

2211 Harold Way Mixed-Use Project

Final EIR



ZAB Hearing
June 25, 2015



Comments from May 14

TOPICS

- Program v. Project EIR
- Applicability of DAP Mitigation Measures
- Cumulative operational impacts (traffic, water, wastewater)
- Cumulative construction impacts
- Nearby Land Uses in Addition to BHS
- Water use for Dust Control
- Creeks Impacts?



Program vs. Project EIR

Program EIR (CEQ Guidelines Section 15168):

- “A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project...”
- “A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program [and can be] incorporated by reference to deal with regional influences... cumulative impacts...and other factors...”
- DAP EIR is a Program EIR, as noted on IEC p. 58



Program vs. Project EIR

Project EIR (CEQ Guidelines Section 15161):

- “...examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project.”
- 2211 Harold Way EIR is a Project EIR, as explained in the Draft EIR on Page 1-4
- From 15168: “An agency shall incorporate feasible mitigation measures...developed in the program EIR into subsequent actions in the program.”



DAP Mitigation Measures

- As discussed in the Draft EIR Executive Summary on Page ES-4 and in the Infill Environmental Checklist (EIR Appendix A) under each issue area discussion, many DAP mitigation measures are applicable to the project and were thus considered as well as described in the Draft EIR
- The Mitigation Monitoring and Reporting Program, which must be adopted if the project is approved, lists these applicable measures side by side with the project-specific measures identified in the EIR



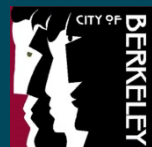
Cumulative Impacts

- The DAP EIR forms the basis of the Project EIR per CEQA Guidelines sections 15152 Tiering and 15183.3 Streamlining for Infill Projects
- The DAP EIR analyzed cumulative construction and operational impacts in the Downtown Planning Area
- The Project EIR concluded that project impacts would be within those studied in the DAP EIR except for historic resources and traffic; cumulative traffic impacts were studied in the Project EIR and were found to be mitigable



Other Nearby Land Uses

- Berkeley City College (approximately 200 feet northwest at 2050 City Street)
- Downtown Berkeley YMCA (approximately 150 feet west at 2001 Allston Way)
- Berkeley Public Library (approximately 150 feet south at 2090 Kittredge Street)
- Library Apartments (approximately 60 feet southwest of the project site at 2020 Kittredge Street)



Other Nearby Land Uses

- Air Quality impacts would be within those anticipated by the DAP EIR
- DAP EIR Mitigation Measure AIR-3 and BAAQMD rules would apply (e.g. measures to control dust and reduce diesel particulates)
- Predominant wind direction in the project area is from the west and would generally carry most of the limited amount of particulates/emissions not controlled by mitigation east, away from receptors near the project site, including all listed above.



Other Nearby Land Uses

- Noise impacts would be 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. This was a significant impact of the DAP
- Construction 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



Other Nearby Land Uses

- **BUSD UPDATE**

- Notice of Availability of the Draft EIR was sent via certified mail to BUSD October 6, 2014
- No comments were received from BUSD during the Draft EIR comment period (Oct 6 – Dec 1) or at public hearings on the Draft EIR or hearings to date on the Final EIR
- On May 7, 2015 BUSD requested that the EIR certification hearing be continued, and stated that BUSD takes no position on the merits of the project or EIR certification
- Today at 2:30 p.m. the City received a letter from BUSD requesting the EIR not be certified



Water for Dust Control

- Dust control would require water during construction. This one-time use of water would have a less than significant impact on water supplies. However, substitute dust-control measures could include:
 - Mulch
 - Wind Breaks/Barriers
 - Tillage
 - Stone
 - Other approved substitutes



Creeks

- Discussed in the Infill Environmental Checklist (appendix A to the EIR) on pages 97-98
 - 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 is culverted and beneath Allston Way
 - The project site 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.



Community benefits

- Potential benefits such as renewable energy features, public open space or funding for enhanced cultural offerings or on-site affordable units would not result in, or lead to, significant adverse impacts to the environment
- If a community benefit – like any change to the project – has the potential for new or substantially increased significant physical impacts, subsequent/supplemental CEQA review would be required (CEQA Guidelines sections 15162 through 15164)



EIR Certification

- Certification of the EIR is not approval of the project; the EIR is an informational document only and does not make recommendations regarding approval or denial of the project
- Certification of the EIR would mean that the ZAB finds that the Final EIR was completed in compliance with CEQA; that the ZAB reviewed and considered the information contained in the Final EIR; and that the Final EIR reflects the City's independent judgment and analysis.

