Draft EIR).
B4-27 The Sunnyvale Sports Basement location does not have convenient transit or bicycle access; therefore, virtually all trips are vehicle trips. For the Sports Basement location in San Francisco, surveys were conducted to determine the mode of travel. As the proposed site has transit options, appropriate reductions were applied to account for transit trips based on the survey conducted at the San Francisco store and with input from City staff. The factor of eight was calculated based on sales transaction information provided by Sports Basement. It was determined that approximately 12.5 percent of daily sales are expected to occur during the PM peak period. Therefore, the assumption that the peak hour carries about 12.5 percent of daily trips is a reasonable estimate.

B4-28 It is appropriate to assume that the project's measures to reduce energy consumption would reduce emissions by 20 percent as noted on page 60 of the Draft EIR. The default factors used in the BGM model are based on historical energy consumption rates for similar types of land uses and those rates are based on information obtained prior to the latest building code updates, and as a result may show higher usage rates than would reasonably be expected based on rates obtained using the latest building code updates.

B4-29 Since the project design features are proposed as part of the project (See Chapter III, Project Description), they are not listed as mitigation measures. Because the project as designed is what would be approved by the City, those design features will be required if the project is approved. See Response B4-28 for a discussion related to energy rate reduction.

B4-30 Additional mitigation measures to reduce greenhouse gas emissions could be listed; however their effect would have minimal impact on GHG emission reduction. The proposed project relies primarily on its setting and City policies to further reduce vehicle trips and GHG emissions. The City may consider additional measures as they review the project’s merits and impose them as Conditions of Approval. The applicant is also considering the installation of photo-voltaic solar panels to provide electricity for the project.

B4-31 See Response B4-30 above. Transit is already provided in the area and is adequate to serve the project.

B4-32 An analysis of Existing plus Project Conditions is included in Chapter IV, Text Revisions of this Final EIR, the analysis does not result in any new impacts.

B4-33 See Response B3-30, related to study intersections.

B4-34 See Response B3-32 related to project trip distribution.
B4-35 See Response B3-30 related to the intersection geometry and LOS analysis of MLK Jr. Way, Dwight Way, Ashby Avenue, and Shattuck Avenue. As the commenter does not provide specific details as to the nature of the incorrect information that was found; no further comment is necessary.

B4-36 The commenter’s concern related to the proposed left-turn restriction mitigation measure is noted and will be considered by the City’s decision-makers when considering the project development applications. See the note to this effect in Mitigation Measure TRAF-1 on page 86 and TRAF-2 on page 90 of the Draft EIR.

B4-37 See Response B3-12 related to parking.

B4-38 See Response B3-31 related to Traffic and Circulation figures.

B4-39 See Response B4-6 related to alternatives.

B4-40 See Responses B3-35, B3-39, and B4-15 related to project objectives.

B4-41 This comment serves to summarize the content of this comment letter; these comments have been addressed in the order which they were received in this Response to Comments document. No further response is necessary.

B4-42 See Responses B3-5 and B4-10 related to recreation. Additionally, a mixed-use residential and commercial project was considered and rejected as a reasonable alternative (See page 103 of the Draft EIR_ as this alternative did not meet most of the project objectives and/or mitigate project impacts.

B4-43 See Response B3-37 related to City code enforcement.

B4-44 See Response B3-38 related to traffic analysis assumptions.

B4-45 See Response B3-12 related to parking requirements.

B4-46 See Responses B4-6 related to alternatives, and B3-35 related to traffic.

B4-47 See Responses B2-2, B4-10, B4-9, and B4-10 related to aesthetics, recreation, and land use.

Discussions related to the economic viability of this or other establishments located in and around the City of Berkeley are not related to the adequacy of the Draft EIR, but may be considered by the City during the review of the project merits.

B4-48 See Response B2-2 related to aesthetics.
B4-49  See Responses B3-35, B3-39, and B4-15 related to project objectives.

B4-50  See Response B3-14 related to street improvements.

B4-51  See Master Response 2, Building Interior.

B4-52  As shown on page 30 of the Historic Evaluation (see Appendix B of the Draft EIR); new additions and adjacent or related new construction would be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. The proposed elevator would be a freestanding structure, as would the mezzanine. Neither would add to the structural load of the existing trusses.

B4-53  See Response B3-29 related to how cumulative impacts were incorporated into transportation and circulation and greenhouse gas emission impact analysis.

B4-54  This comment is a summary of concerns raised elsewhere in the comment letter; see above responses.
Comments on Berkeley Iceland Adaptive Reuse Project, Draft EIR
1 January 2012

Under B. Project Alternatives, the City rejects No Project/Ice Rink Refurbishment alternative saying that this use would not meet the project objectives of establishing an economically viable and retail use. This is not a reason to reject considering the Ice Rink Refurbishment alternative. Retail is not the historic use of the site. The historic use is recreation, and the question is whether changing the use to retail is an environmentally sound idea.

While retail is one of the allowed uses in the district, it does not hold a special status. There has been no public process establishing retail at the Iceland location as the only use or even a preferred use. Failure to consider recreation as the use denies all involved of a reasoned choice.

Similarly, failure to consider other locations in the greater Bay Area for Sports Basement because the project's uniqueness at this site begs the question of the appropriateness of Sport Basement's proposed project. How can one determine what is the most environmentally correct alternative if there are no alternatives? The logic is faulty and denies one of a reasoned choice.

Under A. Effects Found Not To Be Significant it is noted that a public scoping meeting was held on September 22, 2011 in front of ZAB, and in front of LPC on October 6th. However, only written comments received on the NOP were considered in the preparation of the final scope for Draft EIR. Not to take into account public comments at the public scoping meeting effectively voided the public scoping secession and as such the process is fundamentally flawed.

At the public scoping meetings it was pointed out in public comment that Berkeley is on the road to serious social problems. As a city we are, rightly so, trying to greatly increase our density yet, wrongly so, we are destroying those amenities that make a city a wonderful place to live. Because of recent city actions Berkeley residents are denied the opportunity of a skating rink and also the Willard Swimming pool. Without meaningful structured recreation opportunities we put our young at risk and lower the quality of life for our residents. One should not increase density and at the same time take away those amenities that make a city great. Not dealing with this issue in the Draft EIR is a serious fundamental mistake and renders the document legally defective and useless.

Iceland never wanted to shut down. The Berkeley Code Enforcement forced it to. Many people feel the city over reached in its effort to free up land for housing and hope that the shutting down of Iceland would only be temporary. Turning the site into a Sports Basement will be a serious setback in righting the wrong done to the people and city of Berkeley.

Tim Hansen
LETTER B5
Tim Hansen
January 3, 2012

B5-1 Discussions related to the proposed use of this site are not related to the adequacy of the Draft EIR, but may be considered by the City during the review of the project merits. Additionally, CEQA Guidelines §15124(b) states that “The statement of objectives should include the underlying purpose of the project.” The project is proposing a retail use, therefore the project objectives of establishing an economically viable retail use is an appropriate project objective for the purpose of CEQA.

B5-2 See Responses B3-35 and B4-6 related to alternatives.

B5-3 Both written and verbal comments received on the NOP were reviewed by the preparers of the Draft EIR and used to inform the content of the Draft EIR. CEQA does not require written responses to NOP comments.

B5-4 This comment does not relate to the adequacy of the Draft EIR, but will be considered during the review of the project merits.

B5-5 This comment does not relate to the adequacy of the Draft EIR, but will be considered during the review of the project merits. However, according to a timeline provided by the attorneys for the current property owners, the circumstances surrounding the closure of Berkeley Iceland are as follows: “In 2006, a dispute arose with the City compliance officers over the safety of the refrigeration system at Berkeley Iceland, which depended upon an ammonia-based cooling system. A series of closure orders were issued by City staff and a very expensive temporary cooling [sic] system had to be installed to allow continued operation. East Bay Iceland, Inc. ("EBI") determined that the cost of installing a permanent cooling system satisfying all of the requirements of the City Fire Department and Planning Department would be prohibitive, given the other enormous costs involved in rehabilitating a structure and operation that was almost 70 years old. In January 2007 EBI notified the City that it would be closing Berkeley Iceland at the end of March and that the property would be listed for sale.”
January 1, 2012

Dear City of Berkeley,

I am writing in response to the Berkeley Iceland Adaptive Reuse Project Draft EIR SCH 2011092011 of November 2011. I believe there to be adverse environmental impacts to the project that are not fully addressed. I have included my comments below.

Historic Resources

Berkeley Iceland has been one of the West Coast’s most significant skating facilities from its inception; the historic areas should be retained and preserved. Berkeley Iceland was determined to be eligible for listing in the National Register of Historic Places, but has not been placed on that list by the owners. The berms are a design feature that was included in drawings in the original prospectus outlining the project of the East Bay Iceland rink in Berkeley, California. External and internal berms support the north and south building walls. There is no evidence to a claim of the poor condition of the berms, or of the claim that the graffiti has compromised the integrity of the structure.

Transportation

Full impact of the large increase in vehicular traffic patterns is not listed in the EIR. Historic traffic patterns were less with the drop off and pickup of skaters. Skaters would stay at Iceland a few hours at a stretch, while retail shoppers come and go quickly, generally under an hour at a time. Skaters would also pool together to park at Iceland for class sessions and free skate. There was an ease of use of public transportation for a recreational facility where you were only carrying skates to and from venue. Purchasing numerous and/or bulky goods at a retail store tends to preclude the use of public transportation or bicycles. There does not appear to be a mention of how transportation would be affected by the already approved Curvy Derby project with the full sized baseball diamond due to be completed in 2013. How would safety conditions be affected for drop off and pick up at the Early Childhood Development Center directly across from the main entrance?

Population and Housing

There would be a great change to the quality of life in surrounding neighborhoods as a result of increased short-term traffic in the area, which is not addressed.
Recreation

I do not agree with the ‘No significant impact to recreation identified’ if the building is to be changed from a recreational building to a retail store. The City of Berkeley has lost major recreational facilities for both children and adults. A City based effort to acquire and maintain a variety of recreational opportunities for its citizens and greater community should be pursued.

Building Interior

No mention is made of the engineering required to stabilize the north and south walls required with the berm removal. How would that affect the Historic Resources with the addition of materials to stabilize and support? Configuration of the lobby area in diagrams appears to have changed with the destruction of interior walls to adjust lobby area from a skate rental area and coaches/club rooms to a meeting room and bicycle department. This does not appear detailed in the body of the EIR and may also affect the Historic Resources. The removal and reuse of the bleachers and removal of the interior berms to provide additional interior space would have an adverse effect. Reuse of the bleachers for shelving and other uses would not adhere to the guidelines of new work differentiated from old features.

Building Exterior

The building is unoccupied and has not been maintained by the current owners to reduce vandalism or prevent blight as a good neighbor. The mitigation of the proposed earth berm removal by a shadow line is not an acceptable mitigation. Populace approaching Berkeley Iceland from the north and south views would have no clue as to what the shadow line was supposed to represent.

Parking

There would be increased parking issues for neighborhood residents fighting for parking spaces. Historic traffic patterns had a large portion of clientele dropped off at the building entrance, as mentioned above. Retail shopping is a different phenomenon with many more vehicles parking for shorter durations. According to the EIR, Sports Basement expects 80% of staff to be using a portion of the proposed parking spaces, even with company incentives for bicycle parking and maintenance. The ice rink used fewer employees per shift than a retail store operation.
Demolition

The proposed removal of the interior bleachers and berms would completely change the historic nature of the building.
The exterior berm removal is proposed solely for the addition of 28 parking spaces.
The EIR stated more than once that the changes would largely be reversible if converted back to a skating rink. I cannot agree with that statement. It is proposed that the entire floor be poured concrete instead of flooring that could be removed for the replacement of the refrigeration pipes. The interior berms and the majority of the historic bleachers would also be removed.

Alternatives

Relocation of the project to an alternate site would be preferred. There are now newly available sites at the recently closed Andronico’s grocery stores on Telegraph and University Avenues. Those neighborhoods are accustomed to increased retail store traffic, are easy to access, and have plentiful parking already available.
Reuse of the building for an indoor ice rink would meet project objectives of establishing an economically viable recreational and retail use. The closure of Berkeley Iceland was a desire of the owners not related to viability. Ice skating has always had waves of popularity, but when the ice rink closed it was still paying dividends to its investors. I also question the off street parking as an objective of the project.

Sincerely,
Kimberley Milstead
3734 Clinton Ave
Richmond CA 94805
510/235-8899
LETTER B6
Kimberley Milstead
January 1, 2012

B6-1 This comment is an introductory comment to the submitted letter. No further response is necessary.

B6-2 See Master Response 1, Earthen Berms; Master Response 2, Building Interior; and Chapter IV, Text Revisions.

B6-3 Traffic counts were conducted in 2011 and the proposed project traffic was added on to the existing traffic volume captured during these counts. No reduction of traffic was made based on the Iceland trips.

B6-4 Public transit discounts for employees and patrons attending regular classes at the facility are part of the Traffic Demand Management program proposed by the applicant as part of the proposed project. Bicycling is also expected to account for many of the trips made to the store by employees and customers. A reasonable trip reduction was applied to the trip generation for the project as discussed in Chapter IV.C, Transportation and Circulation, of the Draft EIR.

B6-5 The Alameda CTC model already incorporates anticipated developments in the study; the analysis uses the Alameda CTC travel demand forecast model to derive the cumulative traffic volumes.

B6-6 The peak period does not coincide between the two facilities and therefore was not included in the analysis.

B6-7 Impacts to population and housing were analyzed as part of the Initial Study completed for the proposed project. It was concluded as part of this analysis that the project would not induce substantial population growth in the area; displace substantial numbers of existing housing; or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Traffic growth is addressed in Chapter IV.C, Transportation and Circulation of the Draft EIR which concludes that with the addition of the proposed project and approved developments, intersection LOS, with the exception of MLK Jr. Way and Ward Street, are expected to remain unchanged, with a few minor increases in average delay.

B6-8 Comment is noted. See Responses B3-5 and B4-10 related to recreation.

B6-9 See Master Response 1, Earthen Berms. During the excavation of the earthen berms, the existing north and south walls of the structure would be shored up so that new
foundations and supporting walls (extension of existing walls to new finished grade) could be installed. This process would occur concurrent with the excavation. Once excavation and shoring are complete, the foundations for the new wall extensions that would replace the berms would be formed and poured, followed by the forming and pouring of the wall extensions themselves. Excavation and construction activities would be completed so as to have a less-than-significant impact on the existing structure.

B6-10  See Master Response 2, Building Interior.

B6-11  See Master Response 2, Building Interior.

B6-12  This comment does not address the adequacy of the Draft EIR, no further response is necessary.

B6-13  See Master Response 1, Earthen Berms.

B6-14  Chapter IV.C, Transportation and Circulation, of the Draft EIR finds that parking demand would not exceed available spaces in a two-block radius of the project site. Demand was based on observations at the Sunnyvale facility. Assumptions for number of employees that would use a bicycle to commute to their job were based on actual numbers at other comparable Sports Basement facilities in urban areas. Additionally, incentives proposed by the project as part of a Traffic Demand Management plan would encourage transit and bicycle use for employees and regular users of the community facilities. Discussions related to the number of employees at an ice rink or Sports Basement facilities are not related to the adequacy of the Draft EIR, no further response is necessary.

B6-15  See Master Response 1, Earthen Berms.

B6-16  See Master Response 2, Building Interior.

B6-17  See Responses B3-35 and B4-6 related to alternatives.

B6-18  This comment does not address the adequacy of the Draft EIR; no further response is necessary.
From: tfpkiii@gmail.com [mailto:tfpkiii@gmail.com] On Behalf Of Tom Killilea
Sent: Tuesday, January 03, 2012 4:08 PM
To: Tom Killilea
Subject: Seven Reasons Sports Basement's Draft EIR Cannot Be Accepted

Today is the last day for comments on the Draft Environmental Impact Report (DEIR) submitted for Sports Basement's inappropriate project to convert Berkeley Iceland, a site specifically built and used for more than 67 years to provide recreation skating to the Berkeley community, to one of the largest retail operations in the City of Berkeley. The purpose of the EIR process is to:

...provide analysis and public disclosure of environmental impacts of proposed projects and adopt all feasible measures to mitigate those impacts...

SBI and others provided comments on the DEIR submitted for this project, some available here. There are seven reasons I believe the DEIR, as it currently exists, cannot be accepted:

- **Project Objectives too narrowly defined** - As written, the Project Objectives could only be met by a single outcome - the only feasible project is the one that locates this particular retail development at this site and requires the demolition of the berms and the addition of parking spaces. Required project components, such as on-site parking and removal of graffiti, are incorrectly characterized as project objectives. The true Project Objective - “feasible use of Berkeley Iceland for proposed retail uses” - leads to a variety of alternatives and different conclusions than those contained in the EIR.

- **Key CEQA topics disregarded** - The California Environmental Quality Act (CEQA) provides the policy guidance for conducting EIRs. It defines a number of resource factors which must be considered in a complete EIR, some of which may or may not apply. The draft report inappropriately and without evidence declared several key factors not significant and analysis of impacts to these resources were left out. These include:

  o **Aesthetics** - a major alteration to the building is the removal of the berms on the north and south faces of the building. One active role these berms play is to "soften" the impact of the massive building, making it fit better in its environment. Removing the berms will expose 20+ ft. industrial walls. It is hard to argue that this will not affect the visual environment of the site and a complete analysis needs to be made of this impact with mitigations provided.

  o **Recreation** - Permanently removing a dedicated recreation resource from the Berkeley environment will have an impact on other City facilities. This topic was dismissed without supporting analysis.

  o **City Services** - The proposed project sites significant increases traffic and demand for parking in the neighborhood. A proposal for addressing inadequate on-site parking is to install parking

Unless the impact on these topics are included, the EIR is not complete and should not be accepted.
meters on the streets surrounding the building. The requirement for monitoring new parking meters and increased traffic issues will increase demand for City services in the area. In addition, the increased traffic and parking demands will affect the general access to the Berkeley Fire Station at the corner of Derby and Shattuck. None of this was included in the impact analysis.

- **Data and documentation for analysis of resources impacted inadequate or non-existent** - The DEIR contained analysis on some resources for which impacts could not be ignored - Historic, Green House Gases (GHG), and Traffic. In each of these, the information provided was inadequate for analysis by experts to confirm the EIR’s claims. Traffic data was incomplete and models for analysis questionable. GHG ignored potential impacts to children living in the neighboring residential neighborhood and Child Development Center across the street. Drawings and renditions are insufficient to determine impacts to both the exterior and interior historic resources. All this needs to be addressed before the EIR can be accepted.

- **Unsubstantiated Claims** - In many places the EIR makes claims which they do not document. From claims that ice rink business is in decline to the level of deterioration of the berms and many other points, claims which support their project are made without backing them up with data or documentation. Unless sufficient backing for these claims is provided and thorough analysis done on them, these claims must be disregarded. Many of these claims are the foundation for justifying the project.

- **Impacts on Historic Resources missing** - While the EIR addresses impact to resources designated on the exterior of the building, the berms, it completely ignores the impacts on the proposed project to those on the interior. As a building on the California List of Historic Resources and eligible for listing on the National Register of Historic Places, those historic resources inside the building must be included in the EIR as well. What few drawings provided show what appears to be changes to these resources, particularly the breaking up of the entry pavilion's lobby, removal of the bleacher seating and installation of an elevator will have impacts on these historic resources. A full analysis with evaluation of mitigations needs to be included before the EIR can be accepted.

- **Analysis of Alternatives to the project incomplete** - CEQA requires the EIR contain substantial analysis of alternatives which would meet the project objectives both at the site under consideration and at other sites. There is NO analysis of any other possible site for a large retail operation in the City of Berkeley, with little justification. The contention is that no other site would meet the narrowly defined project objectives. The narrowly defined project objectives, particularly the off-site parking, were also used to negatively impact some of the alternatives that were reviewed. The EIR must contain analysis of other sites adequate to hosting a large retail store and removal of inappropriate goals.

- **Inadequate and Non-existant Mitigations** - CEQA also requires that identified impacts to resources must contain a discussion of all feasible measures which would mitigate the impact. Unless the measures are infeasible on their face, they must be included in the EIR. To quote the CEQA toolbox:

  To be considered adequate, mitigation measures should be specific, feasible actions that will actually improve adverse environmental conditions. Mitigation measures should be measurable to all monitoring their implementation. Mitigation measures consisting only of further studies or consultation with regulatory agencies that are not tied to a specific action plan may not be adequate and should therefore be avoided.

  The mitigations contained in this DEIR fall far short of this standard.

The proposed Sports Basement project is not appropriate for Berkeley Iceland and the community it serves. There are many other locations in Berkeley where a large retail operation would fit and thrive. There is no other location where a community recreation center fits. The DEIR begins to detail the inadequacies of this project which should not be approved.
B7-1 This comment is an introductory comment to the submitted letter. No further response is necessary.

B7-2 See Responses B3-35, B3-39, and B4-15 related to project objectives.

B7-3 This comment is an introductory comment to the submitted letter. No further response is necessary.

B7-4 See Response B2-2 related to aesthetics.

B7-5 See Responses B3-5 and B4-10 related to recreation.

B7-6 Impacts to public services were analyzed as part of the Initial Study completed for the proposed project. The Initial Study concluded that the project would not have a substantial adverse physical impact associated with the new or physically altered governmental facilities, need for new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times, or other performance objectives for fire and police protection, schools, parks, or other public facilities. Installation of parking and/or street improvements would be required to comply with City of Berkeley standards. Additionally, the installation of parking meters as a result of the proposed project would result in additional revenues estimated at $2,500 per meter per annum, which would offset any costs associated with monitoring parking.

B7-7 See Master Response 2, Building Interior; and Responses B3-9, B3-29, and B4-25 related to cumulative impacts, greenhouse gas emission analysis, and project plans/renderings.

B7-8 A response to this comment cannot be provided without more detail about what specific claims are unsubstantiated.

B7-9 See Master Response 2, Building Interior.

B7-10 See Responses B3-35 and B4-6 related to alternatives.

B7-11 The Draft EIR requires mitigation measures for historic resources, greenhouse gas emissions, and transportation and circulation that would reduce or eliminate impacts for specific conditions caused by the proposed project.

B7-12 This comment does not relate to the adequacy of the Draft EIR, but may be considered by the City during the review of the project merits.
Leslie Mendez –

I'm adding just a brief, non-technical response, especially compared to the well-researched, detailed EIR analysis from Tom Killilea and Elizabeth Grassetti:

The original Berkeley Iceland was the dream of a few visionary citizens to provide much-needed additional recreation, particularly in economically-depressed times. Such facilities are still much needed, and the idea the original recreational facilities being converted to a retail space would make it very unlikely that the ice rink would ever be converted back to its original use.

Besides, the surrounding residential neighborhood will lobby and probably successfully block such a plan.

If the cities of Oakland and Richmond can successfully cooperate with private interests to resurrect the Fox Oakland Theater and Richmond Plunge, I cannot see why with a little goodwill and nudging, the city of Berkeley cannot help entice the right grants, private interests, etc. to bring to life a green 21st century version of Berkeley Iceland. The ‘Save Berkeley Iceland’ group have come up with several viable plans which could not only serve the recreational needs of the area, but also the social, community needs, too.

Best,

Richard Fabry
Berkeley raised
B8-1  This comment is an introductory comment to the submitted letter. No further response is necessary.

B8-2  This comment does not relate to the adequacy of the Draft EIR, but may be considered by the City during the review of the project merits.

B8-3  This comment does not relate to the adequacy of the Draft EIR, but may be considered by the City during the review of the project merits.

B8-4  Discussions related to the public/private partnerships in and around the City of Berkeley are not related to the adequacy of the Draft EIR; no further response is necessary.
LPC Comments re: Iceland DEIR

2727 Milvia St.

The City of Berkeley Landmarks Preservation Commission was not provided with 12/1/11 notes in order to provide these comments until the due date (January 3, 2012), so we reserve the right to turn in late comments if anything is inadvertently left out.

The Commission was not provided with a copy of or a link to the approved landmark application and Notice of Decision as has always been required with any DEIR, and therefore comments related to that missing documentation will have to wait until the final EIR.

In summing up the comments of our commission, the ad-hoc committee formed for the purpose of transmitting comments, including the specific comments of our speakers from the public that dealt with factual errors in the DEIR, which we announced our intention to include, for the final EIR, please address the following:

The Commission was not presented with the opportunity to have a “scoping session”, but rather was told we were getting a preview or the DEIR. So any language that refers to a “scoping session” should be duly changed.

The content of the LPC’s conversation was largely about the berms to the north and south of the building, and whether they were intended as insulation devices. In truth, it does not matter, they were specifically called out as features to be preserved in the landmarking process. And the project proposes to remove them, so it is a significant impact. And no mitigation by definition can mitigate the loss of a significant impact.

The crux of the real problem appears to be the potential for successive demolition – removing significant features that destroy the integrity of the historic resource. It is therefore necessary to ask for an answer to this critical question - will removing the berms and replacing them with a parking lot, and will the change of use for a building landmarked in part for its cultural and historical use, as an ice rink, cause a loss of integrity to the historic resource? And if so, then does the building retain sufficient integrity that this will not constitute a possible start of a successive demolition?

Please provide alternative locations for the retail store in the final EIR that are feasible alternatives, rather than alternatives that include two “no project” alternatives?

DEIR asserts the building is deteriorating. Give complete details of all instances for the historic record.
Consider and adequately describe a partial retention of the berms, including adequate and substantial screening of any new walls from the neighbors.

Drawings in the DEIR are inconsistent at best, abysmal at worst. Include adequate drawings for purposes of evaluation, including adequate sections to describe existing and proposed foundation work.

Please address in detail how all exterior and interior changes proposed would be reversible if this architectural, historical and cultural landmark should be restored to its original purpose.

As instructed by the LPC, we are including factual historical and architectural details found in the DEIR by Save Berkeley Iceland in comments submitted 1/3/12 to the DEIR, which the commissioners compiling this info agree are factually accurate and should be changed in the DEIR:

“Section d. History of the Berkeley Iceland Building incorrectly states that the ice surface was 90 x 200 feet. It was 100 x 200 feet. As stated earlier, there is no proof that the berms were designed as a way to save money during construction. They were a key design element from the earliest sketches of the building, and were designed as a way to insulate the ice surface and to blend the building’s enormous mass into a neighborhood of more modest structures.”

“The statement that Iceland was bought by Frank Zamboni is incorrect. Iceland is not owned by Frank Zamboni, it is owned by East Bay Iceland, Inc. which owns three Iceland ice skating rinks: Berkeley, Dublin and Belmont. Frank Zamboni became majority shareholder of the EastBay Iceland, Inc. by buying up shares owned by community members. Approximately 1/3 of the shares are owned by former employees, and two historically important ice skating clubs, both of predare Iceland, and were major tenants of Iceland.”

“Historical Architectural Resources - as stated earlier, the project does NOT appear to meet Standard 5, as well as Standard 2 and Standard 9. Without adequate architectural drawings, it is impossible to draw the conclusions that the building would still be largely compliant with the Department of Interior Standards. The statement that the Berms are “in their current poor condition” is entirely unsubstantiated. The building may be graffitied and the windows broken due to the owners purposeful neglect, but the berms appear to be in fine condition other than overgrown with grass. Section (3) seems to be based entirely on opinion rather than fact, and should be revised to reflect fact.”
Specific comments made by LPC Commissioners 12/1/11:

Commissioner #1: Concerned that wall was built on top of berms for a reason. The berms could have been insulating elements that contributed to green design of building. People of Berkeley raised funds to build the rink.

Commissioner #2: Believes berms should be considered together with building as elements of the site. There are mitigation measures possible beyond what has been seen. Mitigation Measures keeping part of berms and parking could be considered. There are inconsistencies in the drawings. Don’t like look of guardrail on ramp at front, may be able to lose railing due to height of ramp.

Commissioner #3: Berms were likely used as economic foundation rather than insulating elements. Document doesn’t include adequate section to describe existing and proposed foundation work. Graphics are abysmal. Building and site are integral and a partial berm alternative should be considered to screen proposed parking. Feasibility appears to be foregone conclusion. Any proposed signage needs to be reviewed.

Commissioner #4: Berms were meant to be berms and need to be reflected in project. Walls need treatment, not blank canvases that will end up with graffiti. Reversibility of important interior spaces should be addressed.

Commissioner #5: South side of building faces neighborhood. Drawings should indicate impact of the building without berms on the neighborhood. Alta Bates Hospital project is an example of effective use of landscaping to buffer adjacent residential neighborhood.

Commissioner #6: The document assumes the site will continue in its deteriorated condition in the No Project Alternative. Blight ordinance is not used. It is the responsibility of the owner to maintain the landmark but City has no enforcement on this.

By: Carrie Olson, Gary Olson, and Anne Wagley, LPC Iceland DEIR Subcommittee
January 3, 2012

RE: Historic Resources

2727 Milvia Street Berkeley Iceland Adaptive Reuse Project Draft Environmental Impact Report (DEIR). The project proposes to: (1) rehabilitate the 53,334-square-foot Berkeley Iceland building, a Streamline Moderne-style City Landmark and (2) convert the building to commercial retail use.

From: Landmarks Preservation Commission
By: Sally Zarnowitz, Secretary to the Landmarks Preservation Commission

At the December 1, 2011 meeting, the Landmarks Preservation Commission (Commission) discussed the Draft Environmental Impact Report for the Berkeley Iceland Adaptive Reuse Project, located at 2727 Milvia Street. The Commission provided comment and voted to form a subcommittee to draft comments on the DEIR.

12/20/11 Subcommittee Comments

The Subcommittee agreed with the conclusion that a significant impact would occur to the setting of the Berkeley Iceland historical structure and site if the earthen berms are removed as part of project construction. Therefore, in addition to Historic Resource Mitigation Measures identified in the Draft EIR, the Commission recommends the following Mitigation Measures:

HIST-1a It is recommended that the historic feeling that would be affected by the berms’ removal be replicated to the extent possible through creation of "green" walls (i.e. planted) that would be constructed once the berms are removed that would depict the height and shape of the berms that once existed in those locations.

HIST-2 It is recommended that the historic feeling that would be affected by the berms' removal be replicated to the extent possible through creation of partial, sloping berms at four corners of building including six fewer parking spaces than proposed project (see attached exhibit).

HIST-3 As the berms are landscape features that create a sense of green edges for the north and south elevations of the building, it is recommended that the historic feeling that would be affected by the berms' removal be mitigated to the extent possible through the preservation and replacement as necessary of existing perimeter and street trees to maintain landscaping buffer per Mitigation Measure BIO-1; and use of
permeable paving and other forms of landscaping between both the building edge and property line and for the streetscapes of both Derby and Ward Streets.

HIST-4 It is recommended that photo documentation per the following standards be conducted for the berms and an educational exhibit for Berkeley Iceland be created, reviewed by the LPC and displayed in the building lobby to the satisfaction of the Zoning Officer.

Photo documentation standards: Camera: A 35mm camera should be used. Lenses: No soft focus lenses should be used. Lenses may include normal focus length, wide angle and telephoto. Filters: Photographer's choice. Use of a pola screen is encouraged. Film: Must use black and white film. Tri-X, Plus-X, or T-Max film is recommended. View: Perspective view-facade and one side. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary. Lighting: Sunlight is usually preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs. Technical: All areas of the photograph must be in sharp focus. Digital: Digital photos can supplement film, but primary documentation shall be black and white film. Submission: Two (2) copies of the black and white photos with the negatives (for distribution to archives) and one (1) photocopy (for project file) shall be submitted to the Zoning Officer prior to issuance of Building Permit.
LETTER C1
Landmarks Preservation Commission via Sally Zamowitz, Secretary
January 3, 2012

C1-1  This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

C1-2  This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

C1-3  This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

C1-4  This comment does not relate to the adequacy of the Draft EIR; no further response is necessary. The public hearing notice stated that the LPC was to conduct a “scoping session” for the Draft EIR.

C1-5  See Master Response 1, Earthen Berms.

C1-6  See Responses B3-35 and B4-6 related to alternatives.

C1-7  The project proposes to rehabilitate, restore, and retrofit all deteriorating physical aspects of the existing structure; the Historic Evaluation Final document found at http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=65488 includes images that represent the existing conditions at the project site.

C1-8  See Master Response 1, Earthen Berms.

C1-9  See Master Response 2, Building Interior.

C1-10 See Response B4-52 related to proposed interior changes.

C1-11 See Responses B3-17 and B3-18 related to corrections.

C1-12 See Master Response 1, Earthen Berms and Master Response 2, Building Interior.

C1-13 See Master Response 1, Earthen Berms.

C1-14 See Master Response 1, Earthen Berms.

C1-15 See Master Response 1, Earthen Berms.

C1-16 See Master Response 1, Earthen Berms.
C1-17  This comment does not relate to the adequacy of the Draft EIR; no further response is necessary. However, a set of current project plans have been included as Appendix F, Project Plans and are included in Chapter IV, Text Revisions, of this RTC document.

C1-18  See Response B3-36 related to code enforcement.

C1-19  This introductory comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

C1-20  See Master Response 1, Earthen Berms.
PUBLIC HEARING COMMENTS

Public hearings were held on the Draft EIR at the City of Berkeley Landmarks Preservation Commission meeting held on December 1, 2011 and at the Zoning Adjustments Board meeting held on December 8, 2011. Comments were heard from Commissioners, Board members, and from members of the public at both of these meetings. In general, the issues that were verbally expressed at the public hearings were repeated in the written comments received, and thus the responses presented in this document address verbal comments made by the Commissioners, Board members, and the public that are not otherwise addressed in the written comments.

**Landmarks Preservation Commissioner Questions/Comments**

**Parsons (C2)**

- Building elements have to be considered together with the site.
  
  *Response: See Master Response 1, Earthen Berms and Master Response 2, Building Interior*

- Astonishing degradation of the site.
  
  *Response: See Response B3-36 related to code enforcement.*

- Fought initially to include the berms in the local nomination, now feels that it is okay to remove them as part of the reuse of the building; even an ice rink refurbish would request that they be removed, feels the neighbors would demand more parking even for a refurbished ice rink.

  *Response: See Master Response 1, Earthen Berms.*

- EIR light on traffic impacts if the building was restored to an ice rink.

  *Response: Analysis of the traffic impact of the No Project/Ice Skating Rink Refurbishment Alternative is discussed in Chapter V Alternatives, of the Draft EIR. Also see Response B3-35 and B4-6 related to alternatives.*

- Inconsistency between the cover image and the elevations in the document.

  *Response: See Master Response 2, Building Interior.*

- Would like better illustrations, what they have seems inconsistent.

  *Response: See Master Response 2, Building Interior. Additionally, a set of current project plans have been included as Appendix F, Project Plans, and are shown in Chapter IV, Text Revisions, of this RTC document.*

- Doesn’t like the ramp in the front of the structure; may not have to be ADA because it is a historic structure.

  *Response: This comment does not relate to the adequacy of the Draft EIR; no further response is necessary. Design review and building permit requirements will be addressed as part of subsequent City review.*
Hall (C3)

- It isn’t clear in the document that there is a need to build new walls when the berms are taken out, what is the effect of this?

Response: See Master Response 1, Earthen Berms, and Response B6-9 related to excavation, shoring, and construction of support walls.

- Aside from the aesthetic issue, questions whether the berms were used as temperature control; was this an early green building?

Response: See Master Response 1, Earthen Berms.

- People of Berkeley helped raise the money to construct the rink.

Response: This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

- Wonders if the berms are a green design element that makes the building more energy efficient.

Response: See Master Response 1, Earthen Berms

- Berms make it (the building) work in the neighborhood otherwise a big blank wall.

Response: See Master Response 1, Earthen Berms and Response B2-2 related to aesthetics.

Winkel (C4)

- Not an early green building; a cheap building?

Response: This comment does not relate to the adequacy of the Draft EIR; no further response is necessary.

- Not enough information on the berms as part of the building/site. There should be a section of the berms. Mitigation measure may do the trick, but can’t tell based on lack of graphics/info in the document. What about having triangular retaining walls to show/reflect the berms and provide screening. Not a fan of the berms, but they do need to be addressed.

Response: See Master Response 1, Earthen Berms. Additionally, a set of current project plans have been included as Appendix F, Project Plans, and are shown in Chapter IV, Text Revisions, of this RTC document.

- Graphics abysmal: elevations need to be better, detail, trees to be removed, wall treatments, screening of parking.

Response: See Master Response 2, Building Interior, and Responses to Comments B3-10 and B3-11. Additionally, a set of current project plans have been included as Appendix F, Project Plans, and are shown in Chapter IV, Text Revisions, of this RTC document.

- LOS deterioration; developer should be responsible, cost needs to be determined.
Response: See Response B3-14 related to street improvement.

- Signage needs to be shown; what is in the front shows sensitivity.

Response: Design review will address signage in conformance with the Sign Ordinance and Design Guidelines. Additionally, the Initial Study evaluated the aesthetics of the proposed project and found that it would improve the visual character of the site and would have no adverse impacts to the visual character or quality of the site and its surroundings.

- Need green to mask the south wall; should consider something like what West Elm did with their green wall.

Response: See Master Response 1, Earthen Berms.

Olson (C5)

- Question to John English what happened with national register relative to the berms?

Response: See Master Response 1, Earthen Berms.

- Does not like being lectured about being anti-retail; has spent most of her life working in retail.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

- Berms meant to be berms, architect Bechtel, meant as insulation; should be reflected in project.

Response: See Master Response 1, Earthen Berms.

- Current owners have intentionally let the building fall apart; willful neglect.

Response: See Response B3-36 related to code enforcement.

- Show interior features that will be lost and whether they can be reversed.

Response: See Master Response 2, Building Interior and Response B3-36.

- If structure reviewed for Mills Act will look at both interior and exterior.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

- Wall paint needs to be treated to prevent graffiti.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

- Agrees that people will want parking

Response: The Draft EIR addresses parking in Chapter IV.C Transportation and Circulation.
Wagley (C6)
- Particularly on the south side that faces neighbors, drawings don’t show how massive the building will be. Building will look twice as large without berms.
  Response: See Master Response 1, Earthen Berms and Response B2-2 related to aesthetics.
- Need green to mask the large building for south neighbors; berms were/are green; suggests greenery a la Alta Bates.
  Response: See Master Response 1, Earthen Berms. Additionally, a set of current project plans have been included as Appendix F, Project Plans, and are shown in Chapter IV, Text Revisions, of this RTC document.

Linville (C7)
- Document assumes structure will continue in current deteriorating condition. Who benefits from no project/no build alternative?
  Response: This comment does not relate to the adequacy of the Draft EIR; however see Response B3-36 related to code enforcement and Responses B3-35 and B4-6 related to alternatives.
- Disgrace what has happened, if the City won’t enforce blight on a landmark, then what will they do; why aren’t they enforcing? Why does the City have no duty to enforce?
  Response: This comment does not relate to the adequacy of the Draft EIR; however see Response B3-36 related to code enforcement.

Public Comments/Landmarks Preservation Commission

John English (C8)
- Removal of earthen berms does have a significant impact on aesthetics.
  Response: See Master Response 1, Earthen Berms and Response B2-2 related to aesthetics.
- Clarity regarding screening of parking and tree removal/replacement, particularly on residential side.
- Appendix C (P&T report) is incorrect, structure is on State list (not just eligible).
  Response: See Response B3-16 related to California Register of Historical Resources listing and Chapter IV, Text Revisions for correction.
- Interior features not mentioned in P&T report.
  Response: See Master Response 2, Building Interior
- (answered question) National Nomination mentions berms, but is not clear on whether they are a significant feature; local landmark nomination does specify the berms as important.
Response: See Master Response 1, Earthen Berms.

Tom Killilea (C9)
- Berm mitigation inadequate.
  Response: See Master Response 1, Earthen Berms.
- Interior design/modification not discussed in EIR (lobby in particular).
  Response: See Master Response 2, Building Interior.

Elizabeth Grassetti (C10)
- Berm removal a major concern; berms not in poor condition and/or no support for that statement.
  Response: See Master Response 1, Earthen Berms.
- Lobby is larger than what is shown in document.
  Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.
- Interior; appears to be a lot of removal of interior historic materials.
  Response: See Master Response 2, Building Interior.
- Berm mitigation inadequate; line/color on building won’t be useful unless you know what they are; berms give building relation to the sidewalks.
  Response: See Master Response 1, Earthen Berms.

Richard Fabry (C5)
- Disappointed that the applicant wants to convert rink.
  Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.
- Not sure that the neighborhood wants a Sports Basement.
  Response: This comment does not relate to the adequacy of the Draft EIR; but may be considered by the City during the review of the project merits; no further comment is necessary.
- Keep the rink, put condos on top.
  Response: This comment does not relate to the adequacy of the Draft EIR; but may be considered by the City during the review of the project merits; no further comment is necessary.

Steven Finacon (C12)
- Can have a good outcome if we wait for the right outcome.
Response: This comment does not relate to the adequacy of the Draft EIR; but will be considered during the review of the project merits, no further comment is necessary.

- Need to look at the cultural significance of the building (skating use), not just turn into a discount store. Remember cultural significance of building, including operations.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

**Zoning Adjustments Board Questions/Comments**

**Mikiten (C13)**

- Will the project meet City parking requirements?

  Response: Parking proposed and its compliance with City parking requirements can be found in Chapter IV.C Transportation and Circulation of the Draft EIR. Also see Response B3-12 related to parking.

- Interior modifications implemented by the project can be reversible if the need arises.

  Response: See Master Response 2, Building Interior.

- If the use is to revert to an ice rink at some point in the future, what is the permitting required?

  Response: This comment does not relate to the adequacy of the Draft EIR. However, if the site is approved for a change of use as a retail store and the Use Permit were exercised; any subsequent use would be subject to the current Zoning Ordinance. A privately owned and operated ice rink is classified as a Commercial Recreation Center, which, at this time, requires Use Permit approval in the South Area Commercial (C-SA) District.

**Mathews (C14)**

- How many additional parking spaces will be added?

  Response: See Response B3-12 related to parking.

- Would like to see renderings of interior.

  Response: See Master Response 2, Building Interior.

**Hahn (C15)**

- Is there any context in the analysis about the Iceland building being unique to a particular recreation use?

  Response: See Master Response 2, Building Interior and response C7 above.

- Are there other examples of structures with berms in the area?

  Response: None are known to exist in the area.
The Landmark ordinance is not just about buildings, it can be related to a unique building feature and/or style.

Response: The historic evaluation considered the totality of the site. See Chapter IV.A Historic Resources, and Appendix C of the Draft EIR.

Question of building ownership; who owns?

Response: See Response B3-18 related to the building ownership.

What would parking be if ice skating was revitalized? Is there a difference between the old, broken Iceland and the new, refurbished Iceland.

Response: Analysis in the Draft EIR was completed based on the existing condition of a non-operational ice rink based on CEQA §15126.2 which states that a lead agency should “limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published.” As such, parking demand was studied for a period in 2011 after the applicant had submitted the proposed project to the City of Berkeley, Chapter V. Alternatives, of the Draft EIR states that parking could be approximately 23 spaces during the weekday peak period as compared to 167 spaces for the project as proposed.

If a project sponsor came forward with an application for renewed operation of an ice rink, (s)he would not be required to provide any additional parking on site, provided no new gross floor area.

Appreciates the renovation of the building that would allow the building to revert to an ice rink, however thinks that the applicant wants to have a successful business and that it is highly unlikely that this would happen.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

Williams (C16)

Question about a statement/sentence on page 44 of the document about what the berms are.

Response: See Master Response 1, Earthen Berms.

Requested information on what the walls look like beneath/under the berms.

Response: See Master Response 1, Earthen Berms, and Response B6-9 related to excavation, shoring, and construction of support walls.

Would like to see a rendering of the structure without the berms; having trouble visualizing the structure without them.

Response: See Master Response 1, Earthen Berms, Additionally, a set of current project plans have been included as Appendix F, Project Plans, and are shown in Chapter IV, Text Revisions, of this RTC document.

Wondered if Design Review applies to this project.
Response: As this is a designated City Landmark, design review for this project will be conducted as part of the Structural Alteration Permit review process by the Landmark Preservation Commission.

Koeplson (C17)
- (response to question) Page 105 of the Draft EIR has information on what traffic would be if refurbished as an ice rink.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

- Can they get more information on economic feasibility of refurbishing the ice rink?
  Would like this addressed in comments.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

Groves (C18)
- Building looks creepy/scary at the moment.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

- What type of recreation space would be included in the project? What types of groups would it be available to; cheerleader teams for practices?

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

Public Comments/Zoning Adjustment Board

Elizabeth Grassetti (C19)
- Structure was built and owned by the community; Zamboni owns the majority of the shares, as do skate clubs in the area, her skate club owns shares.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary. See Response B3-18 related to building ownership.

- Berms not an accident, they had a purpose; to hold up the wall. Believe that they are not in poor condition; as the structure would be collapsing if they were. Berm mitigation of paint on new wall not sufficient, need to understand how lack of berms relates to the street/sidewalk.

Response: See Master Response 1, Earthen Berms

- No mention of Traffic on Milvia.

Response: Chapter IV.C Transportation and Circulation includes a discussion of methodology used when determining how to analyze the impact of the proposed project. As stated in
Section 1.a, intersections, rather than midblock roadway segments, are used as a primary basis for determining traffic impacts. The intersections included in the analysis were selected after a discussion with the City of Berkeley staff and further supplemented by request of the ACTC. The analysis included the two intersections immediately adjacent to the proposed project (Milvia Street/Derby Street and Milvia Street/Ward Street), both of which serve as points of analysis of traffic impacts caused by the proposed project on Milvia Street.

- No mention of nearby fire station ingress/egress.

Response: Fire Station 5 is located in the vicinity of the project, at the corner of Shattuck Avenue and Derby Street. Project traffic would not impede access to the station or circulation in the vicinity, based on the level of trips and congestion that would result. See Chapter IV.C Transportation and Circulation, of the Draft EIR.

- Think that Parker Place & Iceland projects should be considered together.

Response: See Response B3-29 related to cumulative analysis.

- Recreation needs to be looked at.

Response: See Responses B3-5 and B4-10 related to recreation.

**Tom Killilea (C20)**

- Thanked Sports Basement for taking care of the building.

Response: This comment does not relate to the adequacy of the Draft EIR; no further comment is necessary.

- Traffic analysis inadequate.

Response: See Responses A1-3, A1-7, B3-28, B3-29, B3-37, and B3-38 related to Transportation and Circulation

- What is the impact of increase in air pollution on child development center.

Response: See Response B3-15 related to sensitive receptors.

- Hard to understand how a 71,000+ square-foot retail space replaces a valuable community asset. Feels that despite being privately owned that it is a public asset.

Response: See Responses B3-5 and B4-10 related to recreation.

- Thinks that traffic for a refurbished ice rink would be more like a movie theater with lots of drop offs & pickups.

Response: See Response B3-37 related to traffic analysis assumptions.

- (response to question) The Zamboni family owns 75 percent of the shares.

Response: See Response B3-18 related to building ownership.

- (response to question) Believes that a revitalized ice center parking would be similar to that of a movie theater; lots of drop-offs & pick-ups.
Response: See Response B3-37 related to traffic analysis assumptions.
This chapter presents specific revisions to the text of the Draft EIR that are being made in response to comments, or to amplify and clarify material in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with double underlined text. Deletions to text in the Draft EIR are shown with strikeout. Page numbers correspond to the page numbers of the Draft EIR. The revisions to the Draft EIR derive from two sources: (1) comments raised in one or more of the comment letters received by the City of Berkeley on the Draft EIR; and (2) staff-initiated changes that correct minor inaccuracies, typographical errors or to clarify material found in the Draft EIR subsequent to its publication and circulation. None of the changes or clarifications presented in this chapter significantly alters the conclusions or findings of the Draft EIR.
The sixth paragraph on page 34 & the first paragraph on page 35 of the Draft EIR are revised as follows:

4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to §5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in §5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code §5020.1(j) or §5024.1. 40

Berkeley Iceland is currently listed as a City of Berkeley Landmark, is listed in the California Register of Historical Resources, and has also been determined eligible for listing on the National Register of Historic Places. As such, the building falls within Categories 1, 2 and 3 and, therefore, qualifies as a historic resource under CEQA.

The second paragraph on page 40 of the Draft EIR is revised as follows:

Berkeley Iceland’s Streamline Moderne-style design was intended to include the most modern equipment and amenities. The design centered on a well-lit and air conditioned arena with a 90' x 200-foot ice surface. The ice rink was excavated from the center of the site and the displaced dirt was used to create berms on the north and south edges of the property to support the building’s concrete pier foundations. It is likely that the berms were employed to save time and money during construction and to facilitate egress from the facility.

Berkeley Iceland opened to the public on November 1, 1940. Berkeley Iceland, one of three area ice rinks owned by East Bay Iceland, Inc., opened to the public on November 1, 1940. It was purchased by Frank Zamboni in 1956. Zamboni began to purchase shares in the corporation and gained a controlling interest soon thereafter. Approximately one-third of the shares are owned by non-Zamboni family members including former employees, the University and St. Moritz ice skating clubs. Within a few years after it opened, and Berkeley Iceland became one of the West Coast’s most significant ice skating facilities. Several internationally recognized skating coaches worked at Iceland and a number of Bay Area champion skaters including Olympic gold medalists Peggy Fleming, Brian Boitano, and Kristi Yamaguchi trained at the rink. The rink has also been the site of several notable skating events such as the first U.S. National Figure Skating Championships held west of the Mississippi in 1947, and again in 1957 and 1966. However, the declining popularity of ice skating and increasing maintenance costs at the rink eventually forced the closure of the Berkeley Iceland in 2007.
The fourth and fifth paragraphs on page 41 & the first, second, and third paragraphs on 44 of the Draft EIR are revised as follows:

The applicant contracted with the firm of Page & Turnbull to determine assess the proposed project’s potential effect on the historical significance of the Berkeley Iceland property under CEQA (See Appendix B for Page & Turnbull’s report).

Page & Turnbull determined that the property was considered a historic resource for the purposes of review under CEQA. and In their evaluation of the potential impacts of the proposed project on the historical significance of Berkeley Iceland they included an assessment of how the project measured up to the Secretary of the Interior’s Standards for Rehabilitation (Standards), discussing each of the ten Standards in terms of the appropriate project components. They concluded that the proposed planned project at Berkeley Iceland would “largely” comply with the Secretary of the Interior’s was largely consistent with the Standards for Rehabilitation, although but that the planned removal of the packed earth berms reduces the reduced project’s compliance with Standards 2 and Standard 9. Standard 2 states that “the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.” Standard 9 states that “new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”

Even with the removal of the berms, Page & Turnbull concluded that the majority of Berkeley Iceland’s character-defining features would be retained by the proposed project, and because no changes are proposed to the building’s footprint, massing, large arena volume, or Streamline Moderne-style details, Berkeley Iceland would still retain sufficient integrity to convey its significance as a purpose-built Streamline Moderne-style ice skating rink, as well as its role in the expansion of the sport of figure skating on the West Coast. Because the proposed project is largely compliant with the Secretary of Interior’s Standards and would not affect the eligibility of Berkeley Iceland for listing in any local, State, or national historical registers, Page & Turnbull concluded that it does not appear to cause a significant adverse impact under CEQA.

William Self Associates (WSA) was retained by the City of Berkeley to peer review the Page & Turnbull study. and concurred WSA agreed with Page & Turnbull’s assessment of the register eligibility of Berkeley Iceland as a historic resource, but their discussion of project impacts is being revisited in light of updated details regarding design and construction plans. This update includes reference to their discussion of the Standards where applicable. conclusion that the removal of the packed earth berms on the north and south sides of the building would reduce the project’s compliance with Standard 2 and Standard 9 of the

27 Ibid.
Secretary of the Interior's Standards for Rehabilitation. WSA stated that the project would be largely compliant with the Standards despite the berms' removal, however, it would not be fully compliant. In addition, removal of the berms could negatively impact the historic setting of the building, although in their current poor condition, the berms already detract from the building's historic setting and feel. Nonetheless, WSA concurred that Berkeley Iceland could retain sufficient integrity with project development to convey its significance as a purpose-built Streamline Moderne-style ice skating rink as well as its role in the expansion of the sport of figure skating on the West Coast, and that its eligibility for listing in the National Register of Historic Places, its listing on the California Register of Historical Resources, and its designation as a City of Berkeley landmark should not be compromised.

The mitigation measure found on page 47 of the Draft EIR is revised as follows:

**HIST-1a:** It is recommended that the historic feeling that would be affected by the berms' removal shall be replicated to the extent possible through creation of "green" walls that depict the height and shape of the berms that once existed. Silhouette on the walls that would be constructed once the berms are removed that would depict the height and shape of the berms that once existed in those locations. This silhouette could be accented by a change in materials, patterns/texturing color, or other techniques.

**HIST-1b:** As the berms are landscape features that create a sense of green edges for the north and south elevations of the building, their loss shall be mitigated to the extent possible through the preservation and replacement as necessary (see Mitigation Measure BIO-1) of existing perimeter and street trees and the use of permeable paving and other forms of landscaping between both the building edge and property lines along Derby and Ward streets to maintain landscaping buffers.

**HIST-1c:** A photograph documentation of the berms shall be conducted and an educational exhibit for Berkeley Iceland shall be created. The documentation shall be conducted following the standards listed below and submitted to the LPC for review prior to the issuance of a grading and/or building permit and the existence of the exhibit should be verified prior to Final Inspection. The exhibit shall be displayed in the Iceland lobby at all times for the period the building is occupied by a retail establishment.

Photo documentation standards: Camera: A 35mm camera should be used. Lenses: No soft focus lenses should be used. Lenses may include normal focus length, wide angle and telephoto. Filters: Photographer's choice. Use of a pola screen is encouraged. Film: Must use black and white film. Tri-X, Plus-X, or T-Max film is recommended. View: Perspective view-façade and one side. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary. Lighting: Sunlight is usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs. Technical: All areas of the photograph must be in sharp focus. Digital: Digital photos can supplement film, but primary documentation shall be black and white film. Submission: Two (2) copies
of the black and white photos with the negatives (for distribution to archives) and one (1) photocopy (for project file) shall be submitted to the Zoning Officer prior to issuance of Building Permit.

These techniques would mitigate but not fully compensate for the loss of the berms, and would result in a significant unavoidable impact to the historic resource based on the loss of integrity according to the landmark nomination forms. (SU)

The following figures from the Draft EIR are revised for better clarity of data presented (cosmetic changes) and included in this chapter:

Page 70 - Figure IV.C-4 Existing Conditions Traffic Volumes

Page 72 - Figure IV.C-5 Existing Plus Approved Projects Turning Movement Volumes

Page 84 - Figure IV.C-8 Existing Plus Approved Plus Project Conditions Turning Movement Volumes
Figure IV.C-5
Berkeley Iceland Adaptive Reuse Final EIR
Existing Plus Approved Projects Turning Movement Volumes

Legend:
- Study Intersection
- XX PM Peak Hour Volumes
- (XX) Saturday Peak Hour Volumes

099-054 - 2/24/12 - JB
**Legend**

- Study Intersection
- XX PM Peak Hour Volumes
- (XX) Saturday Peak Hour Volumes

099-054 - 2/24/12 - JB
Page 92 of the Draft EIR is revised as shown below:

**e. Pedestrian and Bicycle Access and Circulation Analysis**

Pedestrian and bicycle access and circulation was reviewed based on the site plan and is discussed below.

**(1) Pedestrian Access and Circulation**

There would be no new significant impacts to pedestrians associated with the proposed project. The project would result in additional pedestrian traffic; however, there are existing crosswalks and sidewalks on Milvia, Derby, and Ward Streets that would adequately serve the anticipated increase in pedestrian traffic. **The site plan includes sidewalks for safe pedestrian circulation within the development and along the project frontage on Milvia Street, Ward Street, and Derby Street.**

**(2) Bicycle Access and Circulation**

There would be . . . and the bike boulevard.

The project is expected to generate about 9 bike trips and 29 pedestrian trips each day during the weekday PM peak hour and 15 bike trips and 49 pedestrian trips during the Saturday peak hour. The proposed project is consistent with both the City’s and the County’s bicycle plans, in that it provides ready access to the existing network of bicycle routes and a bicycle boulevard, on-site bicycle parking for employees and customers, and employee lockers and showers. There would be no changes to the existing bicycle boulevard on Milvia Street.

Additionally, page 92 of the Draft EIR is revised to include a new section on transit.

**f. Transit Systems**

Transit system access and usage was reviewed based on the site location and is discussed below.

**BART System**

The potential impacts of the Project on BART were evaluated by estimating increased ridership with the development of the proposed Project. The BART station at Ashby will provide primary access to the project site as this station is within walking distance to and from the project.

Based on Alameda countywide travel demand model it was estimated that total transit trips are about 4 percent of the total non-auto trips (Transit/Walk/Bike). Based on trip generation, the project will generate about 36 transit trips on a weekday and 48 transit trips on a weekend day.

BART’s April 2011 monthly ridership report for Ashby Station shows that the daily average ridership including entry and exit is approximately 8,837 riders during
weekday and 5,702 riders during a Saturday. The increase in transit ridership at the station will be less than 1 percent. No supplemental impacts are therefore anticipated to the BART system.

AC Transit
Alameda-Contra Costa County (AC) Transit Bus Routes F, 18, and 800 (All Nighter) along Shattuck Avenue and Route 12 along MLK Jr. Way would serve the proposed development. Bus stops for all lines along Shattuck Avenue are located on both sides of Shattuck Avenue south of Parker Street. Route F connects the proposed project site to and from the Transbay Terminal in San Francisco, providing both weekday and weekend bus service at approximately 30-minute headways. Route 18 connects the proposed project site to the Berkeley BART station and the MacArthur BART station. Route 18 provides both weekday and weekend bus service along the Shattuck Avenue corridor at 15- to 30-minute headways. Route 800 connects the proposed project site to BART stations in downtown San Francisco and the following East Bay BART stations: West Oakland, Ashby, Berkeley, El Cerrito Del Norte, and Richmond. Route 12 connects the proposed project to Berkeley Bart, Ashby Bart and 19th Street/Uptown Transit Center. Route 12 provides weekday service with 20-minute headway during peak periods and 30 minute headways during other periods. On the weekend, the bus service is at approximately 30-minute headways.

The project is expected to generate one passenger per bus or approximately 22 bus trips during weekday PM peak hour and two passengers per bus or approximately 37 bus trips during Saturday peak hour. Based on observations of the transit stops in the project vicinity it was observed that the additional passengers generated by the project would be accommodated by existing transit services.

f.g. Parking Demand Analysis

Appendix E of the Draft EIR is revised to include the following supplemental traffic analysis.
**Scenario 1A: Existing Plus Project Conditions**

Intersection Level of Service analysis results for Existing plus Project Conditions are shown in Table IV.C-14 for the weekday PM and Saturday peak periods. Detailed calculations and queuing analyses are included in Appendix E, Traffic and Circulation Analysis.

**Table IV.C-14 Intersection Level of Service - Existing Plus Project Conditions**

<table>
<thead>
<tr>
<th>ID</th>
<th>Intersection</th>
<th>Control</th>
<th>Weekday PM Peak Hour</th>
<th>Saturday Peak Hour</th>
<th>Existing Conditions</th>
<th>Existing Plus Proposed Project Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MLK Jr. Way/ Dwight Way</td>
<td>Signal</td>
<td>15.4 0.67 B</td>
<td>13.2 0.39 B</td>
<td>16.2 0.72 B</td>
<td>13.5 0.44 B</td>
</tr>
<tr>
<td>2</td>
<td>MLK Jr. Way/ Derby Street</td>
<td>Signal</td>
<td>15.2 0.46 B</td>
<td>10.9 0.27 B</td>
<td>18.9 0.53 B</td>
<td>11.4 0.35 B</td>
</tr>
<tr>
<td>3</td>
<td>MLK Jr. Way/ Ward Street</td>
<td>Two-way Stop</td>
<td>40.9 0.24 E</td>
<td>22.3 0.05 C</td>
<td>42.3 0.39 E</td>
<td>20.9 0.19 C</td>
</tr>
<tr>
<td>4</td>
<td>MLK Jr. Way/ Russell Street</td>
<td>Signal</td>
<td>11.3 0.49 B</td>
<td>9.7 0.32 A</td>
<td>11.4 0.50 B</td>
<td>9.8 0.33 A</td>
</tr>
<tr>
<td>5</td>
<td>MLK Jr. Way/ Ashby Ave.</td>
<td>Signal</td>
<td>25.7 0.7 C</td>
<td>38.4 0.79 D</td>
<td>25.9 0.71 C</td>
<td>38.1 0.80 D</td>
</tr>
<tr>
<td>6</td>
<td>Shattuck Ave./ Dwight Way</td>
<td>Signal</td>
<td>22.6 0.76 C</td>
<td>18.2 0.57 B</td>
<td>22.7 0.77 C</td>
<td>18.3 0.59 B</td>
</tr>
<tr>
<td>7</td>
<td>Shattuck Ave./ Adeline Street</td>
<td>Signal</td>
<td>16.1 0.54 B</td>
<td>15.2 0.39 B</td>
<td>16.2 0.54 B</td>
<td>15.3 0.40 B</td>
</tr>
<tr>
<td>8</td>
<td>Shattuck Ave./ Ashby Ave.</td>
<td>Signal</td>
<td>29.9 0.78 C</td>
<td>22.5 0.66 C</td>
<td>30.1 0.79 C</td>
<td>22.6 0.68 C</td>
</tr>
<tr>
<td>9</td>
<td>Adeline Ave./ Oregon Street</td>
<td>Signal</td>
<td>11.7 0.38 B</td>
<td>11.8 0.35 B</td>
<td>11.8 0.38 B</td>
<td>11.8 0.35 B</td>
</tr>
<tr>
<td>10</td>
<td>Milvia Street/ Derby Street</td>
<td>All-way Stop</td>
<td>7.5 0.08 A</td>
<td>7.2 0.04 A</td>
<td>8.2 0.17 A</td>
<td>8.2 0.20 A</td>
</tr>
<tr>
<td>11</td>
<td>Milvia Street/ Ward Street</td>
<td>Two-way Stop</td>
<td>9.8 0.05 A</td>
<td>9.3 0.03 A</td>
<td>10.2 0.08 B</td>
<td>10.0 0.10 A</td>
</tr>
</tbody>
</table>

Notes: Delay = Average control delay in seconds per vehicle, LOS = Level of Service

Values are for the critical minor approach for two-way stop controlled intersections and overall intersection for Signalized and all-way stop intersections.

The delay on a side street approach is calculated as the weighted average of the left turn and right turn movements. Typically left turn movements have longer delays. The proposed project will be adding more right turn volume than the left turn volume at the intersections. Because of this the weighted average delay at the approach may go down when compared to existing conditions.

During the weekday PM peak hour, the Level of Service at the minor approach (Ward Street approach) of the intersection of MLK Jr. Way and Ward Street is expected to continue operating at unacceptable levels. This intersection is not significantly impacted by the project in the weekday PM peak hour based on the significance criteria (project is not expected to add more than three seconds of delay at an intersection that is operating at LOS E) established by the City of Berkeley. No mitigation is required.

**MTS Arterial Impacts**

Table IV.C-15 summarizes the results of the analysis of project impacts on various segments of Martin Luther King Jr. Way, Shattuck Avenue, Adeline Street, Dwight Way, Sacramento Street and Bancroft Way in the vicinity of the project. The analysis consists of measuring the levels of service (LOS) on these roadway segments during the weekday PM peak hour under 2035 Cumulative traffic conditions with and without the project. The LOS analysis is based on the volume-to-capacity ratio for roadway segments.

As shown in Table IV.C-15, all study roadway segments are expected to operate at acceptable levels of service (LOS D or better) in the weekday PM peak hour 2035 conditions with and without the project, except the following roadway segments:

**Martin Luther King Jr. Way**
- Between Ashby Avenue and Russell Street – northbound direction (LOS F) and southbound direction (LOS E) under 2035 conditions
- Between Russell Street and Derby Street – northbound direction (LOS F) and southbound direction (LOS E) under 2035 conditions
- Between Derby Street and Dwight Way – northbound direction (LOS F) and southbound direction (LOS E) under 2035 conditions

**Shattuck Avenue**
- Between Ashby Avenue and Adeline Street – northbound direction (LOS E) under 2035 conditions
- Between Adeline Street and Dwight Way – both northbound and southbound directions (LOS F) under 2035 conditions

**Sacramento Street**
- Between Dwight Way and University Avenue – northbound direction (LOS F) and southbound direction (LOS E) under 2035 conditions

The project would have a less-than-significant impact to the MTS roadway system. No mitigation is required.
**Study Intersection**

- **XX** PM Peak Hour Volumes (4 p.m. - 6 p.m.)
- **(XX)** Saturday Peak Hour Volumes (1:30 p.m. - 3:30 p.m.)

**Table IV.C-15 MTS Arterial Level of Service - 2035 PM Peak Hour**

<table>
<thead>
<tr>
<th>Location</th>
<th># of Lanes</th>
<th>Location</th>
<th># of Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Luther King Jr. Way</td>
<td>2</td>
<td>Between Ashby Avenue and Russell Street</td>
<td>2</td>
</tr>
<tr>
<td>Northbound</td>
<td>2</td>
<td>2,000</td>
<td>2,116</td>
</tr>
<tr>
<td>Southbound</td>
<td>2</td>
<td>2,000</td>
<td>1,913</td>
</tr>
<tr>
<td>Between Russell Street and Derby Street</td>
<td>2</td>
<td>Northbound</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>2,000</td>
<td>2,072</td>
<td>1.04</td>
</tr>
<tr>
<td>Southbound</td>
<td>2</td>
<td>2,000</td>
<td>1,893</td>
</tr>
<tr>
<td>Between Derby Street and Dwight Way</td>
<td>2</td>
<td>Northbound</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>2,000</td>
<td>2,072</td>
<td>1.04</td>
</tr>
<tr>
<td>Southbound</td>
<td>2</td>
<td>2,000</td>
<td>1,893</td>
</tr>
<tr>
<td>Shattuck Avenue</td>
<td>1</td>
<td>Between Ashby Avenue and Adeline Street</td>
<td>1</td>
</tr>
<tr>
<td>Northbound</td>
<td>1</td>
<td>1,000</td>
<td>972</td>
</tr>
<tr>
<td>Southbound</td>
<td>1</td>
<td>1,000</td>
<td>877</td>
</tr>
<tr>
<td>Between Adeline Street and Dwight Way</td>
<td>2</td>
<td>Northbound</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>2,000</td>
<td>2,173</td>
<td>1.09</td>
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<tr>
<td>Southbound</td>
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<td>2,052</td>
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<td>Adeline Street</td>
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<td>Between Shattuck Avenue and Oregon Street</td>
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<tr>
<td>Northbound</td>
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<td>3,000</td>
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<tr>
<td>Southbound</td>
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<td>3,000</td>
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<tr>
<td>Dwight Way</td>
<td>2</td>
<td>Between Shattuck Avenue and Martin Luther King Jr. Way</td>
<td>2</td>
</tr>
<tr>
<td>Eastbound</td>
<td>2</td>
<td>1,900</td>
<td>810</td>
</tr>
<tr>
<td>Westbound</td>
<td>2</td>
<td>1,900</td>
<td>810</td>
</tr>
<tr>
<td>Sacramento Street</td>
<td>2</td>
<td>Between Dwight Way and University Avenue</td>
<td>2</td>
</tr>
<tr>
<td>Northbound</td>
<td>2</td>
<td>2,000</td>
<td>2,008</td>
</tr>
<tr>
<td>Southbound</td>
<td>2</td>
<td>2,000</td>
<td>1,961</td>
</tr>
<tr>
<td>Bancroft Way</td>
<td>2</td>
<td>Between Shattuck Avenue and Fulton Street</td>
<td>2</td>
</tr>
<tr>
<td>Eastbound</td>
<td>2</td>
<td>1,900</td>
<td>899</td>
</tr>
<tr>
<td>Westbound</td>
<td>2</td>
<td>1,900</td>
<td>899</td>
</tr>
</tbody>
</table>

**Note:** Bold values indicate unacceptable LOS conditions.

As shown in the table, there are little or no increases in v/c (i.e. 0.01, except MLD at Derby which would be 0.02) on these segments with the addition of project volumes, compared with the projected v/c ratios without the project. The CMA does not have a policy for determining a threshold of significance for segments operating unacceptably without the project. Rather, professional judgment is required to determine project level impacts. Therefore, based on our previous experience for the purpose of this traffic impact assessment, if a segment operates unacceptably without the project, the impacts of the proposed project are considered significant if the contribution of project traffic is at least two percent of the total traffic.

With the Project trips added to No Project volumes the projected LOS on the MTS segments would remain unchanged. Therefore, because the project contribution is not more than two percent of the total volume on these segments, the project will have no significant impact on the segments in the vicinity of the project under 2035 conditions.
Appendix F

Project Plans
(A) CROSS - SECTION

(B) CROSS - SECTION
MEZZANINE - EXITING PLAN

MEZZANINE SQUARE FOOTAGE:
1. MEZZANINE RETAIL SPACE: 16,525 SQ. FT.