3100 San Pablo Avenue Outpatient Center Project

Final Environmental Impact Report
SCH#2017012056

prepared by
City of Berkeley
Planning and Development Department
1947 Center Street, 2nd Floor
Berkeley, California 94704
Contact: Greg Powell, Principal Planner, (510) 981-7417

prepared with the assistance of
Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

June 2017
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June 2017
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Responses to Comments on the Draft EIR

1.0 Introduction

1.1 PURPOSE OF THE RESPONSE TO COMMENTS ON THE DRAFT EIR

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed 3100 San Pablo Avenue Outpatient Center Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (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.

On January 24, 2017, the City of Berkeley circulated a Notice of Preparation (NOP) for a 30 day comment period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was published in a local newspaper and mailed to public agencies (including the State Clearinghouse) and property owners and residential and commercial occupants within 300 feet of the project site. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on April 14, 2017. Copies of the Notice of Availability of the Draft EIR were mailed to local and state agencies as well as property owners and residential and commercial occupants within 300 feet of the project site. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and a paper copy was available for public review at the City of Berkeley Planning and Development Department and at the Berkeley Main Library Reference Desk.

The 45-day Draft EIR public comment period began on April 14, 2017 and was scheduled to end on May 29, 2017. Due to the Memorial Day holiday on May 29, comments were accepted until May 31. The City held a hearing on the Draft EIR before the Zoning Adjustments Board on May 25, 2017. The City received two comment letters on the Draft EIR (not including public hearing comments). Copies of written comments received during the comment period and a transcript of the oral comments received at the public hearing are included in Chapter 2.0 of this document.

1.3 DOCUMENT ORGANIZATION

This Response to Comments (RTC) Document consists of the following chapters:
• **Chapter 1.0: 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 2.0: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR as well as transcripts of verbal comments provided at the public hearings. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.

• **Chapter 3.0: Draft EIR Revisions.** Corrections to the Draft EIR that are 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. Underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR.
2.0 COMMENTS AND RESPONSES

This chapter includes comments received during the circulation of the Draft EIR prepared for the 3100 San Pablo Avenue Outpatient Center Project.

The Draft EIR was circulated for a 45-day public review period that began on April 14, 2017. The City of Berkeley received three comment letters on the Draft EIR. The commenters and the page number on which each commenter’s letter appear are listed below.

<table>
<thead>
<tr>
<th>Letter No. and Commenter</th>
<th>Page No.</th>
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<tbody>
<tr>
<td>Patricia Maurice, California Department of Transportation (Caltrans)</td>
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<tr>
<td>Saravana Suthanthira, Alameda County Transportation Commission</td>
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</tr>
<tr>
<td>Darrell deTienne</td>
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</tr>
</tbody>
</table>

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

In addition to soliciting written public and agency comments on the Draft EIR pursuant to CEQA, during the public review period verbal comments were taken on the Draft EIR at the Zoning Adjustments Board hearing on May 25, 2017. Responses to environmental issues raised at this hearing are included in the written comments and responses.

Revisions 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 included in the responses. Underlined text represents language that has been added to the Draft EIR; text with strikeout has been deleted from the Draft EIR. All revisions are then compiled in the order in which they would appear in the Draft EIR (by page number) in Chapter 3.0, Text Revisions, of this document.
May 30, 2017

Mr. Greg Powell
Planning and Development Department
City of Berkeley
1947 Center Street
Berkeley, CA 94704

3100 San Pablo Avenue Medical Offices – Draft Environmental Impact Report

Dear Mr. Powell:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 3100 San Pablo Avenue Medical Offices project. In tandem with the Metropolitan Transportation Commission’s (MTC) Sustainable Communities Strategy (SCS), the Caltrans Strategic Management Plan 2015-2020 includes targets to reduce Vehicle Miles Travelled (VMT), in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR). Our February 22, 2017 comments on the Notice of Preparation are incorporated by reference.

Project Understanding

The proposed project would change approximately 97,447 square feet of space in an existing four-story building from office space that was ancillary to the former light industrial uses to Medical Practitioners use, including outpatient services and an urgent care component. The medical facility would be located on portions of the first and second floors, plus all of the third and fourth floors. Portions of the building are in three cities: Berkeley, Oakland, and Emeryville.

The project site is located at 3100 San Pablo Avenue, bounded by Folger Avenue to the north, 67th Street to the south, and the Emeryville Greenway to the west. The site is directly adjacent to State Route (SR) 123 (a.k.a. San Pablo Avenue) and near SR 13 (Ashby Avenue). The nearest freeway is Interstate (I-) 80, accessible via Ashby Avenue. The site is generally well-served by transit along San Pablo Avenue, with local, express, and all-night service. The site is partially located in the San Pablo Avenue Priority Development Area, established by the City of Berkeley.

The project area, along an arterial street with a variety of fronting development types, and with housing of varied density and type, can be best described as a close-in corridor place type, according to the Caltrans Smart Mobility Framework.

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Mr. Greg Powell, City of Berkeley  
May 30, 2017  
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Lead Agency  
An executed Memorandum of Understanding (dated April 2013) between the cities of Oakland, Emeryville, and Berkeley establishes Berkeley as the Lead Agency for land use approvals. As the Lead Agency, Berkeley (the City) is responsible for all project mitigation, including any needed improvements to the State Transportation Network. The project’s fair share contribution, financing, scheduling, implementation responsibilities, and Lead Agency monitoring should be fully discussed for all proposed mitigation measures.

Multimodal Planning  
Please analyze secondary impacts on pedestrians and bicyclists that may result from the listed traffic impact mitigation measures. Please describe any pedestrian and bicycle mitigation measures and safety countermeasures that would therefore be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on SR 123.

Cultural Resources  
The building at 3100 San Pablo Avenue, also known as the Marchant Building, has been formally recorded as a cultural resource and an evaluation of the building found it eligible for the National Register of Historic Places under Criteria A and C. We recommend that the City of Berkeley conduct a cultural resource technical study that includes a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) and a field survey of the project area by a qualified architectural historian. Per the CEQA Guidelines Section 15064.5, we recommend that the City of Berkeley assess the potential for the project to result in a substantial adverse change to the building.

Additionally, per CEQA and Assembly Bill (AB) 52, we recommend that the City of Berkeley conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

If a Caltrans encroachment permit is needed in support of the project, we may require project specific cultural resource technical studies be prepared in compliance with CEQA, Public Resources Code (PRC) 5024, and the Caltrans Standard Environmental Reference (SER) Chapter 2 (http://www.dot.ca.gov/ser/vol2/vol2.htm).

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Mr. Greg Powell, City of Berkeley
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Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at 510-286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,

[Signature]

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

C: State Clearinghouse
Letter 1

COMMENTER: Patricia Maurice, District Branch Chief, Local Development – Intergovernmental Review, Caltrans District 4

DATE: May 30, 2017

Response 1.1

The commenter requests that the EIR analyze secondary impacts on pedestrians and bicycles that may result from the traffic mitigation measures. The commenter asks the EIR to describe any pedestrian and bicycle mitigation measures and safety countermeasures that would be needed as a means of maintaining and improving access to transit facilities and reducing traffic impacts on SR 123 (San Pablo Avenue).

The commenter does not specify what kind of secondary impacts might occur as a result of the mitigation measures identified for the project. However, no secondary impacts to bicycle or pedestrian facilities were identified in the project traffic study for any of the mitigation measures. The intersection improvements are designed to improve traffic conditions and would not increase traffic or change turning movements in such a way that substantial additional conflicts between bicyclists or pedestrians and vehicles would occur compared to existing conditions. Signalization of the intersection at 67th Street and San Pablo Avenue would improve pedestrian safety by adding signalized crosswalks at that intersection. The signalization would also improve bicycle safety by providing a signal protection for bikes turning to and from 67th Street. The design of the improvements and plans for construction would be developed based on the applicable standards and would be reviewed and approved by the appropriate jurisdiction (City of Oakland, City of Berkeley, or Caltrans), at which time staff would have the opportunity to consider optimum design for bicycle, pedestrian, or transit facilities during construction and operation.

Response 1.2

The commenter states that the Marchant Building has been found eligible for the National Register of Historic Places under Criteria A and C. The commenter recommends that the City conduct a cultural resource technical study and assess the potential for the project to result in substantial adverse change to the building. The commenter also recommends the City conduct Native American consultation under Assembly Bill 52. Further, the commenter states that if a Caltrans encroachment permit is needed in support of the project, Caltrans may require project-specific cultural resources technical studies.

As discussed in the Initial Study in Appendix A of the Draft EIR, the project does not include exterior alterations. In addition, the interior materials and use of the building have changed and been reconfigured many times over recent years. Current and past uses of the building include manufacturing, shipping and receiving warehouse, printing facilities, laboratories, offices, and commercial kitchens. A fitness center is currently approved and under construction. Since the interior of the building has been changed several times, the original interior is no longer intact and would not be a contributing element to the building’s historic status. For these reasons, no additional studies are required to determine the historic eligibility of the building. Impacts to the historic resources would be less than significant regardless of the property’s potential to be eligible for designation as a historic resource. Further, since the proposed project involves only interior work in an existing building and no ground-disturbing activities would occur, the project would not
affect known or unknown archaeological or tribal cultural resources. Signalization of the intersection of San Pablo Avenue/67th Street does require an encroachment permit from Caltrans and the application for the permit has been submitted. No changes to the EIR are warranted in response to this comment.
May 31, 2017

Greg Powell
Principal Planner
City of Berkeley Planning and Development Department
1947 Center Street, 2nd Floor
Berkeley, CA 94704

SUBJECT: Response to the Draft Environmental Impact Report for the Proposed 1300 San Pablo Avenue Outpatient Center Project

Dear Mr. Powell,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 3100 San Pablo Avenue Outpatient Center Project located in the City of Berkeley. The 4.1-acre project site comprises an entire block bounded by San Pablo Avenue to the east, Folger Avenue to the north, the Emeryville Greenway bicycle path to the west, and 67th Street to the south. The site currently has an existing approximately 405,000 square foot mixed-use commercial and light industrial building known as “Foundry 31” building that covers majority of the site. Portions of the building are also located in the Cities of Oakland and Emeryville, and a memorandum of understanding establishes the City of Berkeley as the lead city for the land use approvals. The project would establish the BayHealth Outpatient Center, a 97,443 square foot medical office use, including outpatient services and an urgent care component. This would involve changing approximately 97,443 square feet of space in the existing building from office space that was part of or ancillary to the former light industrial uses to the proposed Outpatient Center use. The medical facility would be located in the eastern portion of the existing building on portions of the first and second floors, plus all of the third and fourth floors.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

1. The following Metropolitan Transportation Commission designated Metropolitan Transportation System roadways are located in the project area and have been analyzed for the project impacts in the DEIR:
   - Interstate 80/580
   - San Pablo Avenue (SR 123)
   - Ashby Ave (SR 13)
   - Dwight Way

2. The Alameda CTC’s Congestion Management Program (CMP) doesn’t establish thresholds of significance for performance analysis of the designated roadways for the purposes of Land Use Analysis Program (LUAP). Please modify the language on pages 92 and 93 of the DEIR to reflect this correctly.
- Page 103, Impact T-3, outlines the findings of segment-level LOS forecasts for 2020 and 2040 for the CMP roadways. The LOS analysis finds that the impacts to the CMP roadway segments analyzed will be less than significant, in line with the thresholds identified in the DEIR.

- Alameda CTC notes that the near term impacts of the project on the intersections of San Pablo Avenue/Dwight Way and San Pablo Avenue/Ashby Avenue would be mitigated with implementing dedicated left turn lanes, for which the project sponsor will pay the fair share cost. However, no feasible geometric or operational improvement measures to mitigate the impacts to the intersection of Ashby Avenue/7th Street is available. Similarly, long term impacts to these key intersections are found to be significant and unavoidable. In this regard, a Transportation Demand Management (TDM) Plan is proposed as a Mitigation Measure (MM T-1) anticipated to address some level of project impacts.

- Regarding the intersection of San Pablo Avenue/67th Street, signalization of the intersection is proposed as the mitigation measure to address both short and long term impacts. However, since this intersection is located in the City of Oakland, for which the City of Berkeley cannot ensure implementation, the DEIR identifies the impact to be significant and unavoidable. In this regard, Alameda CTC suggests that the DEIR include proposed steps for coordination between the cities to facilitate implementation of the mitigation measure.

- The DEIR states that the project sponsor will prepare a Transportation Demand Management (TDM) Plan for City of Berkeley's review and approval prior to occupancy as Mitigation Measure T-1. Regarding the elements identified for the TDM Plan, the proposed coordination efforts with the Emery Go-Round and West Berkeley shuttle services should also include providing increased shuttle service to the project site. Additionally, another TDM element, parking management strategies referenced on page 98, appears to be missing from the DEIR. Please ensure that it is included and that the strategies are effective.

- Alameda CTC notes that the project impact to transit is found to be less than significant. Alameda CTC recommends improvements to nearby bus and shuttle stop facilities for better and safer access to the project site and to ensure that the bus and shuttle stop locations near the project site are coordinated to avoid any operational conflicts.

- Considering that the facility will be accessed by people using paratransit services, the DEIR should include additional details to ensure better access points for paratransit to the facility.

- Alameda CTC finds that there will be a less than significant impact on pedestrian and cyclist travel as a result of the project. However, the DEIR should include information on more recently adopted local bicycle plans and also refer to the Alameda CTC's Countywide Multimodal Arterial Plan and Bicycle and Pedestrian Plans.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris Van Alstyne, Assistant Transportation Planner at (510) 208-7479, if you have any questions.

Sincerely,

Saravana Suthanthira
Principal Transportation Planner

cc: Chris Van Alstyne, Assistant Transportation Planner

R:\Planning_Policy_Public_Affairs\Planning\CMP\LUAP\2017\May
Letter 2

COMMENTER: Saravana Suthanthira, Principal Transportation Planner, Alameda County Transportation Commission (ACTC)

DATE: May 31, 2017

Response 2.1

The commenter lists the Metropolitan Transportation Commission (MTC) designated Metropolitan Transportation System roadways located in the project area that are analyzed in the Draft EIR.

This comment does not challenge the information, analysis, or conclusions regarding traffic on these roadways. This comment is noted and no response is warranted.

Response 2.2

The commenter states that ACTC’s Congestion Management Program (CMP) doesn’t establish thresholds of significance for performance analysis of the designated roadways for the purposes of Land Use Analysis Program (LUAP) and recommends modifying the language on pages 92 and 93 of the Draft EIR to reflect this correctly.

Although the ACTC does not have established thresholds of significance, per the State CEQA Guidelines lead agencies may identify their own thresholds. Consistent with other City of Berkeley documents, the thresholds listed on pages 93 and 94 of the Draft EIR were used to determine potential impacts to CMP roadways near the project site. As discussed under Impact T-3, no significant impacts to CMP roadways would occur and therefore the project would not conflict with the County CMP. No changes to the EIR are warranted as a result of this comment.

Response 2.3

The commenter reiterates the findings on page 103 of the Draft EIR under Impact T-3 relating to the segment-level level of service (LOS) forecasts for 2020 and 2040 for CMP roadways. The LOS analysis finds that the impacts to the CMP segments would be less than significant.

This comment does not challenge the information, analysis, or conclusions under Impact T-3. This comment is noted and no response is warranted.

Response 2.4

The commenter notes the near term impacts of the project on the intersections of San Pablo Avenue/Dwight way (significant but mitigable), San Pablo Avenue/Ashby Avenue (significant but mitigable), and Ashby Avenue/7th Street (significant and unavoidable) and notes the long-term impacts at these intersections would be significant and unavoidable. The commenter notes Mitigation Measure T-1 to prepare a Transportation Demand Management (TDM) Plan is required.

This comment does not challenge the impact conclusions or required mitigation measures for these intersections but simply reiterates the findings of the Draft EIR. This comment is noted and no response is warranted.
Response 2.5

The commenter notes that signalization of the intersection of San Pablo Avenue/67th Street is identified in the Draft EIR as a mitigation measure to address both short and long-term impacts and that since this intersection is located in the City of Oakland and the City of Berkeley cannot ensure implementation of the mitigation measure impacts are significant and unavoidable. The commenter suggests that the EIR include proposed steps for coordination between the cities to facilitate implementation of the mitigation measure.

Several steps in the planning process for the signalization of the intersection of San Pablo Avenue/67th Street have already occurred. The applicant has met with the City of Oakland Transportation and Caltrans to coordinate signalization of the intersection of 67th Street and San Pablo Avenue. The design of the signal is underway, the utility survey is complete and the application for the encroachment permit has been submitted to Caltrans. Caltrans review is expected to be completed by the end of July. This information has been added to the Final EIR in response to this comment. Because the intersection is in the City of Oakland and outside the City of Berkeley’s jurisdiction and the City of Berkeley cannot guarantee implementation of Mitigation Measure T-4 to signalize the intersection, the impact at this intersection was conservatively found to be significant and unavoidable.

Response 2.6

The commenter notes the requirement in Mitigation Measure T-1 for the applicant to prepare a TDM Plan. The commenter suggests that the element of the TDM Plan that includes coordination with the Emery Go-Round and West Berkeley shuttle services also include providing increased shuttle service to the project site. The commenter also notes that the parking management strategies referenced on page 98 are missing from the Draft EIR and requests that they are included and the strategies are effective.

Mitigation Measure T-1 references parking strategies that are included in the Traffic Impact Analysis for the proposed project, which is included as Appendix D to the Draft EIR. In response to this comment and in order to avoid confusion regarding the mitigation measure, Mitigation Measure T-1 has been revised in the Final EIR to include the proposed potential parking management strategies. These revisions do not change the findings or conclusions of the EIR.

**MM T-1: Transportation Demand Management Plan**

The project applicant shall prepare a Transportation Demand Management (TDM) Plan for City of Berkeley review and approval prior to occupancy to reduce the automobile traffic and parking demand generated by the project. Potential strategies that may be considered include:

- Coordinate with Emery GoRound and/or West Berkeley Shuttle to provide stops near the project site
- Provide bike lockers, showers, and personal lockers onsite to encourage bicycling to the site; encourage tenants to provide shared bicycles that employees can use during the day for errands
- Encourage a local car share company (City Car Share, ZIP Car, etc.) to locate a car share pod at the project site or in close proximity to the site to provide an option for employees who may need a car during the day for meetings/errands but do not need a car for the commute trip
d. Coordinate with City of Emeryville, City of Berkeley, and/or other regional agencies to allow installation of a BikeShare station along the project frontage on San Pablo Avenue or the Emeryville Greenway

e. Provide preferential carpool parking

f. Provide full or partial transit subsidy to project employees

g. Provide pre-tax commuter benefits for project employees

h. Regularly distribute information on non-automobile commuting options

i. Implement one or more of the following parking management strategies as described in the project Transportation Impact Analysis included in Appendix D of this EIR (Fehr & Peers, 2017)

- Implement shared parking with minimal on-site reserved parking spaces.
- Ensure that at least 250 parking spaces are available for BayHealth and LA Fitness visitors. Consider limiting parking at most visitor parking spaces to two hours.
- Implement time restrictions on most of the on-street parking along the Project frontage to encourage short-term parking for site visitors, and discourage all day parking by employees
- Evaluate the potential to convert existing parallel on-street parking to angled parking along the project frontage on 67th Street, which may increase the area parking supply by about 10 to 15 spaces.
- Monitor building parking demand as the building is occupied. The actual employee densities and commute modes could differ from the assumptions in this analysis, and if needed, implement additional strategies, such as identifying additional off-street parking facilities, providing parking lifts, and/or valet/stacked parking to manage area parking supplies.

Response 2.7

The commenter notes that the project impact to transit was found to be less than significant in the Draft EIR. The commenter recommends improvements to nearby bus and shuttle stop facilities for better and safer access to the project site and to ensure that the bus and shuttle stop locations near the project site are coordinated to avoid any operational conflicts.

As noted in the Draft EIR and by the commenter, impacts related to bus facilities would be less than significant. The nearest bus stops to the project site are located on San Pablo Avenue south of 67th Street for southbound buses and at the corner of San Pablo Avenue and Haskell Street for northbound buses. Crosswalks are available at Haskell Street and 67th Street to ensure pedestrian access to these stops. Pedestrian safety would be further improved by the signalization of the intersection at 67th street in accordance with Mitigation Measure T-4. The comment regarding potential improvements to nearby bus stop facilities is noted but improvements would not be needed to reduce potential significant impacts. As required by Mitigation Measure T-1, the applicant would be required to prepare a TDM plan to reduce the automobile traffic generated by the project. This TDM program may include options for coordinating with existing shuttle services to provide service to the site. The TDM program would be required and approved by the City of Berkeley. Therefore, potential shuttle stops would be reviewed and approved to ensure adequate access and safety for shuttle users.
Response 2.8

The commenter states an opinion that the EIR should include additional details to ensure better access points for paratransit services to the facility.

Impact T-5 of the Draft EIR includes a discussion of drop-off and pick-up locations for the proposed project and includes a recommended mitigation measure, T-7, to designate a passenger loading zone along San Pablo Avenue between Haskell and 67th Street. As discussed under Response 2.15, the applicant has indicated support for this recommended mitigation measure and will submit to the City of Berkeley plans for designating curb space along San Pablo for passenger loading. The discussion in the Draft EIR does not specifically discuss paratransit shuttle services; therefore, the following text has been added to the Final EIR under Impact T-5 in response to this comment. These changes do not change the findings or conclusions of the EIR.

DROP OFFS AND PICK-UPS

The project would accommodate passenger vehicle drop off and pick-up trips that require assistance to access the medical offices at designated spaces in the parking lot. However, drop offs and pick-ups that do not require assistance could be accommodated in the parking lot or could be accommodated on the surrounding streets. In addition, paratransit shuttle services may not be able to utilize the rooftop parking lot for drop off and pick up due to the low height clearance in the driveways to the lot and therefore would have to drop off and pick up on 67th Street or San Pablo Avenue adjacent to the site. Currently, no spaces are designated for passenger loading along the project frontage. Parking along San Pablo Avenue adjacent to the project frontage is currently limited to two-hours. Mitigation Measure T-7 is recommended to provide additional drop off and pick-up space and improve site circulation.

Response 2.9

The commenter recommends that the EIR include information on more recently adopted local bicycle plans and also refer to the ACTC’s Countywide Multimodal Arterial plan and Bicycle and Pedestrian Plans.

As noted under Impact T-5 of the Draft EIR, impacts related to bicycle and pedestrian travel were found to be less than significant. The commenter does not specifically challenge the conclusions of the Draft EIR but recommends that additional bicycle and pedestrian facility planning documents be considered in the analysis. The following text has been added to the discussion under Impact T-4 of the Final EIR in response to this comment:

The City of Berkeley Bicycle Master Plan Public Draft (October 2016) proposes cyclotrack along San Pablo Avenue adjacent to the project site. The proposed project would not modify San Pablo Avenue and would not conflict with the proposed cyclotrack. The Alameda Countywide Bicycle and Pedestrian Plans (ACTC 2012) include plans for the East Bay Greenway, a multi-use path that would extend from Albany to Fremont and would include the Emeryville Greenway path adjacent to the project site. The proposed project would not modify the Emeryville Greenway and would not conflict with this proposed countywide bicycle and pedestrian path. Impacts would be less than significant.
To: Greg Powell, COB Principal Planner

From: Darrell deTienne

Date: 5/30/17


The following is LBA/BayHealth’s response regarding the document:

I. Overview: Below are a number of comments and questions.

   A. Page 3, Historical Uses.

      Under alternative 3, Rincon’s text now reads: “…would involve reuse of the
same amount of space as the proposed project but would involve light
manufacturing use instead of medical use”. Please amend text to read:
The vast majority of the medical uses will occupy the space in the second and
tower floors three and four, that are zoned C-W and previously used as office.

   B. Page 4 and 5: Noise

      1. “Impact”: Rincon text now reads: “…The change in roadway noise from
traffic generated by the project would exceed FTA noise criteria for noise-
sensitive receptors on 67th street adjacent to the project site under Pipeline
plus Project and Cumulative plus Project conditions. Therefore, the impact
of increased traffic noise on existing uses would be significant and
unavoidable.” Please clarify that only three structures are impacted by
noise mitigations and add text to read: “comprised of two single family
residences and a church as well as the Multi-family units in Emeryville
South of 67th Street which are new construction and may not apply”

      2. “Mitigation Measure”: Rincon’s text reads: “The owner of the impacted
properties may choose noise attenuation improvements applicable to their
existing residence and structures.” Please strike and substitute text that
reads: “A list of improvements will be created based on findings of an
acoustical study approved by the city’s zoning officer during the public
comment period”.

      Retain the Rincon text that reads: “These measures may include but are
limited to the following:

      • Installation of doors with a minimum Sound Transmission Class
(STC) rating of 50
      • Installation of commercially available windows with STC ratings of
32 or higher
      • Replace exterior wall surfaces with stucco or brick veneer provided
that it would improve noise attenuation
      • Installation of baffled roof or attic vents.”

      Add to Rincon’s bullet an additional line:

      • Installation of landscaping
Based on the focused noise study the Zoning Officer shall determine what mitigation measures will be applied to each of the three affected structures and to the multi-family residential project known as “The Limited” in Emeryville.

II. Detailed Analysis on Initial Study Draft EIR’s Impact Conclusions and Mitigation Measures. The applicant comments are keyed to DEIR Table 1 by page and item number in bold followed by Rincon’s proposed mitigation texts in quotes. LBA/BayHealth applicant comments are in italics.

A. Page 3 and 4 Air Quality. Applicant comment: concur with findings.

B. Page 4 Greenhouse Gas Emissions “significant and unavoidable”

“The project applicant shall submit a GHG Reduction Plan to the City of Berkeley for review and approval prior to issuance of a Certificate of Occupancy. The plan shall include measures to reduce GHG emissions to the extent feasible, shall be implemented on site by the project applicant, and may include, but is not be limited to, the following components:

a. Explore installation of charging stations for electric vehicles
b. Installing solar rooftop panels to offset electricity use
c. Purchasing an emissions reduction credit to offset emissions”

Applicant Comments:

(1) BayHealth will submit as part of Transportation Demand Management Plana GHG reduction plan that will build on the work previously done for other facilities in the Bay Area.

(2) As to specific components referenced above to reduce GHG’s the base building will provide electric charging stations.

(3) Solar rooftop panels will not be installed as the Building owner has recently looked into this matter and found such an installation is not cost effective at this time. Should the market economics/credits become available LBA will revisit the issue.

(4) Purchasing an emissions reduction credit to offset emissions

Please note that BayHealth is not by definition a “stationary emitter” hence LBA/BayHealth is not sure item 4 is a viable option.

Furthermore given the potential conflicts between unknown federal EPA policy and state policies this also may not be a legal option.

(5) Bus Traffic. AC Transit has significantly increased the number of routes and destinations that will reduce vehicular miles traveled along with greenhouse gas emissions to and from the 3100 site. A major expansion of AC transit service occurred last month (See attachment A).

C. Page 4: Noise Impact N-1 onsite Activities associated with project operation:

“Are less than significant. Applicant comment: concurs with findings.”
D. Page 5: Noise. “Impact N-2: Project-generated traffic would incrementally increase noise levels on area roadways. The change in roadway noise from traffic generated by the project would exceed FTA noise criteria for noise-sensitive receptors on 67th street adjacent to the project site under Pipeline plus Project and Cumulative plus Project conditions. Therefore, the impact of increased traffic noise on existing uses would be significant and unavoidable.” 

Applicant comment: Originally only three structures were impacted; two residences and one church. All were present and subjected to the facilities roadway noise since 1956 when Smith Corona operated the building site as a headquarters and manufacturing facility; uses that can logically be assumed generated more roadway noise than the repurposed use as an outpatient care center. The City recently expanded the noise scope of work to include the multi-family residences in Emeryville.

E. Noise Mitigation measure. MMN-1 that are “significant and unavoidable”

“MM N-1: Improvements to Existing Buildings. The applicant shall offer to carry out the following noise attenuation improvements for property owners of existing single-family residences and church on 67th Street where interior noise levels are found to exceed the 45 dBA interior noise level standards. Existing property owners may select from these various noise attenuation improvements as applicable to their existing residence or structure. The improvements as selected by the property owners must properly be located on the structure to effectively attenuate interior noise from the adjacent roadway. These noise attenuation techniques are known to reduce noise levels by up to 30 dBA and include the following:

• Installation of doors with a minimum Sound Transmission Class (STC) rating of 50 dBA
• Installation of commercially available windows with STC ratings of 32 or higher
• Replace exterior wall surfaces with stucco or brick veneer provided that it would improve noise attenuation.
• Installation of baffled roof or attic vents.”

Applicant comment: concurs with findings, reservations and further recommendations.

1. As previously stated it is important to note that originally only three structures are impacted; a church and two single family residences The Limited project has since been added.

2. As the noise level (dBA) for the existing conditions or for the proposed project have not been qualified. The project has contracted with Charles M Salter Associates Inc, an acoustics firm to provide a baseline and proposed noise project study for BayHealth full building occupancy following the traffic volume assumptions from the final TIA. The purpose of the study is to provide data for finding and recommendations on noise.
reduction attenuation measures for the three structures identified in the DEIR and The Limited development if required. The report findings will be shared with the City for review and recommendations.

3. Recommend that the sound attenuation remedial mitigations for each of the three structures be determined by the Zoning Officer not the individual owners.

4. Recommend that the list add landscaping.

5. Revise the DEIR to clarify that sound attenuation measures would be limited to the north facing facades of the structures.

F. Page 5 Transportation and Traffic

(1) “Impact T-1: Increases in traffic for the proposed project under Pipeline plus Project conditions would cause operating conditions to exceed one or more significance thresholds at three signalized study intersections. In addition, one unsignalized intersection would meet the signal warrants criteria. No feasible mitigation measures are available to reduce impacts at the Ashby Avenue/7th Street intersection. Therefore, impacts would be significant and unavoidable.”

Applicant comment: The context for the BayHealth Traffic Study (TIA) includes several existing tenants such as Amazon, Com fulfillment Center and City Sports that have been approved with Use permits and now occupy space in the facility. The traffic volume counts for the existing conditions were conducted two years ago; the traffic estimates also included 11 nearby developments. The sum of the existing tenants and the developments make up the “pipeline” volumes. For the “project” trips on the TIA BayHealth accounts for only two-thirds of the additional trips according to the DEIR. It should also be noted that the remaining space in the building was projected for the more intense office type space. As a result it is likely that the impacts for trip distribution and assignments may be overestimated.

(2) Mitigation Measure “MM T-1: Transportation Demand Management Plan.

The project applicant shall prepare a Transportation Demand Management (TDM) Plan for City of Berkeley review and approval prior to occupancy to reduce the automobile traffic and parking demand generated by the project. Potential strategies that may be considered include:

Applicant comment: The applicant and BayHealth are updating their detailed TDM plans with Fehr & Peers, the transportation consultant that will be submitted to the City of Berkeley Transportation Division for approval. The TDM will contain a description of each strategy being implemented, the estimated costs and a schedule for implementation with a focus on the most cost efficient.

a. Coordinate with Emery-Go-Round and/or West Berkeley Shuttle to provide stops near the project site.
Applicant comment: Creation of new shuttle stops by either system closer than those that currently exist has continued to be negotiated in good faith. Despite support and encouragement from the ZAB on 5/25/17 for adding shuttle stops serving the BayHealth project, no agreement has been reached with the operators of the other shuttle systems in extending its current service. On a more positive note AC Transit has recently upgraded their routes which now operate within one-half mile of the site offering improved service along Ashby Ave. Hollis St 7th and 6th Streets and the San Pablo Ave corridors. The EasyPass program is also available as part of AC transit services to employees that now have routes to Ashby BART via Seventh to Fourth Street shopping and restaurants within a quarter and one-block bus stops.

b. Provide bike lockers, showers, and personal lockers onsite to encourage bicycling to the site; encourage tenants to provide shared bicycles that employees can use during the day for errands.

Applicant comment: “The building provides significant public bike parking on San Pablo Ave and 200 secured bike parking racks for the building employees in the basement off the greenway. LBA on behalf of the building has been proactive in negotiating a number on bike share programs both public and private. The project is also well situated to take advantage of the existing Bike Link system located at Berkeley BART and Amtrak where users pay a nominal fee ($0.05) and use a BikeLink card to open and close a secured bike locker. Showers to be made available through individual tenants and at City Sports facility in the building.

c. Encourage a local car share company (City Car Share, ZIP Car, etc.) to locate a car share pod at the project site or in close proximity to the site to provide an option for employees who may need a car during the day for meetings/errands but do not need a car for the commute trip.

Applicant Comment: Zipcar etc. although the base building and BayHealth are open to private car sharing programs to date the marketing consensus from the vendors appears to be not enough demand at this location. This may change as the building becomes more fully occupied. It should be noted that there are currently two Zip Car locations that serve the immediate project area; one at 59th Street and Hollis and one at Shellmound and 66th. It should be noted there are a growing number of ZipCar locations in the area.

d. Coordinate with City of Emeryville, City of Berkeley, and/or other regional agencies to allow installation of a BikeShare station along the project frontage on San Pablo Avenue or the Emeryville Greenway.

Applicant Comment: A Bike Share Station on 67th Street at the Greenway rather than on San Pablo where bike travel amenities
do not exist. The owner will coordinate with City of Emeryville and Berkeley staff and/or other regional agencies to ensure phase 3 of the BikeShare program for East Bay is funded for 2018. The two proposed stations closest to 3100 are 65th/Hollis (#19) and the Berkeley Bowl (#16). LBA will explore allowing installation of a BikeShare hub at 67th and the Greenway or in the building parking west of the Greenway.

e. Provide preferential carpool parking.
   Applicant Comment: Both BayHealth, the base building and other tenants provide carpool and van parking.

f. Provide full or partial transit subsidy to project employees.
   Applicant Comment:
   1. BayHealth and the base building tenants continue to take advantage of AC Transit programs including the AC Transit EasyPay program to be funded in 2018
   2. Commute Solutions is a TDM program offered to BayHealth employees at the Berkeley Outpatient Center. Commute Solutions offer transit subsidies.

g. Provide pre-tax commuter benefits for project employees.
   Applicant Comment: BayHealth does not provide pre-tax commuter benefits.

h. Regularly distribute information on non-automobile commuting options.
   Applicant Comment: Commute Solutions will regularly distribute information that includes transit subsidy and carpool incentives. Information will be provided at the main building lobby and on the second floor entrance to BayHealth reception area.

i. Implement parking management strategies as described in the project Transportation Impact Analysis included in Appendix E of this EIR (Fehr & Peers, 2017).”

(3) Mitigation Measure MMT-3: Ashby Avenue/San Pablo Avenue Intersection.

“MM T-3: Ashby Avenue/San Pablo Avenue Intersection. The project applicant shall pay a fair share cost towards constructing a left turn lane on the westbound Ashby Avenue approach at the Ashby Avenue/San Pablo Avenue intersection (#4) and upgrade the signal equipment to provide protected left-turns for the eastbound and westbound approaches. The fair share cost shall be determined by the City’s Transportation Division based on the project's trip generation and distribution. Improvements shall occur prior to occupancy clearance.”

Applicant comment: Concurs with payment of fair share funding to provide westbound left turn lane and upgrade signal equipment. Right of way has already been acquired. City will provide applicant with estimated total cost
after Caltrans has approved scope of project. The fair share shall be based on the ratio of project traffic to total traffic at the intersection for the PM peak hour. We are awaiting an estimate from the City and have contacted Farid to set up a meeting to discuss this item.

(4) Mitigation Measure MMT-4: 67th Street/San Pablo Avenue Traffic Signal Installation

“MM T-4: 67th Street/San Pablo Avenue Traffic Signal Installation. The project applicant shall fund signalization of the 67th Street/San Pablo Avenue intersection (#11) with a protected northbound left-turn lane, and coordinate signal timings with the adjacent intersections on San Pablo Avenue. Improvements shall occur prior to occupancy clearance.”

Applicant Comment: Applicant agrees with this mitigation and initiated design soon after the traffic impact report had been approved by Berkeley, Oakland, and Emeryville Public Works staff. Delays in the design review process beyond the control of the applicant and its design consultant has made it unlikely that signal operation can occur before BayHealth occupancy can occur. Should this condition occur, the applicant will ensure that interim mitigation measures will be implemented to reduce congestion impacts to an acceptable level. It should be noted that BayHealth represents only approximately two-thirds of total daily vehicle trips generated by the project. Proposed striping changes near the signal that will be incorporated into the signal design at a later date have been forwarded to Fehr& Peers and Kimley-Horn, the signal designer.

(5) Mitigation Measure MMT-5: San Pablo Avenue and Haskell Street Crosswalk

“MM T-5: San Pablo Avenue and Haskell Street Crosswalk. At the existing crosswalk across San Pablo Avenue at Haskell Street, prohibit parking (provide red-curb) on both sides of the crosswalk on the west side of the street to ensure adequate sight lines between pedestrians crossing San Pablo Avenue and motorists on San Pablo Avenue.”

Applicant comment: This mitigation measure becomes unnecessary and undesirable with the installation of a traffic signal at the intersection at 67th Street only 100 ft. away. Utilizing the crosswalk at the signalized intersection will be safer with minimal inconvenience to existing users of the Haskell Street crosswalk. Outbound left turns also would be eliminated so that the “Keep Clear” zone near the southbound approach to the San Pablo Avenue/67th Street intersection can be removed. Forecast peak hour westbound peak hour traffic volumes for the Pipeline+Project scenario are only 22 vehicles for the AM peak hour and 7 for the PM peak hour.

(6) Mitigation Measure MMT-6: Recommended 67th Street Sight Improvements.

“MM T-6: Recommended 67th Street Sight Distance Improvements. Consider the following to improve sight distance between vehicles exiting the basement and rooftop parking driveways and motorists, bicyclists, and pedestrians on 67th Street:

- Provide signage for exiting drivers to look both ways for pedestrians at the exit prior to the sidewalk
o Provide very low landscaping or planter boxes on both sides of the driveways to force pedestrians from walking adjacent to the driveway to the middle of the sidewalk
o Provide visual warning devices for motorists exiting the driveways
o Remove on-street parking spaces adjacent to the project driveways.

Applicant Comment: Concurs with the requirement to enhance pedestrian and motorist safety. A description of mitigation measures will be provided to City of Berkeley for approval prior to occupancy the bullet points above have already been implemented. We are awaiting an estimate from the City and have contacted Farid to set up a meeting to discuss this item.

(7) Mitigation Measure MMT-7. Recommended Drop-Off/Pick-Up

“MM T-7: Recommended Drop-Off/Pick-Up Circulation Improvement. Consider designating the curb along San Pablo Avenue between Haskell and 67th Streets adjacent to the project site for passenger loading with a maximum 15-minute parking limit. The space may also be used for future shuttle stops.”

Applicant Comment: Applicant will submit to City of Berkeley Transportation Division a revised layout for the west side curb space between 67th and Folger Avenue. It will be based on the permanent removal of the existing bus stop red curb at the south end and the crosswalk to Haskell Street. White curb unloading space for a minimum of two vehicles will be provided as well as yellow curb commercial parking. Use of the existing curb cut for the crosswalk as part of a handicapped space will be considered.


“MM T-2: San Pablo Avenue/Dwight Way Intersection. The project applicant shall pay a fair share cost towards implementing dedicated westbound and eastbound left-turn lanes at the Dwight Way/San Pablo Avenue intersection. The fair share cost shall be determined by the City’s Transportation Division based on the project’s trip generation and distribution. Improvements shall occur prior to occupancy clearance.”

Applicant comment: concurs with fair share findings. Applicant will submit to City of Berkeley Transportation Division a revised layout for the West side curb space between 67th and Folger Ave. It will be based on removal of the existing bus stop red curb at the south end and the crosswalk to Haskell Street. White curb unloading space for a minimum of two vehicles will be provided as well as yellow curb commercial parking. Use of the existing curb cut for the crosswalk as part of a handicapped space will be considered.

III. Comments Corrections can Clarifications to the Existing Conditions in the Transportation and Traffic Section of the DEIR. Many of the comment reflect recent changes in the existing conditions since the TIA work began. The comments are in italics following the page number and heading.

A. Page 74 “Local Roadways” “65th Street is an east-west two-lane local street extending between La Coste Street in the west and Idaho Street in
Applicant comment: The Draft EIR forecasts significant congestion on the stop-controlled approaches at the Hollis Street/67th Street unsignalized intersection. As a collector street with three signalized intersections, it can provide an effective alternative route to 67th Street for project trips to and from the west that drivers will quickly recognize. “65th Street should be considered a designated collector street south of San Pablo Avenue with signalized intersections at San Pablo Avenue, Hollis Street, and Shellmound Street.”

B. Page 74 “Existing Transit and Shuttle Services.”
Applicant Comment: Since March, 2017 major changes in weekday AC Transit service adjacent to 3100 San Pablo have occurred and are not contained in the Draft EIR. However the changes should be documented in the Final EIR because they will be important elements of the applicant’s Transportation Demand Management plan required by Mitigation MMT-1. Also please note that AC Transit has not made any recent changes to late night service (Route 802) on San Pablo Avenue or one-way, peak period commuter routes J and Z.

C. Page 75 “Transit”.
Applicant Comment: Routing changes in March, 2017 make the entire text for this item obsolete except for routes on San Pablo Avenue, late night Route 802, and commuter Routes J and Z. (Note: Figure 12 in the Draft EIR should be replaced by AC Transit route map near the project site as shown in attachment E.) Suggested revision: “Local bus service in Berkeley, Emeryville, and Oakland is provided by AC Transit. [East-west routes are on San Pablo Avenue and Hollis Street/7th Street, and north-south routes on Ashby Avenue east of 7th Street. Weekday San Pablo Avenue routes include local routes 72, 72M, and express (Rapid) Route 72R. The bus stops at 67th Street only serve the local routes. The closest Rapid bus stops are at Ashby Avenue. The Hollis Street/7th Street corridor has four new routes. Two of the new routes, 80 and 81, provide service to Ashby BART via Ashby Avenue and West Berkeley via 7th-6th Streets. Route 80 travels to the AMTRAK train station via 7th/6th Streets and continues to University Village beyond Gilman Street. Route 81 duplicates this route as far as the AMTRAK station but then travels to the Berkeley Marina. The walking distance to the Ashby Avenue stops at Ashby Avenue is approximately 0.20 miles. Significantly, service to Ashby BART along Ashby Avenue is reduced by one-half with two routes replacing Route 49.

Two other routes serve Hollis Street at 65th Street, which is only 0.41 miles walking distance from the project site. Route 36 serves Emery Bay Public Market to the south and U.C. Berkeley to the northeast via Hollis, 7th Street
and Dwight Way. Route 29 that replaces Route 26 serves central Emeryville as far north as 65th Street and as far east as Hollis Street. Route 88, listed in the Draft EIR, now requires a 0.45 mi. walk to Sacramento and no longer serves Ashby Avenue at San Pablo Avenue. Partial revised descriptions for current routes that have stops within one-half mile of the project site are listed below; Table 24 on p. 79 should be adjusted to reflect the following:

- Route 26: Replaced by Route 29. Walking distance from the project site has been reduced from 1.0 to 0.41 miles.
- Route 36: New route. Connects West Berkeley as far north as Dwight Way with central Emeryville. The Dwight Way section replaces the northern half of eliminated Route 49. Walking distance to nearest stop is 0.43 miles.
- Route 49: Replaced by sections of new routes 36, 80, and 81.
- Route 57: Route remains but should be removed from the list as the closest stop is 1.0 miles from the project site. All other routes listed have stops closer than 0.5 miles from the project location.
- Route 80: New route with southern section on Ashby Avenue replacing Route 49. Walking distance is 0.20 to closest bus stop, and extension into West Berkeley extended from Dwight Way with Route 49 to Gilman and University Village.
- Route 81: New route with southern section on Ashby Avenue replacing Route 49. Walking distance is 0.20 to closest bus stop, and extension into West Berkeley extends to AMTRAK station and Berkeley Marina.
- Route 88: Route change moves closest route further from 0.10 miles to 0.45 miles at 67th Street and Sacramento Street.

D. Page 75 “Shuttles”. The Draft EIR suggested text with recommended deletions and additions: “The Emery Go-Round, operated by the Emeryville Transportation Management Association, connects Emeryville’s major employment, retail, and residential centers to the MacArthur BART Station and the Emeryville Amtrak Station. It is a fare-free shuttle service that operates three routes on weekdays and two routes on weekends. The Hollis route, which operates only on weekdays, is within walking distance of the site at the Berkeley Bowl, 0.32 miles, and a stop on Hollis Street at Vallejo Street, 0.23 miles. This route operates on weekdays from approximately 5:30 AM to 10:30 PM with 10-20 minute frequency.

The West Berkeley Shuttle is a free shuttle, funded by the Berkeley Gateway Transportation Management Association (TMA) that provides [one-way, peak period] transit connection between Ashby BART and major employment centers in West Berkeley. The shuttle operates [inbound only] from the BART station] on weekdays from 5:30 AM to 10:00 AM and [outbound only from 3:00 PM to 7:00 PM with approximately 15 minute frequency. The morning and afternoon routes vary slightly, but the nearest stop for both routes is on Potter Street at 7th Street, about 0.25 miles northwest of the site. (The revised AC Transit routes reduce the need for
shuttle service between the North Berkeley BART station and the locations of funding companies."

Thank you for your help and cooperation with this challenging project

cc: Karly Kaufman, Rincon
    Abe Leider, Rincon
    Bob Kubichek, LBA
    Scott Landsittel, LBA
    Kathy Villavicencio, BayHealth
    Zach Wasserman
Letter 3

COMMENTER: Darrell deTienne
DATE: May 30, 2017

Response 3.1

The commenter requests changing the text on Page 3 of the Draft EIR which currently states “would involve reuse of the same amount of space as the proposed project but would involve light manufacturing use instead of medical use” to “The vast majority of the medical uses will occupy the space in the second and tower floors three and four, that are zoned C-W and previously used as office.”

The commenter appears to be recommending that the current description of Alternative 3 be changed to a description of the proposed project. The text on Page 3 is describing Alternative 3, which involves light manufacturing use as an alternative to the proposed outpatient center. This text will not be updated to describe the proposed project, because the text is intended to describe Alternative 3. This comment is noted but no change to the Final EIR has been made as a result of the commenter’s request for the reason described.

Response 3.2

The commenter recommends that the text under Impact N-1 which currently reads “The change in roadway noise from traffic generated by the project would exceed FTA noise criteria for noise sensitive receptors on 67th street adjacent to the project site...” should be amended to clarify that only three structures are impacted by noise mitigation by adding “comprised of two single family residences and a church as well as the Multi-family units in Emeryville South of 67th Street which are new construction and may not apply.”

This comment does not specifically challenge the findings of the Draft EIR but requests some text changes. These text changes would not change the findings or conclusions of the EIR. The text that has been requested to be added is included in other parts of the Draft EIR. For instance, Mitigation Measure N-1 states “The applicant shall offer to carry out noise attenuation improvements for property owners of the existing multi-family residences (units with doors and/or windows facing 67th street), single-family residences, and church on 67th Street south of the project site where interior noise levels are found to exceed the 45 dBA interior noise level standards.” As noted in the mitigation measure, it would apply to the single family residences and church as well as the multi-family units in Emeryville. In addition, as stated, it would apply where interior noise levels are found by an acoustical study to exceed the 45 dBA interior noise level standards. The multi-family units in Emeryville are newer construction and therefore may involve building materials that attenuate sound such that interior noise levels are below 45 dBA even with the addition of project traffic. The text changes recommended by the commenter are not necessary to support the findings or conclusions of the Draft EIR. No changes to the Final EIR have been made as a result of this comment.
Response 3.3

The commenter requests changes to the text of Mitigation Measure N-1 to include installation of landscaping to the list of sound attenuation measures and to say that the zoning officer shall determine which mitigation measures will be applied to the affected structures.

It is worth noting that the list of measures referenced in Mitigation Measure N-1 is not meant to be all encompassing of options that may attenuate noise for the interior environments. As Mitigation Measure N-1 states, “the list of improvements may include, but are not limited to the following:...” Therefore, other options, such as landscaping, may be considered in the acoustical study as options. However, since landscaping such as trees and vegetation does provide substantial noise attenuation, this option will not be added to the list. As stated in Mitigation Measure N-1, “the acoustical study findings and the list of improvements shall be reviewed and approved by the City’s zoning officer.” No further revisions to the EIR are warranted.

Response 3.4

The commenter states that the applicant concurs with the findings of the air quality analysis. This comment is noted and no further response is warranted.

Response 3.5

The commenter provides specific comments related to Mitigation Measure GHG-1. The commenter states the applicant intends to submit a TDM plan and will provide electric vehicle charging station but will not install solar rooftop panels as installation of panels is not cost effective. The commenter also states the project applicant’s perspective that purchasing emissions credits may not be a viable option and also notes that AC Transit has significantly increased the number of routes and destinations in the area.

These comments are noted but do not change the findings or conclusions of the EIR and do not warrant changes to Mitigation Measure GHG-1. As noted in the measure, the applicant must submit a greenhouse gas (GHG) Reduction Plan with steps to reduce GHG emissions to the extent feasible to the City for review and approval. The measure includes a list of several options for consideration that may reduce GHG emissions from the proposed project; however, it does not require any of the options be implemented. Therefore, although the commenters concerns about specific options listed are noted, the applicant is not beholden to all of the specific listed options and can consider other options as appropriate. At the time the GHG reduction plan is submitted to the City, the City would be able to evaluate the applicant’s plan and determine if sufficiently meets the requirements of the mitigation measure.

Response 3.6

The commenter states that the applicant concurs with the findings of the EIR under Impact N-1 regarding noise during project operations. This comment is noted and no further response is warranted.

Response 3.7

With regard to the EIR’s traffic noise conclusions, the commenter states that originally only three structures were impacted, two residences and one church and that these structures were present
and subjected to the roadway noise associated with the Smith Corona manufacturing facility which previously occupied the building. The commenter states an opinion that it can logically be assumed that the Smith Corona facility generated more roadway noise than the repurposed use as an outpatient care center.

It is unclear what the commenter means by “originally only three structures were impacted.” As noted in the Draft EIR under Impact N-2, noise-sensitive receptors on 67th Street adjacent to the project site would be exposed to roadway noise in excess of FTA noise criteria. This includes the three structures mentioned in the comment as well as the multi-family residences. In addition, the commenter’s assumption that the Smith Corona facility generated more roadway noise than the proposed project is noted, but not relevant to the Draft EIR. In accordance with CEQA requirements, the baseline for analysis in the EIR is the existing environmental conditions. Therefore, the traffic noise analysis compares existing noise conditions to the noise conditions under the proposed project, not to previous noise conditions.

Response 3.8

The commenter reiterates the opinion that originally only three structures were impacted by traffic noise. Please see Response 2.7 for a response to this comment. The commenter also states that the applicant has contracted with Charles M. Salter Associates, Inc., to prepare an acoustics study in accordance with Mitigation Measure N-1. This comment is noted but does not affect the findings or conclusions of the EIR. The commenter recommends that the sound attenuation mitigations be determined by the Zoning Officer rather than the individual owners and that Mitigation Measure N-1 add landscaping to the list of possible attenuation features. Please see Response 2.3 for a response to these recommendations. The commenter also recommends that the Draft EIR clarify that sound attenuation measures would be limited to north facing facades of the structures. As stated in the text of the mitigation measure “a list of potential improvements to be offered to the owners will be created based on the findings of the acoustical study.” The acoustical study will determine if sound attenuation measures would be limited to north facing facades of the structures or if other improvements may be warranted. This comment does not challenge the conclusions of the EIR and no revisions are warranted.

Response 3.9

The commenter states that the BayHealth project component accounts for only two-thirds of the trips accounted for in the traffic study and that it is likely the impacts for trip distribution and assignment may be overestimated.

This information was also included in the Draft EIR. As stated in the EIR:

> Assuming the proposed BayHealth outpatient center is approved, approximately 142,867 square feet of space within the Foundry 31 building would remain unoccupied. This traffic analysis conservatively assumes that the entire Foundry 31 building would be occupied along with the proposed BayHealth project. This allows the traffic analysis and mitigation measures to account for the addition of project traffic that would occur should the entire building be occupied. Therefore, this analysis assumes the remaining vacant space within the building would be occupied by 139,328 square feet of office use and 3,529 square feet of warehouse/storage. Although the specific tenants for the currently unoccupied space have not been identified, this analysis assumed these uses that would have the highest trip
generation for the uses under consideration (office use), which would present a conservative analysis and provide flexibility in selecting future tenants.

No further changes to the EIR are warranted.

**Response 3.10**

In response to the list of TDM strategies that could be considered as part of MM T-1 to develop a TDM plan, the commenter provides individual comments and updates about each of the items on the list.

These comments are noted but do not challenge or relate to the findings of the EIR, rather they relate to future implementation of MM T-1 and what strategies might be included in the applicant’s TDM plan. Although this info may be helpful for City staff that would be responsible for reviewing the TDM plan, no revisions to the EIR are warranted.

**Response 3.11**

With regards to MM T-3 for intersection improvements at the Ashby Avenue/San Pablo Avenue intersection, the commenter concurs with the payment of fair share funding, states that right of way has already been acquired, and that they are waiting for an estimate of funding from the City.

This comment is noted but does not challenge the information, analysis, or conclusions of the EIR. No revisions to the EIR are warranted.

**Response 3.12**

With regards to MM T-4 for intersection improvements at the 67th Street/San Pablo Avenue, the commenter states that the applicant agrees with the mitigation and initiated design after approval of the traffic study. The commenter also states that delays in the design review process beyond the control of the applicant has made it unlikely that signal operation can occur before occupancy can occur.

This comment is noted. The comment does not challenge the information, analysis, or conclusions of the EIR, but relates to the timing of MM T-4. MM T-4 currently states “improvements shall occur prior to occupancy clearance.” Although the applicant may be concerned about delays in the signalization, the conclusion and mitigation requirement still stand. The impact would be triggered with occupancy of the project and therefore in order to reduce impacts signalization must occur prior to occupancy clearance.

**Response 3.13**

With regards to recommended MM T-5 regarding the crosswalk at the Haskell/San Pablo Avenue, the commenter states an opinion that this mitigation measure becomes unnecessary with implementation of MM T-4 since there will be a traffic signal with crosswalks at the intersection of 67th Street and San Pablo 100 feet away.

As discussed in the Draft EIR, impacts regarding pedestrian safety were found to be less than significant because pedestrians could utilize the crosswalks at Folger Avenue or 67th Street to access the site and therefore pedestrian access is adequate. However, MM T-5 was recommended to improve sight distances for pedestrians using the crosswalk at Haskell Street. This mitigation measure is not required. This comment is noted but no revisions to the EIR are warranted.
Response 3.14

With regards to recommended MM T-6 for sight distance improvements on 67th Street, the commenter concurs with the recommendation. This comment is noted but does not challenge the information, analysis, or conclusions of the EIR. No revisions to the EIR are warranted.

Response 3.15

With regards to recommended MM T-6 for recommended drop-off and pick-up location improvements, the commenter concurs with the recommendation and states that the applicant intends to submit plans for a revised layout of the curb space between 67th Street and Folger Avenue. This comment is noted but does not challenge the information, analysis, or conclusions of the EIR. No revisions to the EIR are warranted.

Response 3.16

With regards to recommended Mitigation Measure T-2 for improvements at the San Pablo Avenue/Dwight Way intersection, the commenter concurs with the payment of fair share funding. This comment is noted but does not challenge the information, analysis, or conclusions of the EIR. No revisions to the EIR are warranted.

Response 3.17

In reference to the text on Page 74 of the Draft EIR, the commenter states that 65th street should be considered a designated collector street west of San Pablo Avenue with signalized intersections at San Pablo Avenue, Hollis Street, and Shellmound Street.

The text referenced by the commenter on Page 74 of the Draft EIR currently reads that the street “is an east-west two-lane local street extending between La Coste Street in the west and Idaho.” Figure 10 in the Transportation Element of the City of Berkeley’s General Plan designates some streets in Berkeley as “Collector Streets,” defined as streets that “serve the movement of automobiles, buses, pedestrians, and bicycles between neighborhoods and across the city.” However, west of San Pablo Avenue, 65th Street is within the City of Emeryville. According to Figure 3-1 in the Transportation Element of the City of Emeryville’s General Plan, 65th street is designated a “Connector Street” between San Pablo Avenue and Hollis Street and a “Transit Street” west of Hollis Street. The EIR considers impacts at the intersection of 65th Street/San Pablo Avenue based on the trip distribution and assignment assumptions for trips to and from the project site to that intersection. Impacts at this intersection were found to be less than significant under all scenarios. Regardless of how the street is labeled in the EIR, the conclusions of the EIR regarding level of service changes to this intersection with the proposed project would not change. No revisions to the EIR are warranted in response to this comment.

Response 3.18

The commenter states that the description of the existing transit and shuttle service in the Draft EIR is out of date since in March 2017 AC Transit implemented several service changes to bus routes in the area. The commenter states that the service changes should be documented in the Final EIR because they would be important elements of the applicant’s TDM plan required by Mitigation Measure T-1.
As described in the State CEQA Guidelines Section 15125:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

The Notice of Preparation for the EIR was published in January 2017 prior to the AC Transit service changes. Therefore, the EIR describes bus service during the time the NOP was published. Although there have been many service changes, the conclusions in the EIR regarding impacts to transit facilities and consistency with plans related to transit remain the same. Impacts to transit services would be less than significant even if AC Transit altered bus routes. Therefore, no changes to the EIR are warranted. Although the EIR reflects conditions at the time of NOP publication and not current conditions, this will not affect the applicant’s TDM plan. The TDM plan would be developed based on AC Transit service at the time the TDM plan is developed.

**Response 3.19**

The commenter describes the changes to AC Transit bus routes that occurred in March 2017 and suggests changes to transit discussion in the EIR. Please see Response 2.18.

**Response 3.20**

The commenter describes the changes to AC Transit bus routes that occurred in March 2017 and suggests changes to the shuttle discussion in the EIR. Please see Response 2.18.
2.1 Public Hearing Comments

Verbal comments received at the Zoning Adjustments Board (ZAB) hearing of May 25, 2017 are presented below in transcript form and individually numbered, with responses following. No members of the public provided comments on the Draft EIR at the hearing; however, several ZAB members provided comments. Responses are only provided for comments specially pertaining to issues analyzed in the EIR.
J. Selawsky: With the trip generations, the assumption, you are working under the assumption that the hours of -- -- generation survey mapping.

We did take that into account, conservatively assuming it would be open 24 hours a day seven days a week.

Seven days a week.

In the onsite traffic noise analysis. That was taken into account.

J. Selawsky: Thank you.

Chair Tregub: Any other questions? Denise.

D. Pinkston: I saw the reason Berkeley is processing this is about the MOU with the other cities about who is on first to track this.

Also noticed that in the GHG area, among the several mitigations were have them go around and locate a free bus stop that your employers can use it, but there was no discussion in the document about how emery-go-round is actually funded, which is by development contributions from the jurisdictions that would serve the property. So the question is, does Berkeley have land use authority to adopt into this approval the Emeryville standard conditions of approval for properties in Emeryville that are served by the emery-go-round, which is you must join in the PBID, pay at the rates set by the city of Emeryville, and those are now imposed as conditions of land use approval in addition to being part of the business improvement district.
I don't know the answer to that, but I will say the mitigation measure, it says that the applicant shall prepare a TDM program, and it has different things they could consider. So the TDM program may include but is not limited to, and that is one of the options. It is not necessarily requiring that is the case.

D. Pinkston: The question is if all of the TDM measures are optional, how is that going to mitigate any GHG impacts?

It doesn't, we still require that as a way to mitigate the impacts to the GHG if possible, but we say possible because we don't know what the plan would look like. Even if it was implemented it probably wouldn't reduce the emissions before the threshold.

D. Pinkston: The question, you don't have to answer tonight, come back and let us know if Emeryville's standard condition of approval for projects in Emeryville which this building is and the use mostly is on the Emeryville, pay into emery-go-round at the rates it would be expected to pay in if this entitlement were being processed by the city of Emeryville.

Chair Tregub: I thought it was mostly Berkeley.

D. Pinkston: In any case, if that is a mitigation, and we just happen to have the ball, it seems to be it is reasonable the building owner would do what everyone else in
Emeryville has to do. And you should figure out how to make that work.

>> Chair Tregub: Thank you. Other questions? Okay. Last chance. Seeing none, unless staff has anything more to add, at this time we can just go around the room and give each commissioner two minutes or less. We don't have to put a time, but try to keep your comments concise.

>> Are we having a public hearing?

>> Chair Tregub: Oh, thank you so much. I didn't receive any cards, but I do need to ask, is there anyone wishing to speak on 3100 San Pablo? Seeing none, we are going to bring this back to the board, and maybe if we can just go around, starting with Teresa. You can make comments.

>> T. Clarke: I think I don't really have any comments to share that have not already been said in terms of the report. I think when you look at the big picture, that this is a good use for this area, and I don't think it would really have any more impact than any of the other uses, to tell you the truth, but that is just my gut feeling. I think this is very theoretical. I don't really have any comments.

>> Chair Tregub: Thank you. Shoshana.

>> S. O'Keefe: I will be honest, I haven't had time to properly review this document. I'm glad to hear you are taking comments until Tuesday, because I will have time and submit any comments. But I was here for the scoping session and I don't
recall having any concerns. I think this project, there is no big issue for me. So I think it looks good.

>> Chair Tregub: Thank you. Brazile.

>> B. Clark: Yes, just like O'Keefe, I haven't reviewed the EIR in its entirety, but I don't have any concerns about this project, and I actually think this is a good use for the space.

>> Chair Tregub: Denise.

>> D. Pinkston: I too agree. This building has been a dinosaur for a generation trying to reuse it, and having it be reused in a fashion that is helpful to the folks who live here by providing medical services, particularly when hospitals are at risk, to me is an extremely good use. I think that frankly the only way TDM will work for medical use, it is not going to work for patient trips. You are talking about getting doctors and nurses and people who work in the building onto transit. So car share isn't really going to work. It is a daily commute trip you are trying to replace. Emery-go-round and AC Transit are the two best ways to make that trip possible, and to me those are the two TDM measures that the applicant should focus on, both for traffic and greenhouse gas production. In my mind that means looking seriously into the Emeryville contribution. I know you have that because you probably have it on your tax bill for the Emeryville piece of the property, so you know how that works. That would also apply to the Berkeley side, so the whole
building would pay into emery-go-round. That would be my vision of how this mitigation would be structured. And if a transit pass is issued, that it be a clipper card partial pay so that folks just have an easy way to get a hold of a clipper card, a free ride to BART and then they can swipe on to BART. So I would encourage the TDM program to focus on what is actually useful to get people out of their cars wok be gotten out of their cars. If you have a sick kid and you are going to an urgent care clinic you are not going to take AC Transit with two transfers. You are going to hop in whatever vehicle you can get and take your kid there. Let's be realistic about what the use is. I think it is a fabulous use of the building, I congratulate you on the project sponsor getting the project together. Hopefully with the traffic and GHGs, that you can develop that more.

>> Chair Tregub: Thank you. Patrick.

>> P. Sheahan: I would second the comments about TDM measures about being primarily the single most achievable and one of the highest impacts that could be achieved. I agree.

>> Chair Tregub: Thank you. John.

>> J. Selawsky: Just a couple things. I have a question for staff but the question period is over, and maybe I'll ask you offline. I always forget to ask my question.

>> Chair Tregub: You can ask it.

>> J. Selawsky: For the umpteenth time I have been here on ZAB Denise has come up with a wonderful, practical idea.
Thank you. If not the emery-go-round, I'm going to urge us all to urge our city council to look at a shuttle service in West Berkeley, because that would solve the problem, some of the problem also. Ironically, the trip generations are going to create more asthma, more bronchitis for the residence in that area, that is ironic for a medical facility. But that is the way it is. If this were another facility I might be a little more critical of this. I'm giving it a pass right now.

>> D. Pinkston: And, John, along the lines, on other projects, and I can't remember if you were on the ZAB, we have required West Berkeley applicants to pay into a West Berkeley shuttle. We need to start doing that. I agree. Talk to your council members and just model it on emery-go-round. It is a really easy message. They do it next door. We just have to stamp it out over here.

>> Chair Tregub: Let the record reflect.

>> D. Pinkston: Yes.

>> Chair Tregub: Mary.

>> I'm sitting as an alternate commissioner tonight so I don't have any comments, but I do have to say that thinking about ways to get the employees there, the people who can make use of public transportation, sounds like a wonderful idea.

>> Chair Tregub: Thank you so much. And I will go last. And I will completely echo John's comment about Denise saving us for the umpteenth time with the excellent suggestion
on a West Berkeley shuttle or an emery-go-round model as a critical component of multimodal transportation, as well as I like your suggestion about making it very easy to get a clipper card, again, as an avenue towards multimodal transportation, getting folks out of their cars if they are able to get out of their cars. I also appreciated the discussion on fixing some of the intersections. And I know that it actually has potential to reduce GHGs on the margins, since if done properly it would reduce idling time and improve traffic patterns. But beyond that, it is such a safety issue. That part of the intersections surrounding Ashby and San Pablo are horribly dangerous, and it is just an accident waiting to happen, and I'm glad that the city is thinking about that, as is the applicant.

And finally, I wanted to say thank you. This was a narrowly focused EIR. In all my time on ZAB, I have never seen someone go from a scoping plan to a draft EIR in such a record short amount of time. And I thought the report itself was very well-researched. So thank you so much for coming back to us, and I look forward to the final report.

So that concludes our comments on 3100 San Pablo Avenue. For any members of the public watching this, you do have until May 30th, 2017, at 5:00 p.m. to submit any comments you wish to Greg Powell, GPOWELL@cityofBerkeley.info.

...
Response ZAB1:
The commenter asks if the proposed 24 hour use of the outpatient center was taken into account in the Draft EIR.

As described under Impact N-1 in Section 4.3 of the EIR, the proposed 24 hours a day 7 days a week use of the outpatient center was analyzed. Impacts regarding operational noise with 24/7 use were found to be less than significant.

Response ZAB2:
The commenter asks if Berkeley has land use authority to require the applicant to pay into the Emery GoRound shuttle service since managed by the City of Emeryville.

As described in Mitigation Measure T-1, the applicant is required by the measure to prepare a TDM plan that may include coordinating with the Emery GoRound shuttle to provide service to the project site. It does not specifically require shuttle service but provides this as an option to be considered in the TDM plan. In the process of developing the TDM plan the applicant would work with the Cities of Berkeley and Emeryville to determine if shuttle service to the site is feasible and how the funding mechanism would occur. No revisions to the EIR are warranted.

Response ZAB3:
The commenter asks how GHG impacts would be mitigated if the TDM mitigation measures are optional.

As discussed in Section 4.2, Greenhouse Gas Emissions, of the EIR, Mitigation Measure T-1 and GHG-1 are required to reduce impacts. These measures require the applicant to work with the City to develop a TDM plan and a GHG reduction plan for reducing vehicle trips and GHG emissions to the extent feasible. However, even with development of these plans impacts associated with GHG would remain significant and unavoidable.

Response ZAB4:
The commenter asks if Emeryville’s standard conditions of approval for projects in Emeryville include required payment into the Emery GoRound.

As noted in Section 2, Project Description, of the EIR, although a portion of the 3100 San Pablo Avenue building is within the City of Emeryville, the proposed outpatient center would not be located within the portion of the building in Emeryville. Nonetheless, as mentioned in Response ZAB2, if it is determined that the Emery GoRound is a feasible option for shuttle service during development of the TDM plan, the plan could include options for funding the service change. Mitigation Measure T-1 does not specifically require the applicant to pay for this service.

Response ZAB5:
The commenter states an opinion that the TDM program would only work for employees and not for patient trips so the TDM program should be oriented towards reducing the daily commute trip. The commenter states that the Emery GoRound and AC Transit are the two best ways to divert the commuter vehicle trip. The commenter states that if transit passes are issued to employees they should be provided on a Clipper Card.
These comments are noted and may be considered during development of the TDM program. See also Responses ZAB2 through ZAB4.
3.0 DRAFT EIR TEXT REVISIONS

Chapter 3.0 presents specific changes to the text of the Draft EIR that are being made to correct errors or omissions or clarify information presented in the Draft EIR in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth 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 underlined text. Text deleted from the Draft EIR is shown in strikeout. Page numbers correspond to the page numbers of the Draft EIR.

4.1 DRAFT EIR TEXT REVISIONS

Table 1 on Page 3 through 6 of the Draft EIR is revised to include the following corrections:

<table>
<thead>
<tr>
<th>Transportation and Traffic</th>
<th>MM T-1: Transportation Demand Management Plan. The project applicant shall prepare a Transportation Demand Management (TDM) Plan for City of Berkeley review and approval prior to occupancy to reduce the automobile traffic and parking demand generated by the project. Potential strategies that may be considered include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact T-1: Increases in traffic for the proposed project under Pipeline plus Project conditions would cause operating conditions to exceed one or more significance thresholds at three signalized study intersections. In addition, one unsignalized intersection would meet the signal warrants criteria. No feasible mitigation measures are available to reduce impacts at the Ashby Avenue/7th Street intersection, and the intersection of 67th Street/San Pablo Avenue is not within the City’s jurisdiction; therefore, the City of Berkeley cannot guarantee that signalization would occur. Therefore, impacts would be significant and unavoidable.</td>
<td>a) Coordinate with Emery GoRound and/or West Berkeley Shuttle to provide stops near the project site</td>
</tr>
<tr>
<td></td>
<td>b) Provide bike lockers, showers, and personal lockers onsite to encourage bicycling to the site; encourage tenants to provide shared bicycles that employees can use during the day for errands</td>
</tr>
<tr>
<td></td>
<td>c) Encourage a local car share company (City Car Share, ZIP Car, etc.) to locate a car share pod at the project site or in close proximity to the site to provide an option for employees who may need a car during the day for meetings/errands but do not need a car for the commute trip</td>
</tr>
<tr>
<td></td>
<td>d) Coordinate with City of Emeryville, City of Berkeley, and/or other regional agencies to allow installation of a BikeShare station along the project frontage on San Pablo Avenue or the Emeryville Greenway</td>
</tr>
<tr>
<td></td>
<td>e) Provide preferential carpool parking</td>
</tr>
<tr>
<td></td>
<td>f) Provide full or partial transit subsidy to project employees</td>
</tr>
<tr>
<td></td>
<td>g) Provide pre-tax commuter benefits for project employees</td>
</tr>
<tr>
<td></td>
<td>h) Regularly distribute information on non-automobile commuting options</td>
</tr>
<tr>
<td></td>
<td>i) Implement one or more of the</td>
</tr>
</tbody>
</table>

Impact at the Ashby Avenue/7th Street intersection and the 67th Street/San Pablo intersection would remain significant and unavoidable. Impacts at other intersections would be reduced to less than significant.
following parking management strategies: as described in the project Transportation Impact Analysis included in Appendix D of this EIR (Fehr & Peers, 2017).

a. **Implement shared parking with minimal on-site reserved parking spaces.**

b. **Ensure that at least 250 parking spaces are available for bayhealth and LA Fitness visitors. Consider limiting parking at most visitor parking spaces to two hours.**

c. **Implement time restrictions on most of the on-street parking along the Project frontage to encourage short-term parking for site visitors, and discourage all day parking by employee**

d. **Evaluate the potential to convert existing parallel on-street parking to angled parking along the project frontage on 67th Street, which may increase the area parking supply by about 10 to 15 spaces.**

e. **Monitor building parking demand as the building is occupied. The actual employee densities and commute modes could differ from the assumptions in this analysis, and if needed, implement additional strategies, such as identifying additional off-street parking facilities, providing parking lifts, and/or valet/stacked parking to manage area parking supplies.**

**MM T-2: San Pablo Avenue/Dwight Way Intersection.** The project applicant shall pay a fair share cost towards implementing dedicated westbound and eastbound left-turn lanes at the Dwight Way/San Pablo Avenue intersection. The fair share cost shall be determined by the City’s Transportation Division based on the project’s trip generation and distribution. Improvements shall occur prior to occupancy clearance.

**MM T-3: Ashby Avenue/San Pablo Avenue Intersection.** The project applicant shall pay a fair share cost towards constructing a left turn lane on the westbound Ashby Avenue approach at the Ashby Avenue/San Pablo Avenue intersection (#4) and upgrade the signal equipment to provide protected left-
Page 94 of the Draft EIR is revised to include the following corrections:

Impact T-1: Increases in traffic for the proposed project under pipeline plus project conditions would cause operating conditions to exceed one or more significance thresholds at three signalized study intersections. In addition, one unsignalized intersection would meet the signal warrants criteria. No feasible mitigation measures are available to reduce impacts at the Ashby Avenue/7th Street intersection, and the intersection of 67th Street/San Pablo Avenue is not within the City’s jurisdiction; therefore, the City of Berkeley cannot guarantee that signalization would occur. Therefore, impacts would be significant and unavoidable.

[Threshold 1]

Pages 97-98 of the Draft EIR are revised to include the following changes:

**MM T-2: TRANSPORTATION DEMAND MANAGEMENT PLAN**

The project applicant shall prepare a Transportation Demand Management (TDM) Plan for City of Berkeley review and approval prior to occupancy to reduce the automobile traffic and parking demand generated by the project. Potential strategies that may be considered include:

f. Coordinate with Emery GoRound and/or West Berkeley Shuttle to provide stops near the project site

g. Provide bike lockers, showers, and personal lockers onsite to encourage bicycling to the site; encourage tenants to provide shared bicycles that employees can use during the day for errands

h. Encourage a local car share company (City Car Share, ZIP Car, etc.) to locate a car share pod at the project site or in close proximity to the site to provide an option for employees who may need a car during the day for meetings/errands but do not need a car for the commute trip

i. Coordinate with City of Emeryville, City of Berkeley, and/or other regional agencies to allow installation of a BikeShare station along the project frontage on San Pablo Avenue or the Emeryville Greenway

j. Provide preferential carpool parking

k. Provide full or partial transit subsidy to project employees

l. Provide pre-tax commuter benefits for project employees

m. Regularly distribute information on non-automobile commuting options

n. Implement one or more of the following parking management strategies: as described in the project Transportation Impact Analysis included in Appendix D of this EIR (Fehr & Peers, 2017).

a. Implement shared parking with minimal on-site reserved parking spaces.
b. Ensure that at least 250 parking spaces are available for bayhealth and LA Fitness visitors. Consider limiting parking at most visitor parking spaces to two hours.

c. Implement time restrictions on most of the on-street parking along the Project frontage to encourage short-term parking for site visitors, and discourage all day parking by employee

d. Evaluate the potential to convert existing parallel on-street parking to angled parking along the project frontage on 67th Street, which may increase the area parking supply by about 10 to 15 spaces.

e. Monitor building parking demand as the building is occupied. The actual employee densities and commute modes could differ from the assumptions in this analysis, and if needed, implement additional strategies, such as identifying additional off-street parking facilities, providing parking lifts, and/or valet/stacked parking to manage area parking supplies.

Page 99 of the Draft EIR is revised to include the following correction and additional information:

67TH STREET/SAN PABLO AVENUE INTERSECTION

Implementation of Mitigation Measure T-4 would improve the intersection operations to LOS A during the AM and PM peak hours and would reduce the impact to less than significant. Queues at the newly signalized intersection are not expected to spill back to upstream signalized intersections along San Pablo Avenue, and the queues from the downstream signalized intersections are not expected to spill back to the 67th Street/San Pablo Avenue intersection. It is estimated that this impact would be triggered and the mitigation measure would need to be implemented when about 10 percent of full buildout of the Foundry 31 building is completed. It is estimated that the BayHealth component of the project would contribute about 55 percent of the traffic generated by full buildout at this intersection. The process for implementing a signal at this intersection is underway as of preparation of this Final EIR. The applicant has met with the City of Oakland and Caltrans to coordinate signalization of the intersection. The design of the signal is underway, the utility survey is complete and the application for the encroachment permit has been submitted to Caltrans. The 67th Street/San Pablo Avenue intersection is located in the City of Oakland. The City of Berkeley, as lead agency for the proposed project, does not have jurisdiction to approve or implement this mitigation measure; the mitigation would need to be approved and implemented by the City of Oakland. Therefore, the impact is conservatively considered significant and unavoidable because the City of Berkeley cannot ensure implementation of the mitigation measure.

Page 103 of the Draft EIR is revised to include the following information:

67TH STREET/SAN PABLO AVENUE INTERSECTION

Implement Mitigation Measure T-4, which would signalize the 67th Street/San Pablo Avenue intersection with a protected northbound left-turn lane, and coordinate signal timings with the adjacent intersections on San Pablo Avenue. Implementation of this mitigation measure would improve the intersection operations to LOS A during the AM and PM peak hours and would reduce the impact to less-than-significant. The process for implementing a signal at this intersection is underway. The applicant has met with the City of Oakland Transportation and Caltrans to coordinate signalization of the intersection. The design of the signal is underway, the utility survey is complete and the application for the encroachment permit has been submitted to Caltrans. The 67th Street/San Pablo Avenue intersection is located in the City of Oakland. The City of Berkeley, as lead agency for the proposed project, does not have jurisdiction to approve or implement this mitigation measure; the mitigation would need
to be approved and implemented by the City of Oakland. Therefore, the impact is conservatively considered significant and unavoidable because the City of Berkeley cannot ensure implementation of the mitigation measure.

Page 104 of the Draft EIR is revised to include the following correction:

The City of Berkeley Bicycle Master Plan Public Draft (October 2016) proposes cycltrack along San Pablo Avenue adjacent to the project site. The proposed project would not modify San Pablo Avenue and would not conflict with the proposed cycltrack. The Alameda Countywide Bicycle and Pedestrian Plans (ACTC 2012) include plans for the East Bay Greenway, a multi-use path that would extend from Albany to Fremont and would include the Emeryville Greenway path adjacent to the project site. The proposed project would not modify the Emeryville Greenway and would not conflict with this proposed countywide bicycle and pedestrian path. Impacts would be less than significant.

Page 106 of the Draft EIR is revised to include the following changes:

**DROP OFFS AND PICK-UPS**

The project would accommodate passenger vehicle drop off and pick-up trips that require assistance to access the medical offices at designated spaces in the parking lot. However, drop offs and pick-ups that do not require assistance could be accommodated in the parking lot or could be accommodated on the surrounding streets. In addition, paratransit shuttle services may not be able to utilize the rooftop parking lot for drop off and pick up due to the low height clearance in the driveways to the lot and therefore would have to drop off and pick up on 67th Street or San Pablo Avenue adjacent to the site. Currently, no spaces are designated for passenger loading along the project frontage. Parking along San Pablo Avenue adjacent to the project frontage is currently limited to two-hours. Mitigation Measure T-7 is recommended to provide additional drop off and pick-up space and improve site circulation.

Page 114 of the Draft EIR is revised to include the following corrections:

**Electricity and Natural Gas.** Table 30 shows the project’s estimated electricity and natural gas demand compared to statewide demand. Electricity and natural gas consumption were estimated using CalEEMod, as described in Section 4.1, Air Quality and Section 4.2, Greenhouse Gas Emissions (refer to Tables 5.2 and 5.3 included in Appendix C). Based on the modeling assumptions described in Section 4.1, Air Quality and Section 4.2, Greenhouse Gas Emissions, project development would utilize approximately 1,137 megawatt hours (MWh) of electricity and approximately 1.7 million cubic feet of natural gas per year during operation. As shown in Table 30, the project’s electricity consumption would represent approximately 0.00004-0.0004 percent of statewide annual demand, and project natural gas consumption would represent approximately 0.00001-0.0001 percent of statewide annual demand.

Table 30 on Page 114 is revised to include the following corrections:

<table>
<thead>
<tr>
<th>Form of Energy</th>
<th>Units</th>
<th>Annual Project-Related Energy Use</th>
<th>Annual Statewide Energy Use</th>
<th>Project Percent of Statewide Energy Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity</td>
<td>Megawatt hours</td>
<td>1,137(^1)</td>
<td>295,405,000(^2)</td>
<td>0.00004%-0.0004%</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>Billions of cubic feet</td>
<td>0.0017(^1)</td>
<td>2,313(^3)</td>
<td>0.00001%-0.0001%</td>
</tr>
</tbody>
</table>

Final Environmental Impact Report
<table>
<thead>
<tr>
<th>Form of Energy</th>
<th>Units</th>
<th>Annual Project-Related Energy Use</th>
<th>Annual Statewide Energy Use</th>
<th>Project Percent of Statewide Energy Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><code>1</code> CalEEMod output (provided in Appendix C)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><code>2</code> California Energy Commission 2017a</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><code>3</code> California Energy Commission 2017b</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following reference has been added to the References list in Section 7 of the Draft EIR.