

## APPENDIX C

### WRITTEN COMMENTS



December 2, 2024

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

Re: Notice of Availability of a Draft 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 Draft Environmental Impact Report (EIR) for the Gilman Gateway Rezone Project located in the City of Berkeley (City). A Water Supply Assessment (WSA) was prepared for the project, approved by EBMUD Board of Directors on May 23, 2023, and provided to the City that same day. EBMUD commented on the Notice of Preparation of a Draft EIR for the project on February 9, 2023. EBMUD's original comments (see enclosure) still apply regarding water service (except for the requirement for a WSA) and wastewater service.

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,

A handwritten signature in blue ink that reads 'David J. Rehnstrom'.

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:MTD:kn  
wdpd24\_209\_Gilman Gateway Rezone Project.doc

Enclosure: EBMUD Response to Notice of Preparation of Draft EIR

A-EBMUD-1



February 9, 2023

Ashley James, Senior Planner  
City of Berkeley  
Land Use and Planning Division  
1947 Center Street, 2<sup>nd</sup> 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.

A-EBMUD-2

#### **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.

A-EBMUD-3

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.

A-EBMUD-4

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.

A-EBMUD-5

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.

A-EBMUD-6

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](http://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.

A-EBMUD-7  
cont.

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.

A-EBMUD-8

## **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.

A-EBMUD-9

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.

A-EBMUD-10

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

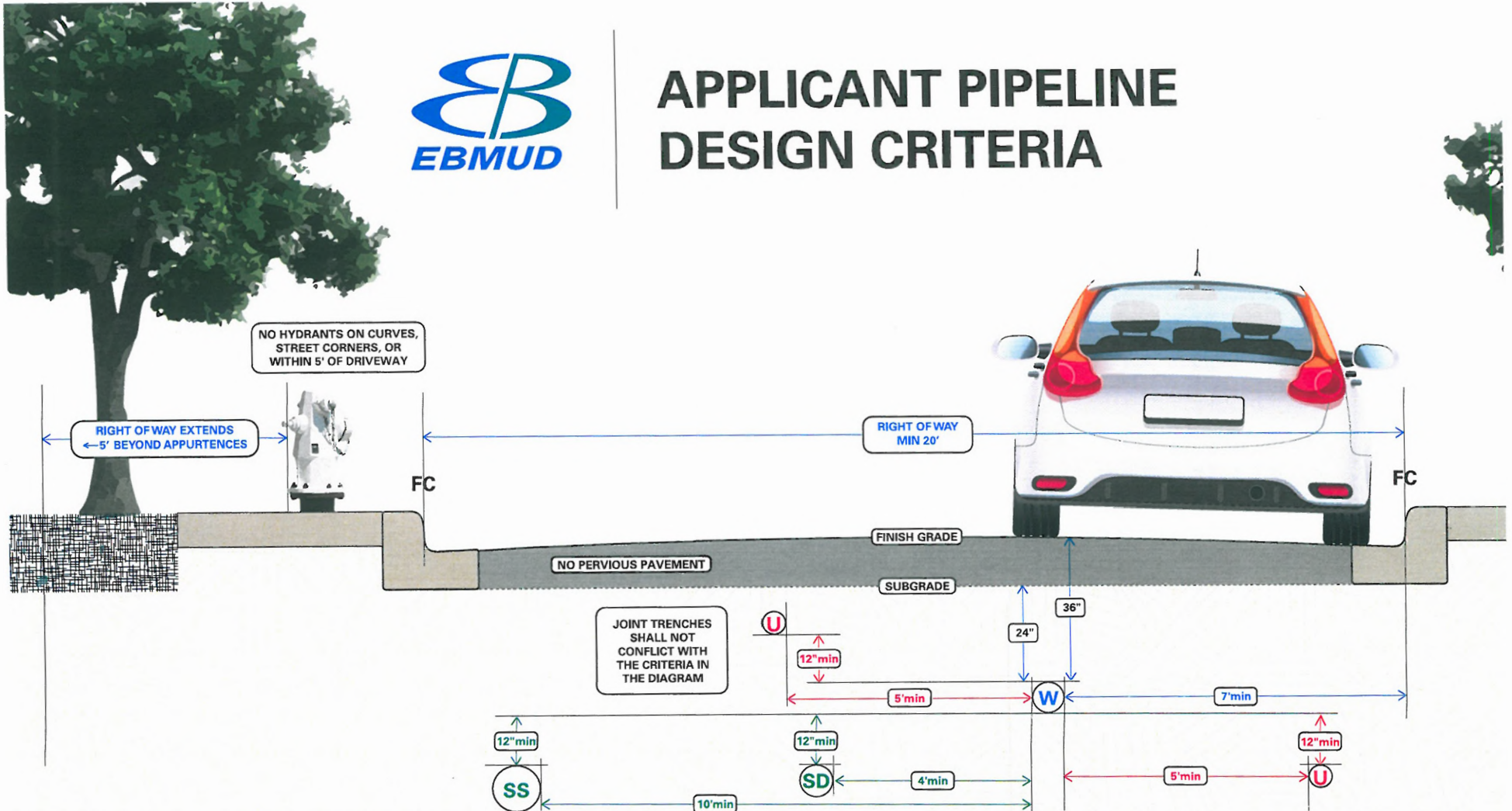
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wdpd23\_005 Gilman Gateway Rezone Project

Enclosure: Applicant Pipeline Design Criteria

**A-EBMUD-11**



# 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.



December 2, 2024

*By Email*

Ashley James  
City of Berkeley  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
[ajames@berkeleyca.gov](mailto:ajames@berkeleyca.gov)

Re: Gilman Gateway Rezone Project  
Draft Environmental Impact Report  
Comments of Owners of 1306 3<sup>rd</sup> Street, Berkeley, California (Rosebloom Building)

Dear Ms. James:

My office continues to represent Rafi Aji and Ivan Narez-Hurtado (Rafi and Ivan), partners in Rosebloom Project, LLC (Rosebloom LLC," or "Property Owners"). The Property Owners own the mixed-use arts and residential building and property at 1306 3<sup>rd</sup> St. in the City of Berkeley ("Rosebloom Building").

O-1-1

In earlier communications to the City, Rafi and Ivan have detailed the decades-long history of the Rosebloom Building and site as a home for artists and tenants, and its longstanding use for live/work residential units. The Rosebloom Building includes artist studios and four live/work units for residents and their families.

The City has confirmed that the Rosebloom Building is a *legal non-conforming use – it has a continuing right to exist and to serve its owners, tenants, residents and families*. In earlier communications, the City Staff has stated:

Consistent with the intent and Council's goals for the site . . . the proposed zoning would maintain this area for manufacturing and related uses. The live/work use at 1306 Third would continue to be legally nonconforming. *The Berkeley Zoning Ordinance allows lawful non-conforming uses to remain occupied in their current condition as a matter of right . . .*

O-1-2

Notably, *any future development would need to be designed in a manner that minimizes impacts related to light and air on the adjacent properties, including the building at 1306 Third [the Rosebloom Building].* (Emphasis added.) (See Staff Email August 2, 2023.)



In the Draft EIR, the City Staff and EIR consultants repeatedly reference the potential demolition of the Rosebloom Building. The owners of the Rosebloom Building have not proposed or agreed to such demolition, and have informed the City that they have no such plans. Instead, Rafi and Ivan have repeatedly indicated their intent to retain this historic building.

O-1-3

*We want to confirm to the City Staff and the EIR consultants that the residents, tenants and their families at the Rosebloom Building intend to live and work there for decades to come. There are no plans to “leave” or demolish the Rosebloom Building.*

Further, the City has confirmed that the Rosebloom Building is a historical resource and landmark. Please reference the Draft EIR at p. 2-1, which states:

The project site includes one property, 1306 Third Street, that meets the criteria for listing in the California Register for Historical Places, meets the criteria for designation as a City of Berkeley Landmark, and meets the definition of an historical resource pursuant to State CEQA Guidelines Section 15064.5.

O-1-4

Given the Rosebloom Building will remain in perpetuity as a landmark and as a historical resource, the Draft EIR should discuss the potentially significant impacts of all “projects” on the Rosebloom Building – and should propose mitigation measures to protect the Rosebloom Building. As shown herein, the Draft EIR does not adequately discuss such potential impacts or propose needed mitigation measures.

We have reviewed the Notice of Availability of the Draft Environmental Impact Report (“Draft EIR”) for the Gilman Gateway Rezone Project, and we have reviewed the Draft EIR as set forth on the City’s website.

O-1-5

Set forth below are the Property Owner’s comments on the Draft EIR (“Comments”). Please note that these Comments are set forth in two parts: (i) an **Overview/Summary**; and (ii) **Specific Comments**.

#### **I. Overview/Summary of Comments**

The Draft EIR states that it covers *two separate and overlapping projects*, as follows:

(i) The **Gilman Gateway Rezone Project**, or “Proposed Project,” which covers an 11.54-acre “Project Site” including the Rosebloom Building. This Proposed Project, initiated by the City, would (i) establishment a new zoning district (Manufacturing, Research and Development (M-RD)); rezone the “entire site” to M-RD; and (iii) amend the General Plan to add the M-RD zoning district to the Manufacturing land use designation. The Draft EIR indicates this review is on a “*program EIR*” level.

O-1-6

(ii) In addition, the “Proposed Project” includes analysis of a “**Conceptual Development Project**” for a 10.26-acre portion of site as earlier proposed by Berkeley Forge Development. This portion of the site and proposed project does not include the Rosebloom Building; *however, it will have significant impacts on the Rosebloom Building*, a City landmark and historical resource. The Draft EIR indicates it is reviewing the conceptual development project on a “*project level* . . .to the extent feasible.”

The above two-fold approach causes confusion, errors and misstatements throughout the Draft EIR. A reader of the Draft EIR cannot determine whether the Draft EIR text is speaking about the Gilman Gateway Rezone Project, which includes the Rosebloom Building, or the Conceptual Development Project, which does not include the Rosebloom Building.

O-1-6  
cont.

The Draft EIR claims that the City “anticipates the submittal of a formal application for a conceptual development project.” However, there is currently no application on file, and no indication that such formal application will be submitted.

Instead, as a direct result of the Draft EIR’s two-fold approach – the Draft EIR fails to adequately address the impacts of the Gilman Gateway Rezone Project and/or the Conceptual Development Project on the Rosebloom Building. As shown in **Section II** below, the conceptual development project may result in construction and tall buildings immediately adjacent to the Rosebloom Building, causing loss of light and air, and causing significant noise, transportation and related impacts. *None of these impacts is effectively discussed in the Draft EIR. Such impacts are evidently deferred to a later review of the Conceptual Development Project.*

O-1-7

The Property Owners have stated several times in writing to the City that they have no intention of leaving or of demolishing the Rosebloom Building.<sup>1</sup> The Property Owners have requested several times that the Draft EIR recognize that the Rosebloom Building will remain, and that the Draft EIR should address the significant impacts of proposed projects on the Rosebloom Building.

O-1-8

The Draft EIR does not recognize the Property Owners’ concerns – *and instead states repeatedly that it is reasonable to assume that all of the buildings on the “site” (including the Rosebloom Building) will be demolished.*

As a result of these and other legal deficiencies, the Draft EIR is legally inadequate under the law.

## **II. Specific Comments on Draft EIR**

### **A. Draft EIR Section 1.0: Introduction (Draft EIR at p. 1-1 to 1-4)**

#### **1. Sections 1.1.1 and 1.1.2**

#### **Comment**

These two sections introduce the “Proposed Project.” The two sections reference the Proposed Project to include both of the following: (i) the Proposed Gilman Gateway Project; and (ii) the Potential Berkeley Forge Development.

O-1-9

The Proposed Gilman Gateway Rezone Project is set forth in Section 1.1.1. This Project includes: (i) establishment of a new zoning district – Manufacturing, Research and Development (M-RD) in Chapter 23-206 of the BMC; (ii) rezone the 11.54 site (defined as “project site”) from Manufacturing (M) to the new M-RD zoning district; and (iii) amend the Berkeley General Plan and West Berkeley General Plan to add the M-RD zoning district.

Please note that the entire 11.54-acre site is defined as the “project site.” That site includes the Rosebloom Building. The Rosebloom Building site is thus proposed to be rezoned together with the

<sup>1</sup> See letters dated September 8, 2023; December 6, 2023, and email from clients dated July 5, 2023.

remainder of the project site. However, the DEIR also references the “project site” in lower case in this Section and throughout the EIR. This leaves the reader confused with regard to whether the “project” or “project site” as referenced therein includes both the Gilman Gateway Rezone Project *and* the Potential Berkeley Forge Development (Conceptual Development Project).

O-1-9  
cont.

We note that at the Planning Commission public hearing on November 6, 2024, several Planning Commissioners noted they were having trouble discerning the differences between the two “projects.” If the Planning Commissioners cannot understand the difference between the two projects – we do not believe the owners of the Rosebloom Building or any readers of the Draft EIR can reasonably read or understand the document. The Draft EIR needs to be amended/clarified in this regard.

The Proposed “Potential Berkeley Forge Development is set forth in Section 1.1.2. Section 1.1.2 states as follows:

In addition to the new M-RD zoning district, the EIR evaluates the Potential Berkeley Forge Development (conceptual development project) that could result in the development of a 10.26-acre portion of the project (conceptual development project site) with approximately 900,000 square feet of light manufacturing, R&D laboratory, and/or office uses. *No application for the conceptual development project has been received, however, the City anticipates the submittal of a formal application for the conceptual development project, and it is therefore a reasonably foreseeable project and evaluated in this EIR at the project level to the extent feasible.* (Emphasis added.)

O-1-10

We respectfully disagree with these statements.

First, there is no evidence that a “conceptual development plan” will be formally submitted at any time. The Draft EIR’s “conceptual development plan” appears to be wholly based on an earlier zoning amendment application from the Rhoades Planning Group, in 2022, which included reference to a conceptual development project. We understand that such project is no longer being processed, and there are no plans to submit such project. If the City Staff and the Draft EIR consultants have different or updated information, they should inform the readers of the Draft EIR.

Second, and more importantly, the Draft EIR improperly states that it will be used as both a “Program EIR” for the Proposed Gilman Gateway Rezone Project *and* a “Project Level EIR” for the conceptual development project.

CEQA defines a “Program EIR” at CEQA Guidelines Sect.15166 as follows:

(a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project, and are related either:

O-1-11

- (1) Geographically
- (2) As logical parts in the chain of contemplated action;
- (3) In connection with issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or

- (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

The Draft EIR states that the Gilman Gateway Rezone Project will be evaluated at a “programmatic level”. We are not certain what is meant by this statement. In our review of the Draft EIR, we do not see reference to protection of the Rosebloom Building at the “programmatic level” or at the project level.

CEQA defines a “Project EIR” at CEQA Guidelines, Sect.15161, as follows:

The most common type of EIR examines the environmental impacts of a *specific project*. This type of EIR *should focus primarily on the changes in the environment that would result from the development project*. The EIR shall examine all phases of the project including planning, construction and operation. (Emphasis added.)

Thus, CEQA required the ‘Project Level’ EIR to examine the environmental impacts of a *specific project*, and to focus on the changes in the environment resulting from that development project through “all phases of the project” – “including planning, construction and operation.”

Here, there is no “specific project” to review – only a conceptual project that is not being processed. The Draft EIR does not reference the CEQA requirements for review of a *specific project and all phases of such specific project*. Instead, the Draft EIR states that the “conceptual development project” will be evaluated at a *project level* “to the extent feasible.” The DEIR’s review of the *conceptual* development project (rather than a specific project) is not adequate under CEQA requirements.

Please note the following example: As stated repeatedly, one of the most significant impacts of the Gilman Gateway Rezone (and any project thereunder) would be Aesthetic impacts, including the construction of tall buildings immediately adjacent to the Rosebloom Building, and related impacts to light and air on the Rosebloom Building.

The Draft EIR does not discuss Aesthetic impacts on the Rosebloom Building, either at the programmatic level (for the Gilmore Gateway Rezone Project) or at the “project level” for the Conceptual Development Project. *The Draft EIR claims that all aesthetic impacts were found not to be “significant.”*

The Draft EIR states:

The following topics are not further analyzed in this EIR *because impacts related to these topics either would not occur or would be less than significant with implantation of applicable standard conditions and regulatory compliance measures . . .*

Aesthetics: . . . [t]he proposed project meets the definition of a “employment center project” on an infill site within a transit priority area. *Accordingly, an evaluation of aesthetics is not required.*

Proposed project elements that related to aesthetic conditions at the project site and vicinity, such as proposed building heights, architecture,

O-1-11  
cont.

O-1-12



and effects of new light and glare, among others, however, will be considered as part of the planning approval process, including through design review. Therefore, there would be no impact related to aesthetics. (*Emphasis added.*) (See DEIR at p. 6-8)

The Draft EIR appears to defer any evaluation of setbacks, building heights, and impacts on light and air, to later limited design review hearings after the “project” has been approved. This is improper under CEQA.

O-1-12  
cont.

As stated throughout these Comments, we cannot determine whether the above references to a “project” are to the Gilmore Gateway Rezoning, or to the Conceptual Development Project. Stated another way, which “project” is the Draft EIR referencing when it claims there are no Aesthetic impacts on the Rosebloom Building?

We also cannot understand the conclusions of the Draft EIR, above, when in other parts of the Draft EIR it is stated that the Rosebloom Building is a historical resource and there are potential significant impacts from the “project.”

The Draft EIR states earlier as follows:

Based on State CEQA Guidelines Section 15064.5(b), the proposed project would have a significant impact on historical resources if it would cause a substantial adverse change in the significance of a historical resource . . . a substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surrounding *such that the significance of an historical resource would be materially impaired.* (*Emphasis added.*) (See Draft EIR at pp. 4.2-20, 4.2-21.)

O-1-13

The Draft EIR cites the above language with reference to potential demolition of the Rosebloom Building; however, it ignores the language with reference to impacts to light, glare, etc., which will “materially impair” the Rosebloom Building as an existing and ongoing historical resource.

As stated throughout these Comments, the Draft EIR’s failure to distinguish between the Gateway Gilmore Rezone Project and the Conceptual Development Project results in Draft EIR’s failure to discuss/analyze impacts on the Rosebloom Building under *either* project.

If this Draft EIR is not revised, future developers, in applying for specific projects, will improperly claim that this Draft EIR already addresses impacts of a development project on the Rosebloom Building – and therefore no further review is needed. Indeed, the City Staff Report for the November 6, 2024 Planning Commission hearing on the Draft EIR states:

O-1-14

It [the Potential Berkeley Forge Development and conceptual development project] is therefore a reasonably foreseeable project and is evaluated in the Draft EIR at the project level, to the extent feasible, *in order to help streamline the environmental review process for the Berkeley Forge Development.* (*Emphasis added.*) See Staff Report at p. 10.

The City Staff thus intends to use the Draft EIR to “streamline” the CEQA process for the benefit of Berkeley Forge Developers and any/all future developers, who may claim no further environmental

review needs to be done when they bring in their projects. *However, the Draft EIR does not address any of the impacts of the Berkeley Forge Development/Conceptual Development Project*, and no specific project exists to evaluate through the planning, construction and operation stages of such project as required by CEQA.

The Draft EIR states at Section 1.2 as follows:

Later activities in the program must be examined in light of the program EIR to determine whether any additional environmental documentation must be prepared . . . It is anticipated that once a formal application is submitted for the conceptual development project, the conceptual development project would be more fully evaluated in a subsequent environmental document that could tier from this program EIR as appropriate. The appropriate level of environmental review will be determined at the time the City receives a formal application.

O-1-14  
cont.

While we appreciate the Draft EIR's reference to potential future environmental review, the Draft EIR as a whole does not properly evaluate the impacts of either project (the Gilman Gateway Rezoning or the Conceptual Development Project) on the Rosebloom Building. This is a result of the faulty and improper "two-fold" approach, wherein the Draft EIR purports to be both a program level and project level EIR. The Rosebloom Building "falls through the cracks" of the Draft EIR's analysis.

#### **B. Draft EIR Section 2.0: Summary (Draft EIR at pp 2-1 to 2-5) and Table 2.A)**

##### **1. Section 2.1 Project Under Review**

##### **Comment**

Our Comments on the Summary at Section 2.0 are similar to the Comments on the Introduction. As stated, the Draft EIR continues to confuse the two named "projects" (the Proposed Gilman Gateway Rezone Project and the Conceptual Development Project).

O-1-15

##### **2. Section 2.3 Summary of Impacts and Mitigation Measures**

##### **Comment**

As set forth herein, the Summary of Impacts and Mitigation Measures wholly fails to address potential impacts of both projects (the Proposed Gilman Gateway Rezone Project and the Conceptual Development Project) on the Rosebloom Building. As stated, the Summary of Impacts does not even discuss Aesthetics and related impacts on light and air.

O-1-16

We note that the Summary of Impacts at Section 2.3.2.1 (Cultural Resources) references the Rosebloom Building as follows:

**Historic Architectural Resources.** The proposed project would cause a substantial adverse change to the significance of a historic resource as defined in State CEQA Guidelines section 15064.5, because *implementation of the proposed project would facilitate the demolition of the existing building at 1306 3<sup>rd</sup> Street, which is eligible for listing as a City of Berkeley Landmark. (Emphasis added.)*

O-1-17



This statement is misleading and causes the reader confusion.

First, the statement references the “proposed project” *without referencing which project is being referenced* – the Gilmore Gateway Rezone Project or the conceptual development plan.

O-1-17  
cont.

Second, the above statement, which is repeated, throughout the Draft EIR, inaccurately limits its scope to the demolition of the existing building at 1306 3<sup>rd</sup> St. (the Rosebloom Building). As stated, there are no plans to demolish the Rosebloom Building. There is no application on file for a specific project -- however even if such application is filed, the owners of the Rosebloom Building plan on remaining and do not plan on demolishing the Rosebloom Building.

O-1-18

The Draft EIR, in liming its view largely to the potential *demolition* of the Rosebloom Building, avoids an environmental review of the significant impacts of any project on the existing Rosebloom Building. place. This is a major error in the Draft EIR and it occurs throughout the Draft EIR. There is very little discussion of the impacts the rezoning or the Conceptual Development Project will have on the existing, remaining Rosebloom Building.

### 3. Section 2.3.4 Alternatives to the Project.

#### **Comment**

The Draft EIR, at Section 2.3.4, discusses certain “Alternatives” to the “project” as required by CEQA. Again, the term “project” is not defined. More importantly, we note that the third Alternative is a “Reduced Development Alternative.” The Reduced Development Alternative discusses development limited to the Pacific Street Casting site.

O-1-19

Under the Reduced Development Alternative, the Draft EIR states ss follows:

This alternative would also require a minimum 100 ft buffer between any existing residential use and proposed new non-residential uses , . . .  
Accordingly, future development on the project site would need to be setback from the existing building at 1306 Third Street.

*We appreciate the reference to a buffer and significant setbacks, however these should be disused, analyzed, and listed as mitigation measures to the Gilman Gateway Rezoning and/or the conceptual site project.* Here, the buffer/setbacks are *only* proposed in the context of the Reduced Development Alternative. Again, the Draft EIR fails to discuss and reference mitigation measures for the two projects on the Rosebloom Building.

### 4. Table 2.A., Summary of Impacts

#### **Comment**

The Draft EIR, at Table 2.A., lists potential project significant impacts and proposed mitigation measures. Again, throughout the Draft EIR, Table 2.A fails to state which project it is referring to (the Gilman Gateway Rezone Project or Conceptual Site Project).

O-1-20

Further, again, the Table references primarily the potential impact of the “demolition” of the Rosebloom Building, which is not proposed, and not the impacts of the Rosebloom Building as it will remain. (See Table 2.A at Sect. 4.2 (Cultural Resources.)

O-1-21

We note brief references in the Summary of Impacts to the Conceptual Site Project, including those referenced under Air Quality (Table 2.A. Sect. 4.6/Impact AIR -3a.2.). These include mitigation measures for “the project” exceeding BAAQMD thresholds, including (i) off-road construction equipment requirements; (ii) temporary relocation requirements for 1306 3<sup>rd</sup> Street (the Rosebloom Building); and (iii) further assessment of health risks. While we appreciate these brief references, they fall far short of the analysis and mitigation measures required to protect the Rosebloom Building. In this regard, we disagree with the Table’s dismissal of potential significant impacts with regard to TRANSPORTATION and NOISE and all other potential impacts, and again we disagree with the EIR’s deferral of discussion of impacts regarding AESTHETICS.

O-1-21  
cont.

### **C. Draft EIR Section 3.0: Project Description (Draft EIR at pp. 3-1 to 3-48)**

#### **1. Section 3.1 Proposed Project**

##### **Comment:**

O-1-22

We repeat our Comments above, and re-state our concerns that the Draft EIR improperly attempts to define and address two projects (the Gilmore Gateway Rezone Project and the Conceptual Development Project). In attempting to analyze and address both projects, the Draft EIR fails to address potentially significant impacts on the Rosebloom Building.

With regard to the above, please reference, for example, Table 3.B at p. 3-32. In Table 3.B, the Draft EIR sets forth existing Manufacturing Zone Development standards, citing the BMC at Table 23,206-10. Please note that such table references existing “main Building Height” at **45 feet** (and references Supplemental Standards at BMC 23-304.050).

Please then reference Table 3.E., at p. 3-43, which sets forth the Development Standards for the new M-RD zoning district ordinance. For some reason, the Development Standards as shown omits the newly proposed height standards of (i) **55 feet**; and (ii) allowing heights all the way up to **105 feet** pursuant to proposed Section 23-.206.100(D)(1) (Modification of Development Standards on Large Sites). The reference to increased heights is not in the Table, but appears to be referenced partially in a “footnote” to the Table.

O-1-23

A reader of the Draft EIR would not note the significant increases in building heights as proposed under the new MR-D Ordinance. These significant increases and potential impacts are largely left out of the Draft EIR table and discussion. We note that Staff discusses these proposed significant increases in its Staff Report and attachments for the November 6, 2024 Planning Commission hearing, but we cannot find reference to these heights and potential impacts in the Draft EIR.

The readers of the Draft EIR, including the owners of the Rosebloom Building, will want to know whether buildings of these heights might be proposed immediately adjacent to neighboring uses and to residential uses. Such tall buildings will have a significant impact on the environment, and will block light and air to the Rosebloom Building,-- and need to be discussed. The Draft EIR does not discuss these potential impacts.

O-1-24

#### **2. Section 3.4.2 Potential Berkely Forge Development**

##### **Comment:**

O-1-25

We repeat our Comments above, and re-state our concerns that the Draft EIR improperly attempts to define and address two projects (the Gilmore Gateway Rezone Project and the Conceptual

Development Project). In attempting to analyze and address both projects (and without appropriate references to both projects), the Draft EIR fails to address potentially significant impacts on the Rosebloom Building.

O-1-25  
cont.

With regard to Section 3.4.2, discussing the Conceptual Development Project, we can find no maps or diagrams which might inform the reader how close the proposed buildings would be placed. There is little/no discussion of the potential impacts of such project. The reader of the Draft EIR is simply not informed of potential impacts and mitigation measures.

We note that under Permits and Approvals (Section 3.5) the Draft EIR states simply as follows:

Future development projects could be subject to further environmental review, which would be determined at the time that individual applications are received.

O-1-26

This language and the text at Section 3.5 should be amended to confirm that the Draft EIR does not discuss at the project level any of the potential impacts of the Conceptual Development Project– and that future environmental review will be absolutely required.

**D. Draft EIR at Section 4.0 Setting, Impacts and Mitigation Measures (Draft EIR at p. 4-1 to 4.11-10.**

**Comment:**

The Draft EIR at Section 4.0 sets forth the project “Setting, Impacts, and Mitigation Measures.”

O-1-27

We repeat our Comments above, and re-state our concerns that the Draft EIR improperly attempts to define and address two projects (the Gilmore Gateway Rezone Project and the Conceptual Development Project). In attempting to analyze and address both projects , the Draft EIR fails to address potentially significant impacts on the Rosebloom Building.

We further repeat our Comments above, and re-state our concerns that the Draft EIR dismisses Aesthetic, and related impacts as “insignificant,” when the impacts of tall building placed immediately adjacent to the Rosebloom Building (a historical resource) are clear and are required to be discussed and addressed. We note, for further example, that the Draft EIR does not address transportation and circulation issues and impacts on the ingress egress of the Draft EIR projects on the Rosebloom Building.

O-1-28  
O-1-29

We further repeat our Comments above, and re-state our concerns that the Draft EIR improperly assumes that Rosebloom Building will be demolished, and improperly infers therefore that impacts on light and air need not be addressed.

O-1-30

With regard to this Section, we re-state the promises Staff made to the owners of the Rosebloom Building owners when the EIR was being drafted.

Consistent with the intent and Council’s goals for the site . . . the proposed zoning would maintain this area for manufacturing and related uses. The live/work use at 1306 Third would continue to be legally nonconforming. *The Berkeley Zoning Ordinance allows lawful non-*

O-1-31

*conforming uses to remain occupied in their current condition as a matter of right . . .*

Notably, any future development [on the Project Site] would need to be designed in a manner that minimizes impacts related to light and air on the adjacent properties, including the building at 1306 Third [the Rosebloom Building]. (Emphasis added.) (See Staff Email August 2, 2023.)

O-1-31  
cont.

#### **E. Draft EIR at Section 5.0 Alternatives**

##### **Comment:**

We repeat our Comments above, and re-state our concerns that the Draft EIR improperly attempts to define and address two projects (the Gilmore Gateway Rezone Project and the Conceptual Development Project). In attempting to analyze and address both projects, the Draft EIR fails to address potentially significant impacts on the Rosebloom Building.

O-1-32

We also repeat our Comments above to the effect that buffer areas and setbacks for the Rosebloom Building are only discussed in the context of choosing the Reduced Development Alternative. Such buffer areas and setbacks should be discussed and analyzed in the Draft EIR as part of the proposed two projects.

O-1-33

#### **F. Draft EIR at Section 6.0 CEQA-Required Conclusions**

##### **Comment:**

We repeat our Comments above, and re-state our concern that Aesthetics and other topics are summarily excluded from discussion in the Draft EIR. Section 6.3.1 improperly states that there will be no impacts related to aesthetics, including light and glare.

O-1-34

We repeat our Comments above, and re-state our concern that the Draft EIR does not discuss Aesthetics and related impacts as part of its analysis of either the Gateway Gilroy Rezone Project or the Conceptual Development Project.

#### **CONCLUSION**

For all reasons set forth herein, the Draft EIR is legally inadequate to address potential impacts of either the Gilmore Gateway Project or the conceptual development project on the Rosebloom Building. Impacts of the Conceptual Development Project may include impacts to the drainage patterns, ingress and egress, light and air, and other impacts to the Rosebloom Project—and these issues simply are not discussed in the Draft EIR.

O-1-35

We respectfully request the City Staff and the EIR consultant to recognize these facts as part of the EIR process and the planning process.

Please do not hesitate to contact me with any questions.

Very truly yours,

LAW OFFICE OF ALLAN MOORE, A.P.C.



Allan C. Moore

cc: Clients .

O-1-35  
cont.



# Comment Letter I-7

**From:** [Planning Dept. Mailbox](#)  
**To:** [James, Ashley](#)  
**Subject:** FW: Attn: Ashley James/West Berkeley EIR, Pacific Steel Casting site  
**Date:** Friday, December 6, 2024 8:50:29 AM

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**From:** JJ <[jai@mightysmallfilms.com](mailto:jai@mightysmallfilms.com)>  
**Sent:** Thursday, December 5, 2024 1:08 PM  
**To:** Planning Dept. Mailbox <[Planning@berkeleyca.gov](mailto:Planning@berkeleyca.gov)>  
**Subject:** Attn: Ashley James/West Berkeley EIR, Pacific Steel Casting site

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms James & City of Berkeley Planning Department

I am writing regarding the EIR on the proposed changes to the zoning and development of the west Berkeley Pacific Steel Casting site.

Developing large, heavily occupied buildings on a toxic liquefaction zone, on two major earthquake faults, immediately adjacent to a major freeway, makes no sense. Furthermore, the plan to create bio labs on this site is beyond simply foolish; it is a major disaster in the making. When (not if) a major earthquake occurs, the very real potential of release of bio-hazards and viruses will further complicate rescue and relief efforts, even bio-agents that are 'treatable.' The reality of a lab event so close to transportation hubs, housing, schools, bridges and two major airports can not be ignored, regardless of who stands to profit. These are the types of industries that should be built further inland in less populated zones and regions.

Back to the EIR. I cannot see how, with ground water and coastal water rise, that the old Pacific Steel Casting site is a logical candidate for anything other than reclaiming it as a wildlife refuge area with the site used to study the emerging technologies in bio-organic methods to detoxify the site over time. The area could actually become an educational tourist magnet, of benefit to environmental students, and would provide a needed buffer to our low lying elevations (note today's tsunami warning.)

Best Regards,  
Jai Jai Noire  
2333 Curtis St #A  
Berkeley CA 94702

I-7-1

I-7-2

I-7-3



## California Department of Transportation

DISTRICT 4  
OFFICE OF REGIONAL AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



December 5, 2024

SCH #: 2022120549  
GTS #: 04-ALA-2022-00866  
GTS ID: 28481  
Co/Rt/Pm: ALA/80/6.531

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

### Re: Gilman Gateway Rezone Project — Draft Environmental Impact Report (DEIR)

Dear Ashley James:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Gilman Gateway Rezone Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the October 2024 DEIR.

A-Caltrans-1

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

### Project Understanding

The proposed project would create a new zoning district referred to as Manufacturing, Research and Development (M-RD) and would rezone the 11.54 acre project site to that zoning district which that would permit a variety of uses, including office, industrial and heavy commercial, laboratory, light manufacturing, and research and development (R&D). The Berkeley General Plan and West Berkeley Plan will be amended to include the new zoning designation. Demolition and reconstruction of the project site would allow up to 1,005,266 square feet of non-residential space. At least one historic property on the site would not be demolished. The project site is adjacent to Interstate (I)-580.

A-Caltrans-2

### Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle

A-Caltrans-3

Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's Technical Advisory. Per the DEIR, this project is found to have a less than significant VMT impact, therefore working towards meeting the State's VMT reduction goals.

A-Caltrans-3  
cont.

Caltrans acknowledges the DEIR recommending mitigation strategies identified in Alameda County VMT Reduction Estimator Tool to help reduce VMT and improve multimodal transportation options for land use development. The proposed measures identified in the Alameda County VMT Reduction Estimator Tool should be documented with annual monitoring reports to demonstrate effectiveness.

A-Caltrans-4

Also, please note that there may be other VMT mitigation options for the lead agency's consideration if onsite TDM measures cannot mitigate a project's VMT impact to a less-than-significant level, such as VMT-based Transportation Impact Fee program, VMT Mitigation Exchange program, and VMT Mitigation Bank. Some local jurisdictions and county transportation authorities have been successfully awarded funds through Caltrans' Sustainable Transportation Planning program to study those options. Please look at the grant program website ([link](#)) for more detail information if interested.

A-Caltrans-5

### Hydrology

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels.

A-Caltrans-6

If the project involves drainage work that flows into the State Drainage System, please provide a drainage design memo showing how the proposed drainage system flows on the Plans. The drainage design memo should include pre- and post- project flows to the existing drainage system. The Drainage Plan and Profile Sheets should include lengths, size, and types of new and existing pipes, inlets, outlets, and systems showing any utility conflicts. Please include drainage details and profiles for connection to the existing drainage system. Any assumptions and calculations used in designing the drainage system should be shown.

A-Caltrans-7

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner, via [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

A-Caltrans-8

Ashley James, Senior Planner  
December 5, 2024  
Page 3

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,

*Marley Mathews*

YUNSHENG LUO  
Branch Chief, Local Development Review  
Office of Regional and Community Planning

c: State Clearinghouse

A-Caltrans-8  
cont.





December 4, 2024

Ashley James  
Senior Planner,  
[ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info)  
City of Berkeley  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

SUBJECT: Response to the Draft Environmental Impact Report (DEIR) for the Gilman Gateway  
Rezone Project

Dear Ashley,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Gilman Gateway Rezone Project. This DEIR evaluates the environmental impacts of amending the Berkeley General Plan and West Berkeley Plan at a programmatic level. In addition, the DEIR evaluates the potential Berkeley Forge Development that could result in the development of the site with approximately 900,000 square feet of light manufacturing, R&D, laboratory, and/or office uses. While there is no project application yet, the City of Berkeley anticipates that the proposed project is a reasonable project assumption for the site.

The rezoning project site covers 18 parcels totaling approximately 11.54 acres and is located in West Berkeley. The project site is bordered by Gilman Street to the north, the Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Interstate 80 [I-80]/Interstate 580 [I-580]) to the west. The site is bisected by Second Street.

Land uses north, east, and south of the project site generally consist of a mix of manufacturing, warehouse, office, and commercial uses. Recreational facilities, including a sports complex, parks, and marina are located to the west of I-80/I-580, along the Bay.

The project site includes 16 existing buildings totaling 297,940 square feet that have been in use for industrial, commercial, and live/work uses and is zoned Manufacturing in the City of Berkeley's Zoning Ordinance, West Berkeley Plan, and General Plan. The proposed project would demolish 15 of the 16 existing buildings totaling approximately 298,000 square feet and build up to 1,000,000 square feet of non-residential space and 2,000 off-street automobile parking spaces. The existing 10,000 square foot building at 1330 Second Street would remain and be adaptively reused.

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

A-CTC-1

### Congestion Management Program (CMP) Review

While SB743 changed the metric used to evaluate the effects of a proposed land use project on the transportation network for purposes of the California Environmental Quality Act (CEQA), the County Congestion Management Program (CMP) legislation still requires project sponsors to evaluate the effects of the project on the CMP network of roads outside of CEQA. Alameda CTC appreciates that this project DEIR performed a CMP analysis on the streets included in the CMP network adjacent to the project site, as stated on page 4.4-19 of the DEIR. According to this analysis, the project would not result in any of the analyzed CMP segments to deteriorate from LOS E to LOS F or increase the Volume to Capacity Ratio by 0.03 or more on segments that operate at LOS F under existing conditions.

A-CTC-2

### Use of Countywide Travel Demand Model

Alameda CTC appreciates that the VMT analysis used the latest version of the Alameda CTC Travel Demand Model, released in 2019 as stated in page Number 4.4-11 of the DEIR.

A-CTC-3

### Transportation Demand Management Program

The proposed rezoning project is estimated to produce 9,980 daily auto commute trips, with 918 AM and 868 PM peak-hour trips. The potential Berkeley Forge project is estimated to generate a slightly lower number of trips. These estimates do not account for the existing trips generated by the current active land use. Nevertheless, the VMT generated by the project is higher than the threshold established for the area.

As a result, the project had to include mitigation measures to curb production of project-generated VMT. The DEIR states that the City of Berkeley has established standard conditions of approval (COAs) for all development projects that would potentially mitigate negative impacts on the transportation system. Among the COAs, the City of Berkeley requires the implementation of a Transportation Demand Management (TDM) Plan prior to occupancy with regular monitoring reports thereafter. The DEIR states that for this analysis, the project used the Alameda CTC VMT Reduction Estimator Tool to calculate VMT reductions derived from the implementation of different strategies detailed in the Tool in order to achieve reductions that would bring project VMT below the threshold established by State CEQA Guidelines.

A-CTC-4

### Bike and Pedestrian Plans

Alameda CTC appreciates that the implementation of the proposed project and the conceptual development project would improve the streets within the project vicinity and provide sidewalks along the project frontages, as well as connections to the existing pedestrian facilities in the project area.

The proposed project and conceptual development project would also be required to comply with a City COA that requires the provision of approximately 591 bike parking spaces. Alameda CTC encourages active commuting and making sure that the project is accessible by bike facilities that are suitable for All Ages and Abilities would facilitate the shift from automobile driving to biking. The project site is directly adjacent to Gilman Street, which is on the Countywide Bicycle Network. Alameda CTC is the project sponsor of the Gilman Street Overcrossing Project, which is installing a

A-CTC-5

Class I multiuse path over the I-80 freeway to connect the Bay Trail west of the freeway and Gilman Street east of the freeway, and Class IV bike facilities on Gilman Street along the north side of the project between the I-80 freeway and Fourth Street. When the project site is developed in more detail, Alameda CTC encourages project sponsors to ensure the implementation of high-quality bike access from these facilities to the project. Please check the All Ages and Abilities (AAA) [guidelines](#) adopted by the Alameda CTC Commission for recommended bike facilities in different roadway contexts that include target speed limit, traffic volume, and other operational considerations.

A-CTC-5  
cont.

### Transit

Alameda CTC is pleased to learn that among the TDM selected for the project is the implementation of shuttle service to the nearest AMTRAK and BART stations. While the DEIR does not anticipate impacts to the AC Transit bus service, future development facilitated by the proposed project could require coordination with AC Transit to either extend existing bus service or provide new bus service through or near the project, if feasible.

A-CTC-6

### Cumulative Transportation Impacts


According to the analysis presented in the DEIR, future development facilitated by the project, including the conceptual development project, would not conflict or be inconsistent with State CEQA Guidelines and its impacts on VMT are rendered less than significant with the implementation of the proposed TDM Plan.

A-CTC-7

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7400 or Aleida Andrino-Chavez at (510) 208-7480 if you have any questions.

A-CTC-8

Sincerely,



Colin Dentel-Post

Principal Transportation Planner

cc: Aleida Andrino-Chavez, Associate Transportation Planner