

APPENDIX A

NOTICE OF PREPARATION AND COMMENT LETTERS

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LAND USE PLANNING

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date: December 21, 2022

To: State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations, and Interested Persons

Lead Agency: City of Berkeley

Project Title: Gilman Gateway Rezone Project

Project Location: The project site is comprised of 18 parcels totaling approximately 10.64 acres located in West Berkeley. The Project site is bisected by Second Street and bordered by Gilman Street to the north, Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Eastshore Highway (Interstate 80 [I-80]) to the west.

Project Applicant: City of Berkeley and SPUR Capital

Purpose of Notice

The City of Berkeley (City), as the lead agency, is preparing an Environmental Impact Report (EIR) for the proposed Gilman Gateway Rezone project, located at the properties listed in Table 1 below. The project will rezone the site to a new zoning district and General Plan to allow a range of light industrial, research and development, and similar/related uses, and amend the development standards related to building height and other matters. In accordance with the provisions of the State of California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Section 15082(a), this Notice of Preparation (NOP) provides response and trustee agencies, nearby property owners, and other interested parties with a description of the proposed project and information on its potential environmental effects. The City also invites input and/or comments from public agencies and the general public as to the scope and content of the environmental information that will be studied in connection with the project.

Project Description and Location

As shown on Figure 1 below, the project site is located in West Berkeley. As shown in Table 1 and on Figure 2 below, the project site is comprised of 18 parcels totaling approximately 10.64 acres, bisected by Second Street and bordered by Gilman Street to the north, Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Eastshore Highway (Interstate 80 [I-80]) to the west. Of these 18 parcels, 13 are associated with the former Pacific Steel Casting site and total approximately 8.16 acres. This site is developed with a number of buildings that have exceeded their economic life and are expected to be demolished and the site redeveloped by private parties. The remaining parcels include two which are associated with the former Berkeley Forge and Tool, which total approximately 1.18 acres, and three unassociated parcels totaling approximately 1.3 acres, currently occupied by a vehicle rental business, live/work building, and recycled materials processing business.

Table 1: Project Site				
Existing Uses	Address	APN	Lot Size (sf)	Building Size (sf)
Pacific Steel Casting	1305 Eastshore Highway	59-2344-1-2	8,666	n/a
	1401 Eastshore Highway	59-2341-4	41,286	26,217
	1421 Second Street	59-2340-8-2	102,366	73,640
	1420 Second Street	59-2341-5	25,452	19,942
	1320 Second Street	59-2344-4-1	55,003	44,343
	1314 Second Street	59-2344-3-1	14,000	12,504
	1333 Second Street	59-2345-9	36,575	14,840
	1337 Second Street	59-2345-8-1	14,630	2,432
	1332 Third Street			
	1310 Third Street	59-2345-2-2	17,985	26,550
	631 Camelia Street	59-2345-7	8,100	5,200
	625 Camelia Street			
	635 Camelia Street	59-2345-6-1	13,000	9,024
	643 Camelia Street	59-2345-4	5,500	n/a
	1311 Second Street	59-2345-1	13,000	13,000
	630 Gilman Street			
	640 Gilman Street			
Berkeley Forge and Tool	1331 Eastshore Highway	59-2344-7	39,192	31,092
	1330 Second Street	59-2344-5-1	12,115	10,000
Live/Work	1306 Third Street	58-2345-2-1	6,204	6,204
Vehicle Rental	600 Gilman Street	59-2344-2-1	11,625	1,008
Recycled Materials Processing	1433 Eastshore Highway	59-2341-3-2	38,850	1,944
Total Area (sf)			463,549	297,940

Existing Land Uses

The project site is currently designated Manufacturing by the City of Berkeley General Plan adopted in 2002 and zoned Manufacturing (M) per the Zoning Ordinance and West Berkeley Plan. The project site is currently developed with approximately 16 buildings totaling 297,940 square feet that have been in

use for industrial, commercial and live/work uses. There are paved roadways that extend throughout the site and the Union Pacific Railroad right-of-way is adjacent to and runs north-south along the eastern boundary of site.

The following parcels within the project area are included on the lists of sites enumerated under Government Code Section 65962.5:

- 600 Gilman Street (Budget Rent a Car)
- 1333 Second Street (Pacific Steel Plant #2)

Surrounding Land Uses

The project site is surrounded by a mix of manufacturing, warehouse, office, and commercial uses. Residential uses are located to the northeast and southeast.

Proposed Project

The project would create a new zoning district - Manufacturing, Research and Development (M-RD) – in order to facilitate future development. The M-RD zoning district would permit a variety of uses, including office, industrial and heavy commercial, laboratory, light manufacturing, and research and development (R&D), which would primarily be subject to the permit thresholds of the Mixed-Use Light Industrial (MU-LI) district. The EIR will evaluate the impact of the rezone and associated general plan amendments, as well as demolition of the existing buildings totaling approximately 298,000 square feet, except for the existing 10,000 square-foot building at 1330 Second Street, which would be adaptively reused, construction of up to 1,000,000 square feet of nonresidential space and 2,000 off-street automobile parking spaces, at a maximum building height of 105 feet.

While the proposed project does not involve any specific development project, it will evaluate the buildout of a potential future development on an approximately 8.16-acre portion of the project area to the extent that such development is foreseeable at the time of preparation of this EIR. The buildout of the potential future project is assumed to be consistent with the development standards of the proposed M-RD zoning district, and would consist of up to 900,000 square feet of R&D, office, laboratory, and light manufacturing uses and 1,900 automobile parking spaces.

Environmental Impact Report

The EIR will include a discussion of all topic areas required by the CEQA Guidelines, with a particular focus on the following specific environmental categories most relevant to the proposed project:

- | | |
|-----------------------------------|-------------------------------|
| • Air Quality | • Hydrology and Water Quality |
| • Cultural Resources | • Land Use Planning |
| • Energy | • Transportation |
| • Greenhouse Gas Emissions | • Tribal Cultural Resources |
| • Hazards and Hazardous Materials | |

The EIR will also identify and compare a reasonable range of alternatives to the project. Alternatives will be chosen based on their ability to avoid or reduce identified significant environmental impacts of the project while achieving most of the project objectives (CEQA Guidelines Section 15126.6), and all other sections required by CEQA.

Public Review and Comment Period

The City requests written comments that focus on the scope and content of the environmental information

of the EIR for the Gilman Gateway Rezone project. All comments on environmental issues received during the public comment period will be considered when preparing the EIR.

This NOP will be circulated for a 60-day review period, which will extend from December 21, 2022 to February 27, 2023. Responses to this NOP must be received by 5:00 p.m. on February 27, 2023. Please send your written or electronic responses, with appropriate contact information, to the following:

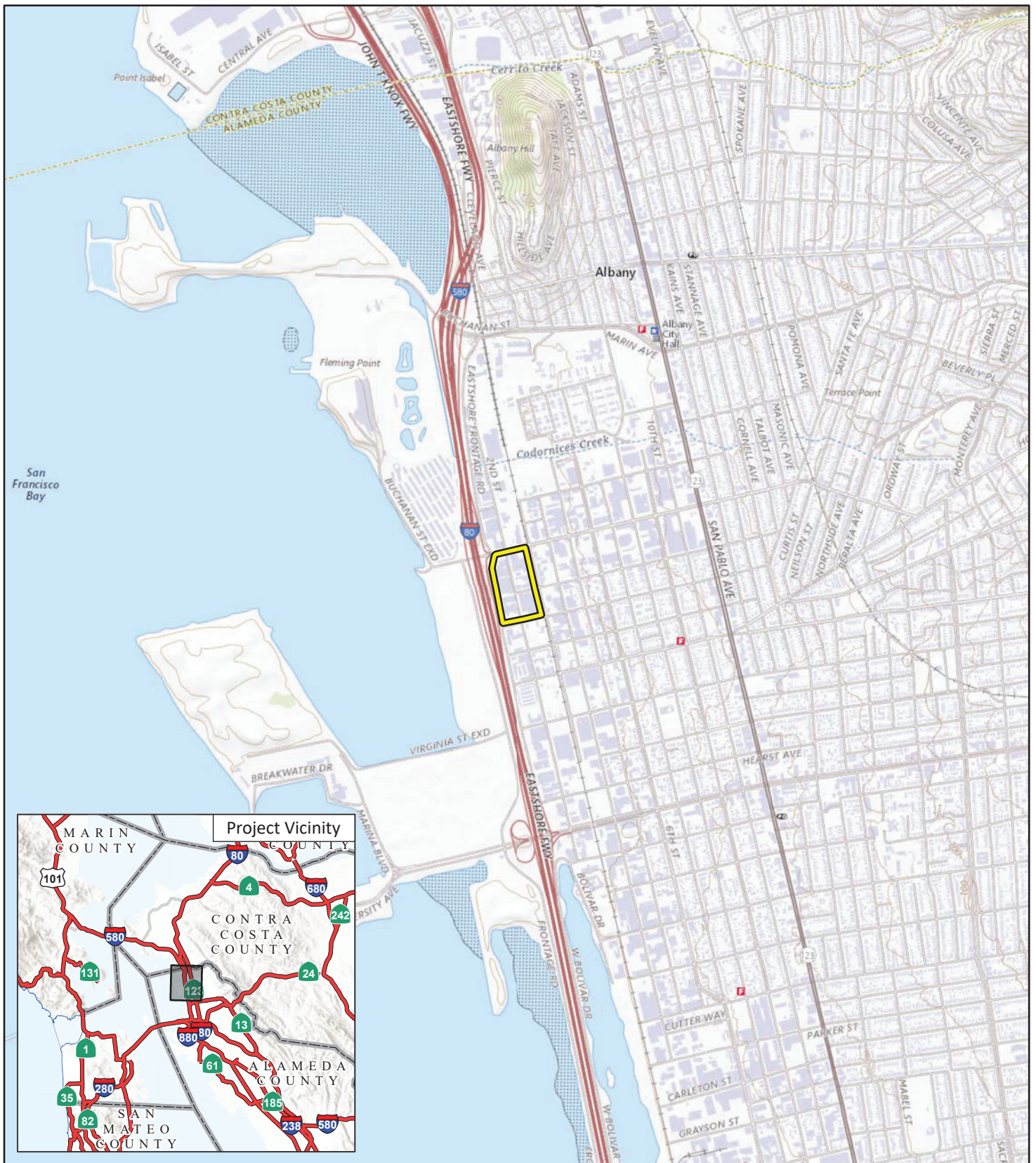
Ashley James
City of Berkeley
Land Use and Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704
Email: ajames@cityofberkeley.info

For electronic responses, please include the project name in the subject line.

Public Scoping Meeting

The City will hold two public meetings to inform interested parties about the project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. The meetings will be held via video and teleconference on the following dates:

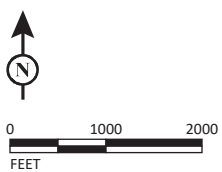
- Planning Commission: Wednesday, February 1st at 7:00pm. The meeting agenda with corresponding meeting link will be posted by 5:00 p.m. on January 27 on the Commission website: [Planning Commission | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/planning-commission)
- Landmarks Preservation Commission: Thursday, February 2nd at 7:00pm. The meeting agenda with corresponding meeting link will be posted by 5:00 p.m. on January 27 on the Commission website: [Landmarks Preservation Commission | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/landmarks-preservation-commission)



 Project Location

FIGURE 1

LSA



SOURCE: USGS The National Map (2017)

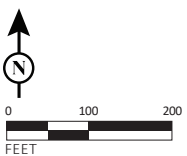
J:\20220844\Pro\SPUR Gilman Gateway Project.aprx (12/16/2022)

Gilman Gateway Rezone Project NOP
Regional Location and Project Vicinity



FIGURE 2

LSA



- Project Site Boundary
- Berkeley Forge and Tool
- Pacific Steel Casting
- Other Parcels

SOURCES: Google Earth, 8/6/2020; LSA, 2022

I:\22020844\G\Aerial Photo of Project Site.ai (12/16/2022)

*Gilman Gateway Rezone Project NOP
Aerial Photograph of the Project Site*

NATIVE AMERICAN HERITAGE COMMISSION

December 29, 2022

Ashley James, Senior Planner
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 2022120549, Gilman Gateway Rezone Project, Alameda County

Dear Ms. James:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

CHAIRPERSON
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Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
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Stanley Rodriguez
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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,



Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

February 9, 2023

Ashley James, Senior Planner
City of Berkeley
Land Use and Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: Notice of Preparation of an Environmental Impact Report for Gilman Gateway Rezone Project, Berkeley

Dear Ms. James:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of an Environmental Impact Report (EIR) for the Gilman Gateway Rezone Project located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

Pursuant to Section 15155 of the California Environmental Quality Act Guidelines and Sections 10910-10915 of the California Water Code, a Water Supply Assessment (WSA) is required for the project as it exceeds the threshold requirement for an assessment of water supply availability based on the amount of water this project would require (greater than a 250,000-square-foot commercial office building). Please submit a WSA request to me at your earliest convenience. EBMUD requires the project sponsor to provide future water demand data and estimates for the project site for the analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multi-family residential, mixed-use multi-family, and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed project. Main extensions that may be required to serve individual development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. EBMUD owns and operates distribution pipelines in all of the streets within the proposed corridor of the project area. These pipelines are necessary to provide continuous service to EBMUD customers in the area. Pipeline and fire hydrant relocations and replacements, due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

EBMUD's Standard Site Assessment Report and the project's Notice of Preparation indicate the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all

requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

EBMUD owns and operates a 48-inch diameter wastewater pipeline in Second Street, which provide continuous service to EBMUD's customers in the area. Any proposed construction activity in Second Street would need to be coordinated with EBMUD so that the integrity of this pipeline is maintained at all times. If the project will require quit claiming a portion of the public road, then a permanent right of way and continued access will need to be provided for the EBMUD facilities in Second Street.

WATER RECYCLING

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings, and other applications.

EBMUD's current recycled water infrastructure and service does not extend to the project limits, however, the site is located within EBMUD's East Bayshore Recycled Water Project designated service boundaries and as part of the EBMUD's long term water supply planning, future expansion plans will extend recycled water along Interstate-80 adjacent to the project area.

As EBMUD advances plans and implements its recycled water supply expansion, EBMUD requires the City and project sponsors to coordinate closely with EBMUD and provide an estimate of expected water demand for potential recycled water uses for each specific project during the planning of the project to further explore the options and requirements relating to recycled water use. Accordingly, EBMUD will continue to assess and consider the feasibility of providing recycled water to the project area for appropriate uses.

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

Ashley James, Senior Planner
February 9, 2023
Page 5

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



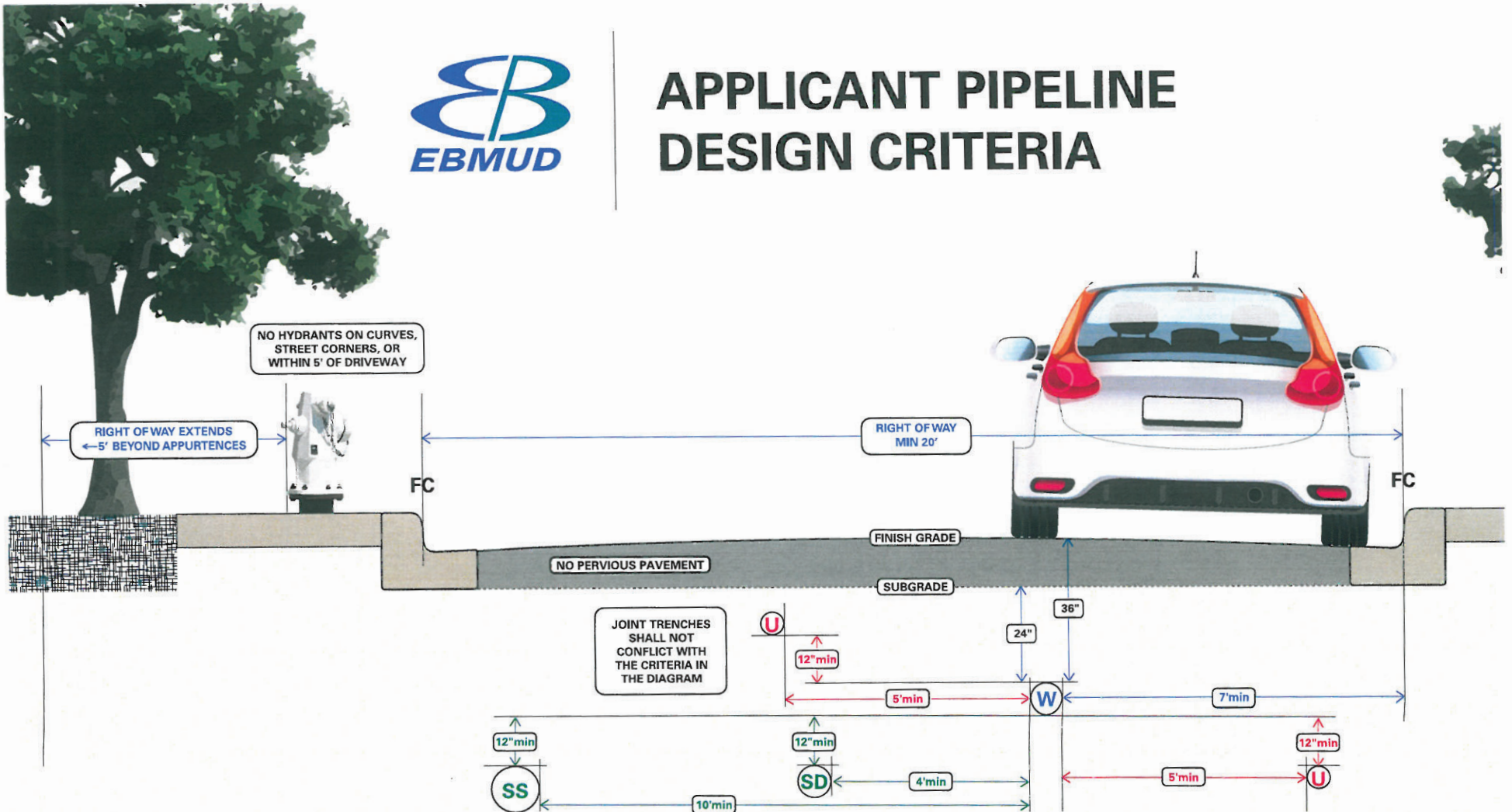
David J. Rehnstrom
Manager of Water Distribution Planning

DJR:EZ:kvv
wdpd23_005 Gilman Gateway Rezone Project

Enclosure: Applicant Pipeline Design Criteria



APPLICANT PIPELINE DESIGN CRITERIA



W = WATER

24" cover to subgrade
36" cover to final grade
7' inset from face of curb

U = UTILITY

min 12" vertical clearance
min 5' horizontal clearance

SS = SANITARY SEWER

min 12" below water
min 10' horizontal clearance

SD = STORM DRAIN

min 12" below water
min 4' horizontal clearance

FC= FACE OF CURB



Applicant Pipeline Design Criteria

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.



NATIVE AMERICAN HERITAGE COMMISSION

February 14, 2023

Ashley James
City of Berkeley

Via Email to: AJames@cityofberkeley.info

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

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Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Gilman Gateway Rezone Project, Alameda County

Dear Ms. James:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was positive. Please contact the tribes on the attached list for more information.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address:

Cody.Campagne@nahc.ca.gov.

Sincerely,



Cody Campagne
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Alameda County
2/14/2023**

***Amah Mutsun Tribal Band of
Mission San Juan Bautista***

Irene Zwielerin, Chairperson
3030 Soda Bay Road
Lakeport, CA, 95453
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com
Costanoan

***Costanoan Rumsen Carmel
Tribe***

Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA, 91766
Phone: (909) 629 - 6081
Fax: (909) 524-8041
rumsen@aol.com
Costanoan

Guidiville Indian Rancheria

Donald Duncan, Chairperson
P.O. Box 339
Talmage, CA, 95481
Phone: (707) 462 - 3682
Fax: (707) 462-9183
admin@guidiville.net
Pomo

***Indian Canyon Mutsun Band of
Costanoan***

Kanyon Sayers-Roods, MLD
Contact
1615 Pearson Court
San Jose, CA, 95122
Phone: (408) 673 - 0626
kanyon@kanyonconsulting.com
Costanoan

***Indian Canyon Mutsun Band of
Costanoan***

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyons.org
Costanoan

***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 464 - 2892
cnijmeh@muwekma.org
Costanoan

***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Monica Arellano, Vice
Chairwoman
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 205 - 9714
monicavarellano@gmail.com
Costanoan

North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net
Costanoan
Northern Valley
Yokut

North Valley Yokuts Tribe

Timothy Perez,
P.O. Box 717
Linden, CA, 95236
Phone: (209) 662 - 2788
huskanam@gmail.com
Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

Andrew Galvan, Chairperson
P.O. Box 3388
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com
Bay Miwok
Ohlone
Patwin
Plains Miwok

***Wuksache Indian Tribe/Eshom
Valley Band***

Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas, CA, 93906
Phone: (831) 443 - 9702
kwood8934@aol.com
Foothill Yokut
Mono

***The Confederated Villages of
Lisjan***

Corrina Gould, Chairperson
10926 Edes Avenue
Oakland, CA, 94603
Phone: (510) 575 - 8408
cvltribe@gmail.com
Bay Miwok
Ohlone
Delta Yokut

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Gilman Gateway Rezone Project, Alameda County.

GILMAN GATEWAY REZONE PROJECT SCOPING SESSION NOTES

On February 1, 2023, the City of Berkeley Planning Commission held a Scoping Session for the Environmental Impact Report (EIR) to be prepared for the proposed Gilman Gateway Rezone Project (proposed project). On February 2, 2023, the City of Berkeley Landmarks Preservation Commission held a second Scoping Session for the EIR to be prepared for the proposed project. At both scoping sessions, LSA provided an overview of the California Environmental Quality Act (CEQA) process, which was followed by questions and comments from the public and the respective Commissions. While comments related to the merits of the proposed project were made at these meetings, these notes only summarize questions and comments generally related to the environmental review documentation.

Planning Commission

Commission Member Questions and Comments

Elisa Mikiten, Chair

- Is one of the alternatives discussed in the EIR keeping the project site zoned Manufacturing (M)?
 - City Response: Yes. A “No Project Alternative” will be discussed and analyzed pursuant to CEQA, which will analysis environmental impacts if the project site were to be left in its existing condition.
- The proposed M-RD zoning district does not need to be more targeted than the MULI zoning district.
- Include bio swales, landscaping, and street tree design in project design instead of restricting lot coverage for the purpose of increasing open space. A 50% lot coverage restriction is not necessary, but the commission should defer to City staff for the best lot coverage standard.
- Design standards for the proposed M-RD zoning district are not necessary.
- Suggested pursuing an EIR for the rezoning of the project site to M-RD and an IS/MND for the proposed SPUR development project at the same time.

Blaine Merker

- Concern with how the lot coverage restriction and open space standard would affect potential development, specifically as it relates to building height.
- Who is the open space for? Is it a destination for visitors or for employees?
- The EIR should analyze a maximum lot coverage scenario.

Barnali Ghosh

- Concerned with the proposed project's impact on transportation in the area. There should be mitigation for improving bike and pedestrian circulation in order to support local businesses in the area.
- Keeping the existing M parking standards is okay.
- The project should include car share and transit programs.
- Design standards are not necessary, and the lot coverage standard should be increased, but building height is fine. Supportive of up to a 75% lot coverage standard.
- In favor of keeping the character of the existing buildings.
- When will City staff decide on the best zoning path (zoning overlay or new zoning district) for the project site?
 - City Response: The City is moving as fast as they can. Draft zoning district language could be discussed at the April Planning Commission meeting. However, no zoning amendment can be approved until certification of the EIR.
- How do you complete the EIR without the project description? When do we get the project description to ensure that the CEQA process is in-line with the proposed project?
 - City Response: LSA has drafted the project description, which has gone through multiple rounds of review by the City. Comments received during this meeting will provide final revisions to the project description.
 - LSA: Regardless of the zoning path, the rezoning of the project site would result in up to a million square feet of R&D uses. This is what the project description describes and what the environmental analysis will be based on.
- Suggested that alternatives include a 75% lot coverage standard and a 100% lot coverage standard.
 - City Response: Typically, the alternatives analysis discusses alternatives that reduce the project scale in order to reduce environmental impacts.

Jeff Vincent

- Time is of the essence. The Council identified this rezoning issue as its highest priority. Concern with timeline and straying too far from the Council's referral.

- Objective design standards are not necessary. Concern that design standards would block or discourage development.
- The 50% lot coverage restriction is too low. The zoning district should allow more lot coverage. The analysis in the EIR should be based on the most conservative assumption regarding lot coverage.
- Is the EIR schedule presented at the meeting accurate regardless of whether a zoning overlay or new zoning district is created? How soon could Staff return with revised language?
 - City Response: The City is currently finalizing the project description and will return with revised language as soon as possible. The phases outlined in the schedule will stay the same regardless of what zoning path is pursued, but the timing may change depending on when the technical studies are received. The CEQA process would stay the same regardless of if a new district or a new overlay is pursued. At this point, pursuing a Mitigated Negative Declaration (MND) would take longer than continuing with an EIR as the current CEQA process would have to be paused, and a new CEQA process initiated.

Alfred Twu

- The lot coverage restriction is not necessary and should not be lowered.
- Design standards are not necessary.

Public Questions and Comments

Betsy Morris, Grey Panthers of Berkeley

- Concern with the displacement of people who use the project area for informal housing. The project site and surrounding area is a distinctive place within West Berkeley and has always had informal housing. This informal housing has been driven out by new development. There are 400-500 vehicle dwellings in the area, and they will be displaced with implementation of the proposed project. The EIR should address the jobs/housing balance in Berkeley. The proposed project is taking away the only place in Berkeley to have a safe parking/living area. There are other R&D projects being proposed in the area.

Kelly

- The project area is in an earthquake zone, and this should be considered in the EIR.
- Is DTSC going to allow capping or the actual removal of contaminants? If capping, the EIR should take sea level rise and potential pollution of groundwater into consideration.

- Concern with the proposed project's impact on ecosystems near the bay, specifically the project's impact on birds. Bird safe glass should be used throughout the project and there should be efforts to restore ecosystems.

Ms. Omowale Fowles

- The project site is on traditional Ohlone land and the EIR needs to address this.
- The City's Precautionary Principal needs to be discussed in regards to the project.
- Concern with the height of the buildings and the impact of shadows, temperature fluctuations, and restricting clean air flow from the bay on housing and businesses in the area.
- Concern regarding Eminent Domain issues. The impact on homeowners needs to be addressed in the EIR.

Landmarks Preservation Commission

Commission Member Questions and Comments

Charles Enchill, Chair

- Excited for the release of the EIR.
- Once the Historical Resources Evaluation (HRE) has been drafted and is available for review, the Commission would like to provide comments on the HRE.

Steve Finacom

- Concern with the content and quality of the HRE. HREs can be extremely incomplete and problematic and because the proposed project appears to replace everything on the site, the HRE will require very thorough analysis. Actual research, not just desktop review, should be conducted for the site. The HRE should include many photos (historical and of existing conditions), tract maps, and thorough documentation of the existing buildings with individual analysis. What consulting firm will be preparing the HRE? When will we know who is preparing the HRE? Who at LSA will be performing the peer review of the HRE? Requests the Commission be notified when the HRE is submitted and available to the public.
 - City Response: The project applicant for the proposed development project will facilitate the preparation of the HRE by contracting out to a consultant. At this time, because the City has not received the HRE, the consultant is unknown. The City will ensure that the Commission is notified when the HRE is submitted to the City and made available to the public.
 - LSA Response: LSA will perform a thorough peer review of the HRE on behalf of the City to ensure accuracy and completeness. The peer review will be conducted by one of the expert LSA architectural historians.

- The materials shared with the Commission by the proposed development project applicant indicated that the project site is located at an elevation above the estimate for maximum sea level rise. What is this estimate and how was this assumption made? Will LSA operate under this assumption or investigate the issue with current information available?
 - LSA Response: This information was provided by the proposed development project applicant. LSA will perform separate analysis in the EIR to determine the impacts of sea level rise on the project site.
- Concern with the scale of the proposed development project. Given that the full buildout of the project site includes large buildings, up to 105 feet in height, and large blocks of buildings, aesthetics should be heavily evaluated in the EIR. Design review has been done on other similar projects. These types of projects significantly change the visual character of the area. Buildings in these types of projects are typically bland looking and close off the street.
- Concern on the multiple, large, proposed parking garages described in the proposed development project's concept plan. Similar projects with large numbers of parking spaces have caused transportation and traffic issues in the area. Traffic and transportation impacts should be discussed in the EIR.
- Concern with the proposed environmental review process schedule, specifically with the NOP public comment period close date and the anticipated date of release of the Final EIR for public review in Winter 2023. The NOP public comment period closes on February 27, 2023, two days before the next Commission meeting, leaving the Commission no time to prepare a comment letter. Request that the NOP public comment period be extended by a week. The City and the University have a history of releasing controversial EIRs when people who may comment on them are gone or on vacation. Suggest modifying the proposed schedule to remedy this issue.

Public Questions and Comments

No public questions or comments were received.