2211 Harold Way
Mixed-Use Project

Addition to the Final
Environmental Impact Report and
Response to Comments Document:
DRC Recommended Alternative

SCH# 2014052063

Prepared by:

City of Berkeley Planning Department
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, California 94704
Contact: Shannon Allen, AICP, Principal Planner

Prepared with the assistance of:

Rincon Consultants, Inc.
180 Grand Avenue, Suite 400
Oakland, California 94612

June 2015
This report is printed on 50% recycled paper with 50% post-consumer content.
4.3 DRC RECOMMENDED ALTERNATIVE

Section 4.3 presents specific analysis of the Design Review Committee (DRC) Recommended Alternative, which was developed in response to comments received during the public environmental review period and during the project’s design review. Although Section 4.3 is new text added to the EIR, it is not underlined in its entirety for ease of reading.

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR when significant new information is added to the EIR after public notice for public review of the Draft EIR, but prior to certification. “Information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement. Pursuant to the Guidelines, “significant new information” requiring recirculation includes:

1. a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponents decline to adopt it; and/or
4. the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. The impact analysis and comparison with the proposed project that follows includes information to support a determination that recirculation is not required for the addition of the DRC Recommended Alternative.

Table 4.3-1 provides a summary comparison of the development characteristics of the DRC Recommended Alternative, proposed project, and the alternatives studied in the Draft EIR. A more detailed description of the DRC Recommended Alternative is included in the impact analysis below.
Table 4.3-1
Comparison of Buildout Characteristics

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Proposed Project</th>
<th>DRC Recommended Alternative</th>
<th>No Project Alternative</th>
<th>Preservation Alternative</th>
<th>Contextual Design Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Units/ Square Footage*, Square Footage of Other Uses</td>
<td>302 units/220,838 sf Residential (plus 57,893 sf residential circulation and common space); 8,081 sf Retail; 2,454 sf Restaurant (total Retail/Restaurant 10,535 sf); 21,641 sf Cinema (310,361 sf total)</td>
<td>302 units/220,466 sf Residential (plus 62,098 sf residential circulation and common space); 10,597 sf Retail or Restaurant (plus 280 sf commercial circulation); 21,641 sf Cinema (315,082 sf total)</td>
<td>41,170 sf Office; 23,474 sf Cinema; 7,056 sf Museum (71,700 sf total)</td>
<td>220-244 units/228,188 sf Residential; 9,101 sf Retail; 3,034 sf Restaurant 21,641 sf Cinema (261,964 sf total)</td>
<td>269-297 units/261,064 sf Residential; 11,217 sf Retail; 3,739 sf Restaurant 13,690 sf Cinema (289,707 sf total)</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>18 stories/180 feet</td>
<td>18 stories/180 feet</td>
<td>2 stories with partial third story/approximately 20 to 30 feet</td>
<td>18 stories/180 feet</td>
<td>18 stories/180 feet</td>
</tr>
<tr>
<td>Alteration of Onsite Structures</td>
<td>Demolition and partial removal of Shattuck Hotel additions</td>
<td>Demolition and partial removal of Shattuck Hotel additions</td>
<td>No change</td>
<td>Retain portions of Shattuck Hotel additions, façade improvements to portions of Shattuck Hotel additions, setback from historic facades, and revised building materials</td>
<td>Demolition and partial removal of Shattuck Hotel additions; massing directed southwest and revised building materials</td>
</tr>
</tbody>
</table>

sf = square feet
* For the alternatives, residential unit counts are presented as approximate ranges to account for flexibility in possible configuration and size of units which could affect total numbers. The square footages listed above are conceptual and were developed to give a reasonable maximum impact scenario with the understanding that they may be adjusted to accommodate the space ultimately available for each alternative if they were to be more specifically designed in the future.

### 4.3.1 DRC RECOMMENDED ALTERNATIVE DESCRIPTION

The DRC Recommended Alternative is similar to the proposed project, but alternative architectural treatments are proposed; the building massing is shifted slightly toward the southwest corner of the site; and the square footages and details of several project components
would be incrementally changed (the site plan for this alternative is shown in Figure 5). Specific changes are described in more detail below. The location of the project, demolition plan, and excavation plans would remain unchanged. Plans for each level of the DRC Recommended Alternative that are different from the proposed project studied in the Draft EIR are shown in Figures 6 through 15 below. See Figures 16 through 19 for this alternative’s elevations.

**Overview and Design.** Similar to the proposed project, the DRC Recommended Alternative would have components of various heights, the highest portion reaching 180 feet in 18 stories. However, in this alternative the Allston Way step back has been increased by 23 feet, and building step backs would occur primarily just above the fifth, 12th and 16th floors rather than the fifth and 12th floors considered for the proposed project. Materials proposed for this alternative would include a glass curtain wall system in addition to brick veneer panels, pre-cast concrete panels, and glass spandrels. The curtain wall system would wrap around the east side of the building’s northern and southern “shoulders.”

The DRC Recommended Alternative includes the following changes to proposed project components:

- 302 apartment/condominium units with an average unit size of 731 square feet, rather than 729 square feet;
- Residential open space on shared rooftop terraces increased from 14,535 to 16,406 square feet and private balconies and decks decreased from 11,045 to 10,575 square feet;
- Increased lobby area from 1,499 to 1,544 square feet;
- Retail and/or restaurant commercial floor area fronting Allston and Harold Ways and Kittredge Street would increase from 10,535 to 10,597 square feet and include a 341 square foot outdoor patio dining area associated with the commercial space at the corner of Harold Way and Kittredge Street;
- Privately owned, publicly accessible open space at the corner of Kittredge Street and Harold Way would decrease from 1,872 to 723 square feet and include a concrete band on the ground plane to denote the historic building footprint;
- Street improvements along Harold Way would include seating, bicycle racks, pedestrian-scale street lamps, and potted planting, but would not include the speed table that is part of the proposed project; and
- Automobile parking spaces would increase from 171 to 177, secured bicycle storage spaces would decrease from 100 to 74.

**Residential Component.** Both the proposed project and the DRC Recommended Alternative would include 302 units; however, the unit mix would be slightly revised. This alternative would have five more two bedroom units, six fewer one bedroom units, and one more studio in comparison to the proposed project.

This alternative’s proposed private open space for project residents would consist of the following changes to the proposed project:

- New 2,595 square foot sixth floor amenity roof deck with movable lounge chairs, built-in and vegetated planters, and a fire pit;
- Reduction of 4,334 square feet (from 10,268 to 5,934 square feet) of 13th floor terrace space with outdoor cooking and entertaining facilities, community gardens, and fireplace area;
- New 3,523 square foot 17th floor roof garden with garden plots for resident use;
- Additional 87 square feet (from 4,267 to 4,354 square feet) of roof deck amenity with various seating areas with an outdoor bar and dining areas, movable lounge chairs, a fire pit, and planters with vegetation and trees; and
- Reduction from 11,045 to 10,575 square feet of usable balconies and terraces for selected units.

This alternative would increase private open space by 5,668 square feet compared to the proposed project. Additionally, this alternative would reduce the proposed project’s privately owned public open space plaza by 1,149 square feet compared to the proposed project (from 1,872 to 723 square feet).

**Theater/Cinema Component.** The DRC Recommended Alternative’s theater/cinema component of the proposed project would be the same as for the proposed project: six theaters containing 665 seats, accessed through the existing entry on Shattuck Avenue.

**Retail and Restaurant Component.** A portion of the building on Kittredge Street between Harold Way and the proposed driveway would be occupied by commercial storefronts under the DRC Recommended Alternative, rather than the project leasing office, as proposed in the project. This alternative’s retail/restaurant space would total approximately 10,597 square feet, approximately 60 square feet more than the proposed project.

**Access, Parking, Circulation and Transportation Demand Management.** The subterranean parking garage would accommodate 177 parking spaces under the DRC Recommended Alternative (eight more than the proposed project). Secure bicycle parking would be reduced by this alternative to 74 spaces (the proposed project included 100 spaces).

**Offsite Public Improvements.** Benches, bicycle racks, and planted planters would be installed along Harold Way. At the corner of the site at Harold Way and Kittredge Street, a 723 square-foot exterior plaza area would create a public space at the northeast corner of Harold and Kittredge. The plaza would include public seating, and would also allow access to the retail/restaurant space at the corner of Harold and Kittredge that would use a large window wall system that could open completely to the street. Colored and textured paving would differentiate this space, lined by a colorized concrete band marking the corner and the historic building footprint. These improvements would be refined and finalized in coordination with City staff, in accordance with applicable City standards. Unlike the proposed project, the DRC Recommended Alternative would not include bulb outs on both sides of Harold Way at its intersections with Allston Way and Kittredge Street or the installation of a speed table to calm traffic.

**Sustainable Building Features.** Similar to the proposed project, this alternative is designed to achieve a LEED Gold (or equivalent) rating, as required under Section 23E.68.085.A of the Berkeley Municipal Code. In addition to the sustainability features described in Section 2.0, *Project Description*, of the Draft EIR, this alternative would include integrated solar photovoltaic panels on many of the exterior shades that block the sun for windows of residential units.
Figure 9
Proposed Level 2 Floor Plan
Proposed Levels 15 and 16 Floor Plan

Source: SVA Architects, May 2015

Figure 13

City of Berkeley
Proposed Roof Plans

Source: SVA Architects, May 2015

City of Berkeley
LEVEL 1
173' - 0"

LEVEL 2
188' - 8"

LEVEL 3
198' - 4"

LEVEL 4
208' - 0"

LEVEL 5
217' - 8"

LEVEL 6
227' - 4"

LEVEL 7
237' - 0"

LEVEL 8
246' - 8"

LEVEL 9
256' - 4"

LEVEL 10
266' - 0"

LEVEL 11
275' - 8"

LEVEL 12
285' - 4"

LEVEL 13
295' - 0"

LEVEL 14
304' - 8"

LEVEL 15
314' - 4"

LEVEL P-1
163' - 2"

LEVEL 16
324' - 0"

LEVEL 17
333' - 8"

LEVEL 18
343' - 4"

ROOF
353' - 0"

PUNCHED ALUM. WINDOWS
ROOF TRELLIS WITH INTEGRATED PHOTOVOLTAIC PANELS
PRE CAST PANELS
GLAZED ALUM. RETAIL STOREFRONTS
PV 363' - 8"

ROOF TRELLIS WITH INTEGRATED PHOTOVOLTAIC PANELS

PRE CAST CORNICE
PANELIZED CURTAINWALL SYSTEM WITH BRICK VENEER
ALUMINIUM PANEL SIMILAR TO CORNER PLAZA PANEL SYSTEM
CURTAIN WALL SYSTEM
SPANDREL TO BE SIMILAR TO CURTAIN WALL GLASS
OPERABLE WINDOWS PROVIDE NATURAL VENTILATION
VERTICAL PHOTOVOLTAIC SUN SHADES

Source: SVA Architects, May 2015

Proposed Allston Way Elevation

Figure 17
City of Berkeley
Proposed Shattuck Avenue Elevation (Shattuck Hotel not Shown)
Required Approvals. In addition to the approvals required by the proposed project, the DRC Recommended Alternative would require a Use Permit under BMC Section 23E.68.070.C for the portion of development on Harold Way exceeding 120 feet in width (see Figure 16, Proposed Harold Way Elevation). By code, the portion of a building over 120 feet in height must be less than 120 feet in width when measured at the widest point on the diagonal in plain view, unless approved with a Use Permit.

The DRC Recommended Alternative would meet all of the project objectives described in Section 2.0, Project Description, of the Draft EIR.

4.3.1 Aesthetics

As discussed in the Infill Environmental Checklist for the proposed project (Appendix A of the Draft EIR), pursuant to California State law (Senate Bill 743, 2013), aesthetic impacts of a mixed-use residential/commercial project (to the extent they are not also historic resource impacts) on an infill site within a transit priority area, such as the proposed project and the alternatives, may be noted as “adverse”, but may not be considered significant impacts on the environment. In general, the scale and intensity of proposed development on the site would fall within that envisioned under the DAP EIR.

Although, as noted above, aesthetic impacts may be noted as adverse, but may not be considered significant impacts on the environment for purposes of CEQA, view impacts are discussed in the Infill Environmental Checklist and in this section for informational purposes. The Infill Environmental Checklist considered the proposed project’s impacts to four view locations, listed below:

1. Milvia at Allston Crosswalk looking east;
2. Milvia at Kittredge, west sidewalk looking east;
3. Shattuck at Center, northeast corner looking southwest;
4. UC Berkeley Campanile upper base looking west.

Milvia at Allston Crosswalk looking east. Figure 28a of the Infill Environmental Checklist illustrates the view east towards the Berkeley Hills from the mid-crosswalk location. This location provides a streetscape-framed distant view of the Berkeley Hills, and close-range view of the Downtown Berkeley streetscape. This location provides a direct linear sightline toward the visual backdrop of the Berkeley Hills. As shown, the views of the Hills features would not be affected by the proposed project from this location. This alternative would not increase the height of the building shoulder on Harold Way; therefore, this alternative would similarly not affect the views of the Hills features from this location. Similar to the proposed project, this alternative would extend into the sky, increasing the development profile within the view; in the context of the DAP, this change would be an anticipated result of the desired urban intensification and is within the overall impacts identified in the DAP EIR for buildout of the plan area as a whole.

Milvia at Kittredge looking east/northeast. Figure 29a of the Infill Environmental Checklist illustrates the view east northeast towards the Berkeley Hills from the sidewalk on the east edge of the Berkeley High School campus. This location also provides a direct linear sightline toward the visual backdrop of the Berkeley Hills. As shown in Figure 29a of the Infill
Environmental Checklist, the views of the hills would not be affected by the proposed project from this location. This alternative would increase the height of the building shoulder on Kittredge Street, however, the views of the hills would still not be affected by this alternative at this location because floors six and higher on Kittredge Street are still set back approximately 15 feet from floors below. Similar to the proposed project, this alternative would extend into the sky, increasing the development profile within the view; however, in the context of the DAP and DAP EIR, this incremental growth in the built environment is an anticipated result of the desired urban intensification envisioned in the DAP.

Shattuck at Center, northeast corner looking southwest. As shown in Figure 30a of the Infill Environmental Checklist, this location provides a view dominated by the urban streetscape of Shattuck Avenue in Downtown Berkeley. This location provides a view toward the Shattuck Hotel building and the west streetscape frontage of Shattuck Avenue including the Downtown Berkeley BART station’s main entry plaza. Most prominent from this location is the background view of the Shattuck Hotel with its façade generously articulated with windows and its ground floor storefronts. Also prominent at the edge of the frame is the density of the Chase Bank building and the BART plaza, with its unique cylindrical entry structure. Similar to the proposed project, this alternative would extend into the sky above the site – part of the anticipated effect of overall Downtown buildout under the DAP - but views of the hills would not be affected by this alternative from this location.

The proposed project would also alter this vista by introducing building massing into the perspective. This alternative would slightly shift the building massing toward the southwest corner of the site, reducing the length of the building shoulder along Harold Way and increasing the height of the building shoulder on Kittredge Street. Where the proposed project would alter the view of approximately 50% of the parapet line of the block (and a portion of the block to the north) from this location by changing the background view from sky to the proposed new building, this alternative would alter slightly less of the parapet line of the block from this location because of the shortened length of the building shoulder on Harold Way. The articulation of the massing of the proposed project and this alternative both result in an interesting play on the parapet height of the urban scene, and add a visual texture to the streetscape viewshed. Similar to the proposed project, this increase in intensity may be considered adverse by some viewers, this alternative could be viewed as imparting a more interesting skyline vista to Downtown Berkeley from this location. It should be noted that from other viewpoints along Shattuck Avenue, the backdrop with this alternative would vary, shifting the background of portions of the hotel’s roof line from proposed building to sky as one moves along the street.

UC Berkeley Campanile base looking west. The Downtown Design Guidelines broadly identify preserving views of the bay from Downtown as a goal. No public views of the bay can be directly accessed from or through the project site, except for a distant view from the UC Berkeley campus. Figures 18 and 19 (visual simulations completed by Environmental Vision) show how the DRC Recommended Alternative would alter the westerly view from two key locations at the base of the Campanile and on Campanile Way:

- Location 1: the north side of the top stair immediately west of the Campanile; and
- Location 2: the north side of Campanile Way, approximately 300 feet west of the Campanile, near the south entrance to Doe Library.
Comparing these to Figures 4.1-4 and 4.1-7 in the Draft EIR, which show the same viewpoints simulated for the proposed project, the visual impact of the DRC Recommended Alternative would be reduced compared to that of the proposed project. In the viewer’s field of vision from Location 1, the northern extent of the visible portion of this alternative is further south than the visible portion of the originally proposed project, and the roofline of this alternative would sit further below Alcatraz Island. From Location 2, the northern extent of the visible portion of this alternative is further south than the visible portion of the originally proposed project. As a result, more of the Golden Gate Bridge and Alcatraz Island remain unobscured under this alternative. Therefore, this alternative’s impact to the westerly view from Campanile Way is less than the proposed project. As discussed in the Infill Environmental Checklist, the effect of the proposed project on this view would be considered adverse -- under state law (SB 743), this impact may be noted as adverse, but may not be considered significant; therefore, no mitigation is required for either the proposed project or the alternative. The impacts of the project and the DRC Recommended Alternative on viewsheds from a historic resources perspective are discussed in Section 4.3.5, Cultural Resources, below.

The project site is near the center of a dense downtown with buildings at varying heights including two of roughly similar height within two blocks, and is within the permitted heights for the zoning classification and the DAP. Similar to the project, this alternative would generally use materials that are compatible with surrounding buildings and would generally conform to the Downtown Design Guidelines that were developed to promote aesthetic quality in new projects. Aesthetic and visual resource impacts related to this alternative’s compatibility with surrounding development would be roughly similar to the proposed project and would not be significant. The impacts of the project and the DRC Recommended Alternative on compatibility with surrounding development from a historic resources perspective are discussed in Section 4.3.5, Cultural Resources, below.

4.3.2 Agricultural and Forest Resources

As discussed in the Infill Environmental Checklist for the proposed project (Appendix A of the Draft EIR), the project site and vicinity are located within an urban area in the City of Berkeley. No agricultural resources, Williamson Act-contracted land, or forest land are located on or near the project site. The Infill Environmental Checklist determined that the proposed project would have no impact on agriculture or forestry resources. The DRC Recommended Alternative would not alter the location of the project. This alternative would have no impacts on agricultural and forest resources and would therefore have impacts equal to those of the proposed project.

4.3.3 Air Quality

The DRC Recommended Alternative would change proposed architectural treatments, shift building massing, and slightly increase commercial areas, however, the location of the project site, building footprint, land uses, and unit count would be unchanged. Although the area of commercial space would increase in this alternative, the alternative would only increase total building area by approximately 1% when compared to the proposed project; therefore, this alternative’s operational emissions would be similar to the proposed project and less than significant.
This alternative’s construction emissions would be substantially the same as the proposed project because the excavation and demolition plan would remain unchanged and total building areas would be similar (the proposed project would have a total square footage of 310,361 and this alternative would have a total square footage of 315,082, they would differ by approximately 1%). As noted in the Executive Summary (Section 0.0 of the Draft EIR) and throughout the Infill Environmental Checklist (Appendix A to the EIR), relevant mitigation measures from the DAP EIR would apply to the proposed project. Construction impacts under this alternative would be less than significant with implementation of DAP EIR Mitigation Measure AIR-3 (see pages 85 to 86 of the Infill Environmental Checklist), which requires use of Bay Area Air Quality Management District (BAAQMD) recommended measures to control dust and diesel particulate matter during construction.

As discussed in the Infill Environmental Checklist, certain population groups are considered more sensitive to air pollution than others. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardio-respiratory diseases. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses or other who are especially sensitive to the effects of air pollutants (BAAQMD, 1999). Hospitals, schools, convalescent facilities, and residential areas are example of sensitive receptors. Sensitive receptors in the area include apartments (approximately 60 feet southwest of the project site at 2020 Kittredge Street), Berkeley High School (approximately 400 feet west of the project site at 1980 Allston Way), and Washington Elementary School (approximately 1,000 feet southwest at 2300 Martin Luther King Jr. Way). In addition, it is noted that other facilities or areas of congregation in the vicinity include but are not limited to Berkeley City College (approximately 200 feet northwest at 2050 City Street), Downtown Berkeley YMCA (approximately 150 feet west at 2001 Allston Way), and the Berkeley Public Library (approximately 150 feet south at 2090 Kittredge Street). Dust and diesel particulate matter from construction can potentially impact the health of sensitive receptors. As discussed above, this alternative, like the proposed project, would be required by DAP EIR Mitigation Measure AIR-3 to implement measures to control dust and reduce diesel particulate matter during project construction. In addition, the predominant wind direction in the project area is from the west and would carry most of the limited amount of particulates and emissions not controlled by mitigation measures east, away from sensitive receptors near the project site. Similar to the proposed project, implementation of DAP EIR Mitigation Measure AIR-3 would ensure that short-term health impacts to nearby sensitive receptors from construction of this alternative are less than significant.

The DRC Recommended Alternative would be subject to DAP EIR Mitigation Measure AIR-2, which requires that projects buffer sensitive receptors from toxic air contaminants (TACs) and odors whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts to a less than significant level, such as air filtration systems or other technologies. However, similar to the proposed project, this alternative does not include land uses that are known to emit substantial quantities of TACs, nor would it place residences near existing or proposed uses that are known to emit substantial quantities of TACs. Additionally, while there may be some odors from future restaurants, these would be controlled according to standard permit conditions of the Health Department, BAAQMD, and Building and Safety. Similar to the proposed project, implementation of DAP EIR Mitigation Measure AIR-2 would ensure that health impacts to nearby sensitive receptors from operation of this alternative are avoided.
Visual Simulations of the DRC Recommended Alternative

Source: Environmental Vision, May 2015

City of Berkeley
Existing view from Campanile Way looking west

Visual simulation of DRC Recommended Alternative

Visual Simulations of the DRC Recommended Alternative

Source: Environmental Vision, May 2015

City of Berkeley
Finally, this alternative would be required to be consistent with BAAQMD rules and regulations, including particulate matter reduction measures included in DAP EIR Mitigation Measures AIR-3; therefore, it would be consistent with the 2010 Clean Air Plan to the same degree as the proposed project and would have a less than significant impact related to the implementation of the 2010 Clean Air Plan.

In summary, this alternative’s impacts related to air quality would be less than significant and quantitatively similar to the proposed project with implementation of DAP EIR mitigation measures and adherence to existing air quality regulations. As with the proposed project, the impacts would be within the impacts identified in the DAP EIR for the Plan as a whole.

4.3.4 Biological Resources

As discussed in the Infill Environmental Checklist, the project site and vicinity are located within an urban area in the City of Berkeley and within the Downtown Area Plan (DAP) area. The setting information for the project site is the same as that described for the DAP area in the DAP EIR; there is virtually no vegetation on-site or adjacent other than non-native street trees on Harold Way and Kittredge Street, and no wetlands or riparian or other habitat on site or nearby. There is no suitable habitat for special status wildlife on site or adjacent. The project site does not provide a suitable corridor for wildlife movement, as it is completely developed with existing structures and not adjacent to habitat or wildlife movement areas. Similar to the proposed project, the DRC Recommended Alternative would replace affected existing street trees with an equal or greater number of street trees of species acceptable to the City’s Street Trees and Urban Forestry Management Program, no conflict with local policies or ordinances protecting biological resources, including trees, would occur. No adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans apply to the project site. In addition, as discussed in the introduction of the Infill Environmental Checklist, buildings of similar height and intensity were considered in the DAP EIR, including on the project site, so this alternative’s general impacts on biological resources were considered as part of the overall DAP buildout impact analysis in the DAP EIR.

The Infill Environmental Checklist determined that the proposed project would have less than significant impacts on biological resources with required adherence to the City of Berkeley’s bird-safe building standards, which are uniformly applicable development policies. The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location of the project site would not change and this alternative would also be required to adhere to the City’s bird-safe building standards. Under the DRC Recommended Alternative, impacts to biological resources would be similar to the proposed project and, as with the proposed project, would remain less than significant with adherence to uniformly applicable development policies.

4.3.5 Cultural Resources

The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location of the project site, demolition plan, and excavation plans would be unchanged. The analysis below is based on a review of this alternative performed by Architectural Resources Group, Inc. (ARG) in May of 2015.
Section 4.1, *Cultural Resources* of the Draft EIR identified four types of potential impacts to historical resources posed by the proposed project:

1. **Demolition of a Historical Resource**: Impacts deriving from the partial removal of the 1913 addition to the Shattuck Hotel and complete removal of the 1926 addition.

2. **Design**: Impacts related to the design of the proposed project, including potential impacts to the setting of nearby historical resources.

3. **View-related Impacts**: Impacts related to the project partially obscuring views of the San Francisco Bay, Alcatraz Island, and the Golden Gate from the base of UC Berkeley’s Campanile and Campanile Way.

4. **Construction**: Impacts related to the construction of the proposed project, including demolition and excavation work in the immediate vicinity of the Shattuck Hotel.

The demolition-related impacts of the proposed project were found to be significant and unavoidable, the view-related impacts were found to be less than significant, and the design and construction impacts were found to be less than significant with mitigation.

**Demolition Impacts.** The demolition plans for the DRC Recommended Alternative would be the same as for the proposed project, and would entail:

- Removal of most of the one-story portion of the 1913 addition to the Shattuck Hotel;
- Removal of the entire 1926 addition to the hotel; and
- Demolition of the 1959 Hink’s building.

As a result, the demolition impacts associated with this alternative are the same as the demolition impacts identified in the Draft EIR. Mitigation Measures CR-1(a) (Documentation), CR-1(b) (Salvage), CR-1(c) (On-site Interpretation) and CR-1(d) (Contribution to the Historic Preservation Fund) identified in Section 4.1, *Cultural Resources*, of the Draft EIR would be applicable to the DRC Recommended Alternative. As with the proposed project implementation of the mitigation measures above would reduce this alternative’s impacts related to demolition or alteration of historic resources; however, these impacts would remain significant and unavoidable.

**Design Impacts.** The Historical Resources Technical Report (Appendix B of the Draft EIR) identified several design elements that were incorporated into the proposed project that are in keeping with *the Secretary of the Interior’s Standards* and the Downtown Berkeley Design Guidelines and that serve to enhance the compatibility of the proposed project with the Shattuck Hotel and other nearby historical resources. These design elements, which are described below, have each been retained in the DRC Recommended Alternative.

1. The new construction is kept visually and physically separate from the Shattuck Hotel. On the Allston Way elevation, the existing alley is retained and separates new construction from the 1912 restaurant addition to the hotel. On the Kittredge Street elevation, a two-story “hyphen” (break corresponding to one of the new movie theater spaces between the proposed project and the existing hotel) separates the Shattuck Hotel...
from the 12-story portion of the new construction. These separations reduce the extent of
direct contact between the new construction and the adjacent hotel, and serve to
distinguish the new construction from the historic building.

2. On the Harold Way and Kittredge Street elevations, floors six and higher are set back
approximately 15 feet from floors below. The setback on Allston Way has been increased
by 23 feet to 38 feet. The height at this setback directly references the existing roof line of
the former Elks Lodge (2016 Allston Way) across Harold Way, and establishes a five-
story base for the proposed construction that is in keeping with the massing and scale of
other historical resources in the vicinity, including the Shattuck Hotel, the Post Office
(2000 Allston Way), the Downtown Berkeley YMCA (2001 Allston Way), and the
Berkeley Public Library (2090 Kittredge Street). In particular, the setback helps prevent
the new construction from overwhelming the adjacent Shattuck Hotel.

This setback is directly in keeping with the Downtown Berkeley Design Guidelines
pertaining to building height, including:

- “Respect the height of neighboring buildings, and provide a sense of continuity
  and enclosure which avoids abrupt changes in height.”
- “New buildings should step down to respect the height of existing residential
  buildings where they are on parcels with a residential zoning designation.”

3. The massing is broken up by varied rooflines and materials, which prevents the new
construction from presenting a monolithic appearance.

4. A large portion of the proposed exterior elevations consist of brick veneer walls with
punched windows. The size and rhythm of these windows, and the overall relationship
of void to wall in this portion of the new construction, echoes the walls and windows of
nearby historic buildings.

Four specific design-related impacts are identified in Section 4.1, Cultural Resources, of the Draft
EIR:

1. The proposed Allston Way elevation does not adequately reference the historic detailing
of the Shattuck Hotel.

2. The proposed blank wall “hyphen” along the Kittredge Street elevation is not articulated
in a manner that is compatible with the Shattuck Hotel.

3. The glazed aluminum window wall systems proposed for much of the project are not
compatible with the Shattuck Hotel.

4. The proposed recessed entry plaza at the corner of Harold Way and Kittredge Street
would not maintain the continuous zero-setback of the historic street wall.

Design Impact 1 (Allston Way elevation): In this alternative, while the upper floors have been
set back an additional 23 feet, the design of the Allston Way elevation has not been appreciably
altered with respect to how the new construction aligns with the height of the Shattuck Hotel’s
1912 restaurant addition. As a result, Mitigation Measure CR-2(a) is still necessary and applicable to this alternative.

Design Impact 2 (Kittredge Street “hyphen”): The previously proposed project showed a blank wall at this location, potentially covered with vegetation. This alternative would include signage near the cornice line and advertisements (e.g. movie posters) at ground level. While this is an improvement over the previously proposed version, the redesigned wall treatment is incompatible with the historic setting and Mitigation Measure CR-2(b) is still necessary and applicable to this alternative.

Design Impact 3 (Window Wall Treatments): Like the previously proposed project, this alternative includes extensive use of glazed aluminum window wall systems. As such, Mitigation Measure CR-2(c) is still necessary and applicable to this alternative.

Design Impact 4 (Recessed Corner Plaza): Several changes have been made to the corner entry plaza in the DRC Recommended Alternative that make it more compatible with the historic surroundings, including:

- The round column at the plaza’s southwest corner has been replaced with a square column;
- Pilasters that are similar in appearance to this square column have been added to the northeast and southeast corners of the recessed area; and
- Panels have been added to the underside of the building between these pilasters and the square column.

Together, these changes enable the recessed entry plaza to visually reinforce the minimal lot line setbacks that are characteristic of the area and Mitigation Measure CR-2(d) is no longer necessary. Implementation of Mitigation Measures CR-2(a), CR-2(b) and CR-2(c) would reduce this alternative’s design-related impacts on historic resources to a less than significant level.

View-related Impacts. As part of the assessment of design-related impacts to nearby historical resources, the Draft EIR evaluated potential impacts that the proposed project may have on Campanile Way, identified as a contributing element to the Classical Core of the UC Berkeley Campus. The proposed project would partially obscure the view of Alcatraz Island and San Francisco Bay, as seen from the right edge of the base of UC Berkeley’s Sather Tower (the Campanile), and from Campanile Way, the pathway that extends approximately one-quarter-mile west from the Campanile, through a cluster of beaux-arts, neoclassical era buildings, many of which are designated historical resources.

Figures 18 and 19 (visual simulations completed by Environmental Vision) show how the DRC Recommended Alternative would alter the westerly view from two locations:

- Location 1: the north side of the top stair immediately west of the Campanile; and
- Location 2: the north side of Campanile Way, approximately 300 feet west of the Campanile, near the south entrance to Doe Library.
Comparing these to Figures 4.1-4 and 4.1-7 in the Draft EIR, the visual impact of the DRC Recommended Alternative would be considerably less than that of the proposed project. In the viewer’s field of vision from Location 1, the northern extent of the visible portion of this alternative is further south than the visible portion of the originally proposed project, and the roofline of this alternative would sit further below Alcatraz Island. From Location 2, the northern extent of the visible portion of this alternative is further south than the visible portion of the originally proposed project. As a result, larger portions of the Golden Gate Bridge and Alcatraz Island remain unobscured under the DRC Recommended Alternative.

The Draft EIR found that the view impacts associated with the proposed project were less than significant because they constituted a change to a character-defining feature of Campanile Way. In particular, the proposed project would not materially impair Campanile Way or the Classical Core of the UC Berkeley campus such that they would no longer be eligible for listing as historical resources. The view impacts related to this alternative would be less than the previously proposed project, and thus would also be less than significant and no mitigation is necessary.

**Construction Impacts.** The DRC Recommended Alternative entails the same demolition and excavation activities as the proposed project, including demolition of the 1959 Hink’s building, total removal of the 1926 addition to the Shattuck Hotel, and partial removal of the 1913 addition – including removal of building foundations and associated substantial excavation. As a result, the construction impacts associated with this alternative would be the same as those construction impacts identified for the proposed project in the Draft EIR. Mitigation Measures CR-4(a) (Foundations Investigation), CR-4(b) (Construction Monitoring), and CR-4(c) (Training Program) identified in Section 4.1, *Cultural Resources*, of the Draft EIR would also be applicable to this alternative. As with the proposed project, implementation of these mitigation measures would reduce this alternative’s construction impacts to historic resources to a less than significant level.

In summary, impacts of this alternative to historic resources would be generally the same, although slightly reduced in some aspects, compared to the proposed project, and most of the mitigation measures would still apply.

**4.3.6 Geology and Soils**

The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location and proposed excavation of the project site would not change. Similar to the proposed project, this alternative would be required to adhere to existing regulations, policies, and standard practices, including the following:

- Current Uniform Building Code and City of Berkeley design requirements and guidelines for buildings constructed in areas of high seismic risk;
- Berkeley General Plan Policy S-20, which identifies mitigation for potentially hazardous buildings in the event that development under the DAP results in the retrofitting or replacement of existing soft-story or URM (unreinforced masonry) buildings;
- Berkeley General Plan policies S-14 and S-15, which require that new development in the Downtown Area be evaluated for susceptibility to liquefaction and landslides, and in
those instances where such risks are present, appropriate structural design features be
required;
- Standard soil erosion control measures during demolition and construction associated
with development under the DAP in order to minimize erosion from exposed surfaces
and reduce soil erosion impacts; and
- Appropriate foundation design in accordance with current Uniform Building Code
requirements in order to reduce any potential stability hazards.

In addition, this alternative would be required to implement geotechnical recommendations
from the Geotechnical Feasibility Report prepared by ENGEO Incorporated in January 2013 for
the project site (Appendix C of the Infill Environmental Checklist). Overall, this alternative’s
impacts related to geology and soils would be similar to the proposed project and, as with the
proposed project, would be less than significant with implementation of geotechnical
recommendations and adherence to existing regulations, policies, and standard practices.

4.3.7 Greenhouse Gas Emissions

As discussed in the Infill Environmental Checklist, the proposed project would have less than
significant impacts related to greenhouse gas emissions and consistency with applicable
implementation measures in the City of Berkeley Climate Action Plan and General Plan
Environmental Management Element. The DRC Recommended Alternative would not change
the number of residential units developed on the project site and would not substantially
change the square footage of the project’s theater/cinema, retail, and restaurant components.
This alternative would also be designed to achieve a LEED Gold (or equivalent) rating, as
required under Section 23E.68.085.A of the Berkeley Municipal Code and would include all of
the sustainable building features described in the proposed project. The DRC Recommended
Alternative would include additional integrated solar photovoltaic panels on much of the solar
shading for residential units. Therefore, this alternative’s greenhouse gas related impacts would
be less than the already less than significant impacts of the proposed project.

4.3.8 Hazards and Hazardous Materials

As discussed in the Infill Environmental Checklist, impacts of the proposed project in relation to
the potential release, use, or transport of hazardous materials, and other potential hazards,
would be less than significant. The DRC Recommended Alternative would change proposed
architectural treatments and slightly shift building massing; however, the location of the project
site and proposed excavation and demolition would not change. Additionally, this alternative’s
commercial and residential land uses would be the same as the proposed project.

Similar to the proposed project, transport and use of hazardous materials would be subject to all
applicable State and federal laws, such as Hazardous Materials Transportation Act, the
Resource Conservation and Recovery Act, the California Hazardous Materials Management
Act, and the California Code of Regulations, Title 22. The proposed project and this alternative
would also be subject to BAAQMD Regulation 11, Rule 2, which governs the proper handling
and disposal of Asbestos-Containing Material (ACM) for demolition, renovation, and
manufacturing activities in the Bay Area.
As this alternative would also involve excavation of the project site, both for the subterranean parking garage and for lowering the cinema floor, it would be required to comply with standard conditions of the City of Berkeley’s Toxics Management Division (TMD). The TMD requires that a Soil and Groundwater Management Plan (SGMP) be submitted to and approved by the TMD prior to issuance of a building permit. The SGMP is required to identify procedures for soil and groundwater management, including identification of pollutants and disposal methods, and is required to comply with the hazardous materials and waste management standards required by Berkeley Municipal Code Section 15.12.100, the San Francisco Bay Regional Water Quality Control Board’s Order No. R2-2009-0074 C3 and C6, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66360 et seq.), and the East Bay Municipal Utility District’s Ordinance 311.

The DRC Recommended Alternative would also be subject to the TMD’s requirement that, prior to approving any permit for partial or complete demolition activities, a hazardous materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, PCB containing equipment, elevators or lifts, refrigeration systems, and treated wood and mercury containing devices. The survey shall include hazardous materials removal and disposal procedures to be implemented that fully comply with hazardous waste generator requirements (22 California Code of Regulations (CCR) 66360 et seq.). If the survey identifies hazardous materials, the removal and disposal procedures included in the survey shall become conditions of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition (City of Berkeley TMD, March 2013).

Overall, this alternative’s impacts related to the potential release, use, or transport of hazardous materials would be similar to the proposed project and, as with the proposed project, would remain less than significant with compliance with existing regulations and normal standards of use.

4.3.9 Hydrology and Water Quality

As discussed in the Infill Environmental Checklist, impacts of the proposed project in relation to hydrology and water quality would be less than significant with compliance with existing regulations and normal standards of use. The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location of the project site and proposed excavation and demolition would not change.

Similar to the proposed project, this alternative would be required to comply with all City of Berkeley requirements under its NPDES permit, and construction contractors are responsible for implementing and monitoring erosion and sedimentation control/drainage plans to ensure that contaminants are not released into urban runoff, in order to prevent significant adverse impacts to water quality. As discussed in Section 4.3.8, Hazards and Hazardous Materials, this alternative would also be subject to standard conditions of the City of Berkeley’s Toxics Management Division (TMD) requiring that a Soil and Groundwater Management Plan (SGMP) be submitted to and approved by the TMD. The SGMP is required to identify procedures for soil and groundwater management, including identification of pollutants and disposal methods, and is required to comply with the hazardous materials and waste management...
standards required by Berkeley Municipal Code Section 15.12.100, the San Francisco Bay Regional Water Quality Control Board’s Order No. R2-2009-0074 C3 and C6, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66360 et seq.), and the East Bay Municipal Utility District’s Ordinance 311. Additionally, as discussed in Section 4.3.6, Geology and Soils, the City of Berkeley would require this alternative to comply with the recommendations of the Geotechnical Report (Appendix C of the Infill Environmental Checklist). Section 7.1 of the Geotechnical Report contains recommendations for construction dewatering at the project site. Additionally, any dewatering activities would be required to comply with all City of Berkeley requirements under its NPDES permit. Lastly, this alternative would comply with the stormwater and storm drain system requirements of sections 17.20.070 and 17.20.050 of the Berkeley Municipal Code.

There are no open bodies of water or jurisdictional wetlands within the Downtown Area. The portion of Strawberry Creek that passes through the Downtown Area has been culverted for many years. Although the project site is adjacent to culverted Strawberry Creek, according to the City’s creek inventory and database, and Environmental Constraints Map (accessed online at http://www.ci.berkeley.ca.us in 2014 and 2015), it is not within any creek buffers identified in City plans or policies and is not subject to the provisions of Berkeley Municipal Code Section 17.08, Preservation and Restoration of Natural Watercourses. The DRC Recommended Alternative would not alter Strawberry Creek; therefore, impacts would be less than significant, as with the proposed project.

This alternative would be required to meet the C3 Storm Water Discharge requirements outlined in the Alameda County Clean Water Program, “C.3 Storm Water Technical Guidance” by treating stormwater runoff for 80 percent of the annual runoff from the project site. Similar to the proposed project, the DRC Recommended Alternative’s landscaped areas could potentially be used for bio-treatment of runoff to meet the C3 Storm Water Discharge requirements.

The DRC Recommended Alternative would not alter the location or impermeable area of the project site compared with the proposed project, nor would it introduce new uses that would produce an increase in polluted runoff compared to existing uses or the proposed project. Therefore, similar to the proposed project, this alternative would not significantly interfere with groundwater recharge, increase stormwater runoff, alter existing drainage patterns in a manner that would result in erosion or flooding, or expose people or structures to risk of flooding or inundation by seiche, tsunami, or mudflow. Overall, this alternative’s impacts related to hydrology and water quality would be similar to the proposed project and, as with the proposed project, would remain less than significant with compliance with existing regulations and normal standards of use.

4.3.10 Land Use and Planning

As discussed in the Infill Environmental Checklist, the proposed project would have no impact regarding division of an established community, Habitat Conservation Plans or Natural Community Conservation Plans. In addition, the proposed project would have less than significant impacts related to wind and would be generally consistent with the majority of applicable General Plan and DAP policies. The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location of
the project site and proposed excavation, demolition, and land uses would not change. Therefore, the DRC Recommended Alternative’s impacts related to wind would be less than significant and roughly similar to those of the proposed project and it would similarly be generally consistent with the majority of applicable General Plan and DAP policies.

As discussed in the Infill Environmental Checklist, the proposed project was determined to be inconsistent with specific policies regarding views, preservation, and protection of cultural resources, but not with the DAP as a whole. This alternative would also be inconsistent with these policies. Although this alternative would reduce the inconsistency with Policy UD-31 regarding views, the inconsistency would remain because this alternative would still obscure views. The inconsistency of the project and the DRC Recommended Alternative with preservation and protection of cultural resources policies is discussed in Section 4.3.5, Cultural Resources, above.

4.3.11 Mineral Resources

As discussed in the Infill Environmental Checklist, the proposed project would have no impact on mineral resources because the project site is located in a highly urbanized area without known mineral resources of value. The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location of the project site would not change. Therefore, similar to the proposed project, the DRC Recommended Alternative would have no impact on mineral resources.

4.3.12 Noise

The DRC Recommended Alternative would change proposed architectural treatments and slightly shift building massing; however, the location of the project site, construction footprint, and proposed excavation and demolition would not change.

As discussed in the Infill Environmental Checklist, the proposed project would not expose new residential units to noise levels that would exceed 70 dBA Ldn, and the 45-dBA Ldn interior standard described in Impact NOI-1 of the DAP EIR would be achieved in all new residential units through typical construction methods. As the location of the project site has not changed, this alternative would also not expose residential units to excessive noise levels. Similar to the proposed project, shared residential outdoor areas would be located behind buildings, in courtyards, or oriented in terraces towards alleyways rather than streets, and this alternative would be subject to DAP EIR Mitigation Measure NOI-1, Site-Specific Noise Studies/Site Planning/Noise Control Treatments. Therefore, this alternative would have the same level of impact related to exposing new sensitive receptors to excessive noise levels as the proposed project, and impacts would remain less than significant.

Similar to the proposed project, this alternative would introduce new commercial land uses adjacent to new and existing residential land uses; however, the types of commercial uses proposed are not anticipated to include substantial loading or unloading activities compared to existing conditions, operation of heavy mechanical equipment, or other uses that would result in noise that would exceed the City of Berkeley Municipal Code Limits. Currently, loading and unloading activities occur at the site associated with the existing building. As discussed in Section 4.3.1, this alternative would maintain the same square footages for residential uses, but
would slightly increase retail/restaurant uses (by approximately 60 square feet or one percent). This alternative would generate slightly more traffic compared to the proposed project because of the slight increase in retail/restaurant space. Roadway noise generated by this alternative would be slightly louder than the proposed project. Nonetheless, the difference would not be perceptible, and this alternative’s operational noise impacts would be roughly similar to the proposed project and would remain less than significant.

As discussed in the Infill Environmental Checklist, noise sensitive uses are located near the project site. Noise sensitive receptors include land uses where quiet is an essential element in their intended purpose (i.e. concert halls), residences, buildings where people sleep, and institutional land uses with primarily daytime and evening uses, such as schools, places of worship and libraries (Federal Transit Administration, 2006). Sensitive receptors in the area include apartments (approximately 60 feet southwest of the project site at 2020 Kittredge Street), Berkeley High School (approximately 400 feet west of the project site at 1980 Allston Way), Berkeley City College (approximately 200 feet northwest at 2050 City Street), Washington Elementary School (approximately 1,000 feet southwest at 2300 Martin Luther King Jr. Way), and Berkeley Public Library (approximately 150 feet south at 2090 Kittredge Street). In addition, it is noted that another facility or area of congregation in the vicinity includes but is not limited to Downtown Berkeley YMCA (approximately 150 feet west at 2001 Allston Way). Similar to the proposed project, line-of-sight between what would be the lower portion of the proposed building (where much of the higher noise-generating operations, such as excavation and foundation pouring, would take place) and Berkeley High School, Berkeley City College, Washington Elementary School, and much of the YMCA would be occluded by intervening buildings, which would provide a substantial attenuating effect on noise associated with construction activity at the project site. Only in the case of adjacent apartments, Berkeley Public Library, and parts of the YMCA would noise from construction at the project site not be attenuated by intervening structures. As shown in Table 17 of the Infill Environmental Checklist, construction noise levels could be up to 94 dBA at 25 feet from the project site boundary. These potential construction noise levels are within those anticipated by the DAP EIR, which determined that sensitive receptors throughout the Downtown Area would be intermittently exposed to elevated noise levels throughout the planning horizon of the DAP. Similar to the project, this alternative would be subject to DAP EIR Mitigation Measure NOI-5, which requires the use of available controls to reduce construction noise levels, including equipment mufflers, temporary noise barriers, and neighbor notification. Adjacent and nearby sensitive noise receptors would be exposed to noise levels within those anticipated in the DAP EIR for the Plan as a whole; this alternative’s impacts associated with temporary construction noise would be similar to the proposed project and would remain significant and unavoidable.

Similar to the proposed project, this alternative would not include pile-driving (which is a major source of vibration from construction activities) and would be subject to DAP EIR Mitigation Measure NOI-6. DAP EIR Mitigation Measure NOI-6 requires site-specific vibration studies, vibration monitoring, and construction contingency plans. Additionally, residential land uses would not be exposed to significant vibration impacts during the day because vibration impacts affect residents the most if sleep is disturbed. Section 13.40.070 of the Berkeley Community Noise Ordinance restricts construction activity that involves operating tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 PM and 7:00 AM, or 8:00 PM and 9:00 AM on weekends or holidays. This alternative’s
construction vibration impacts would be roughly similar to the proposed project and would remain less than significant.

In summary, this alternative’s impacts related to noise would be similar to the proposed project and would be within the impacts identified in the DAP EIR for the Plan as a whole. As noted in the EIR’s Executive Summary and Infill Environmental Checklist, DAP EIR mitigation measures would apply. Impacts associated with temporary construction noise would remain significant and unavoidable as identified for the DAP EIR, and less than significant for the other topics related to noise.

4.3.13 Population and Housing

As discussed in the Infill Environmental Checklist, the proposed project would have a less than significant impact on population and housing. The DRC Recommended Alternative would not change the number of residential units developed on the project site. Therefore, this alternative’s impacts related to population and housing would be less than significant and similar to those of the proposed project.

4.3.14 Public Services

As discussed in the Infill Environmental Checklist, development of the proposed project would increase demand for public services. However, because the project’s potential population increase would be well within that forecast under the DAP, impacts to public services, including fire protection and emergency medical services, police protection, schools, parks, library services, and health and human services, would be less than significant. The DRC Recommended Alternative would not change the number of residential units developed on the project site. Therefore, this alternative’s impacts related to public services would be less than significant and similar to those of the proposed project.

4.3.15 Recreation

As discussed in the Infill Environmental Checklist, the proposed project would have less than significant impacts related to recreation. The DRC Recommended Alternative would not change the number of residential units developed on the project site and, similar to the proposed project, would include on-site outdoor common areas for use by project residents. Therefore, this alternative’s impacts related to recreation would be less than significant and similar to those of the proposed project.

4.3.16 Transportation/Traffic

As discussed in Section 4.3.1, this alternative would maintain the same number of residential units, but would slightly increase retail/restaurant uses by approximately 60 square feet or 1 percent. Therefore, this alternative would generate slightly more daily and peak hour trips compared to the proposed project. Depending on whether the additional 60 square feet were utilized as retail or restaurant space, this alternative is expected to generate approximately 5
additional daily trips and 1 additional P.M. peak hour trip, an increase of 0.3 percent in daily trips and one percent in P.M. peak hour trips compared to the proposed project.\(^1\)

Development of the proposed project would increase existing traffic levels on the local circulation system. Under the Year 2013 scenario, all 10 intersections are forecast to operate at acceptable levels of service (Impact T-1); however, traffic from the proposed project would exceed performance standards at one study intersection under the Year 2035 scenario, which includes cumulative development (Impact T-2). Traffic impacts under the Year 2013 scenario would remain less than significant because the DRC Recommended Alternative would generate only slightly more daily and peak hour trips. Traffic impacts under the Year 2035 scenario under this alternative would remain and Mitigation Measure T-2 would be required. With mitigation, impacts would remain less than significant.

The proposed project would generate approximately 90 net new trips during the P.M. peak hour, which is below the Alameda County Transportation Commission’s threshold of 100 vehicle trips (Impact T-3). As discussed above, this alternative is expected to add approximately 5 additional daily trips and 1 additional P.M. peak hour trip. This alternative is expected to generate approximately 91 net new trips during the P.M. peak hour, which is below the threshold of 100 vehicle trips. As such, impacts related to the Congestion Management Program (CMP) network would remain less than significant.

Similar to the proposed project, construction traffic generated by this alternative is anticipated to be a temporary condition and would vary during the construction process depending on the activities ongoing at any given time. This alternative is not anticipated to have any special elements of construction that would result in the generation of additional construction trips beyond what would be typical for a project of this size and would not generate more construction traffic than the proposed project. Like the proposed project, the City would require a Transportation Management Permit (TMP) for this alternative for construction activity within the public right-of-way, and would verify through the TMP review process that no significant impacts to the safety or mobility of pedestrians, bicyclists or motorists would occur from this alternative.

### 4.3.17 Utilities and Service Systems

As discussed in the Infill Environmental Checklist, the proposed project would have less than significant impacts related to utilities and service systems. Both this alternative and the proposed project would be within the buildout projections of the DAP as analyzed in the DAP EIR. The DRC Recommended Alternative would not change the number of residential units developed on the project site and would not substantially change the square footage of the project’s theater/cinema, retail, and restaurant components. Therefore, this alternative’s project-specific and cumulative impacts (the DAP analysis was a cumulative analysis of buildout within the Plan area) related to utilities and service systems would be less than significant and roughly similar to those of the proposed project.

\(^1\) ITE Trip Generation Manual, 9th Edition, lists a 42.70 daily trip rate per thousand square feet (TSF) of retail, a 89.95 daily trip rate per TSF for quality restaurants, a 3.71 P.M. trip rate per TSF of retail, and a 7.49 P.M. trip rate per TSF of quality restaurants. Therefore, 60 additional square feet of retail would generate approximately 3 new daily trips and less than 1 P.M. trips; whereas, 60 additional square feet of quality restaurant space would generate approximately 5 new daily trips and less than 1 P.M. trips.
As discussed in Section 4.3.3, *Air Quality*, during excavation and site preparation for construction, the proposed project and the DRC Recommended Alternative would require the use of water in order to comply with the dust control measures of DAP EIR Mitigation Measure AIR-3. Assuming the 0.88 acre project site would be watered twice daily during the site preparation and grading period (approximately 30 days) to a depth of one inch, the project and this alternative would use approximately 4.4 acre feet of water for temporary dust control purposes. The proposed project or alternative’s one-time use of water for dust control purposes would have a less than significant impact on water supplies. In place of watering, the proposed project or this alternative could use substitute dust-control measures, such as applying mulch or vegetated cover to exposed areas, or other approved alternatives (United States Environmental Protection Agency, Water: Best Management Practices – Dust Control Website, accessed June 1, 2015).

4.3.18 Comparison of Environmental Impacts

The DRC Recommended Alternative and the proposed project would have similar less than significant impacts associated with agricultural and forest resources, 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. This alternative’s impact to the westerly view from Campanile Way would be reduced compared to the proposed project; other aesthetic impacts would be roughly similar to the proposed project. Additionally, this alternative would include more solar panels than the proposed project and thus overall would have a slightly reduced less than significant impact related to greenhouse gas emissions. As this alternative would have a slightly larger retail/restaurant footprint (an addition of 60 square feet), the DRC Recommended Alternative would generate slightly more (approximately 0.3%) daily traffic than the proposed project; however, with implementation of Mitigation Measure T-2 this alternative’s traffic-related impacts would remain less than significant. The project’s significant and unavoidable impact associated with demolition of a historic resource would remain under the DRC Recommended Alternative and would be the same as for the proposed project. This alternative would be required to implement all mitigation required for the proposed project, except Mitigation Measure CR-2(d) (Recessed Entry Plaza).

Table 4.3-2 indicates whether the DRC Recommended Alternative’s environmental impact is greater, lesser, or similar to that of the project for each of the issue areas studied in the Infill Environmental Checklist.

---

2 Pursuant to California State law (Senate Bill 743, 2013), aesthetic impacts of a mixed-use residential/commercial project (to the extent they are not also historic resource impacts) on an infill site within a transit priority area, such as the proposed project and the alternatives, may be noted as “adverse”, but may not be considered significant impacts on the environment.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Proposed Project Impact</th>
<th>DRC Recommended Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aesthetics</td>
<td>NA</td>
<td>=/+</td>
</tr>
<tr>
<td>Agricultural and Forest Resources</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Air Quality</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>Biological Resources</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>I</td>
<td>=/+</td>
</tr>
<tr>
<td>Geology and Soils</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Greenhouse Gas Emissions</td>
<td>III</td>
<td>+</td>
</tr>
<tr>
<td>Hazards and Hazardous Materials</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Hydrology and Water Quality</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Land Use and Planning</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Mineral Resources</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>Population and Housing</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Public Services</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>Transportation/Traffic</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>Utilities and Service Systems</td>
<td>III</td>
<td></td>
</tr>
</tbody>
</table>

NA – Not available
I – Class I, significant and unavoidable impact
II – Class II, significant but mitigable impact
III – Class III, less than significant impact

+ Superior to the project
- Inferior to the project
= Similar impact to the project