

2136-2154 San Pablo Avenue Mixed Use Project

Draft Environmental Impact Report



City of Berkeley
Department of Planning and Development
1947 Center Street
Berkeley, CA 94704

URBAN
PLANNING
PARTNERS
INC.

October 2023

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	PURPOSE OF EIR.....	1
B.	SCOPE OF THIS DRAFT EIR.....	1
C.	PUBLIC REVIEW PROCESS.....	2
D.	REPORT ORGANIZATION	3
E.	STANDARD TERMINOLOGY	4
II.	SUMMARY	5
A.	OVERVIEW OF PROJECT.....	5
B.	SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES	5
C.	SUMMARY TABLE.....	7
III.	PROJECT DESCRIPTION	15
A.	PROJECT OBJECTIVES	15
B.	PROJECT SITE	17
C.	PROJECT	20
D.	DISCRETIONARY ACTIONS AND CONSULTATION	27
IV.	SETTING, IMPACTS, AND MITIGATION MEASURES	29
A.	CULTURAL RESOURCES	31
B.	HYDROLOGY AND WATER QUALITY	46
V.	ALTERNATIVES	59
A.	PROJECT OBJECTIVES AND IMPACTS.....	60
B.	CEQA ALTERNATIVES	61
C.	ENVIRONMENTALLY SUPERIOR ALTERNATIVE.....	65
VI.	CEQA REQUIRED ASSESSMENT CONCLUSIONS	67
A.	GROWTH-INDUCING IMPACTS	67
B.	SIGNIFICANT IRREVERSIBLE CHANGES	68
C.	SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS.....	69
D.	EFFECTS FOUND NOT TO BE SIGNIFICANT	69
VII.	LIST OF PREPARERS AND REFERENCES	71
A.	LEAD AGENCY	71
B.	CONSULTANTS.....	71
C.	REFERENCES.....	72

APPENDICES

- A. Notice of Preparation/Revised Initial Study
- B. Comments Received
- C. Cultural Resources Analysis

List of Figures

Figure III-1 Project Location 16

Figure III-2 Existing Site Conditions..... 18

Figure III-3 Ground Floor Site Plan..... 21

Figure III-4 Mezzanine Level Site Plan 22

Figure III-5 Levels 2-5 Site Plan..... 23

Figure III-6 Proposed Elevations 25

Figure III-7 Density Massing and Shadows..... 26

List of Tables

Table II-1 Summary of Impacts and Mitigation Measures..... 8

I. INTRODUCTION

A. PURPOSE OF EIR

In compliance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), this Draft Environmental Impact Report (EIR) evaluates the environmental impacts of the proposed 2136-2154 San Pablo Avenue Mixed-Use Project (project). *Chapter III, Project Description*, presents a detailed description of the project.

Pursuant to CEQA Guidelines Section 15064(f)(1), preparation of an EIR is required when a lead agency determines, based on substantial evidence, that a project may result in a significant adverse effect on the environment (impact). An EIR is an informational document to inform public agencies and the public of the significant environmental effects of a proposed project, identify possible ways to mitigate or avoid significant effects, and describe a reasonable range of feasible alternatives to the project that could feasibly attain most of the basic project objectives while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

The City of Berkeley (City), as the lead agency, prepared this Draft EIR and made it available for public review for the period identified in the Notice of Availability (NOA) published with this document. During this time, written comments may be submitted to the Planning and Development Department at the address indicated on the NOA. Responses to all comments received on the environmental analysis in this Draft EIR during the specified review period will be included in the Response to Comments/Final EIR document.

B. SCOPE OF THIS DRAFT EIR

An Initial Study and Notice of Preparation (NOP) was distributed to responsible and trustee agencies, nearby property owners, and other interested parties on August 17, 2022. A copy of the NOP was also sent to the State Clearinghouse and Alameda County Clerk. The NOP was circulated for a 30-day period from August 19, 2022, to September 19, 2022. A scoping session for the preparation of the EIR was held on September 8, 2022. Verbal and written comments on the NOP—received from public agencies, neighboring property owners and the public—were considered during the preparation of this Draft EIR. The resource topics most frequently referenced in the NOP comments are Aesthetics, Biological Resources, Hydrology and Water Quality, Noise, and Transportation. The topics raised in the NOP comment letters are briefly

described in *Chapter II, Summary*, and the letters received in response to the NOP are provided in *Appendix B, Comments Received* to this Draft EIR.

Pursuant to CEQA Guidelines Section 15063(c)(3)(a), the discussion of potential effects on the environment in the EIR may be focused on those impacts that the City has determined may be potentially significant. The Initial Study issued August 2022 determined that the project may result in a potentially significant environmental impact to historic resources under the broader topic of Cultural Resources as well as Hydrology and Water impacts. All other issue areas were found to have no impact, less than significant impacts, or less than significant impacts with mitigation incorporated. The resource areas found to have no impact or a less-than-significant impacts are Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources (other than impacts related to historical resources), Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Parks and Recreation, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The Initial Study was updated in December 2022 (Revised Initial Study) to provide additional information included in the Cultural Resource Study and a Ground Penetrating Radar Survey that was completed in response to a request received during Tribal Consultation (refer to Revised Initial Study, Section XVIII, Tribal Cultural Resources). The impacts of the project related to each of the topics listed above are described in depth in the Revised Initial Study, which is attached to this Draft EIR as *Appendix A, Notice of Preparation/Revised Initial Study*.¹ For this reason, the discussion in this Draft EIR is focused on potential impacts to cultural resources (historic resources and archaeological resources) and Hydrology and Water Quality (other than impacts related to stormwater runoff).

A reasonable range of alternatives to the project, including the CEQA-mandated No Project Alternative and other potential alternatives that might reduce or avoid potential significant environmental effects, are also considered in this Draft EIR. Refer to *Chapter V, Alternatives*.

C. PUBLIC REVIEW PROCESS

This Draft EIR is being circulated for a public review and comment for a 45-day period beginning on October 20, 2023 and ending on December 4, 2023. During this public review period, comments from the public, organizations, and agencies on environmental issues may be submitted to the City. Copies of the Draft EIR are available online for review at:

<https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>

¹ The Initial Study is also available at the following webpage: <https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>. Click on Zoning tab; enter the address or project number; select the permit; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials.

Refer to Use Permit number #ZP2021-0046 when accessing the documents.

The 45-day public review period will conclude at 5:00 p.m. on December 4, 2023. All written comments on the Draft EIR should be addressed to:

Sharon Gong, Senior Planner
City of Berkeley
1947 Center Street, 2nd floor
Berkeley, CA 94704
Email: Sgong@berkeleyca.gov

Please include a subject line referencing the 2136 San Pablo Avenue project. Responses to all comments received on the environmental analysis in the Draft EIR during the specified review period will be included in the Response to Comments/Final EIR.

D. REPORT ORGANIZATION

This Draft EIR is organized into the following chapters:

- *Chapter I – Introduction:* Discusses the overall EIR purpose, describes the scope of the EIR and the public review process, outlines the organization of the EIR, and provides standard terminology.
- *Chapter II – Summary:* Provides an overview of the project, summarizes the impacts that would result from implementation of the project and describes the recommended standard Conditions of Approval (COAs) and mitigation measures to avoid or reduce significant impacts, identifies potential areas of controversy, and summarizes the project alternatives.
- *Chapter III – Project Description:* Describes the project objectives, project site, site development history, proposed development, and required approval process.
- *Chapter IV – Setting, Impacts, and Mitigation Measures:* Analyzes the following environmental topics: Cultural Resources and Hydrology and Water Quality. Potential adverse environmental impacts are identified by levels of significance, as follows: less-than-significant impact (LTS), significant impact (S), and significant and unavoidable impact (SU). The significance level is identified for each impact both before and after implementation of the recommended mitigation measure(s).
- *Chapter V – Alternatives:* Evaluates three alternatives to the project. The alternatives are included to meet the CEQA requirement that an EIR describe a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project but that would avoid or substantially lessen any of the significant effects of the project. Given the narrow focus of this Draft EIR, three alternatives provide a reasonable

range. The alternatives analyzed in the Draft EIR are the No Project/No Build Alternative, the Live-Work Façade Preservation Alternative, and the Commercial Storefront Preservation Alternative.

- *Chapter VI – CEQA-Required Assessment Conclusions:* Provides the required analysis of growth-inducing impacts, significant irreversible changes, summary of significant unavoidable impacts, and an overview of effects were found not to be significant in the Initial Study included in *Appendix A, Notice of Preparation/Revised Initial Study*.
- *Chapter VII – Report Preparation:* Identifies the preparers of the Draft EIR, the references used, and the persons and organizations contacted.
- *Appendices:* The appendices include a copy of the NOP and the Revised Initial Study (Appendix A), and all comments received in response to the NOP (Appendix B), and technical analyses and data for the cultural resources analysis (Appendix C).

E. STANDARD TERMINOLOGY

This Draft EIR uses the following standard terminology:

- “No impact” means no change from existing conditions (no mitigation is needed).
- “Less-than-significant impact” means the project would not result in substantial and/or adverse change to the environment and no mitigation is required.
- “Significant impact” means that the project would result in a substantial or potentially substantial adverse change in the physical environment.
- “Significant and unavoidable impact” means that the project would result in substantial adverse changes in the physical environment which cannot be avoided, even with implementation of all feasible mitigation.

II. SUMMARY

A. OVERVIEW OF PROJECT

The project is the 2136-2154 San Pablo Avenue Mixed-Use Project (project). The approximately 0.53-acre project site is in the West Berkeley Plan area in the city of Berkeley and is on one parcel identified as Assessor's Parcel Number (APN): 056-1977-011-01.

The project proposes to demolish an existing 9,000-square-foot one-story building and construct a new six-story mixed-use development. The project would include a six-story mixed-use building comprised of 123 dwelling units, 3 live-work units, and a secure ground-floor bicycle storage room. The project site would also include a parking garage, and 6,319 square feet of open space. Pursuant to the State Density Bonus Law, Government Code Section 65915, the allowable Density Bonus of 32.5 percent permits 31 additional residential dwelling units, which are included in the 123 total number of dwelling units. See *Chapter III, Project Description*, for more details.

B. SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL, AND MITIGATION MEASURES

The following summary provides an overview of the analysis within *Chapter IV, Setting, Impacts and Mitigation Measures*; *Chapter VI, CEQA Required Assessment Conclusions* and *Chapter V, Alternatives*, of this Draft EIR. CEQA requires the EIR summary to include a discussion of (1) issues to be resolved, (2) areas of controversy, and (3) significant impacts and proposed mitigation measures and alternatives. The lead agency must decide the following major issues about the project:

- If the mitigation measures in the EIR should be adopted or modified.
- Whether to approve the project or an alternative.

1. Potential Areas of Controversy

Written letters and verbal comments regarding the scope of this Draft EIR were received by the City during the Notice of Preparation (NOP) 30-day public comment period (August 17, 2022 – September 19, 2022). Written comments are included in *Appendix B, Comments Received*. The following key areas of concern and/or controversy were raised in the comments (written and verbal):

- Overall building massing and design.
- Relationship to neighborhood context and adjacent new development.
- Loss of historic façade details and lack of articulation on new façade.
- Shading impacts.

- Lack of sufficient pedestrian scale and streetscape improvements.
- Street tree removal.
- Traffic.
- Driveway location.
- Project timeline and anticipated date of completion.
- Noise.
- Permitting required prior to construction.
- Equitable access and compliance with American Disabilities Act (ADA) standards.
- Hazardous materials and soil contamination.
- Water usage and conservation.
- Effects on migrating and local birds.
- Heat-island effect.
- Air quality.
- Setback of project site from street.

The list above represents most of the topics identified by comments. Copies of the NOP and written comments are included in *Appendix B, Comments Received*.

2. Significant Impacts, Cumulative Impacts, Standard Conditions of Approval, and Mitigation Measures

CEQA defines a significant impact on the environment as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." ²

This Draft EIR focuses on historic resources and archaeological resources, under the broader topic of Cultural Resources, and Hydrology and Water Quality. All other topics were considered in the Revised Initial Study and were found to be less than significant. As discussed in the Revised Initial Study, for Hydrology and Water Quality, the mitigation measure identified in the Revised Initial Study would reduce the impacts of the project to a less-than-significant level, and the contribution of the project to cumulative impacts would not be cumulatively considerable. For Cultural Resources, the impact related to demolition of the existing structure, which is considered an historic resource, would remain significant and unavoidable for the project and in the cumulative conditions considering the project impact in combination with impacts associated with past projects, other current projects and probable future projects causing related impacts. The Cultural Resource impact related to archaeological resources would be less-than-significant with the mitigation measures identified in the Revised Initial Study. Cultural Resources and

² Title 14 of the California Code of Regulations, Section 15382; Public Resources Code Section 21068.

Hydrology and Water Quality impacts are analyzed in *Chapter IV, Setting, Impacts, and Mitigation Measures*.

3. Alternatives to the Project

Chapter V, Alternatives, analyzes three alternatives to the project to meet the CEQA requirements for analysis of a reasonable range of project alternatives. The three alternatives analyzed in *Chapter V* are as follows:

- The **No Project/No Build Alternative** assumes the project site would remain in its current condition and no new development would be constructed on the project site.
- The **Live-Work Façade Preservation Alternative** assumes development of 123 multi-family residential units and three live-work units, which is the same as the project. Unlike the project, the Live-Work Façade Preservation Alternative would retain the existing façade and preserve the character defining features of the primary façade of the historic building.
- The **Commercial Storefronts Preservation Alternative** assumes development of 123 multi-family residential units, but it would not include development of the three live-work units. It would retain the existing façade to preserve the character defining features at the front of the historic building as well as retaining the eight commercial tenant spaces at the ground floor fronting San Pablo Avenue.

C. SUMMARY TABLE

Information in Table II-1, Summary of Impacts and Mitigation Measures has been organized to correspond with environmental issues discussed in the Revised Initial Study and *Chapter IV, Setting, Impacts, and Mitigation Measures* of this Draft EIR. The table is arranged in four columns: (1) impact statement; (2) level of significance prior to mitigation measures being implemented, (3) recommended mitigation measures to reduce the impact; and (4) level of significance after implementation of mitigation measures. The following acronyms are used to identify level of significance: Significant (S), and Less Than Significant (LTS). If no feasible mitigation measures are available to adequately reduce an impact to a LTS level, then the impact is identified and Significant and Unavoidable (SU) after mitigation measures are implemented (column 4).

For a complete description of environmental findings and required mitigation measures please refer to the specific discussions in *Chapter IV, Setting, Impacts, and Mitigation Measures* and the Revised Initial Study included in *Appendix A, Notice of Preparation/Revised Initial Study*.

TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation Measures	Mitigation Measures	Level of Significance With Mitigation Measure
A. Aesthetics			
<i>Implementation of the project would not result in any significant aesthetic impacts.</i>			
B. Agricultural and Forest Resources			
<i>Implementation of the project would not result in any agricultural and forest resources impacts.</i>			
C. Air Quality			
<i>Implementation of the project would not result in any significant air quality impacts.</i>			
D. Biological Resources			
<i>Implementation of the project would not result in any significant biological resources impacts.</i>			
E. Cultural Resources			
CUL-1: The project would demolish the existing 1923 storefront commercial building, which is a historical resource pursuant to CEQA Guidelines Section 15064.5.	S	CUL-1: Documentation. Prior to the issuance of a demolition permit, the project applicant shall hire a professional HABS photographer to document the 1923 storefront commercial building and its setting. Generally, this documentation shall be done in accordance with the Historic American Building Survey (HABS) "Outline" format, which includes: 1. Photographs: HABS standards require large-format black-and-white photography, with large-format safety film negative (4" x 5", 5" x 7", or 8" x 10") and a contact print, archivally processed, on fiber-based paper. The HABS photographer must be familiar with the recordation of historical resources in accordance with current HABS guidelines. Photographs should include context views of the general environment to illustrate setting, including landscaping, adjacent building(s), and roadways, views of character-defining features, exterior elevations of significant façades, views of interior spaces, and detailed views of specific materials or elements. Overgrowth, board-up plywood, and other obstacles shall be removed by the project sponsor prior to photography at the direction of the professional HABS photographer. Photographs must include a photo index, photo sketch	SU

TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation Measures	Mitigation Measures	Level of Significance With Mitigation Measure
		plans, and field notes, and be identified and labeled using HABS standards outlined in Preparing HABS/HAER/HALS Documentation - Transmittal Guidelines. 2. Measured Drawings or 3D Laser Scanning “As-Built”: Measured drawings for HABS are considered “as-built” drawings. As such, they illustrate the existing condition of a building at the time of documentation, including additions, alterations, and demolitions which have occurred since the building was first constructed. Where sufficient knowledge exists concerning the sequence of changes to a building over time, it may be useful to provide appropriate notation on the drawings. Alternatively, delineators may wish to produce additional interpretive drawings illustrating the building at an earlier date, to explain its historic significance more fully. In lieu of measured architectural drawings, 3D laser scanning and 2D CAD documentation can be done to create as-built drawings from the scanned data in AutoCAD in order to provide archival-quality printed and digital images that can be utilized for future exhibits, documentation and research associated with the 1923 storefront commercial building. The 3D images can then be printed as measured drawings and will also be available digitally. 3. Historical Background Information: An architectural historian, meeting the Secretary of the Interior’s Professional Qualification Standards, shall assemble historical background information, drawings, maps, and historic photographs relevant to the 1923 storefront commercial building and its setting using the HABS “Outline” format to produce a HABS historical report. The historical report will be formatted to HABS Guidelines for Historical Reports (updated January 2020). 4. Public Access to Documentation: HABS documentation must be prepared using specific archival materials and archival processes to comply with the permanence	

TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation Measures	Mitigation Measures	Level of Significance With Mitigation Measure
CUL-2: Ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources.	S	standards that govern the collection. By adhering to these standards, even the very earliest HABS records from the 1930s are still available for researchers and will be in the future. Non-archival material deteriorates for two principal reasons: harmful substances in the environment attack it, and/or the physical and chemical composition is such that it will deteriorate regardless of how it is stored. As such, it is recommended that one archival set of the HABS documentation is submitted to the Library of Congress or the BAHA. Digital copies are also recommended to be submitted to the NWIC/CHRIS, the City of Berkeley, the City of Berkeley Library, the Berkeley Historical Society, the California State Library, and the California Historical Society. This mitigation would create a collection of preservation materials that would be available to the public and inform future research. CUL-2a: Cultural Resources Awareness Training. Prior to commencement of Project-related, ground-disturbing activities, the project supervisors, equipment operators, and other members of the construction team overseeing or conducting ground-disturbing activities shall be familiarized with the types of archaeological resources that could be encountered during ground-disturbing activities and the procedures to follow if subsurface archaeological resources are unearthed during construction. To accomplish this, a Secretary of Interior qualified archaeologist shall conduct one or more preconstruction Cultural Resource Awareness Trainings as needed to familiarize supervisors, contractors, and equipment operators with the potential to encounter archaeological resources, the types of archaeological material that could be encountered, and procedures to follow if archaeological deposits and/or artifacts are encountered during construction. CUL-2b: Implementation of Inadvertent Discovery Protocols. If an archaeological deposit is encountered during Project-related, ground-disturbing activities, all work within 50 feet	LTS

TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation Measures	Mitigation Measures	Level of Significance With Mitigation Measure
		of the discovery shall be redirected until the archaeologist assesses the find, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposit shall be evaluated for its eligibility for listing in the CRHR. If the deposit is found to be eligible, adverse effects shall be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation that may include data recovery using standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility. Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to the Project applicant, City of Berkeley, and the NWIC/CHRIS upon completion of the resource assessment.	
CUL-3: Implementation of the project would contribute to a cumulatively considerable historic resources impact.	LTS	CUL-3: Implement Mitigation Measure CUL-1	SU
F. Energy			
<i>Implementation of the project would not result in any significant energy impacts.</i>			
G. Geology and Soils			
<i>Implementation of the project would not result in any significant geology and soils impacts.</i>			
H. Greenhouse Gas Emissions			
<i>Implementation of the project would not result in any significant greenhouse gas emissions impacts.</i>			
I. Hydrology and Water Quality			

TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation Measures	Mitigation Measures	Level of Significance With Mitigation Measure
HYDRO-1: Project could substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site.	S	HYDRO-1: Hydraulic modeling shall be performed to evaluate the rates of stormwater discharge from the project site under existing conditions and from the project. The available capacity of existing off-site storm drain systems that would receive runoff from the project shall be evaluated and the evaluation shall account for contribution of runoff from the project site and other development projects that are under construction or planned which would discharge stormwater into the same storm drain systems. If an increase in stormwater discharge from the project site could cause an exceedance of the available capacity of existing storm drain systems, the project shall incorporate stormwater retention systems (e.g., swales, retention ponds, or cisterns with metered outlets) into the project design to ensure that stormwater runoff from the project would not contribute to exceeding the capacity of existing off-site storm drain systems. The results of the hydraulic modeling, evaluation of the capacity of existing off-site storm drain systems, and any changes to the project's stormwater management system designs shall be submitted to the City for review and approval prior to the issuance of grading or building permits.	LTS
HYDRO-2: The project would alter drainage patterns and increase the amount of impervious surface area, which could create or contribute runoff water which could exceed the capacity of stormwater drainage systems.	LTS	HYDRO-2: Implementation of Mitigation Measure HYDRO-1 would ensure that potential impacts related to exceeding the capacity of existing or planned stormwater drainage systems would be less than significant.	LTS
J. Land Use and Planning			
<i>Implementation of the project would not result in any significant land use and planning impacts.</i>			
K. Mineral Resources			
<i>Implementation of the project would not result in any significant mineral resources impacts.</i>			
L. Noise			

TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation Measures	Mitigation Measures	Level of Significance With Mitigation Measure
<i>Implementation of the project would not result in any significant noise impacts.</i>			
M. Parks and Recreation			
<i>Implementation of the project would not result in any significant parks and recreation impacts.</i>			
O. Population and Housing			
<i>Implementation of the project would not result in any significant population and housing impacts.</i>			
P. Public Services			
<i>Implementation of the project would not result in any significant public services impacts.</i>			
Q. Transportation			
<i>Implementation of the project would not result in any significant transportation impacts.</i>			
R. Tribal Cultural Resources			
<i>Implementation of the project would not result in any significant tribal cultural resources impacts.</i>			
S. Utilities and Service Systems			
<i>Implementation of the project would not result in any significant utilities and service systems impacts.</i>			
T. Wildfire			
<i>Implementation of the project would not result in any significant wildfire impacts.</i>			

III. PROJECT DESCRIPTION

The project site is located at 2136-2154 San Pablo Avenue in the city of Berkeley. The rectangular parcel (Assessor's Parcel Number [APN] 056-1977-011-01) encompasses 23,301 square feet (0.53 acres) and is located on the west side of San Pablo Avenue, mid-block between Addison Street to the north and Allston Way to the south. The site is bounded by a multi-story senior residential care facility to the north, San Pablo Avenue to the east, a commercial liquor store to the south, and George Florence Park to the west.

Major local roadways include San Pablo Avenue, directly abutting the project site to the east; University Avenue, one and a half blocks to the north of the project site; Dwight Way approximately 0.5 miles to the south; and Sixth Street, approximately 0.25 miles to the west of the project site. Regional vehicular access to the site is provided by Interstate 80/580 via the University Avenue on- and off-ramps located approximately 0.5 miles west of the project site. Figure III-1 depicts the project location.

The project site is in close proximity to many transit options. It is approximately 1 mile southwest of the North Berkeley Bay Area Rapid Transit (BART) station and approximately 0.5 miles east of the Berkeley Amtrak Station. It is also directly adjacent to several Alameda County Transit (AC Transit) bus lines. The nearest public bus stops are each on San Pablo Avenue, approximately 0.1 mile away from the project site. AC Transit Line 72 runs along San Pablo Avenue with stops at San Pablo and University Avenue, and at San Pablo and Allston Way. In addition, AC Transit Line 51B runs along University Avenue with several stops at the intersection of San Pablo Avenue and University Avenue, 0.25 miles from the project site.

A. PROJECT OBJECTIVES

The objectives for the project are:

- Construct a mixed-use development that includes dwelling units, live-work units, and open spaces that primarily serve residents;
- Activate the San Pablo Avenue frontage by designing for a mix of uses;
- Provide high-density transit-oriented design that maximizes efficient and sustainable use of land through urban infill development;
- Reduce residential vehicle miles traveled and single occupancy vehicle use by promoting higher density, walkability, and the creation of a complete community with uses easily accessible to public transportation and the regional transportation network; and
- Support the retention and attraction of businesses throughout the West Berkeley Commercial District.

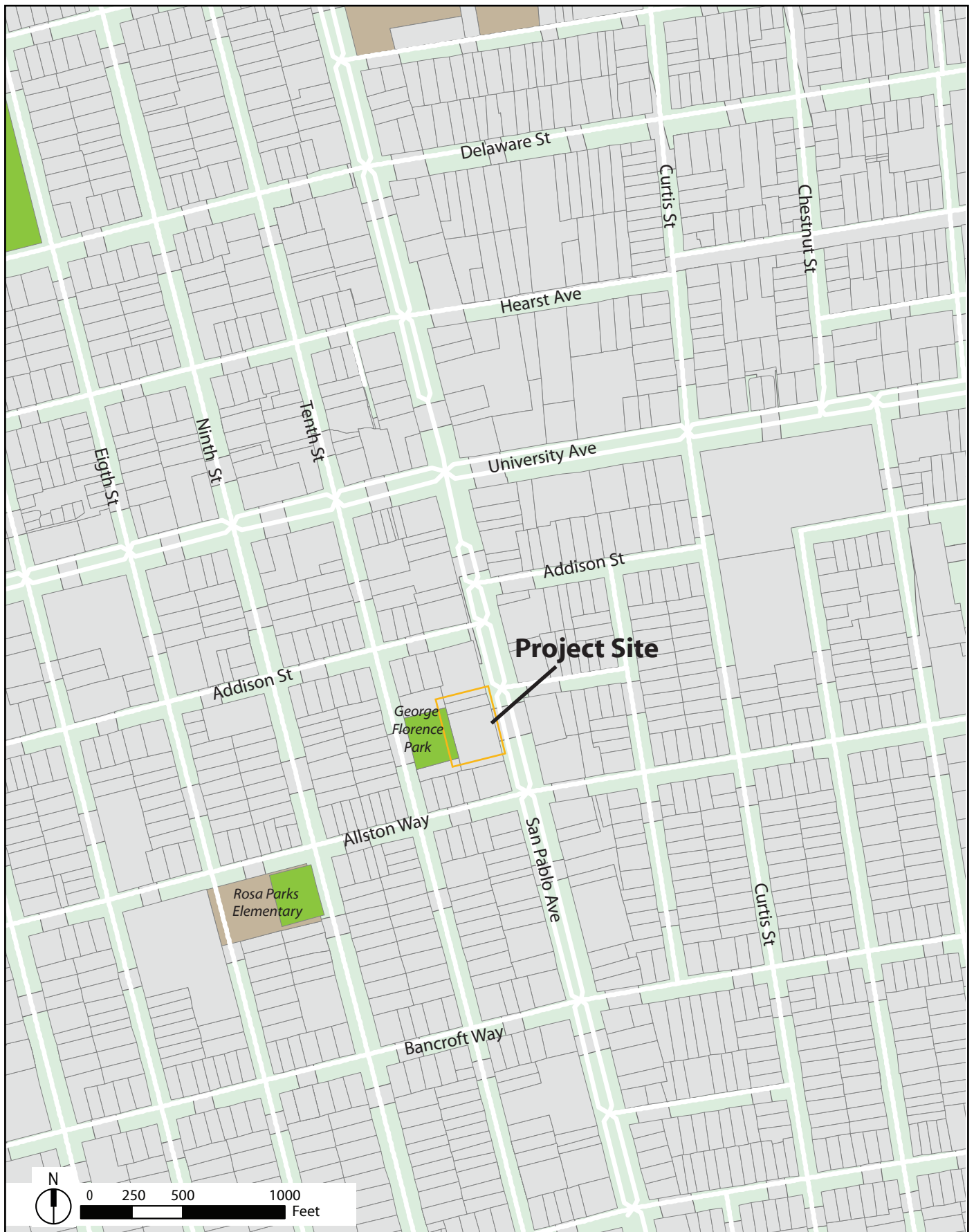


Figure III-1
Project Location

B. PROJECT SITE

1. Location and Surrounding Land Uses

The project is in an urban, developed area. The project site is bounded by a four-story mixed-use senior residential care facility to the north and a single-story commercial building to the south. Other nearby properties include a one-story auto-repair shop located directly across from the project site along San Pablo Avenue, and two-and three-story residential buildings along Allston Way. Figure III-2 shows the project site within the context of the existing surrounding land uses.

2. Site Characteristics

The 0.53-acre project site is privately owned. The rectangular parcel, oriented north-to-south, is fully developed with an approximately 9,000-square-foot single-story main building with a parapet wall abutting San Pablo Avenue; it is set back from the south (side) and west (rear) lot lines. Additional on-site elements include a vehicle parking lot and a temporary storage tent.

The concrete-walled building was designed by architects William E. Schirmer (1891-1957) and A.S. Bugbee (dates unknown) and constructed in 1923 in the Classical Revival/Beaux-Arts architectural style. The primary building elevation is divided equally into eight distinct storefront bays, separated by pilasters that resemble classical columns with ornamental bases and a three-part decorative entablature³ spanning the length of the façade. The building was designated a City of Berkeley Landmark in 2020 for its architectural merit, and therefore is considered a historic resource pursuant CEQA.

A sidewalk runs along San Pablo Avenue on the east side of the project site. Landscaping includes three mature street trees along San Pablo Avenue. Vehicles access the property from San Pablo Avenue via a curb cut at the southeast corner of the property. A metal gate spans the width of the driveway. Street parking is available on San Pablo Avenue and surrounding streets.

³ Assemblage of horizontal moldings and bands supported by and located immediately above the columns of Classical buildings or similar structural supports in non-Classical buildings.



4 VIEW FROM SAN PABLO LOOKING SOUTH



2 VIEW FROM COWPER LOOKING WEST



3 VIEW FROM SAN PABLO LOOKING NORTH



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

Figure III-2
Existing Site Conditions
2136-2154 San Pablo Avenue DEIR

3. Existing General Plan and Zoning

a. General Plan

The City of Berkeley General Plan land use designation for the site, as established by the Land Use Element, is Avenue Commercial (AC). The intent of the AC designation is to encourage visually attractive, pedestrian-oriented commercial development and multi-family residential structures. Areas of the City with the AC designation are meant to provide a range of community and commercial services that will fully serve neighborhood needs. According to the General Plan, where the AC designation applies to the West Berkeley Commercial (C-W) district, building intensities are generally no greater than a Floor Area Ratio (FAR) of 3.0.

b. West Berkeley Plan

The project site is also located in the West Berkeley Plan Area, defined as the area between San Pablo Avenue (incorporating both sides of the street) and the Eastshore Freeway. The West Berkeley Plan is intended to guide the development of West Berkeley. It sets forth the City's key land use, environmental, economic development, transportation, housing and social services, and physical form (urban design, historic preservation, open space) policies for West Berkeley. The project would be consistent with applicable policies of the West Berkeley Plan related to environmental issues addressed by CEQA, including the following:

- **Environmental Policy 1.6:** Avoid the establishment of new uses which pose unmitigable environmental hazards (see Permitted and Prohibited Uses in Land Use Element).
- **Environmental Policy 5.2:** Reduce existing traffic and adequately mitigate the impact of future traffic (see Transportation Element).
- **Environmental Policy 5.6:** Avoid the establishment of new uses which would create immitigable odors in residential districts.
- **Environmental Policy 5.7:** Institute tree planting as an anti-pollution measure (see Physical Form Element for Implementation Measures).
- **Transportation Goal 1:** Improve traffic flow and air quality by reducing reliance on single occupant automobiles, by encouraging use of alternative means of transportation.

c. Zoning

The zoning designation for the project site is West Berkeley Commercial District (C-W). The C-W District has a broad range of purposes, including: providing locations for commercial services, supporting retention and attraction of a variety of commercial and retail services, providing appropriate locations for commercial services serving a citywide clientele, encouraging the intensification of commercial activity at designated nodes, increasing opportunities for development of housing in commercial areas, promoting development compatible with adjacent

uses, providing a location for cultural and performing arts activities, and promoting environmental protection for residents and workers within and adjacent to the district.

The C-W District allows ground floor commercial uses and mixed-use residential. New main buildings in the C-W District must reach a minimum height of 25 feet and a maximum of 40 feet. A maximum building height of 50 feet and four stories is permitted for mixed-use projects. However, the fourth floor must be used for residential or live/work purposes. The project proposes to exceed this conditionally permitted C-W height limit by two stories through State Density Bonus provisions. The granting of the density bonus and related concessions or waivers of development standards does not require discretionary approval (Government Code Sections 65915(f)(5) and 65915(j)(1)).

C. PROJECT

The project would demolish the existing 9,000-square-foot one-story building on the project site and construct a six-story, mixed-use building. The proposed building has the following characteristics:

1. Six stories (69 feet 6 inches) in height;
2. 123 dwelling units (including six loft-style units) and three live-work units;
3. 82,824 square feet of gross floor area;
4. A parking garage with 50 vehicle parking spaces;
5. A secure, ground-floor bicycle storage room with long-term parking for 64 bicycles and short-term parking for eight bicycles; and
6. 6,319 square feet of open space.

The three live-work units and six loft-style dwelling units would be at the ground floor, with the live-work units fronting on San Pablo Avenue and the loft-style units facing the back of the lot and George Florence Park to the west. Each of the live-work units would have a mezzanine for exclusively residential space (Figure III-4). The ground floor would also include a community room, lounge, mail room, trash room, parking garage, and bicycle storage room, as shown in Figure III-3. Floors two through five would be comprised of 117 dwelling units, consisting of 36 studios, 76 one-bedroom units, and five two-bedroom units, as shown in Figure III-5. The building's massing would step down from six stories at the front facing San Pablo Avenue to four stories at the rear towards the west. West-facing rooftop gardens would be accessed via the fourth and sixth floors. The project also features a common open space area at the podium level (level 2) facing west, toward the rear of the property.

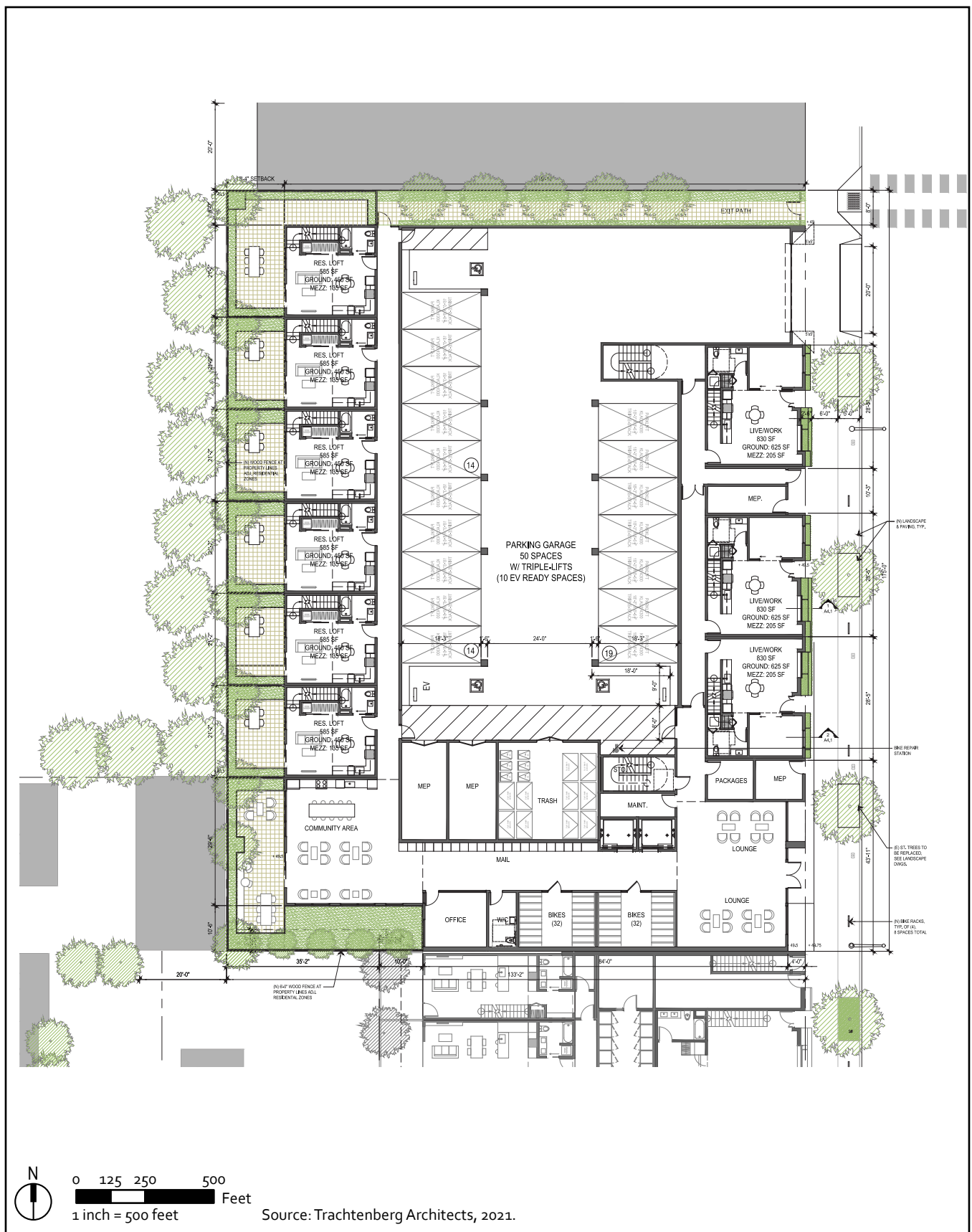
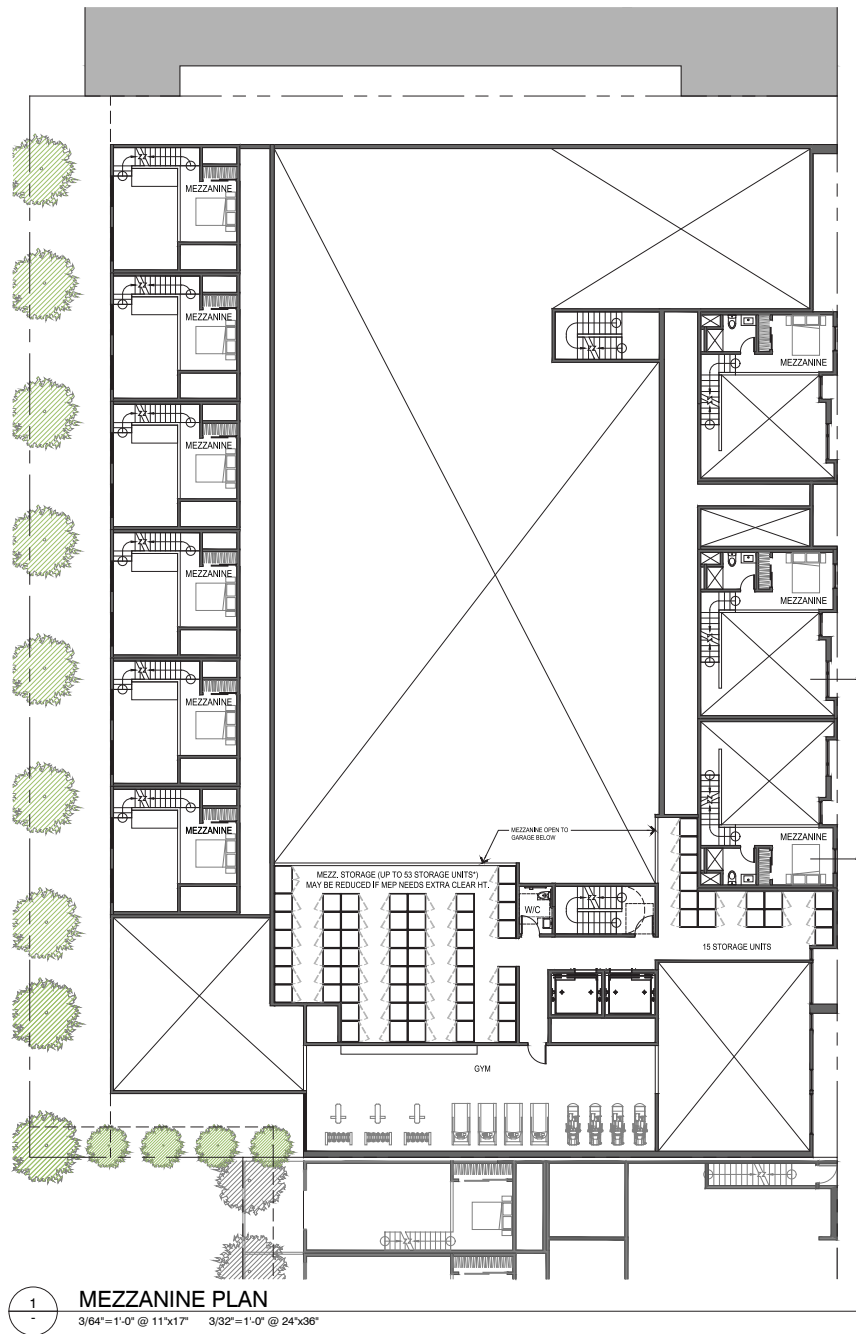


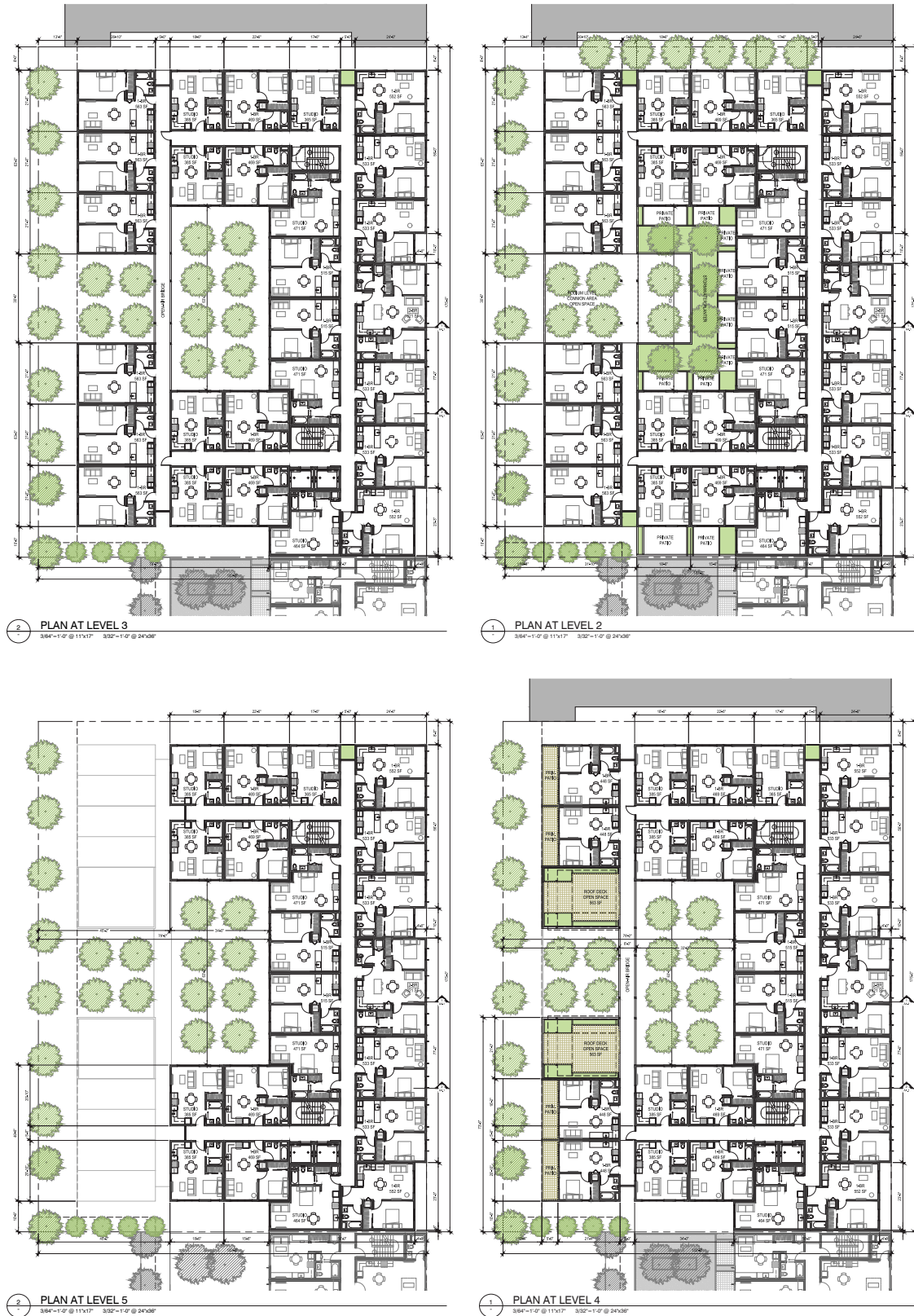
Figure III-3
Ground Floor Site Plan
2136-2154 San Pablo Avenue DEIR



0 125 250 500
Feet
1 inch = 500 feet

Source: Trachtenberg Architects, 2021.

Figure III-4
Mezzanine Level Site Plan
2136-2154 San Pablo DEIR



Source: Trachtenberg Architects, 2021.

Figure III-5
Levels 2-5 Site Plan
2136-2154 San Pablo DEIR

Automobile access to and from the parking garage would be provided via a driveway at the northeast corner of the building on San Pablo Avenue. Primary building access would be through the lobby on San Pablo Avenue. Pedestrian access between the garage and the lobby would be provided through a hallway on the ground level of the building. Figure III-3, above, shows the location of these vehicular and pedestrian entrances.

The project would provide a total of 6,319 square feet of open space, consisting of 532 square feet of common usable open space at the ground level, and 2,345 square feet at the podium level (level 2). Two roof decks on the fourth floor would provide a total of 2,802 square feet of common open space for building residents. One deck would be located at the western edge overlooking 10th Street, and the other on the eastern edge overlooking San Pablo Avenue. Sixteen of the 123 dwelling units would have 40-square-foot private patios, which would provide a total of 640 square feet of private open space.

Pursuant to State Density Bonus law, the inclusion of very-low-income (VLI) units entitles a project to a bonus in residential density, waivers to development standards, and concessions. The applicant has proposed a code-compliant base project of 95 dwelling units, including 3 live-work units⁴, with 10 units (10 percent of the base units, rounded up) affordable to VLI households. By providing 10 VLI units, the project is entitled to a 32.5 percent density increase (up to 31 additional units), for a total of 126 dwelling units. To accommodate the additional units while retaining a significant building setback from the lower-density homes to west, the project would use waivers of local development standards, allowed under California's State Density Bonus law, to increase the building's height to 69 feet 6 inches and 6 stories, above the 50 feet and 4 stories maximums permitted in the C-W District.

Additionally, the project would use a waiver to accommodate the project's proposed floor area ratio (FAR) of 3.55, above the maximum FAR of 3.0 permitted in the C-W District. The project would also request a concession to reduce the off-street automobile parking requirement by 17 parking spaces, which would allow the project to provide the proposed 50 off-street automobile parking spaces. The project elevations, as shown in Figure III-6, and building massing and shadows, as shown in Figure III-7, demonstrate what buildout of the project would look like should the density bonus be utilized to increase the building height.

Construction is anticipated to last approximately 18 months. The excavation depth would be a maximum of 9 feet, with up to approximately 2,473 cubic yards of soil excavated and off hauled from the site. Groundwater depth at the site is estimated to be between 8 to 24 feet below ground surface. No pile driving would occur or be required. The project would not include an emergency generator. Construction activity would require the removal of three existing street

⁴ Live/work units are considered commercial uses that can contain no more than 50% living area, but for density bonus calculations, counts as one dwelling unit.



2 WEST ELEVATION
3/64" = 1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



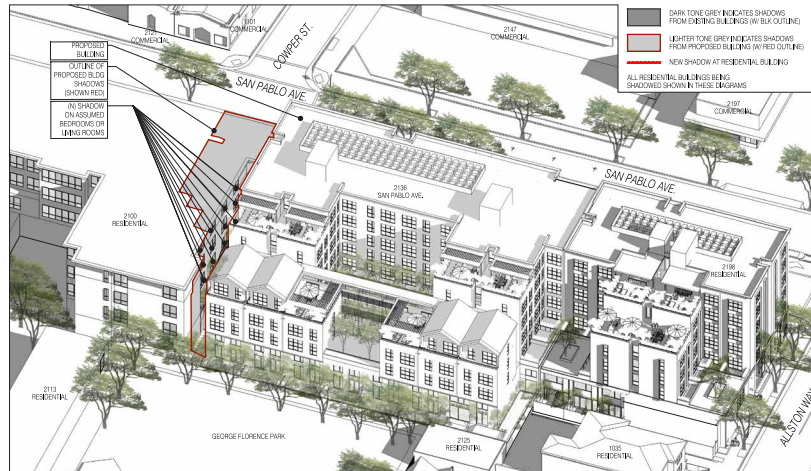
1 EAST ELEVATION
1/32" = 1'-0" @ 11X17 2/32" = 1'-0" @ 24X36



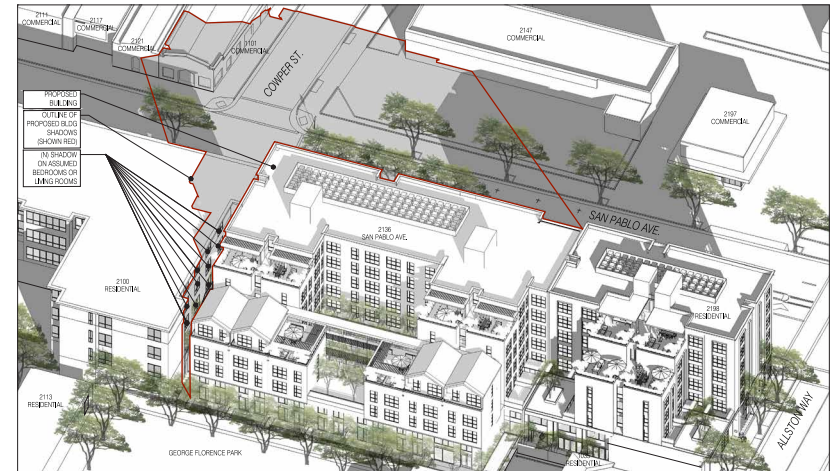
2 NORTH ELEVATION
1/32" = 1'-0" @ 11X17 2/32" = 1'-0" @ 24X36

Source: Trachtenberg Architects, 2021.

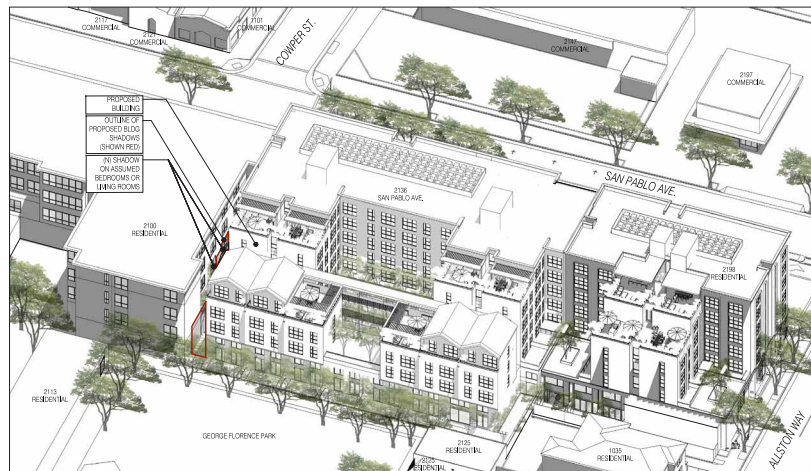
Figure III-6
Proposed Elevations
2136-2154 San Pablo Avenue DEIR



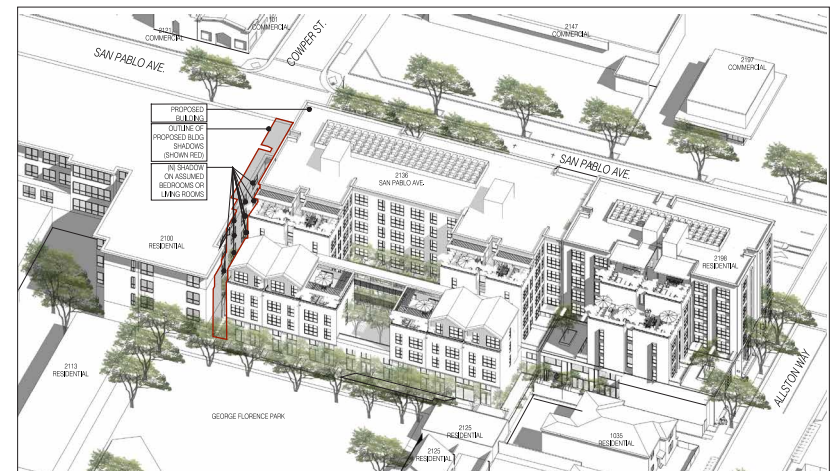
2 SHADOW STUDY AXONOMETRIC - DECEMBER 21ST: NOON
NTS



1 SHADOW STUDY AXONOMETRIC - DECEMBER 21ST: 2-HOURS BEFORE SUNSET
NTS



1 SHADOW STUDY AXONOMETRIC - JUNE 21ST: NOON
NTS



1 SHADOW STUDY AXONOMETRIC - OCT 4TH: NOON
NTS

Source: Trachtenberg Architects, 2021.

Figure III-7
Density Massing and Shadows
2136-2154 San Pablo Avenue DEIR

trees along San Pablo Avenue. A total of three replacement trees would be planted on the project site.

D. DISCRETIONARY ACTIONS AND CONSULTATION

1. Required Approvals from the City of Berkeley

The following approvals by the City of Berkeley will be required for the project:

1. Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building or structure;
2. Use Permit under BMC Section 23.204.140(B)(2)(a) to construct a mixed-use development over 20,000 square feet;
3. Use Permit under BMC 23.204.020(A) for the construction of dwelling units in the C-W zone;
4. Use Permit under BMC 23.204.030(B) to construct new gross floor area of 5,000 square feet or more;
5. Administrative Use Permit under BMC 23.304.050(A) to construct architectural elements that exceed the District's height limit;
6. Administrative Use Permit under BMC Section 23.312.030(C)(3)(a) to establish live-work units;
7. Use Permit under BMC Section 23.312.040(A)(3) to allow customer visits to live/work units;
8. Design Review under BMC Section 23.406.070(B)(1)(a);
9. Building permit and other related on-site and off-site work permits; and
10. The project will likely require an Operation and Maintenance agreement for permanent best management practices (BMPs) to meet requirements of Provision C3 of the Mitigation Monitoring and Reporting Program (MMRP).

2. Other Public Agencies Whose Approval is Required

The City of Berkeley is the lead agency with responsibility for approving the project. Discretionary approval from other public agencies is not required, although some ministerial approvals from other public agencies may be needed, such as an encroachment permit from Caltrans for any work in the right-of-way or a water connection permit from East Bay Municipal Utility District (EBMUD).

3. California Native American Tribes

The City of Berkeley started the Assembly Bill (AB) 52 Tribal Consultation opportunity period—according to Government Code Section 65352.3—by sending out certified written notices on February 10, 2022, inviting the appropriate tribes to consult on the project. The tribes that were notified are: Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Guidiville Indian Rancheria, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, the Ohlone Indian Tribe, Wuksache Indian Tribe/Eshom Valley Band, and the Confederated Villages of Lisjan (Tribes). The Confederated Villages of Lisjan tribe requested a consultation. A consultation meeting occurred between the Confederated Villages of Lisjan and the City of Berkeley on March 23, 2022, and consultation concluded on August 24, 2022.

IV. SETTING, IMPACTS, AND MITIGATION MEASURES

This chapter contains an analysis of the environmental topics determined to be potentially significant in the Revised Initial Study (see Appendix A) relevant to the 2136-2154 San Pablo Avenue Mixed-Use Project. Sections IV.A through IV.B of this chapter describe the existing setting, the potential impacts that could result from construction and operation of the project, and mitigation measures intended to reduce significant impacts of the project to a less-than-significant level.

The following discussion provides an overview of the scope of the analysis included in this chapter, organization of the sections, and the methods for determining what impacts are significant.

ENVIRONMENTAL TOPICS

The following environmental topics are analyzed in this chapter:

- A. Cultural Resources
- B. Hydrology and Water Quality

A brief discussion of the environmental topics addressed in the Revised Initial Study (Appendix A) and not further analyzed in this Draft EIR is included in *Chapter VI, CEQA Required Assessment Conclusions*, under the subheading VI.D, Effects Found Not to Be Significant. These topics include: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources (other than impacts related to historical and archeological resources), Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality (other than impacts related to stormwater runoff), Land Use Planning, Mineral Resources, Noise, Parks and Recreation, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. A summary of the impacts and standard conditions of approval for these topic areas, where applicable, is also provided in Table II-1.

FORMAT OF TOPIC SECTIONS

Each topic section includes the following sub-sections:

- *Environmental Setting*. Provides a brief description of the environmental setting relevant to the environmental topic and related to the project site.

- *Impacts and Mitigation Measures.* Provides an analysis of each environmental topic to assess whether the 2136-2154 San Pablo Avenue Mixed Use Project would result in significant impacts.
- *Cumulative Impacts.* Provides an analysis of the project's potential contribution to cumulative impacts.

Under CEQA, a significant effect is defined as a substantial, or potentially substantial, adverse change in the environment.⁵ Each impact evaluation in this chapter is prefaced by criteria of significance, which are the thresholds for determining whether an impact is significant. These criteria have been developed using the CEQA Guidelines and applicable City policies. Identified significant impacts are numbered and shown in bold type with the following abbreviations, and the corresponding mitigation measures are numbered and indented.

CUL: Cultural Resources
HYDRO: Hydrology and Water Quality

One of the following notations is provided after each identified significant impact and mitigation measure, as applicable:

SU = Significant and Unavoidable
S = Significant
LTS = Less than Significant

These notations indicate the significance of the impact with and without mitigation.

⁵ Public Resources Code Section 21083.

A. CULTURAL RESOURCES

1. Background

The analysis of Cultural Resources in this Draft EIR, as in the December 2022 Revised Initial Study, is based on the categories of cultural resources defined by CEQA: “historical resources,” which are defined in California Public Resources Code (PRC) Section 21084.1 and CEQA Guidelines Section 15064.5, “unique archaeological resources,” which are defined in PRC Section 21083.2 and also addressed in CEQA Guidelines Section 15064.5.⁶

This section addresses the project’s potential impacts to built environment historical resources and archaeological resources as well as the project’s potential contribution to cumulative impacts. Impacts to human remains were addressed in the Revised Initial Study included in *Appendix A, Notice of Preparation/Revised Initial Study*, which concluded that the project would have less than significant impacts to human remains (Revised Initial Study, Section V, Impacts b) and c)). The analysis in this section is based on the Cultural Resources Study prepared by Evans & De Shazo, Inc. (EDS) in 2022, and the Department of Parks and Recreation (DPR) 523 forms for the 1923 storefront commercial building on the project site prepared by Mark Hulbert in 2019 (see *Appendix C, Cultural Resources Analysis*).⁷ The Revised Initial Study was updated in December 2022 to provide additional information included in the Cultural Resource Study and a Ground Penetrating Radar Survey that was completed in response to a request received during Tribal Consultation (refer to Revised Initial Study, Section XVIII, Tribal Cultural Resources). The additional information did not change the less-than-significant impact findings in the Revised Initial Study related to human remains. (Refer to *Appendix A, Notice of Preparation/Revised Initial Study*.)

2. History of Project Area

In 1873, early settlers of West Berkeley, John Everding and A.A. Rammelsburg, partnered with former University of California, Berkeley founder Henry Durant to create the Berkeley Land and Town Improvement Association to promote the development of West Berkeley. Local leaders soon laid out streets on a grid plan and promoted the new community as a profitable location for businesses. The 1878 map shows the project area in the southeastern portion of the new community of West Berkeley. According to the 1888 map, by this time the Berkeley Ferry had been constructed at the western terminus of University Avenue, and the project area was within

⁶ Paleontological resources and tribal cultural resources were analyzed in Section VII, Impact f) and Section XIII, Impact a) of the Initial Study, and the impacts were found to be less than significant.

⁷ The Cultural Resources Analysis contain confidential information regarding the location of archaeological resources. Such resources are nonrenewable, and their scientific, cultural, and aesthetic values can be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage such resources, confidential information is not included in Appendix C.

Block 101 of the grid plan. By 1890, the project area was part of Lots 13 through 19 of Block 101 of the Allston Tract, first recorded in 1890, but did not contain any buildings. Between 1890 and 1915, several commercial and residential buildings were constructed in West Berkeley, including within block 101; however, the project area appears to have remained vacant during this time.

Lawrence Borg purchased lots 13 through 20 of Block 101, including the project area, in May 1922 from two couples, Charles W. and Ruby M. Brock and Ray O. and Dora Bradley Long, and on January 24, 1923, Borg hired contractor C. Texdahl to construct the existing commercial storefront building within the project area. The building was designed as a “one-story reinforced concrete (8) store building” by Schirmer Bugnee & Co. A “Notice of Completion” of the building was filed with the Alameda County Assessor on June 19, 1923. Lawrence Borg was born on the Island of Malta in 1890 and immigrated to the U.S. in 1916, where he settled in San Francisco prior to moving to Alameda County and constructing the existing building within the project area. Borg was in the moving picture theater industry and also owned and managed the Varsity Theater at 2024 San Pablo Avenue, one block north of the project area. In December 1924, Borg transferred his ownership of the 1923 storefront commercial building to West Berkeley Theaters, Inc., a corporation where he served as vice president under the president, R.A. McNeil. In early 1925, the West Berkeley Theaters, Inc. deeded the building back to Borg, and later that year, Borg deeded the property that includes the project area to Cecilia and Walter Hardman. No information about Cecilia and Walter Hardman was found. By 1929, Borg had moved to the Salinas area where he owned the El Rey Theater, as well as interest in several businesses on Main Street in Salinas, including the Crystal Theater. Borg married Marjorie E. Fraser in 1943 and moved to San Mateo, where he died in 1954 following a long illness. Subsequent owners of the project site include J.H. Gaskill in the late 1930s and George and Mary Pagones/the Pagones family/Nick Pagones from ca. 1958 to the early 2000s.

The 1929 Sanborn Fire Insurance map shows the existing 1923 storefront commercial building within the project area, which at the time contained a bakery (Varsity Bakery) that remained until ca. 1930, and a paint and oils business that occupied the third and fourth storefronts in the northern half of the building along with a front store and office. Aerial photographs from 1931, 1939, 1946, and the 1950 Sanborn Fire Insurance map show the 1923 storefront commercial building within a lot that does not appear to have any associated structures or landscaping at the time. However, the 1958 and 1965 aerial photographs show at least one structure located behind the building.

Tenants within the 1923 storefront commercial building have included a barber (1928); a liquor store and a tailor (1943); a restaurant (1943-1962); Andy’s Outboard Center (1950); Industrial Installers (1950-1962); Mercurio Bros. Printing (1950); Lucky Dog Pet Shop (1950-2010); Steppenwolf bar/night club (1958 – 1970s); The Scarab (1986); Al Body Shop (1986); The Sink Factory (1986-2013); Dons Auto Service (1986-2006); TD Garage (2013 – currently vacant); and West Wind Kung-Fu Karate and Boxing (2015- currently vacant).

3. Regulatory Setting

a. Federal Laws and Regulations

(1) National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) of 1966 established the National Register of Historic Places (NRHP) as the official designation of historical resources, including districts, sites, buildings, structures, and objects. For a property to be eligible for listing in the NRHP, it must be significant in American history, architecture, archaeology, engineering, or culture, and must retain integrity of location, design, setting, materials, workmanship, feeling, and association. Resources less than 50 years of age, unless of exceptional importance, are not eligible for the NRHP. Although listing in the NRHP does not prohibit demolition or alteration of a property, CEQA requires the evaluation of project effects on properties that are listed in the NRHP.

b. State Laws and Regulations

(1) California Environmental Quality Act (CEQA)

CEQA requires State and local public agencies to identify the environmental impacts of proposed projects to determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. According to CEQA, Cultural Resources are aspects of the environment that require identification and consideration regarding potential impacts (14 CCR Section 15064.5 and PRC Section 21084.1). The five classes of Cultural Resources defined by the State Office of Historic Preservation (OHP) are buildings, structures, objects, sites, and districts.

According to CCR Section 15064.5, buildings, structures, objects, sites, and districts are historically significant if they are:

- Listed in, or eligible for listing in, the California Register of Historic Resources (CRHR) (PRC Section 5024.1 and 14 CCR Section 4850 et. seq.);
- Listed in, or eligible for listing in, the National Register of Historic Places (NRHP);
- Included in a local register of historical resources, as defined in an historical resource survey meeting the requirements of PRC Section 5024.1(g); or
- Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. Public Resources Code, Section 21083.2, subdivision (g), states that unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Register of Historical Resources

A resource may be listed as an historical resource in the CRHR if it has integrity and meets any of the following criteria:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Associated with the lives of persons important to local, California, or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Buildings, sites, structures, objects, and districts representative of California and United States history, architecture, archaeology, engineering, and culture convey significance when they also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A resource has integrity if it retains the characteristics that were present during the resource's period of significance. Enough of these characteristics must remain to convey the reasons for its significance.

Local Register of Historical Resources

A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat

any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

c. Local Regulations

(1) City of Berkeley General Plan (2002)

The City's General Plan, adopted in 2002, contains the following goals and policies in the Urban Design and Preservation Element of the General Plan relevant to the project:

- **Policy UD-1 Techniques.** Use a wide variety of regulatory, incentive, and outreach techniques to suitably protect Berkeley's existing built environment and cultural heritage.
- **Policy UD-2 Regulation of Significant Properties.** Increase the extent of regulatory protection that applies to structures, sites, and areas that are historically or culturally significant.
- **Policy UD-3 Regulation of Neighborhood Character.** Use regulations to protect the character of neighborhoods and districts and respect the particular conditions of each area.
- **Policy UD-5 Architectural Features.** Encourage, and where appropriate require, retention of ornaments and other architecturally interesting features in the course of seismic retrofit and other rehabilitation work.
- **Policy UD-6 Adaptive Reuse.** Encourage adaptive reuse of historically or architecturally interesting buildings in cases where the new use would be compatible with the structure itself and the surrounding area.
- **Policy UD-8 Public Works Projects.** In public works projects, seek to preserve desirable historic elements such as ornamental sidewalk features, lampposts, and benches.
- **Policy UD-12 Range of Incentives.** Seek to maintain and substantially expand the range and scale of incentives that the City and/or other entities make available in Berkeley for the preservation of historic and cultural resources.
- **Policy UD-13 Regulations.** Review zoning and other regulations and procedures, and where appropriate revise them to provide new incentives for preservation and remove or reduce disincentives.
- **Policy UD-16 Context.** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
- **Policy UD-17 Design Elements.** In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.

- **Policy UD-20 Alterations.** Alterations to a worthwhile building should be compatible with the building’s original architectural character.
- **Policy UD-21 Directing Development.** Use City incentives and zoning provisions to direct new development toward locations where significant historic structures or structures contributing to the character of an area will not need to be removed.
- **Policy UD-24 Area Character.** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
- **Policy UD-36 Information on Heritage.** Promote, and encourage others to promote, understanding of Berkeley’s built and cultural heritage, the benefits of conserving it, and how to sensitively do that.

(2) City of Berkeley Municipal Code

The City of Berkeley’s Municipal Code (BMC) Chapter 3.24 *Landmarks Preservation Commission* (LPC) provides for the identification, designation, and preservation of historic structures and structures with cultural value. In accordance with BMC Chapter 3.24, the LPC is given regulatory powers over the City’s designated historic properties (including Landmarks, Structures of Merit, and Historic Districts). BMC Chapter 3.24 establishes procedures and criteria for historic resource designation and procedures for the treatment of historical resources. BMC Section 3.24.110 (*Landmarks, Historic Districts, and Structures of Merit – Designation-Criteria for Consideration*) contains criteria that the LPC must use when considering structures, sites, and areas for landmark or structure of merit designation.

The criteria for designating a City landmark include:

- 1) Architectural merit:
 - a. Property that is the first, last, only, or most significant architectural property of its type in the region.
 - b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in the region of an architect, designer, or master builder.
 - c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.
- 2) Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social, and economic developments of the city.

- 3) Educational value: structures worth preserving for their usefulness as an educational force.
- 4) Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States.
- 5) Historic property: Any property listed in the NRHP.

The criteria for designating a structure of merit include:

- 1) General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block, or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.
- 2) Specific criteria include, but are not limited to, one or more of the following:
 - a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.
 - b. The structure is compatible in size, scale, style, materials, or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.
 - c. The structure is a good example of architectural design.
 - d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings. (Ord. 5686-NS Section 1 (part), 1985; Ord. 4694-NS Section 3.1, 1974).

Pursuant to BMC Section 3.24.210,

Upon receipt of any application for a permit to carry out any construction, alteration or demolition on a landmark site, in an historic district or on a structure of merit site, or on an initiated landmark site, in an initiated historic district or on an initiated structure of merit site, the Department of Planning and Community Development shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to BMC Section 3.24.280 of this chapter, promptly forward such permit application to the commission for review.

In accordance with BMC Section 3.24.260, the LPC may grant approval of permit applications for physical changes to Landmarks, Structures of Merit, and Historic Districts under the following circumstances. As described in BMC Section 3.24.260.C, permit applications for construction, alteration, or repair of designated resources are subject to the following standards:

- a. For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural, or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.
- b. For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback, and height; nor shall the proposed work adversely affect the special character or special historical, architectural, or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.
- c. For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational, or historical interest or value if that is the basis for designation.

In addition, for permit applications for alteration or demolitions of designated landmarks, historic districts, and structures of merit, BMC Section 3.24.260.C.2 sets forth the provisions for LPC review and consideration of extenuating circumstances, such as technical and economic feasibility.

(3) Municipal Code General Provisions

BMC Section 23.326.070.C includes the following requirements for projects that would involve demolition of non-residential buildings (used for commercial, manufacturing, community institutional, or other non-residential uses):

- (1) Any application for a Use Permit or Administrative Use Permit (AUP) to demolish a non-residential building or structure which is 40 or more years old shall be forwarded to the LPC for review prior to consideration of the Use Permit or AUP.
- (2) The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the Zoning Adjustments Board (ZAB) its comments on the application.

- (3) The ZAB shall consider the recommendations of the LPC in considering its action on the application.

LPC input and comments on proposed demolitions subject to BMC Section 23.326.070.C are advisory in nature to the ZAB. Each LPC agenda lists the address and associated permit application number for all projects involving a request to demolish a building more than 40 years old for the LPC to review prior to any staff recommendation or action.

4. Impacts and Mitigation Measures

This section analyzes the impacts to Cultural Resources that would result from implementation of the project and identifies mitigation measures to address the impacts and reduce significant impacts to a less-than-significant level, where possible. This subsection lists the evaluation criteria by which significance is determined and significance thresholds.

Evaluation Criteria and Thresholds of Significance

Evaluation Criteria	Significance Thresholds	Sources
Would the project cause a substantial adverse change in the significance of a historical resource pursuant to PRC Section 15064.5?	Adverse alteration of those physical characteristics of a historical resource that justify its eligibility for the CRHR or as a local landmark.	CEQA Guidelines Appendix G, Checklist Item V (a).
Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to PRC Section 15064.5?	Adverse alteration of those physical characteristics of an archaeological resource that justify its eligibility for the CRHR or as a unique archaeological resource.	CEQA Guidelines Appendix G, Checklist Item V (b).
Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	Disturbance of human remains, including Native American human remains, associated grave goods, or items of cultural patrimony.	CEQA Guidelines Appendix G, Checklist Item V (c). Impacts to human remains are evaluated in Section XVIII, Tribal Cultural Resources, of the Revised Initial Study (Appendix A).

a. Issues Not Discussed Further

Potential impacts to human remains were evaluated in *Section V, Cultural Resources*, of the Revised Initial Study (*Appendix A, Notice of Preparation/Revised Initial Study*). The Revised Initial Study determined that impacts to human remains from the project would be less-than-significant; therefore, this topic is not discussed further in this Draft EIR.

b. Analysis Approach

EDS completed a Cultural Resources Study (CRS) to identify historical resources, including archaeological resources, within the project area that could be impacted by the project (see *Appendix C, Cultural Resources Analysis*). The CRS included a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) (File No. 21-1207; completed January 27, 2022) to determine if cultural or historical resources have been recorded within the project area or within 0.5 miles of the project area and to review Cultural Resource Survey Reports that either included the project area or were conducted within 0.5 mile of the project area. EDS also reviewed the Built Environment Resource Directory (BERD), Archaeological Resource Directory, the NRHP, CRHR, the California Inventory of Historic Resources, California Historical Landmarks, California Points of Historical Interest, and the City of Berkeley Designated Landmarks, Structures of Merits and Historic Districts; conducted a literature review to determine past land use activities within the project area and the potential/sensitivity for buried historic-period archaeological, as well as researched important historical events associated with the project area; reviewed geologic, soils, and geoarchaeological information to assess the potential/sensitivity for buried Native American archaeological resources; conducted a Native American Sacred Lands Inventory and Tribal consultation; and completed a pedestrian survey on February 23, 2022. Although not on file at the NWIC, EDS also obtained and reviewed Department of Parks and Recreation (DPR) 523 forms, including a CRHR-evaluation, for the existing 1923 storefront commercial building within the project area prepared by Historic Architect Mark Hulbert in 2019.

In response to a comment received during Tribal Consultation, EDS retained Byram Archaeological Consulting, LLC to complete a Ground Penetrating Radar (GPR) study to inspect the project area for buried archaeological resources. The CRS and GPR survey did not result in the identification of any surficial or buried archaeological resources within the project area. The Initial Study (see *Appendix A, Notice of Preparation/Revised Initial Study*) has been revised to include this additional information, which did not change the less-than-significant impact determination related to archeological resources or human remains. However, the analysis produced two mitigation measures that are recommended to further minimize the effects of the less-than-significant impact.

The existing 1923 storefront commercial building was found to be eligible for listing on the CRHR. The 1923 storefront commercial building is a single-story building with eight storefronts, designed in the Beaux Arts architectural style by architect William Edward Schirmer of Schirmer Bugbee & Co. and constructed by builder C. Texdahl in 1923, with several alterations occurring between 1923 and 1967. The building was found eligible for the CRHR under Criterion 3 (architecture), due to the mostly intact, elongated façade, and partially intact storefront designs distinctive of the ca. 1920 period. In August 2020, the Berkeley Architectural Heritage Association (BAHA) submitted a Landmark or Structure of Merit application (#LMIN2020-0004) for the 1923

storefront commercial building in accordance with the provisions of BMC Section 3.24.110, and on October 6, 2020, the Landmarks Preservation Commission approved the listing of the building as a City Landmark. Due to its CRHR-eligibility and local listing, the 1923 storefront commercial building is a historical resource in accordance with 14 CCR Section 15064.5.

Impact CUL-1: The project would demolish the existing 1923 storefront commercial building, which is an historical resource pursuant to CEQA Guidelines Section 15064.5. (S)

As stated above, the existing 1923 storefront commercial building was previously evaluated by Historic Architect Mark Hulbert in 2019 and found to be eligible for listing on the CRHR, and on October 6, 2020, the LPC approved the listing of the building as a City Landmark. Due to its CRHR-eligibility and City Landmark status, the 1923 storefront commercial building is considered a historical resource in accordance with 14 CCR Section 15064.5.

Based on CEQA Guidelines Section 15064.5(b), the project would have a significant impact on historical resources if it would cause a substantial adverse change in the significance of a historical resource. Historical resources include properties eligible for listing on the NRHP, the CRHR, or a local register or survey of historical resources. In addition, as explained in CEQA Guidelines Section 15064.5, "substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Demolition by its nature is material impairment of the historical resource, and other than avoiding demolition, no feasible mitigation measures are available to fully mitigate the demolition of the historical resource to a less than significant level, although measures can be implemented to substantially reduce or lessen the significant adverse impacts. If the historical significance of the building is thoroughly documented, well-photographed, and publicly available, the demolition of the building itself would have a much-reduced impact on the historical significance of the building. If implemented, Mitigation Measure CUL-1, below, would reduce adverse impacts to the historical resource, but not to a level that is less than significant.

Mitigation Measure CUL-1: Documentation. Prior to the issuance of a demolition permit, the project applicant shall hire a qualified Historic American Building Survey (HABS) photographer to document the 1923 storefront commercial building and its setting. Generally, this documentation shall be done in accordance with the HABS "Outline" format, which includes:

1. **Photographs:** HABS standards require large-format black-and-white photography, with large-format safety film negative (4" x 5", 5" x 7", or 8" x 10") and a contact print, archivally processed, on fiber-based paper. The HABS photographer must be familiar with the recordation of historical resources in accordance with current HABS guidelines. Photographs should include context views of the general environment to illustrate setting, including landscaping, adjacent building(s), and roadways, views of character-

defining features, exterior elevations of significant façades, views of interior spaces, and detailed views of specific materials or elements. Overgrowth, board-up plywood, and other obstacles shall be removed by the project sponsor prior to photography at the direction of the professional HABS photographer. Photographs must include a photo index, photo sketch plans, and field notes, and be identified and labeled using HABS standards outlined in Preparing HABS/HAER/HALS Documentation - Transmittal Guidelines.

2. **Measured Drawings or 3D Laser Scanning “As-Builts”:** Measured drawings for HABS are considered “as-built” drawings. As such, they illustrate the existing condition of a building at the time of documentation, including additions, alterations, and demolitions which have occurred since the building was first constructed. Where sufficient knowledge exists concerning the sequence of changes to a building over time, it may be useful to provide appropriate notation on the drawings. Alternatively, delineators may wish to produce additional interpretive drawings illustrating the building at an earlier date, to explain its historic significance more fully. In lieu of measured architectural drawings, 3D laser scanning and 2D CAD documentation can be done to create as-built drawings from the scanned data in AutoCAD to provide archival-quality printed and digital images that can be utilized for future exhibits, documentation and research associated with the 1923 storefront commercial building. The 3D images can then be printed as measured drawings and will also be available digitally.
3. **Historical Background Information:** An architectural historian, meeting the Secretary of the Interior’s Professional Qualification Standards, shall assemble historical background information, drawings, maps, and historic photographs relevant to the 1923 storefront commercial building and its setting using the HABS “Outline” format to produce a HABS historical report. The historical report will be formatted to HABS Guidelines for Historical Reports (updated January 2020).
4. **Public Access to Documentation:** HABS documentation must be prepared using specific archival materials and archival processes to comply with the permanence standards that govern the collection. By adhering to these standards, even the very earliest HABS records from the 1930s are still available for researchers and will be in the future. Non-archival material deteriorates for two principal reasons: harmful substances in the environment attack it, and/or the physical and chemical composition is such that it will deteriorate regardless of how it is stored. As such, it is recommended that one archival set of the HABS documentation is submitted to the Library of Congress or the BAHA. Digital copies are also recommended to be submitted to the NWIC/CHRIS, the City of Berkeley, the City of Berkeley Library, the Berkeley Historical Society, the California State Library, and the California Historical Society. This mitigation would create a collection of preservation materials that would be available to the public and inform future research.

Implementation of this mitigation would document this resource, but it would not retain the resource; as a result the impact would be significant and unavoidable. (SU)

Impact CUL-2: Ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources. (S)

A NWIC/CHRIS records search, literature review, pedestrian field survey, and a Ground Penetrating Radar (GPR) survey were completed for the project area. The NWIC/CHRIS records search identified 41 cultural resources studies previously conducted within 0.5 miles of the project area which determined that 22 previously recorded cultural resources are located within 0.5-miles of the project area; however, no archaeological resources were identified within the project area from the records search, Native American Sacred Lands inventory, pedestrian field survey, or GPR survey. No known archaeological resources have been identified within the project area that would be eligible for listing under NRHP or CRHR criteria. Therefore, the project would not cause a substantial adverse change in the significance of a known archaeological resource pursuant to CEQA Guidelines Section 15064.5.

EDS also reviewed historical maps and aerial photographs dating between 1859 and 1965 and other information to determine past land use activities within the project area and the potential/sensitivity for buried historic-period archaeological, and reviewed geologic, soils, and geoarchaeological information to assess the potential/sensitivity for buried Native American archaeological resources. Based on a review of historical maps and aerial photographs and other information, it appears that the project area has a low potential/sensitivity for buried historic-period archaeological resources due to the lack of buildings, particularly residential buildings, within the project area prior to construction of the 1923 storefront commercial building.

The project area has a moderate potential/sensitivity for buried Native American archaeological material. This is due to the location of Strawberry Creek, which is 650 feet north of the project area, the San Francisco Bay historic tidal marsh, which is 0.5 miles east of the project area, and the presence of two previously recorded Native American archaeological sites within 700 feet of the project area. The GPR survey performed after the review of historical maps and aerial photographs did not indicate the presence of any buried archaeological resources. Nevertheless, there is the potential to encounter previously unidentified archaeological resources within the project area.

Mitigation Measure CUL-2:

CUL-2a. Cultural Resources Awareness Training. Prior to commencement of Project-related, ground-disturbing activities, the project supervisors, equipment operators, and other members of the construction team overseeing or conducting ground-disturbing activities

shall be familiarized with the types of archaeological resources that could be encountered during ground-disturbing activities and the procedures to follow if subsurface archaeological resources are unearthed during construction. To accomplish this, a Secretary of Interior qualified archaeologist shall conduct one or more preconstruction Cultural Resource Awareness Trainings as needed to familiarize supervisors, contractors, and equipment operators with the potential to encounter archaeological resources, the types of archaeological material that could be encountered, and procedures to follow if archaeological deposits and/or artifacts are encountered during construction.

CUL-2b. Implementation of Inadvertent Discovery Protocols. If an archaeological deposit is encountered during Project-related, ground-disturbing activities, all work within 50 feet of the discovery shall be redirected until the archaeologist assesses the find, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposit shall be evaluated for its eligibility for listing in the CRHR. If the deposit is found to be eligible, adverse effects shall be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation that may include data recovery using standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility. Upon completion of the assessment, the archaeologist shall prepare a report to document the methods and results of the assessment. The report shall be submitted to the Project applicant, City of Berkeley, and the NWIC/CHRIS upon completion of the resource assessment.

If implemented, Mitigation Measure CUL-2a and CUL-2b (if applicable), would reduce adverse impacts to the archaeological resource to a level that is less than significant. (LTS)

c. Cumulative Impacts

CEQA Guidelines Section 15130 requires the consideration of cumulative impacts within an EIR when a project's incremental effects are cumulatively considerable, as defined in Section 15065(a)(3). A cumulative impact on historical resources consists of an impact that is created because of the combination of the project evaluated in the EIR together with other projects causing related impacts and occurs when the combined cumulative impact associated with the project's incremental effect and the effects of other projects leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historical building may not be significant to the character of a neighborhood or city, continued loss of such resources on a project-by-project basis could constitute a significant cumulative impact.

In identifying projects that may contribute to cumulative impacts, the CEQA Guidelines allow the use of a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including those which are outside of the control of the lead agency; or a summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect.

The analysis of growth projected in the City of Berkeley 2023-2031 Housing Element Update Final EIR⁸ (State Clearinghouse No. 2022010331) (which is incorporated by reference herein) includes the project site; therefore, the analysis in that EIR was used to assess whether the project's effects on historical resources would be cumulatively considerable.

Impact CUL-3: Implementation of the project would contribute to a cumulatively considerable historic resources impact. (S)

Section 4.4 Cultural Resources, Table ES-1 of the Housing Element Update Final EIR, concludes that reasonably foreseeable development activities facilitated by the Housing Element Update, including development on the project site, would result in a significant impact on historical resources if such activities cause a substantial adverse change in the significance of a historical resource, including the demolition or substantial alteration of a resource such that it would no longer be able to convey its significance. It concludes that, while implementation of the mitigation measures identified in the Final EIR, and subsequently adopted by the City, would reduce some impacts to historical resources, the cumulative historical resources impacts would be significant, and an individual project's contribution would be cumulatively considerable. Therefore, this project's cumulative historical resources impacts would be significant, and the project's contribution would be cumulatively considerable consistent with the findings of the Housing Element EIR. While Mitigation Measure CUL-1, described above, would be applicable to the project, as noted in the Housing Element Update Final EIR, there are no feasible mitigation measures that can reduce this cumulative impact to a less- than-significant level; this cumulative impact would be considered significant and unavoidable.

Mitigation Measures CUL-3: Implement Mitigation Measure CUL-1. (SU)

⁸ City of Berkeley 2023-2031 Housing Element Update Final Environmental Impact Report (FEIR) and Response to Comments on the Draft EIR, prepared by the City of Berkeley with the assistance of Rincon Consultants, Inc., December 2022.

B. HYDROLOGY AND WATER QUALITY

1. Background

The analysis of hydrology and water quality in this Draft EIR, as in the Revised Initial Study, is based on the significance criteria for hydrology and water quality presented in Appendix G of the CEQA Guidelines.

Potential impacts to hydrology and water quality were addressed in the Revised Initial Study included in *Appendix A, Notice of Preparation/Revised Initial Study*, which concluded that the project would have less-than-significant impacts related to water quality, groundwater supplies, erosion or siltation, redirecting flood flows, releasing pollutants due to inundation, and conflicting with a water quality control plan or sustainable groundwater management plan (Revised Initial Study, Section X, Impacts a), b), c.i) c.iv), d), and e)). The Revised Initial Study also concluded that the project would have less-than-significant impacts with mitigation related to altering drainage and increasing stormwater runoff which could result in flooding or exceeding the capacity of stormwater drainage systems (Revised Initial Study, Section X, Impacts c.ii) and c.iii)). The focus of this analysis is to further evaluate the potential impacts related to flooding or exceeding the capacity of stormwater drainage systems due to altering drainage and increasing stormwater runoff.

2. Stormwater Drainage Setting

The project site is located within the Strawberry Creek Watershed.⁹ The dominant hydrologic features in the vicinity of the project site are San Francisco Bay and the lagoons of Aquatic Park. The lagoons are mostly shallow, subtidal aquatic habitat with a sandy/muddy bottom, similar to adjacent portions of Central San Francisco Bay. Under typical conditions, hydrology within the lagoons is strongly influenced by tidal hydrology, because the lagoons are directly and indirectly connected to Central San Francisco Bay.¹⁰

Stormwater runoff from the project site is currently conveyed from roof downspouts and surface flow into San Pablo Avenue and an unpaved area in the western portion of the project site. The soil borings taken in association with the site's Geotechnical Investigation indicate that the soil underlying the project site consists of primarily stiff to very stiff clay.¹¹ The presence of stiff clayey soil would be expected to limit the infiltration of stormwater to the subsurface in the unpaved portion of the project site. Surface runoff from the unpaved area in the western portion of the

⁹ Sowers, Janet M., 1993. Creek and Watershed Map of Oakland and Berkeley, The Oakland Museum of California (Revised 2000) Available online at: explore.museumca.org/creeks/MapOak.html, accessed May 2020.

¹⁰ City of Berkeley, 2012. Aquatic Park Improvement Program Draft Environmental Impact Report.

¹¹ Rockridge Geotechnical, 2019. Geotechnical Investigation, Proposed Mixed-Use Building, 2136-2154 San Pablo Avenue, Berkeley, California, October 23.

project site is conveyed as overland flow towards George Florence park adjacent to the west of the project site. Overland stormwater runoff in San Pablo Avenue flows north to Addison Street then flows west to Eighth Street where it is captured in a subsurface storm drain and discharges into a culvert beneath University Avenue (which conveys Strawberry Creek) which discharges to the north end of the Aquatic Park Main Lagoon and into San Francisco Bay to the west of the Main Lagoon.¹²

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No 06001C0056H,¹³ the project site is within Zone X, Areas of Minimal Flood Hazard, and is not located within a 100-year or 500-year flood hazard zone. The lagoons of Aquatic Park and adjacent low-lying areas and the adjacent portions of Central San Francisco Bay are located in a 100-year flood hazard zone. The base flood elevation is 10 feet referenced to the North American Vertical Datum of 1988 in the areas where the Strawberry Creek culvert discharges to these surface water bodies.¹⁴

3. Regulatory Setting

a. Federal Laws and Regulations

(1) Federal Clean Water Act of 1972

The Federal Clean Water Act of 1972 is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. It is administered by the U.S. Environmental Protection Agency (USEPA). The Clean Water Act operates on the principle that all discharges into the nation's waters are unlawful unless specifically authorized by a permit. The USEPA has delegated its authority to implement and enforce most of the applicable water quality provisions of this law to the individual states. In California, the provisions are enforced by nine regional water boards under the auspices of the State Water Resources Control Board (State Water Board). The City of Berkeley lies within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) which enforces compliance with water quality objectives for beneficial uses of surface waters.

¹² Sowers, Janet M., 1993, op. cit.

¹³ Federal Emergency Management Agency (FEMA), 2018. Flood Insurance Rate Map (FIRM) No. 06001C0056H, effective December 21. Available online at: <https://msc.fema.gov/portal/search?AddressQuery=berkeley%20ca#searchresultsanchor>, accessed February 25, 2022.

¹⁴ *Ibid.*

(2) National Pollutant Discharge Elimination System (NPDES) Permit Program

Under Section 402 of the Clean Water Act, the discharge of pollutants through a point source into waters of the United States is prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES program regulates the discharge of pollutants from municipal and industrial wastewater treatment plants and sewer collection systems, as well as stormwater discharges from industrial facilities, municipalities, and construction sites. In California, implementation and enforcement of the NPDES program is conducted through the State Water Board and the nine regional water boards. The regional water boards set standard conditions for each permittee in their region, which includes effluent limitations and monitoring programs.

b. State Laws and Regulations

(1) Porter-Cologne Act and State Implementation of Clean Water Act Requirements

The Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Water Quality) was approved in 1969. It established the State Water Board and divided the State into nine hydrologic regions, each overseen by a regional water quality control board (Regional Water Board). The State Water Board is the primary State agency responsible for protecting the quality of the State's surface and groundwater supplies, but much of its daily implementation authority is delegated to the nine Regional Water Boards. The Porter-Cologne Act also provides for the development and tri-annual review of Water Quality Control Plans that designate beneficial uses of California's major rivers and groundwater basins and establish narrative and numerical water quality objectives for those waters.

(2) San Francisco Bay Municipal Regional Stormwater Permit

Pursuant to Section 402 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, municipal stormwater discharges in the City are regulated under the Regional Water Board's Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008 (MRP).¹⁵ The MRP is overseen by the Regional Water Board, and local municipalities (the Permittees) are responsible for ensuring compliance with the MRP.

Provision C.3 of the MRP addresses post-construction stormwater management requirements for Regulated Projects, which includes new development and redevelopment projects that create or replace 5,000 square feet or more of impervious surface. Where a redevelopment project results

¹⁵ San Francisco Bay Regional Water Quality Control Board, 2022. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008, May 11.

in an alteration of more than 50 percent of the impervious surface of a previously existing development that was not subject to Provision C.3, the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire redevelopment project). Provision C.3 requires regulated projects to implement Low Impact Development (LID) source control, site design, and stormwater treatment. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention areas, bioswales, and planter/tree boxes.

Provision C.3.e of the MRP addresses Special Projects, which are Regulated Projects that meet specific criteria to be characterized as smart growth or high density which can either reduce existing impervious surfaces or create less impervious areas and automobile-related pollutant impacts. Incentive LID Treatment Reduction Credits approved by the Water Board may be applied to these Special Projects. The allowable incentive LID Treatment Reduction Credit is the maximum percentage of the amount of runoff identified in Provision C.3.d for the Special Project's drainage area that may be treated with one or a combination of non-LID treatment systems including tree-box-type high flowrate biofilters or vault-based high flowrate media filters.

Prior to granting any LID Treatment Reduction Credits, Permittees must first establish all the following:

- The infeasibility of treating 100 percent of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures on-site;
- The infeasibility of treating 100 percent of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with LID treatment measures off-site or paying in-lieu fees to treat 100 percent of the Provision C.3.d runoff with LID treatment measures at an off-site or Regional Project; and
- The infeasibility of treating 100 percent of the amount of runoff identified in Provision C.3.d for the Regulated Project's drainage area with some combination of LID treatment measures on-site, off-site, and/or paying in-lieu fees towards at an off-site or Regional Project.

For each Special Project, a Permittee must document the basis of infeasibility used to establish technical and/or economic infeasibility.

c. Local Regulations

(1) City of Berkeley General Plan (2002)

The City's General Plan, adopted in 2002, contains the following policies and actions in the Environmental Management Element of the General Plan which are relevant to the project:

- **Policy EM-24 Sewers and Storm Sewers.** Protect and improve water quality by improving the citywide sewer system.
- **Actions:**
 - E. Ensure that new development pays its fair share of improvements to the storm sewerage system necessary to accommodate increased flows from the development.
 - F. Coordinate storm sewer improvements with creek restoration projects.
- **Policy S-27 New Development.** Use development review to ensure that new development does not contribute to an increase in flood potential.
- **Actions:**
 - C. Require new development to provide for appropriate levels of on-site detention and/or retention of storm water.

(2) City of Berkeley Municipal Code

Chapter 17.20 of the City of Berkeley's Municipal Code (BMC) includes requirements to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act.

Section 17.20.050.B.4 of the BMC authorizes the City Manager to establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants into the storm drain system.

4. Impacts, Standard Conditions of Approval and Mitigation Measures

This section analyzes the potential impacts related to hydrology and water quality that could result from implementation of the project and identifies mitigation measures recommended to address the impacts and reduce significant impacts to a less-than-significant level.

As discussed in *Section A.1* above, the Revised Initial Study concluded that the project would have less-than-significant impacts related to water quality, groundwater supplies, erosion or siltation, redirecting flood flows, releasing pollutants due to inundation, and conflicting with a water quality control plan or sustainable groundwater management plan (Revised Initial Study, Section X, Impacts a), b), c.i) c.iv), d), and e)). Therefore, these impacts are not discussed further in this

Draft EIR. The subsection below lists the evaluation criteria by which significance is determined and significance thresholds.

Evaluation Criteria and Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, the project would have a significant impact related to hydrology and water quality if it would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

a. Analysis Approach

The study area for hydrology and water quality is the project site and the surrounding areas, stormwater drainage systems, and creeks/surface waters that receive runoff from the project site. The analysis below is based on review of the existing topography/drainage conditions of the project site and the Preliminary Stormwater Management Plan¹⁶ and Stormwater Requirements Checklist¹⁷ prepared for the project; and assumes that the final designs, construction, and operation of the project's stormwater control and treatment systems would be performed in accordance with applicable policies of the City's General Plan and the requirements of applicable regulations including the MRP and the City's Municipal Code.

b. Environmental Impacts and Mitigation Measures

Impact HYDRO-1: The project would alter drainage patterns and increase the amount of impervious surface area, which could increase stormwater runoff and contribute to flooding on- or off-site. (S)

Development of the project would result in an increase in impervious surfaces on the project site from approximately 11,588 square feet to approximately 18,065 square feet. This increase in impervious surface area could increase the rate and amount of stormwater runoff discharged from the project site. As discussed in *Section A.2* above, the project site is underlain by stiff clayey soil that limits the infiltration of stormwater under existing conditions; therefore, the increase in runoff due to the project would not be expected to be substantial. The project would replace

¹⁶ Trachtenberg Architects, 2021. SB-330 Zoning Application, 2136-2154 San Pablo Avenue, Berkeley, CA, March 12.

¹⁷ San Pablo Investors Two, LLC, 2021, Stormwater Requirements Checklist, 2136 San Pablo Mixed-Use, March 8.

more than 5,000 square feet of impervious surfaces, and therefore would be subject to the stormwater control and treatment requirements set forth in Provision C.3 of the MRP. The project would also be required to comply with the City's Conditions of Approval (COAs) related to stormwater that are listed below. Although many of the requirements of the MRP and COAs below are related to treatment of stormwater to protect water quality, these treatment requirements could also affect the rate and amount of stormwater runoff from the project as stormwater treatment systems may retain stormwater runoff.

- A. **COA Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- B. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - C. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - D. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - E. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - F. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

- G. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- H. All private or public projects that create and/or replace 5,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- I. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- J. Washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

- M. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- N. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- O. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- P. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

COA Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

The Preliminary Stormwater Management Plan¹⁸ and Stormwater Requirements Checklist¹⁹ indicate that the project would convey stormwater runoff to stormwater biotreatment areas (flow-through planters). The Preliminary Stormwater Management Plan indicates that the project would be classified as a Category C Special Project under Provision C.3 of the MRP and could receive 75 percent treatment credits (i.e., 75 percent of stormwater runoff could be treated using non-LID treatment methods); however, the classification of the project as a Category C Special Project was performed under Provision C.3 criteria of the previous MRP. Under the current MRP, it appears that the project could potentially qualify for up to 100-percent treatment credits as a Category A Special Project. The City would confirm the project's Special Project status prior to the issuance of building permits. To be considered a Category A Special Project under the current MRP, the project must meet all of the following criteria and the City must document the technical and/or economic infeasibility of LID treatment measures for the project:

- Be built as part of a Permittee's stated objective to preserve or enhance a pedestrian-oriented type of urban design.

¹⁸ Trachtenberg Architects, 2021, op. cit.

¹⁹ San Pablo Investors Two, LLC, 2021. op. cit.

- Be located in a Permittee's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district.
- Create and/or replace one half acre or less of impervious surface area.
- Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, Americans with Disabilities Act (ADA) accessibility, and passenger and freight loading zones.

Have at least 85 percent coverage for the entire project site by permanent structures. The remaining 15 percent portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.²⁰ The proposed on-site stormwater drainage systems would discharge to the City's existing off-site stormwater drainage systems. As discussed in *Section A.2* above, stormwater runoff from the unpaved portion of the project site is currently conveyed as overland flow towards George Florence park adjacent to the west of the project site. The project would alter drainage patterns and convey stormwater runoff from the majority of the project site to the City's storm drain system on San Pablo Avenue. Compliance with the MRP and City's Municipal Code and review of proposed stormwater control systems by the City would ensure that the on-site stormwater treatment and drainage systems would be appropriately sized and maintained to convey stormwater runoff such that on-site flooding would not occur. Although the project would not be expected to result in a substantial increase in runoff compared to existing conditions, if existing storm drain systems that receive runoff from the project site are already at or near their capacity during significant rain events, then an increase in runoff from the project site could contribute to exceeding the capacity of storm drain systems, which could result in flooding on- or off-site. This would be a potentially significant impact. In order to control the risk of flooding due to exceeding the capacity of existing off-site storm drain systems and ensure compliance with the City's Municipal Code, COA Drainage Patterns, and General Plan policies and actions, the project shall implement Mitigation Measure HYDRO-1.

Mitigation Measure HYDRO-1: Hydraulic modeling shall be performed to evaluate the rates of stormwater discharge from the project site under existing conditions and from the project. The available capacity of existing off-site storm drain systems that would receive runoff from the project shall be evaluated and the evaluation shall account for contribution of runoff from the project site and other development projects that are under construction or planned which would discharge stormwater into the same storm drain systems. If an increase in stormwater discharge from the project site could cause an exceedance of the available capacity of existing storm drain systems, the project shall incorporate stormwater retention systems (e.g., swales, retention ponds, or cisterns with metered outlets) into the project design to

²⁰ San Francisco Bay Regional Water Quality Control Board, 2022, op. cit.

ensure that stormwater runoff from the project would not contribute to exceeding the capacity of existing off-site storm drain systems. The results of the hydraulic modeling, evaluation of the capacity of existing off-site storm drain systems, and any changes to the project's stormwater management system designs shall be submitted to the City for review and approval prior to the issuance of grading or building permits. (LTS)

Implementation of Mitigation Measure HYDRO-1 would ensure that potential impacts related to on- or off-site flooding due to altering drainage and increasing runoff from the project site would be less than significant.

Impact HYDRO-2: The project would alter drainage patterns and increase the amount of impervious surface area, which could create or contribute runoff water which could exceed the capacity of stormwater drainage systems. (LTS)

Compliance with the requirements of the MRP and COA Stormwater Requirements, as described under *Impact HYDRO-1* above, would ensure that potential impacts of the project related to additional sources of polluted runoff would be less than significant. As discussed under *Impact HYDRO-1* above, if existing storm drain systems that receive runoff from the project site are already at or near their capacity during significant rain events, then an increase in runoff from the project site could contribute to exceeding the capacity of storm drains.

Mitigation Measure HYDRO-2: Implementation of Mitigation Measure HYDRO-1 would ensure that potential impacts related to exceeding the capacity of existing or planned stormwater drainage systems would be less than significant. (LTS)

c. Cumulative Impacts

This section evaluates cumulative impacts on hydrology and water quality. This cumulative analysis examines the effects of the project in the relevant geographic area in combination with past project, other current projects and probable future projects causing related impacts. The geographic areas of concern for cumulative hydrology and water quality impacts are the surrounding areas, stormwater drainage systems, and creeks/surface waters that receive runoff from the project site.

As described under *Impact HYDRO-1* above, development of the project would result in an increase in impervious surfaces which could increase the rate and amount of stormwater runoff discharged from the project site. The project would also alter drainage patterns and convey more stormwater runoff from the project site to the City's storm drain system on San Pablo Avenue. Cumulative projects could also alter drainage patterns and increase runoff, which together with the project could contribute to exceeding storm drain capacity and causing flooding. Implementation of Mitigation Measure HYD-1 would ensure that the incremental effect of the project would not contribute to a cumulatively considerable impact related to exceeding the

capacity of stormwater drainage systems or flooding on- or off-site; therefore, the project's contribution to this cumulative impact would be less than significant with mitigation.

Stormwater discharges from the project and cumulative projects could contain pollutants that can contribute additional pollutant loads to stormwater runoff. Stormwater regulations have become progressively more stringent since the passing of the Federal Clean Water Act, and current regulations now require municipalities and new developments to manage and treat all significant sources of stormwater pollutants. As described under *Impact HYDRO-2* above, compliance with the requirements of the MRP and COA Stormwater Requirements would ensure that potential impacts of the project related to additional sources of polluted runoff would be less than significant. Cumulative projects would be required to comply with these existing stormwater regulations as well. Therefore, the incremental effect of the project would not create a cumulatively considerable contribution to additional sources of polluted runoff, and the project's contribution to this cumulative impact would be less than significant.

V. ALTERNATIVES

The CEQA Guidelines require the analysis of a range of reasonable alternatives to the 2136-2154 San Pablo Avenue Project (project) which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.²¹ An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

The primary purpose of this chapter is to ascertain whether there are alternatives of design, scale, land use, or location that would substantially lessen the project's significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives or would be more costly."²²

The following three project alternatives are evaluated:

- The **No Project/No Build Alternative** assumes the project site would remain in its current condition and no new development would be constructed on the project site. Evaluation of the "no project" alternative is required by CEQA Guidelines, Section 15126.6(e)(1)-(3).
- The **Live-Work Façade Preservation Alternative** assumes development of 123 multi-family residential units and three live-work units consistent with the project. Unlike the project, the Live-Work Façade Preservation Alternative would retain the existing façade and preserve the character defining features of the primary façade of the historic building.
- The **Commercial Storefronts Preservation Alternative** assumes development of 123 multi-family residential units, but it would not include development of the three live-work units. Instead, it would retain the existing façade to preserve the character defining features at the front of the historic building as well as retaining the eight commercial tenant spaces at the ground floor fronting San Pablo Avenue.

The remainder of this chapter is organized as follows: project objectives and summary of impacts compared to the project, description and analysis of CEQA project alternatives, and identification of the environmentally superior alternative consistent with CEQA Guidelines, Section 15126.6(e)(2).

²¹ CEQA Guidelines, Section 15126.6.

²² CEQA Guidelines, Section 15126.6(b).

A. PROJECT OBJECTIVES AND IMPACTS

To determine what range of alternatives should be considered, the impacts identified for the project were considered along with the project objectives. The project is described in detail in *Chapter III, Project Description*, and the potential environmental effects of the project are analyzed in *Chapter IV, Setting, Impacts, and Mitigation Measures*. The Revised Initial Study is included in *Appendix A, Notice of Preparation/Revised Initial Study*. The project objectives and impacts are listed below.

1. Project Objectives

The specific project objectives, which are first presented in *Chapter III, Project Description*, are:

- Construct a mixed-use development that includes dwelling units, live-work units, and open spaces that primarily serve residents;
- Activate the San Pablo Avenue frontage by designing for a mix of uses;
- Provide high-density transit-oriented design that maximizes efficient and sustainable use of land through urban infill development;
- Reduce residential vehicle miles traveled and single occupancy vehicle use by promoting higher density, walkability, and the creation of a complete community with uses easily accessible to public transportation and the regional transportation network; and
- Support the retention and attraction of businesses throughout the West Berkeley Commercial District.

2. Project Impacts

The impacts of the project and the associated mitigation measures are listed in *Chapter II, Summary*, Table II-1. As discussed in *Chapter IV, Setting, Impacts, and Mitigation Measures*, and in the Revised Initial Study, the project would result in significant impacts related to Cultural Resources and Hydrology and Water Quality. The project's impacts related to Cultural Resources and due to demolition of the existing building cannot be mitigated to a less-than-significant level, and therefore would be significant and unavoidable. Impacts related to the potential discovery of archeological resources would be reduced to a less-than-significant level with implementation of the mitigation measures identified in the Draft EIR. The project's impacts to Hydrology and Water Quality also would be reduced to a less-than-significant level with implementation of mitigation measures identified in the Draft EIR.

B. CEQA ALTERNATIVES

The description of each alternative and associated environmental effects compared to the environmental effects of the project are described below. The alternatives analyzed below are intended to meet the CEQA requirement to consider a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant impacts.

1. No Project/No Build Alternative

a. Description

CEQA Guidelines Section 15126.6 (e) requires analysis of a “no project alternative.” The No Project/No Build Alternative assumes that the project site would remain in its current condition and would not be subject to new development. The existing building would remain. No physical alterations to the existing 0.53-acre site would occur, and the structures would continue to be utilized for commercial uses.

b. Ability to Achieve Project Objectives

The No Project/No Build Alternative would not achieve any of the basic project objectives described in Section A.1 above, particularly those related to developing a high-density, transit-oriented urban infill development project that provides housing (with at least 123 residential units, including affordable housing) to help accommodate planned local and regional population growth.

c. Impact Analysis

(1) Cultural Resources

Implementation of the No Project/No Build Alternative would, at least in the short term, avoid any approved alterations²³ to the building at 2136-2154 San Pablo Avenue, which is an historic resource under CEQA as explained in *Chapter IV, Setting, Impacts, and Mitigation Measures*. Because the building would not be removed, the significant unavoidable historic resource impact identified for the project would be avoided. Additionally, because the No Project/No Build Alternative would not result in demolition of the existing building, the project would not contribute to a cumulative historic resources impact. While the No Project/No Build Alternative would not result in any of the impacts identified for the project in the Revised Initial Study or this

²³ The building is currently subject to squatters, vandalism, and graffiti. In the past year the Fire Department had to make two emergency visits to the site due to fires set within the building.

Draft EIR, it would conflict with the City's recently adopted 2023-2031 Housing Element, which identifies this site as a housing opportunity site.

(2) Hydrology and Water Quality

The No Project/No Build Alternative would not result in the construction of any new structures, and the project site would remain in its current state. Because there would be no site disturbance, no new construction, and no changes to the site's drainage patterns, the No Project/No Build Alternative would not result in any significant impacts related to hydrology and water quality.

2. Live-Work Façade Preservation Alternative

a. Description

The Live-Work Façade Preservation Alternative would include development of 123 multi-family residential units and three live-work units, similar to the project. Unlike the project, the Live-Work Façade Preservation Alternative would retain one of the existing façades (the façade along San Pablo Avenue) and thereby preserve a character-defining feature of the historic building. While this would preserve one side of the historic building (the façade along San Pablo Avenue), it would not reduce the significant unavoidable impact to the historic resource to a less than significant level, because the resource would still be technically demolished and would lose its overall integrity.

b. Ability to Achieve Project Objectives

Similar to the project, this alternative would meet all of the project objectives described in Section A.1 above.

c. Impact Analysis

(1) Cultural Resources

The Live-Work Façade Preservation Alternative would ensure that much of the largely intact commercial frontage façade, which is identified as a design that is distinctive of its c1920 period, is retained. The DPR form describes the eligibility of the building as a historic resource as follows:

Relative to its c1920 period, the subject building is generally and contextually interesting, in particular its original street-facing architectural façade along with remaining original/early storefronts. While many changes have been made to the building, outside and in, physical evidence of the building's original/early design and construction remains. Architecturally, the subject building as a whole is a non-descript rectangular concrete box. Yet, generally, the largely intact, elongated façade and partially intact storefront designs are distinctive of their c1920

period. Altogether providing a sufficient basis for a finding of historical significance under California Register criterion 3. (Appendix C, Cultural Resources Analysis)

Although some of the historic materials and features that characterize the property would be retained on the building's façade, the preservation of the façade alone cannot meet the Secretary of the Interior's Standards for Rehabilitation (Standards 2 and 9) because it is all of the elements of the building together that provide a sufficient basis for the finding of historical significance.

As a result, preservation of the façade would not mitigate this impact to a less-than-significant level. However, it will allow the City to continue to enjoy the largely intact elongated façade design as distinctive of the c1920 period. Preservation of this façade is something expressed as desirable during the project's design review, and is incrementally better than demolition of the entire building and only having written and photographic documentation of this resource.

Because this alternative would result in demolition of most of the building except for the facade, preservation of the façade would only slightly reduce the significant unavoidable impact when compared to the project (Impact CUL-1), and would not reduce the impact to a less-than-significant level. This alternative would also result in the same significant impact related to the potential discovery of archeological resources (Impact CUL-2) and require implementation of Mitigation Measures CUL-1 and CUL-2, which would reduce Impact CUL-2 to a less-than-significant level. Similar to the project, this alternative would contribute to a cumulative impact on historic resources.

(2) Hydrology and Water Quality

The Live-Work Façade Preservation Alternative would alter drainage patterns and increase the amount of impervious surface area on site, at a level similar to that of the project; therefore, this alternative would have similar impacts as the project related to hydrology and water quality. Similar to the project, with implementation of the City's COAs and Mitigation Measures HYDRO-1 and HYDRO-2 described in *Chapter IV.B, Hydrology and Water Quality*, potential impacts related to hydrology and water quality would be reduced to a less-than-significant level under the Live-Work Façade Preservation Alternative.

3. Commercial Storefront Preservation Alternative

a. Description

Similar to the project, the Commercial Storefront Preservation Alternative would include development of 123 multi-family residential units, but it would not include the three live-work units to accommodate preserving the existing façade and commercial storefronts facilitating preservation of more of the character defining features at the front of the historic building. This alternative also retains the eight commercial tenant spaces at the ground floor fronting San Pablo Avenue.

b. Ability to Achieve Project Objectives

This alternative would meet most of the project objectives, it would not include live-work units, and therefore would not meet the first project objective listed in Section A.1 above, to the same degree than the project.

c. Impact Analysis

(1) Cultural Resources

Similar to the Live-Work Façade Preservation Alternative, the Commercial Storefront Preservation Alternative would preserve the elongated decorative façade of the commercial frontage. It would also preserve the commercial storefronts designs to the extent feasible. As described above, both of these elements are contributors to the historic resource. However, preservation of them alone cannot meet the Secretary of the Interior's Standards for Rehabilitation (Standards 2 and 9) because it is all of the elements of the building together that provide a sufficient basis for the finding of historical significance.

As a result, preservation of the façade would not mitigate this impact to a less-than-significant level. However, it will allow the City to continue to enjoy the largely intact elongated façade design as distinctive of the c1920 period. Preservation of this façade is something expressed as desirable during the project's design review and is incrementally better than demolition of the entire building and only having written and photographic documentation of this resource.

This alternative would also result in demolition of most of the building, and therefore only slightly reduce the significant unavoidable impact identified for the project (Impact CUL-1). This alternative would also result in the same significant impact related to potential discovery of archeological resources (Impact CUL-2) and require implementation of Mitigation Measures CUL-1 and CUL-2, which would reduce Impact CUL-2 to a less-than-significant level. Similar to the project, this alternative would contribute to a cumulative impact on historic resources.

(2) Hydrology and Water Quality

The Commercial Storefront Preservation Alternative would alter drainage patterns and increase the amount of impervious surface area on site; therefore, this alternative would have similar impacts as the project related to hydrology and water quality. With implementation of the City's COAs and Mitigation Measures HYDRO-1 and HYDRO-2 described in *Chapter IV.B, Hydrology and Water Quality*, potential impacts related to hydrology and water quality would be reduced to a less-than-significant level under the Commercial Storefront Preservation Alternative

C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an EIR identify the environmentally superior alternative. This Draft EIR concludes that the No Project/No Build Alternative is the environmentally superior alternative in the strict sense that environmental impacts associated with its implementation would be the least of all the alternatives examined, to the extent that the structure would not be demolished. To maintain the project site in its current condition would avoid or substantially reduce the historic project and cumulative significant impacts. However, the No Project/No Build Alternative would not realize any of the beneficial impacts of the project, including the provision of more housing on a site that has been identified as a housing opportunity site.

If the no project alternative (the “No Project/No Build Alternative”) is the environmentally superior alternative, CEQA Guidelines Section 15126.6(e)(2) requires the EIR to identify an environmentally superior alternative from among the other alternatives. The comparison of the environmental impacts associated with each alternative above indicates that the Commercial Storefronts Preservation Alternative would be the environmentally superior alternative. That is because the Commercial Storefronts Preservation Alternative would retain the existing façade to preserve the character defining features at the front of the historic building, as well as retaining the eight commercial storefronts at the ground floor fronting San Pablo Avenue. While this alternative would still result in significant and unavoidable cultural resource impacts, preservation of the façade and commercial retail stores is incrementally better than demolition of the building and only have written and photographic documentation thereby reducing the significant and unavoidable impact to historical resources to a greater degree.

VI. CEQA REQUIRED ASSESSMENT CONCLUSIONS

As required by CEQA, this chapter discusses the following types of impacts that could result from implementation of the 2136-2154 San Pablo Avenue Mixed-Use Project (project): growth-inducing impacts, significant unavoidable environmental impacts, and significant irreversible changes. Effects found not to be significant are discussed in the Revised Initial Study included in *Appendix A, Notice of Preparation/Revised Initial Study*.

A. GROWTH-INDUCING IMPACTS

Pursuant to CEQA Guidelines Section 15126.2(e) requires that an EIR discuss whether a proposed project could be growth-inducing. A project is considered growth-inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing. Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond those needed to serve project-specific demand and development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped. Typically, redevelopment projects on infill sites that are surrounded by existing urban uses are not considered growth-inducing because redevelopment by itself usually does not facilitate development intensification on adjacent sites.

The project would be developed on an infill site between the northwest and southwest neighborhoods of Berkeley. The project site is in a developed area that is fully served by public utilities. There are no significant undeveloped areas adjacent to the project site. The project would not remove any obstacles that would facilitate growth that could significantly affect the physical environment. Moreover, it would not result in the extension of utilities or roads into previously unserved or under-served areas and would not directly or indirectly lead to the development of greenfield sites in the East Bay. Because the project site is located within an existing urbanized area and is with 0.5 miles of a major transit station (Berkeley BART Station), anticipated growth would benefit the existing transit system and could reduce adverse impacts associated with automobile use, such as air pollution and noise. In addition, the project is consistent with the General Plan including the recently adopted Housing Element Update, which designates this property as a housing site. The provision of additional housing in Berkeley would allow more people to live in an existing urbanized area, which could reduce development pressures on farmland and open space in the greater San Francisco Bay Area. Therefore, the population growth that would occur because of project implementation would be largely beneficial and is not considered substantial and adverse.

B. SIGNIFICANT IRREVERSIBLE CHANGES

CEQA requires that EIRs assess whether a project could result in significant irreversible changes to the physical environment. These changes may include current or future uses of nonrenewable resources and secondary or growth-inducing impacts that commit future generations to similar uses. CEQA Guidelines Section 15126.6(d) discusses three categories of significant irreversible changes that should be considered, as discussed below.

1. Consumption of Nonrenewable Resources

Consumption of nonrenewable resources includes the use of nonrenewable energy sources, conversion of agricultural lands, and loss of access to mining reserves. Because the site has not been used for mineral extraction, loss of access to any minerals that historically occurred on site would not be considered significant. Implementation of the project would require electricity and possibly other forms of energy; however, the scale of consumption for the proposed uses would be typical for a mixed-use infill development of this size. The project would incorporate energy-conserving features, as required by the Uniform Building Code and the California Energy Code (Title 24, Part 6) and the City of Berkeley's Climate Action Plan (CAP). The project would also be required to comply with Chapter 12.80 of Berkeley Municipal Code which prohibits natural gas infrastructure in newly constructed buildings. Additionally, the placement of the project on a site within an urban area near services and transit would facilitate the increased use of public transit, further reducing nonrenewable energy consumption associated with single-occupancy vehicles and reducing total vehicle miles traveled. The project would not convert land used for prime agriculture to residential and public uses, as no agricultural uses or farmland are present within or adjacent to the project site.

2. Changes in Land Use That Commit Future Generations

The project would allow for the redevelopment of an approximately 0.53-acre site located between the northwest and southwest neighborhoods of Berkeley. The project site currently contains a single-story building. It is designated for a variety of mixed-use commercial uses. Because the project would occur on an infill site on land designated for a mix of land uses, it would not commit future generations to a significant change in land use.

3. Irreversible Damage from Environmental Accidents

No significant irreversible environmental damage, such as what could occur because of an accidental spill or explosion of hazardous materials, is anticipated due to implementation of the project. The project does not propose the use of hazardous materials (beyond standard construction supplies), nor are any hazardous materials present on the project site beyond those that would be handled according to standard practice during construction. Furthermore, compliance with federal, State, and local regulations discussed in the Revised Initial Study in

Appendix A, Notice of Preparation/Revised Initial Study would help ensure the project would not result in significant irreversible damage from environmental accidents or a substantial increase in the severity of previously identified effects related to environmental accidents.

C. SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

CEQA Guidelines Section 15126.2(c) requires that an EIR discuss whether a proposed project would have significant environmental effects that cannot be avoided. As discussed in *Chapter IV.A, Cultural Resources*, the project would have significant and unavoidable impacts on Cultural Resources; specifically, historical resources. The project would involve the demolition of a building listed as a City Landmark; therefore, pursuant to CEQA Guidelines Section 15064.5(b), the project would have a significant impact on historical resources because it would cause a substantial adverse change in the significance of a historical resource. While mitigation measures, if implemented, could reduce adverse impacts on the historical resource, the project impacts on historical resources could not be reduced to a level that is less than significant without full preservation of the building.

All other CEQA environmental topics were found in the Revised Initial Study to have no impact, less than significant impacts, or less than significant impacts with mitigation incorporated. These include Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources (other than impacts related to historical resources), Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality (other than impacts related to stormwater runoff), Land Use Planning, Mineral Resources, Noise, Parks and Recreation, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. The impacts of the project related to each of these topics are described in detail in the Revised Initial Study, which is attached to this document as *Appendix A, Notice of Preparation/Revised Initial Study*.

D. EFFECTS FOUND NOT TO BE SIGNIFICANT

A Notice of Preparation (NOP) and Initial Study were circulated on August 17, 2022, and a public scoping session for the Draft EIR was held on September 8, 2022. Written and verbal comments received on the NOP and Initial Study, as well as comments received during the scoping meeting, were considered in determining the scope of this Draft EIR.

The Revised Initial Study concluded that the following topics would have no impact or less than significant impacts: Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Parks and Recreation, Population and Housing, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service

Systems, and Wildfire. These topics were therefore determined not to require further discussion in the Draft EIR.

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