

DRAFT

INFILL ENVIRONMENTAL IMPACT REPORT

**2036 BANCROFT WAY PROJECT
BERKELEY, CALIFORNIA**



June 2026

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DRAFT

INFILL ENVIRONMENTAL IMPACT REPORT

2036 BANCROFT WAY PROJECT BERKELEY, CALIFORNIA

Submitted to:

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Planning and Development Department
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June 2026

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LIST OF ABBREVIATIONS AND ACRONYMS

AB	Assembly Bill
AC	Alameda-Contra Costa County (Transit)
ACMs	asbestos-containing materials
AC Transit	Alameda-Contra Costa County Transit
ADA	Americans with Disabilities Act
AMI	Area Median Income
APNs	Assessor's Parcel Numbers
ARG	Architectural Resources Group
BAHA	Berkeley Architectural Heritage Association
BART	Bay Area Rapid Transit
bgs	below the ground surface
BMC	Berkeley Municipal Code
BMPs	Best Management Practices
Bulletin 15	National Park Services' <i>Bulletin 15: How to Apply the National Register Criteria for Evaluation</i>
California Register	California Register of Historical Resources, also CRHR
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
C-DMU	Commercial-Downtown Mixed-Use
CE	Common Era
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations

CHRIS	California Historic Resources Information System
City	City of Berkeley
COA	Condition of Approval
CRHR	California Register of Historical Resources, also California Register
DAP	Downtown Area Plan
DAP AC	Downtown Area Plan Advisory Committee
DAP EIR	Berkeley Downtown Area Plan Environmental Impact Report
DAP Final EIR	Berkeley Downtown Area Plan Final Environmental Impact Report
DBA	Downtown Berkeley Association
DPR	California Department of Parks and Recreation
DT	designated Downtown
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EMA	Environmental Management Area
EMFAC2021	California Emission Factor Model, Version 2021
Emissions Plan	Construction Emissions Minimization Plan
ESA	Environmental Site Assessment
EV	electric vehicle
FHNA	Regional Housing Needs Assessment
HABS	Historic American Building Survey
HDR	High Density Residential
HMBP	Hazardous Materials Business Plan
HRE/PIA	Historical Resources Evaluation/Project Impact Analysis
I	Interstate

Infill EIR	Infill Environmental Impact Report
LBP	lead-based paints
LCI	Governor's Office of Land Use and Climate Innovation
LEED	Leadership in Energy and Environmental Design
LOP	Local Oversight Program
LPC	Landmarks Preservation Commission
LU	Land Use
MLD	Most Likely Descendant
MWEO	Model Water Efficient Landscape Ordinance
NAHC	Native American Heritage Commission
National Register	National Register of Historic Places, also NRHP
NOP	Notice of Preparation
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRHP	National Register of Historic Places, also National Register
NWIC	Northwest Information Center
OEHHA	Office of Environmental Health Hazard Assessment
PCBs	polychlorinated biphenyls
PRC	Public Resources Code
proposed project	2036 Bancroft Way Project
PTDM	Parking and Transportation Demand Management
PV	(solar) photovoltaic
RHNA	Regional Housing Needs Assessment
RWQCB	Regional Water Quality Control Board

SB	Senate Bill
Secretary's Standards	Secretary of the Interior's Standards for the Treatment of Historic Properties
SF Bay Area	San Francisco Bay Area
SGMP	Soil and Groundwater Management Plan
SHPOs	State Historic Preservation Officers
SLF	Sacred Lands File
SR	State Route
SVP	Society of Vertebrate Paleontology
TCP	Transportation Construction Plan
TCR	Tribal Cultural Resources
TDM	Transportation Demand Management
UC Berkeley	University of California, Berkeley
UD	Urban Design
VDECS	Verified Diesel Emission Control Strategies
ZAB	Zoning Adjustments Board

1.0 INTRODUCTION

This chapter provides an overview of the proposed 2036 Bancroft Way Project (proposed project), outlines the purpose and scope of this Draft Focused Infill Environmental Impact Report (Draft Infill EIR), and identifies the report's organizational structure.

1.1 PROPOSED PROJECT

The approximately 1-acre project site is located at 2030–2036 Bancroft Way and 2300 Shattuck Avenue, in Berkeley (Assessor's Parcel Numbers [APNs] 55-1894-16 and 55-1894-17-4). The project site is bounded by Bancroft Way to the north, Shattuck Avenue to the east, residential uses and Durant Avenue to the south, and residential uses to the west. The project site is currently developed with: (1) a three-story residential building at 2030 Bancroft Way containing six dwelling units (Broad Apartments); (2) a two-story residential building at 2032 Bancroft Way containing two dwelling units (Broad House) (collectively APN 55-1894-16 and referred to as the 2030–2032 Bancroft Way parcel); (3) a four-story commercial office with ground floor retail building at 2300 Shattuck Avenue (Corder Building) and the three-story annex at 2036 Bancroft Way (Office Annex) (collectively APN 55-1894-17-4 and referred to as the 2300 Shattuck Avenue parcel), connected through a skybridge to the Corder Building. The buildings on the site contain a total of 8 dwelling units (6,680 square feet of residential use) and 118,605 square feet of commercial use, for a total of 125,285 gross square feet of building area.

The proposed project would result in demolition of the existing Broad Apartments and Broad House and the alteration of the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new eight-story, approximately 80,343-square-foot residential building consisting of 70,929 square feet of residential space and 87 for-rent dwelling units. The building would be 85 feet tall, excluding rooftop appurtenances, and would reach a maximum height of 97 feet including all mechanical features. Dwellings would consist of 21 studios, 8 one-bedroom, 13 two-bedroom, and 35 three-bedroom units across eight levels. In addition, the proposed project would include residential amenities concentrated at the ground level including the lobby, a gym, laundry facilities, bicycle parking, and a mail/package room.

The proposed project was submitted pursuant to Senate Bill (SB) 330 and subject to the modifications and protections of State Density Bonus Law and the Housing Accountability Act. The proposed project includes eight affordable dwelling units (including three extremely low-, two very low-, two low-, and one moderate-income housing units) to satisfy State replacement requirements and achieve a density bonus. This proposed affordability entitles the proposed project to a 20 percent density bonus for a total of 87 units.

The City of Berkeley (City) is the Lead Agency for environmental review pursuant to the California Environmental Quality Act (CEQA).

1.2 PURPOSE OF THIS DRAFT INFILL EIR

Pursuant to *State CEQA Guidelines* Section 15183.3, Streamlining for Infill Projects, this Draft Infill EIR describes the potential environmental impacts of the proposed project, which includes all of the

elements described in Chapter 3.0, Project Description. The purpose of this Draft Infill EIR is to inform City decision-makers, responsible agencies, and the general public about the proposed project and the potential physical environmental consequences of project implementation. This Draft Infill EIR also recommends mitigation measures to reduce or avoid potentially significant physical environmental impacts to the extent feasible.

The purpose of *State CEQA Guidelines* Section 15183.3 is to streamline the environmental review process for eligible infill development projects where the environmental effects of infill development have already been addressed in a prior planning-level decision or through uniformly applicable development policies. As demonstrated in the discussion below, the project qualifies for streamlining under the Downtown Area Plan Environmental Impact Report (EIR).

1.2.1 State CEQA Guidelines Section 15183.3(b) Eligibility Criteria and Appendix M Performance Standards

State CEQA Guidelines Section 15183.3 contains performance standards that can be used to determine an infill project's eligibility for streamlined review. Pursuant to Section 15183.3(b), to be eligible for streamlined review, an infill project must: (1) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way; (2) Satisfy the performance standards provided in Appendix M of the *State CEQA Guidelines*; and (3) Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy [except as prohibited].

The below information demonstrates that the proposed infill project satisfies the eligibility criteria of *State CEQA Guidelines* Section 15183.3(b) as well as the performance standards in Appendix M.

1.2.1.1 State CEQA Guidelines Section 15183.3(B)(1)

Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter. For the purpose of this subdivision, "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved right-of-way.

The project site is located in the City of Berkeley's Downtown Area, which is an urban area. The project site is currently developed with residential and commercial uses, including the Broad Apartments, the Broad House, the Corder Building, and the Office Annex, meaning the site has been "previously developed" for the purposes of ascertaining eligibility pursuant to *State CEQA Guidelines* Section 15183.3(B)(1).

A "qualified urban use" is defined in Public Resources Code (PRC) Section 21072 as "any residential, commercial, public institutional, transit or transportation passenger facility, retail use, or combination of those uses." The project site is surrounded by development on all sides, including a mix of commercial, residential mixed-use, and institutional uses in different building types and heights. As previously discussed, the project site is bordered by Bancroft Way to the north, Shattuck

Avenue to the east, residential uses to the south, and residential uses to the west. Additional residential and commercial uses are located north of Bancroft Way and east of Shattuck Avenue. Durant Street and additional residential and commercial uses are approximately 130 feet south of the project site. In addition, institutional uses, including Berkeley High School, the Berkeley Public Library, and UC Berkeley, are located approximately 0.08 mile west, 0.04 mile north, and 0.14 mile northeast of the project site, respectively. As such, the project site meets—and exceeds—the criteria provided in *State CEQA Guidelines* Section 15183.3(B)(1).

1.2.1.2 CEQA Guidelines Section 15183.3(B)(2)

Satisfy the performance standards in Appendix M.

Next, to be eligible for streamlined review under *State CEQA Guidelines* Section 15183.3, a project must meet the performance standards contained in Appendix M of the *State CEQA Guidelines*. The following discussion addresses each of the performance standards in Appendix M and demonstrates that the proposed project satisfies these standards.

1. **Renewable Energy.** *All non-residential projects shall include onsite renewable power generation, such as solar photovoltaic, solar thermal and wind power generation, or clean backup power supplies, where feasible. Residential projects are also encouraged to include such onsite renewable power generation.*

Pursuant to *State CEQA Guidelines* Appendix M, “where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this section that apply to the predominant use shall govern the entire project.” The proposed project would redevelop the project site with a new 8-story (approximately 97-foot tall), 80,343-square-foot residential building consisting of 70,929 square feet of residential area containing 87 dwelling units. As such, the proposed project is considered a residential project and would be subject to the residential performance standards in Appendix M. Therefore, the non-residential standard does not apply. Nevertheless, the proposed project would feature solar PV panels installed as an awning above the 8th floor rooftop open space. Therefore, this standard has been met.

2. **Soil and Water Remediation.** *If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, the project shall document how it has remediated the site, if remediation is completed. Alternatively, the project shall implement the recommendations provided in a preliminary endangerment assessment or comparable document that identifies remediation appropriate for the site.*

The project site was evaluated via the State Water Resources Control Board’s (SWRCB) GeoTracker database,¹ the Department of Toxic Substances Control’s (DTSC) EnviroStor

¹ State Water Resources Control Board (SWRCB). 2022. Geotracker Database. Website: <https://geotracker.waterboards.ca.gov/> (accessed May 2025).

database,² and the Cortese List³ for the purposes of identifying hazardous materials sites associated with the project site. The project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, this standard has been met.

3. ***Residential Units Near High-Volume Roadways and Stationary Sources.*** *If a project includes residential units located within 500 feet, or other distance determined to be appropriate by the local agency or air district based on local conditions, of a high volume roadway or other significant sources of air pollution, the project shall comply with any policies and standards identified in the local general plan, specific plan, zoning code or community risk reduction plan for the protection of public health from such sources of air pollution. If the local government has not adopted such plans or policies, the project shall include measures, such as enhanced air filtration and project design, that the lead agency finds, based on substantial evidence, will promote the protection of public health from sources of air pollution. Those measure may include, among others, the recommendations of the California Air Resources Board, air districts, and the California Air Pollution Control Officers Association.*

High-volume roadways are freeways, highways, or urban roads with traffic volumes of at least 50,000 vehicles per day.⁴ According to the City's General Plan, the only roadway in the city with traffic volumes at least 50,000 vehicles per day is I-580/I-80, which is located approximately 1.9 miles west of the project site.⁵ Therefore, this standard does not apply.

4. **For residential projects to be eligible for streamlining pursuant to Section 15183.3, a project must satisfy one of the following:**

- ☒ Located within a low vehicle travel area, as defined in Appendix M.
- ☒ Located within ½ mile of an existing major transit stop or an existing stop along a high-quality transit corridor.
- ☐ Consists of 300 or fewer units that are each affordable to low-income households.

The project site is located within a low-vehicle miles traveled (VMT) residential area as defined in the City's VMT Criteria and Thresholds.⁶ In addition, the project site is located approximately two blocks to the north (approximately 0.2-mile) from the Downtown Berkeley Bay Area Rapid Transit (BART) station, which meets the definition of an existing major transit stop. In addition, Shattuck Avenue, which bounds the project site to the east, is considered a high-quality transit

² California Department of Toxic Substances Control (DTSC). 2022. EnviroStar Database. Website: <https://www.envirostor.dtsc.ca.gov/public/> (accessed May 2025).

³ California Environmental Protection Agency. 2020. Cortese List Data Resources. Website: calepa.ca.gov/sitecleanup/corteselist/ (accessed May 2025).

⁴ U.S. Department of Transportation, Federal Highway Administration. Policy and Governmental Affairs, Office of Highway Policy Information. Website: <https://www.fhwa.dot.gov/policyinformation/hpms/volumeroutes/ch2.cfm> (accessed May 2025).

⁵ City of Berkeley. 2001. *City of Berkeley General Plan, Transportation Element*. December 18.

⁶ City of Berkeley. 2020. *City of Berkeley VMT Criteria and Thresholds*. June 29.

corridor as it provides transit service at intervals no longer than 15 minutes during peak commute hours.⁷ Therefore, the proposed project satisfies this performance standard.

1.2.1.3 CEQA Guidelines Section 15183.3(b)(3)

Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, except as provided in [the following] subdivisions [...]. (The subdivisions have been omitted as they are not applicable to the proposed project.)

The adopted Plan Bay Area (2040) serves as the Sustainable Communities Strategy for the Bay Area, per Senate Bill 375. Plan Bay Area's core strategy is to focus growth within existing communities along the existing transportation network. As noted above, the proposed project would consist of redevelopment of the project site with residential uses in an urbanized area. Therefore, the proposed project is consistent with a sustainable communities strategy. The proposed project is also consistent with the City's General Plan and BMC, as discussed in Section 3.11, Land Use and Planning of the Infill Environmental Checklist (Appendix A). Therefore, this standard has been met.

Because each of the applicable eligibility provisions of *State CEQA Guidelines* Section 15183.3 have been met, the proposed project is eligible for streamlining.

1.2.2 Streamlining per CEQA Guidelines Section 15183.3(c)

PRC Section 21094.5 and *State CEQA Guidelines* Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level if the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. Specifically, PRC Section 21094.5, subdivision (a)(1) provides:

If an environmental impact report was certified for a planning level decision of a city or county, the application of this division to the approval of an infill project shall be limited to the effects on the environment that (A) are specific to the project or to the project site and were not addressed as significant effects in the prior environmental impact report or (B) substantial new information shows the effects will be more significant than described in the prior environmental impact report. A lead agency's determination pursuant to this section shall be supported by substantial evidence.

Additionally, *State CEQA Guidelines* Section 15183.3 allows lead agencies to streamline the environmental review process for eligible infill projects by removing analysis of the following types of environmental effects from evaluation:

⁷ Public Resources Code Section 21155 defines a high-quality transit corridor as a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours.

1. First, if an effect was addressed as a significant effect in a prior EIR for a planning-level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.
2. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

The City's Berkeley Downtown Area Plan Environmental Impact Report (DAP EIR), which was certified in August 2009, analyzed environmental impacts associated with adoption and implementation of the 2009 Downtown Area Plan (DAP). These documents are incorporated by reference in their entirety into this Draft Infill EIR. The DAP EIR is a "planning-level decision" pursuant to *State CEQA Guidelines* Section 15183.3(f)(2), which defines a "planning-level decision" as an "enactment or amendment of a general plan or any general plan element, community plan, specific plan, or zoning code." The DAP is a Specific Plan. Accordingly, the DAP is the planning level decision that is the basis for the use of the Infill Exemption under *State CEQA Guidelines* Section 15183.3 with regard to the environmental analysis of the proposed project.

No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects than those studied in the DAP, or if uniformly applicable development policies or standards would substantially mitigate such effects. Therefore, this Draft Infill EIR is limited to topics applicable to project-level review only. The analysis in the DAP EIR, described below, is applicable to the project. Therefore, the proposed project meets the requirements for an infill exemption.

1.2.2.1 Previous CEQA Document

On July 14, 2009, the City of Berkeley City Council approved the 2009 DAP following certification of the Berkeley DAP EIR in August 2009 (SCH No. 2008102032), which is available upon request at the City's Planning and Development Department offices located at 1947 Center Street, 2nd Floor, in Berkeley. The DAP is intended to guide future development within the Downtown Area, which is bounded by Hearst Street in the north, Oxford Street/Fulton Street on the east, Dwight Way on the south, and Martin Luther King Jr. Way on the west. Under the DAP, development within the Downtown Area during the 20-year planning period would include the development of up to 3,100 residential units and up to 1,000,000 square feet of office/commercial space. The DAP EIR analyzed this maximum buildout scenario.

As previously discussed, the project site is within the boundaries of the DAP.

1.3 SUMMARY OF THE INFILL ENVIRONMENTAL CHECKLIST

An Infill Environmental Checklist (Appendix N of the *State CEQA Guidelines*; [Infill Checklist]) was prepared as a preliminary environmental document to evaluate the potential impacts of the proposed project and is included as Appendix A of this Draft Infill EIR. Impacts associated with agriculture and forestry resources; air quality; biological resources; energy; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use

and planning; mineral resources; noise; population and housing; public services; recreation; transportation; utilities and infrastructure; and wildfire either result in no impact or would be less than significant with implementation of applicable mitigation measures identified in the 2009 Downtown Area Plan Final EIR (DAP Final EIR) or through application of uniformly applicable development policies (i.e., the City's current standard Conditions of Approval), as shown in Table 1.A, below. Therefore, these topics are not analyzed in this Draft Infill EIR. The topic of aesthetics is not required to be analyzed pursuant to Public Resources Code Section 21099; refer to Section 3.1 of the Infill Checklist for additional information. Therefore, this topic is also not analyzed in this Draft Infill EIR.

Table 1.A: Summary of Impacts from the Infill Environmental Checklist

Environmental Issue Area	Analyzed in the DAP Final EIR	Analyzed in the Infill Environmental Checklist			Analyzed in this Draft Infill EIR
		No Impact or Less Than Significant Impact	Mitigated with Standard COAs	Mitigated with DAP EIR Mitigation Measures	
Aesthetics	X	X	X		
Agriculture and Forestry Resources	X	X			
Air Quality	X	X	X	X	
Biological Resources	X	X	X	X	
Cultural Resources	X		X		X ¹
Energy	X	X	X		
Geology and Soils	X	X	X		
Greenhouse Gas Emissions	X	X	X		
Hazards and Hazardous Materials	X	X	X		
Hydrology and Water Quality	X	X	X		
Land Use and Planning	X	X			
Mineral Resources	X	X			
Noise	X	X	X		
Population and Housing	X	X			
Public Services	X	X			
Recreation	X	X			
Transportation	X	X	X		
Tribal Cultural Resources	X				X
Utilities and Service Systems	X	X	X		
Wildfire	X	X			

Source: Infill Environmental Checklist (2025) (Appendix A).

¹ Implementation of the proposed project would not increase the severity of significant impacts, nor would it result in new significant impacts related to archaeological resources and human remains that were not identified in the DAP EIR. However, implementation of the proposed project has the potential to increase the severity of significant impacts identified in the DAP EIR related to built historical resources; therefore, this topic is further analyzed in this Draft Infill EIR.

DAP = Downtown Area Plan

EIR = Environmental Impact Report

COA = Condition of Approval

1.4 INFILL EIR SCOPE

The City circulated a Notice of Preparation (NOP) informing responsible and trustee agencies and interested parties that an Infill EIR would be prepared for the proposed project and indicated the

environmental topics anticipated to be addressed in the Infill EIR. The NOP was published on December 19, 2025, and was mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the proposed project. The NOP was also submitted to the State of California Governor's Office of Land Use and Climate Innovation (LCI) for distribution to State agencies. A scoping session was held on January 6, 2026, to solicit feedback regarding the scope and content of the Infill EIR. No verbal comments were received during the scoping session. The City received 2 written agency comment letters on the NOP. Copies of the NOP and the comment letters received are included in Appendix B.

Based on the preliminary analysis, consultation with City staff, and review of the comments received during the scoping process, the following environmental topics are addressed in Chapter 4.0, Setting, Impacts, and Mitigation Measures, of this Draft Infill EIR:

- 4.1 Cultural Resources
- 4.2 Tribal Cultural Resources

1.5 REPORT ORGANIZATION

This Draft Infill EIR is organized into the following chapters:

- **Chapter 1.0, Introduction:** Introduces the proposed project, discusses the overall purpose of the Draft Infill EIR, describes the Draft Infill EIR scope, and summarizes the organization of the Draft Infill EIR.
- **Chapter 2.0, Summary:** Provides a summary of the proposed project, identifies potential areas of controversy, summarizes the impacts that would result from implementation of the proposed project and their level of significance prior to and after mitigation, describes mitigation measures recommended to reduce or avoid potentially significant environmental impacts, and describes the alternatives to the proposed project.
- **Chapter 3.0, Project Description:** Provides a description of the project site, project objectives, proposed project, and uses of this Draft Infill EIR.
- **Chapter 4.0, Setting, Impacts, and Mitigation Measures:** Describes the following for each technical environmental topic: existing conditions (setting), potential environmental impacts of the proposed project and their level of significance, and mitigation measures recommended to reduce or avoid identified potential impacts. Potential cumulative impacts are also addressed in each topical section. Potential adverse impacts are identified by levels of significance as: (1) significant impact, (2) less than significant impact, (3) less than significant with mitigation, and (4) significant and unavoidable impact. The significance of each potential impact is categorized before and after implementation of any recommended mitigation measure(s).
- **Chapter 5.0, Alternatives:** Provides an evaluation of four alternatives to the project including: the CEQA-required No Project Alternative, a Historic Preservation Alternative, and two Partial Preservation Alternatives.

- **Chapter 6.0, Other CEQA Considerations:** Provides a discussion of unavoidable significant environmental impacts and significant irreversible changes.
- **Chapter 7.0, Report Preparation:** Identifies preparers of the Draft Infill EIR and the references cited.
- **Appendices:** The following appendices are referenced in this Draft Infill EIR and are available online at: <https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>. Click on Zoning tab; enter permit number PLN2023-0094; select permit PLN2023-0094; click on the “Record Info” drop down menu; click on Attachments for a list of all project materials.
 - Appendix A: Infill Environmental Checklist
 - Appendix B: NOP and Comment Letters
 - Appendix C: Historical Resources Evaluation/Project Impact Analysis

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2.0 SUMMARY

This chapter provides an overview of the 2036 Bancroft Way Project (proposed project) and discusses the findings identified in this Draft Infill Environmental Impact Report (EIR), prepared pursuant to the California Environmental Quality Act (CEQA), including a discussion of project alternatives and approach to cumulative impacts analysis.

2.1 PROJECT UNDER REVIEW

This Draft Infill EIR has been prepared to evaluate the potential environmental impacts of construction and implementation of the proposed project, summarized below.

The approximately 1-acre project site is located at 2030–2036 Bancroft Way and 2300 Shattuck Avenue, in Berkeley (Assessor’s Parcel Numbers [APNs] 55-1894-16 and 55-1894-17-4). The project site is bounded by Bancroft Way to the north, Shattuck Avenue to the east, residential uses and Durant Avenue to the south, and residential uses to the west.

The project site is currently developed with: (1) a three-story residential building at 2030 Bancroft Way containing six dwelling units (Broad Apartments); (2) a two-story residential building at 2032 Bancroft Way containing two dwelling units (Broad House) (collectively APN 55-1894-16 and referred to as the 2030–2032 Bancroft Way parcel); and (3) a four-story commercial office with ground floor retail building at 2300 Shattuck Avenue (Corder Building) and the three-story annex at 2036 Bancroft Way (Office Annex) (collectively APN 55-1894-17-4 and referred to as the 2300 Shattuck Avenue parcel), connected through a skybridge to the Corder Building. The buildings on the site contain a total of 8 dwelling units (6,680 square feet of residential use) and 118,605 square feet of commercial use, for a total of 125,285 gross square feet of building area.

The proposed project would result in demolition of the existing Broad Apartments and Broad House and the alteration of the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new eight-story, approximately 80,343-square-foot residential building consisting of 70,929 square feet of residential space and 87 for-rent dwelling units. The building would be 85 feet tall, excluding rooftop appurtenances, and would reach a maximum height of 97 feet including all mechanical features. Dwellings would consist of 21 studios, 8 one-bedroom, 13 two-bedroom, and 35 three-bedroom units across eight levels. In addition, the proposed project would include residential amenities concentrated at the ground level including the lobby, a gym, laundry facilities, bicycle parking, and a mail/package room.

The proposed project was submitted pursuant to Senate Bill (SB) 330 and is subject to the modifications and protections of State Density Bonus Law and the Housing Accountability Act. The proposed project includes eight affordable dwelling units (including three extremely low-, two very low-, two low-, and one moderate-income housing unit) to satisfy State replacement requirements and achieve a density bonus. This proposed affordability entitles the proposed project to a 20 percent density bonus for a total of 87 units.

The City of Berkeley (City) is the Lead Agency for environmental review pursuant to the California Environmental Quality Act (CEQA).

2.2 POTENTIAL AREAS OF CONTROVERSY

A total of 2 commenters submitted written responses to the Notice of Preparation (NOP), and no verbal comments were received at the public scoping session held on January 6, 2026. The NOP and comments received are included in Appendix B. Table 2.A provides a summary of the comments received during the public scoping period.

Table 2.A: Summary of Scoping Comments Received

Agency/Organization/ Individual	Date	Comments	Addressed in Section(s) of the EIR
Native American Heritage Commission (NAHC)	December 17, 2025	Outlines the City of Berkeley's tribal consultation requirements under Assembly Bill 52 and Senate Bill 18.	Tribal Cultural Resources
East Bay Municipal Utility District (EBMUD)	January 27, 2026	States water service and connection requirements for new multi-unit structures; confirms that the wastewater treatment and interceptor systems are anticipated to have adequate capacity for the project, and identifies required compliance with applicable ordinances governing water, wastewater, and landscaping for new development projects.	Other CEQA Considerations; Infill Environmental Checklist (Appendix A)

Source: Compiled by LSA (2026).
EIR = Environmental Impact Report

2.3 SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter 4.0, Setting, Impacts, and Mitigation Measures, of this Draft Infill EIR.

2.3.1 Significant Impacts

CEQA defines a significant impact on the environment as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." As discussed in more detail in Chapter 4.0 of this EIR, impacts on tribal cultural resources would be potentially significant, but would be reduced to a less than significant level with implementation of the mitigation measures identified in this Draft Infill EIR.

As discussed in the Infill Environmental Checklist (Appendix A), based on an examination of the analysis, findings, and conclusions of the Berkeley Downtown Area Plan Environmental Impact Report (DAP EIR), implementation of the proposed project would not substantially increase the severity of significant impacts identified in the DAP EIR, nor would it result in new significant impacts related to the following issue areas: aesthetics, agriculture and forestry resources, air quality, biological resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire.

2.3.2 Significant Unavoidable Impacts

This Infill EIR identifies significant and unavoidable impacts after implementation of mitigation measures associated with historic architectural resources (see Chapter 4.0, Setting, Impacts, and Mitigation Measures), as summarized below:

2.3.2.1 Cultural Resources

Impact CUL-1. The proposed project would cause a substantial adverse change in the significance of a historic resource as defined in *State CEQA Guidelines* Section 15064.5 because implementation of the proposed project would include the demolition of the existing Broad Apartments and Broad House buildings which are considered “historical resources” for purposes of CEQA. The Broad Apartments and Broad House were designated as City Landmarks in 2017, as the buildings possess architectural merit as two examples of notable work of the master builder Alphonso Herman Broad (1851–1930). Therefore, impacts to built historical resources would be significant and unavoidable.

2.3.3 Cumulative Impacts

CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which can compound or increase other environmental impacts.” Section 15130 of the *State CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited, but cumulatively significant. These impacts can result from the proposed project when combined with other past, present, or reasonably foreseeable future projects. As described in Section 4.0 of this Draft Infill EIR, the cumulative impacts analysis in this EIR is based on information provided by the City on currently planned, approved, or proposed projects and regional projections for the area. As discussed in Section 4.1, Cultural Resources, and Section 4.2, Tribal Cultural Resources, of this Draft Infill EIR, implementation of the proposed project would not result in any cumulatively considerable impacts.

2.3.4 Alternatives to the Project

In accordance with CEQA and the *State CEQA Guidelines* (Section 15126.6), an EIR must describe a reasonable range of alternatives to the project, or to the project’s location, that could attain most of the project’s basic objectives while avoiding or substantially lessening any of the significantly adverse environmental effects of the project. The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. CEQA states that an EIR should not consider alternatives “whose effect cannot be ascertained and whose implementation is remote and speculative.”

The four alternatives to the proposed project discussed and analyzed in Chapter 5.0, Alternatives, of this Draft Infill EIR include the following:

1. **No Project Alternative.** Under the No Project Alternative, redevelopment of the project site would not occur, and the existing conditions would remain unchanged. No demolition, new construction, or changes in land use would occur, and no new housing units would be provided.
2. **Historic Preservation Alternative.** The Historic Preservation Alternative would retain all three City-designated Landmark buildings on the project site. This alternative would preserve the

Corder Building, which is listed on the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and is a City landmark, and the Broad Apartments and Broad House, which are designated as City of Berkeley Landmarks. It would also retain the Office Annex and skybridge, which are not City landmarks nor listed on the NRHP or the CRHR and do not have historical significance but are nonetheless contributing elements to the historic Corder Building. Rehabilitation of the existing buildings would be undertaken in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, with no exterior alterations to the Corder Building and no demolition of the Broad Apartments or Broad House. Overall, implementation of the Historic Preservation Alternative would not construct any new housing units, limiting consistency with City policies that prioritize housing production and efficient use of Downtown sites.

3. **Partial Historic Preservation (Corder Building) Alternative.** The Partial Historic Preservation (Corder Building) Alternative would retain the Corder Building in its existing condition, with no exterior changes (i.e., no alterations to the Office Annex and skybridge connection), while allowing removal of the Broad Apartments and Broad House buildings on the project site. At the same time, this alternative would allow new development on the remainder of the project site, constructing approximately 40 new housing units, representing an approximately 46 percent reduction in housing units compared to the proposed project while still advancing City objectives related to Downtown housing, infill development, and proximity to transit and services.
4. **Partial Historic Preservation (Broad House and Broad Apartments) Alternative.** The Partial Historic Preservation (Broad House and Broad Apartments) Alternative would retain both the Broad House and Broad Apartment buildings in their existing condition, with no exterior alterations, while allowing removal of the Office Annex and skybridge connection on the project site. This alternative would allow new development on the portion of the project site currently occupied by the Office Annex building, constructing approximately 40 new housing units, representing an approximately 46 percent reduction in housing units compared to the proposed project while still advancing City objectives related to Downtown housing, infill development, and proximity to transit and services.

As discussed in detail in Chapter 5.0, the Historic Preservation Alternative is considered the environmentally superior alternative.

2.4 SUMMARY TABLE

Information in Table 2.B, Summary of Impacts and Mitigation Measures from the EIR, has been organized to correspond with environmental issues discussed in Chapter 4. Table 2.B is arranged in four columns: (1) impacts, (2) level of significance without mitigation, (3) mitigation measures, and (4) level of significance with mitigation. Levels of significance are categorized as follows:

LTS	Less Than Significant
LTSM	Less Than Significant with Mitigation
SU	Significant Unavoidable

For a complete description of potential impacts and recommended mitigation measures, please refer to the specific topical discussions in Chapter 4.0.

Table 2.B: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.1: CULTURAL RESOURCES			
Impact CUL-1: The proposed project would demolish the historic resources located at 2030 Bancroft Way (Broad Apartments) and 2032 Bancroft Way (Broad House).	PS	Mitigation Measure CUL-1: Documentation. Prior to the issuance of a demolition permit for the existing structures at 2030 Bancroft Way (Broad Apartments), 2032 Bancroft Way (Broad House), and 2036 Bancroft Way (Office Annex), the project sponsor shall obtain a qualified Historic American Building Survey (HABS) photographer to document the existing structures and its setting. Generally, this documentation shall be done after consultation with the City of Berkeley to ascertain the appropriate level of effort and methods that would be in general accordance with the HABS "Outline" format, which includes: • Photographs: HABS standards generally require large-format, black-and-white photography with large-format safety film negative (4" x 5", 5" x 7", or 8" x 10") and a contact print, archivally processed, on fiber-based paper. The HABS photographer must be familiar with the recordation of historical resources in accordance with current HABS guidelines. Photographs, either taken via large-format camera with contact film or other form, (e.g., digitally) should include context views of the general environment to illustrate setting, including landscaping, adjacent building(s), and roadways, views of character-defining features, exterior elevations of significant façades, views of interior spaces, and detailed views of specific materials or elements. Overgrowth, board-up plywood, and other obstacles shall be removed by the project sponsor prior to photography at the direction of the professional HABS photographer. Photographs must include a photo index, photo sketch plans, and field notes, and be identified and labeled using HABS standards outlined in	SU

Table 2.B: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Preparing HABS/HAER/HALS Documentation – Transmittal Guidelines as appropriate. Measured Drawings or 3D Laser Scanning “As-Built”: Measured drawings for HABS are considered “as-built” drawings. Accordingly, they illustrate the existing condition of a building at the time of documentation, including additions, alterations, and demolitions which have occurred since the building was first constructed. Where sufficient knowledge exists concerning the sequence of changes to a building over time, it may be useful to provide appropriate notation on the drawings. Alternatively, delineators may wish to produce additional interpretive drawings, or copies of the original building plans or scaled drawings available via local government offices, illustrating the building at an earlier date, to explain its historic significance more fully. In lieu of measured architectural drawings, 3D laser scanning and 2D CAD documentation can be done to create as-built drawings from the scanned data in AutoCAD to provide archival-quality printed and digital images that can be utilized for future exhibits, documentation, and research associated with the Broad Apartments, Broad House, and Office Annex buildings. The 3D images can then be printed as measured drawings and will also be available digitally. Historical Background Information: An architectural historian, meeting the Secretary of the Interior’s Professional Qualification Standards (Code of Federal Regulations, 36 CFR Part 61) shall assemble historical background information, drawings, maps, and historic photographs relevant to the Broad Apartments, Broad House, and Office Annex buildings and its setting using the HABS “Outline” format to produce a HABS historical report. The historical report will be formatted to HABS	

Table 2.B: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Guidelines for Historical Reports (updated January 2020), as appropriate. Public Access to Documentation: HABS documentation must be prepared using specific archival materials and archival processes to comply with the permanence standards that govern the collection. By adhering to these standards, even the very earliest HABS records from the 1930s are still available for researchers and will be in the future. Non-archival material deteriorates for two principal reasons: harmful substances in the environment attack it, and/or the physical and chemical composition is such that it will deteriorate regardless of how it is stored. Accordingly, it is recommended that one archival set of the HABS documentation is submitted to the Library of Congress or the Berkeley Architectural Heritage Association (BAHA). Before work commences, the HABS preparer shall contact the Northwest Information Center (NWIC)/California Historic Resources Information System (CHRIS), the City of Berkeley, the City of Berkeley Library, the Berkeley Historical Society, the California State Library, and the California Historical Society requesting if their organization wishes to have a digital copy of the final HABS documentation for their collection. This mitigation would create a collection of preservation materials that would be available to the public and inform future research.	
4.2: TRIBAL CULTURAL RESOURCES			
Impact TCR-1: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074, including resources listed or eligible for listing in the California Register	PS	Mitigation Measure TCR-1: Native American Monitoring. Prior to ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified	LTSM

Table 2.B: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
or determined significant by the lead agency, during ground disturbing construction activities.		during monitoring. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 50 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and/or when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Mitigation Measure TCR-2: Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 50 feet shall cease until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 50 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a tribal cultural resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe.	



Table 2.B: Summary of Impacts and Mitigation Measures

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
		The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery. Implementation of these requirements would supersede the requirements specified in <i>COA: Unanticipated Discovery of Archaeological Resources</i> in the event that tribal cultural resources are identified during ground disturbing activities.	

Source: LSA (2026)

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3.0 PROJECT DESCRIPTION

Pursuant to Section 15124(c) of the *State CEQA Guidelines*, this chapter includes a description of the proposed 2036 Bancroft Way Project (proposed project), which is the subject of this Draft Infill Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA).

This chapter (1) identifies the location, objectives, and technical, economic, and environmental characteristics of the proposed project and (2) provides a summary of the intended uses of the Infill EIR, including a list of agencies that are expected to use the EIR in their decision-making, a list of permits and other approvals required to implement the proposed project, and a list of related environmental review and consultation requirements required by federal, State, or local laws, regulations, or policies.

3.1 PROJECT SITE

The following describes the precise location and boundaries of the project site, including its geographic context, and provides a brief overview of the existing land uses within and in the vicinity of the project site.

3.1.1 Regional Location and Access

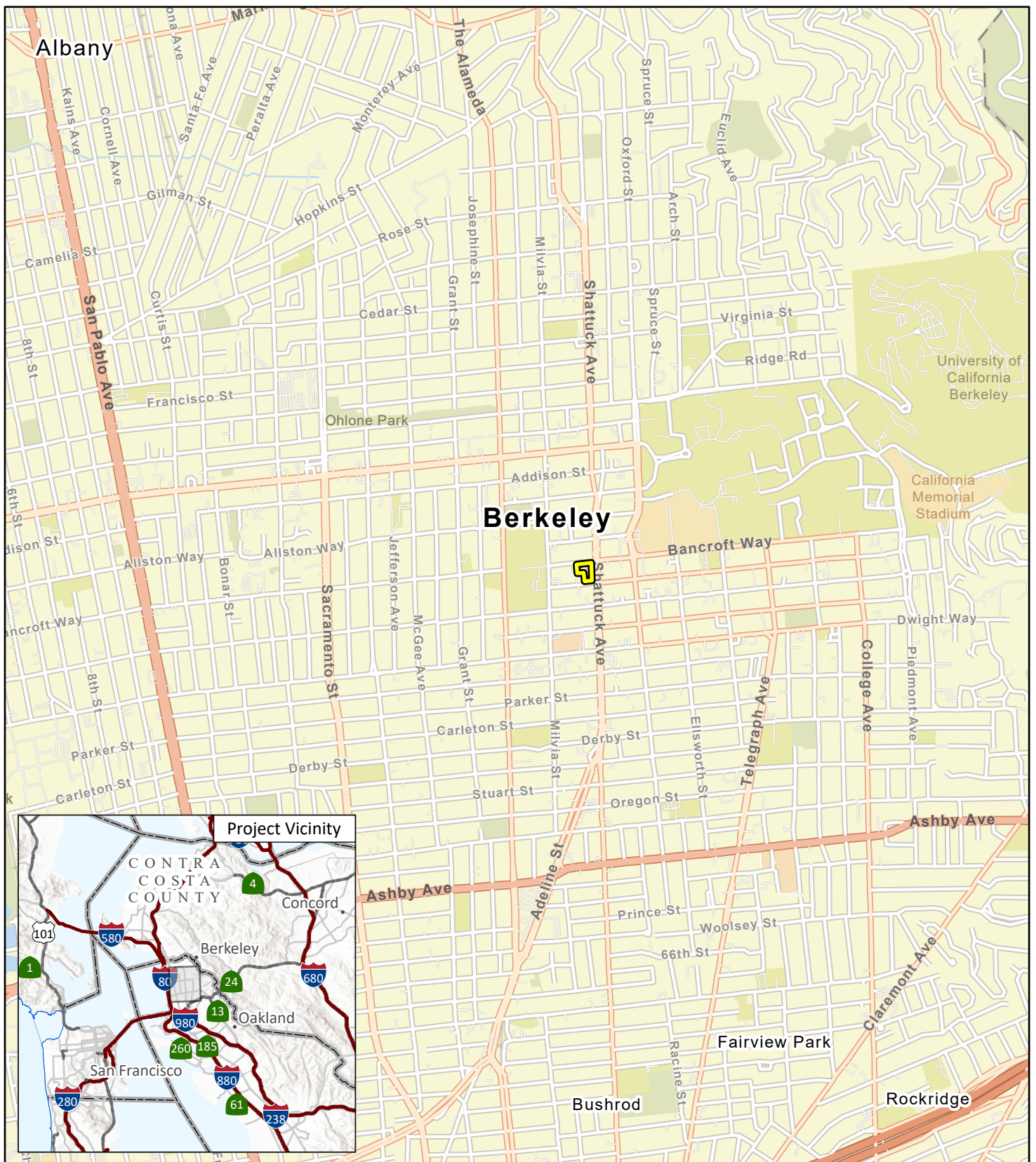
The approximately 1-acre project site is located at 2030–2036 Bancroft Way and 2300 Shattuck Avenue, in Berkeley (Assessor’s Parcel Numbers [APNs] 55-1894-16 and 55-1894-17-4). The project site is bounded by Bancroft Way to the north, Shattuck Avenue to the east, residential uses and Durant Avenue to the south, and residential uses to the west. The surrounding area consists of a mix of commercial, residential mixed use, and institutional uses in different building types and heights. Figure 3-1 shows the project site’s regional and local context.

Regional vehicular access to the project site is provided by Interstate (I) 80 (I-80) and I-580 via Ashby Avenue (State Route [SR] 13), University Avenue, and Shattuck Avenue. Local access is provided via Shattuck Avenue, Bancroft Way, and Durant Avenue. Shattuck Avenue is designated as a Major Street in the City of Berkeley’s (City) General Plan, while Bancroft Way and Durant Avenue are designated as Collector Streets.¹ Transit service in the vicinity of the project site is provided by Alameda-Contra Costa County Transit (AC Transit) and Bay Area Rapid Transit (BART), and the project site is well served by multiple bus routes (Lines 6, 7, 18, 51B, 79, 800, 851, and the Transbay F Line) that are located within 0.25 mile of the project site. The closest bus stops to the project site are located along Shattuck Avenue, between Kittredge Street and Bancroft Way and between Durant Avenue and Channing Way, approximately 500 feet east of the project site.² The Downtown Berkeley BART station is located approximately 0.2 mile north of the project site.

¹ Major Streets serve the movement of automobiles, trucks, buses, pedestrians, and bicycles across the city, connecting to the regional transportation network, and to other jurisdictions.

² Alameda-Contra Costa County Transit (AC Transit). n.d. Maps & Schedule. Website: <https://www.actransit.org/maps-schedules> (accessed May 2025).

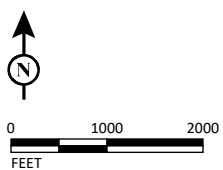
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LSA

 Project Location

FIGURE 3-1



SOURCE: Esri World Street Map (2025).

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2036 Bancroft Way Project
Project Location and Regional Vicinity

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3.1.2 Existing Site Conditions and Surrounding Land Uses

As shown in Figure 3-2, the project site is currently developed with: (1) a three-story residential building at 2030 Bancroft Way containing six dwelling units (Broad Apartments); (2) a two-story residential building at 2032 Bancroft Way containing two dwelling units (Broad House) (collectively APN 55-1894-16 and referred to as the 2030–2032 Bancroft Way parcel); and (3) a four-story commercial office with ground floor retail building at 2300 Shattuck Avenue (Corder Building) and the three-story annex at 2036 Bancroft Way (Office Annex) (collectively APN 55-1894-17-4 and referred to as the 2300 Shattuck Avenue parcel), connected through a skybridge to the Corder Building.

The buildings on the site contain a total of 8 dwelling units (6,680 square feet of residential use) and 118,605 square feet of commercial use, for a total of 125,285 gross square feet of building area. The existing structures cover approximately 80 percent of the project site at the 2300 Shattuck Avenue parcel and 34 percent of the project site at the 2030–2032 Bancroft Way parcel. Vegetation on the project site includes four mature trees within the project site, including one cherry laurel (*Prunus laurocerasus*), one black ironwood (*Krugiodendron ferreum*), one common fig (*Ficus carica*), and one plum (*Prunus* sp.),³ and approximately 11 street trees located along Shattuck Avenue.

The Broad Apartments and Broad House at 2030 and 2032 Bancroft Way and the Corder Building at 2300 Shattuck Avenue are designated as City of Berkeley Landmarks. The Corder Building at 2300 Shattuck Avenue is also listed on the National Register of Historic Places (NRHP) and the Office Annex at 2036 Bancroft Way is considered a contributing feature to the historic Corder Building. Refer to Section 4.1, Cultural Resources, of this Draft Infill EIR for additional information regarding historic status.

The project site is located within the Downtown area of the city, which is characterized by a mix of commercial and residential uses, as shown in Figure 3-3. The immediately surrounding area consists of a mix of commercial, residential mixed use, and institutional uses within a mix of building types and heights ranging from historic buildings to new construction between one and six stories (approximately 10 to 60 feet tall). The Berkeley Public Library is located approximately 0.04 mile north of the project site, the University of California, Berkeley (UC Berkeley) campus is located approximately 0.1 mile east of the project site, Berkeley High School is located approximately 0.1 mile west of the project site, and Martin Luther King Jr. Civic Center Park is located approximately 0.2 mile northwest of the project site.

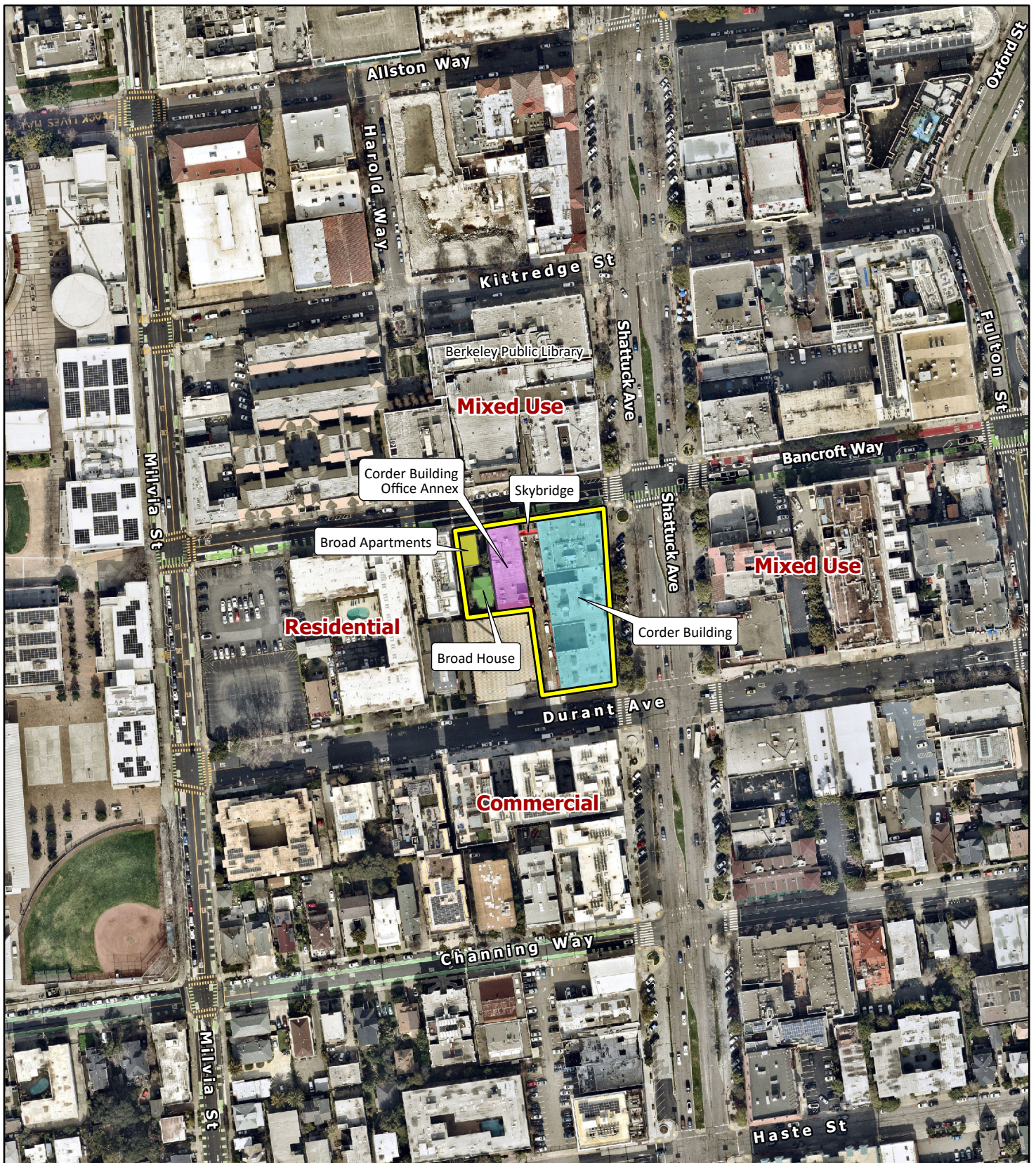
3.1.3 Existing Zoning and Land Use

The project site is within the boundaries of the Downtown Area Plan (DAP), is designated Downtown (DT) and High Density Residential (HDR) in the General Plan, and is within the Commercial-Downtown Mixed-Use (C-DMU) Corridor and Buffer zoning districts. The DT General Plan designation allows high density commercial and office uses, arts, culture, and entertainment venues, and high-density residential development. The C-DMU zone is divided into sub-areas that each have minimum and maximum building height requirements.

³ Rhoades Planning Group. 2026. 2036 Bancroft Way – On Site Tree Survey. May 6.

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SOURCE: Nearmap (02/2025).

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- Project Site
- Corder Building
- Corder Building Office Annex
- Skybridge
- Broad Apartments
- Broad House

FIGURE 3-3

2036 Bancroft Way Project
Aerial Photograph of the Project Site
and Surrounding Land Uses

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The 2300 Shattuck Avenue parcel that fronts Shattuck Avenue is zoned as C-DMU Corridor, which has a maximum building height limit of 75 feet, and the 2030–2032 Bancroft Way parcels on Bancroft Way are zoned as C-DMU Buffer, which has a lower height limit of 60 feet. These zoning district standards are designed to promote the co-location of dense multi-family housing with the provision of goods and services in the Downtown area.

3.2 PROJECT OBJECTIVES

As provided by the project sponsor, the objectives of the proposed project are to:

1. Build an eight-story, 87-unit transit-oriented housing project consistent with the Downtown Area Plan that includes enough density and cost feasibility to support the construction of on-site affordable units, compliance with the more stringent code requirements for taller buildings, and an environmentally superior transit-oriented housing project that is accessible to Downtown services, jobs, and the UC Berkeley campus.
2. Provide a superior green building using environmentally sustainable siting, development, and construction practices, including Leadership in Energy and Environmental Design (LEED) Gold or equivalent certification and an all-electric building system.
3. Retain the landmarked Corder Building.
4. Provide residential amenities including open space.
5. Make progress toward meeting the City's Regional Housing Needs Assessment (RHNA) required targets.
6. Better activate the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians.
7. Use ecologically beneficial native and drought-tolerant landscaping and stormwater management features that promote watershed health, improve water quality, and reduce flooding impacts.
8. Encourage alternative modes of transportation for residents. Reduce car use and congestion as well as pedestrian and bicycle vs. vehicle conflicts by providing residents with a range of alternative transportation options through a Transportation Demand Management program.
9. Generate significant new revenue streams for the City of Berkeley through increased property tax base, gross receipts taxes, contributions toward the Downtown Berkeley Association (DBA), contributions to the Berkeley Unified School District, and contributions to the Downtown Streets and Open Space Improvements fund, and new residential population that support Downtown businesses.

3.3 PROPOSED PROJECT

The proposed project would result in demolition of the existing Broad Apartments and Broad House and the alteration of the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new eight-story (approximately 97-foot-tall), approximately 80,343-square-foot residential building consisting of 70,929 square feet of residential space and 87 for-rent dwelling units. Figure 3-4 depicts the overall site plan, and individual components of the project are summarized in Table 3.A and further described below.

Table 3.A: Proposed Project Details

Project Characteristic	Existing	Proposed	Net Change
Number of Building(s)	4	2	-2
Building Stories	4 ¹	8 ¹	+4
Residential Units	8	87	+79

Source: Studio KDA (2024).

¹ Reflects the maximum number of stories as these vary across the site

3.3.1 Building Program

As previously described, the proposed project would result in the construction of a new eight-story residential building with a total of 87 dwelling units. Table 3.B provides the proposed residential area and proposed unit count across the eight floors for the proposed project. Dwellings would consist of 21 studios, eight one-bedroom, 13 two-bedroom, and 35 three-bedroom units across eight levels. In addition, the proposed project would include residential amenities concentrated at the ground level including the lobby, a gym, laundry facilities, bicycle parking, and a mail/package room. The proposed project would also provide 2,368 square feet of usable open space across a two-level rooftop deck and 335 square feet of landscaped open space.

Table 3.B: Proposed Building Unit Mix

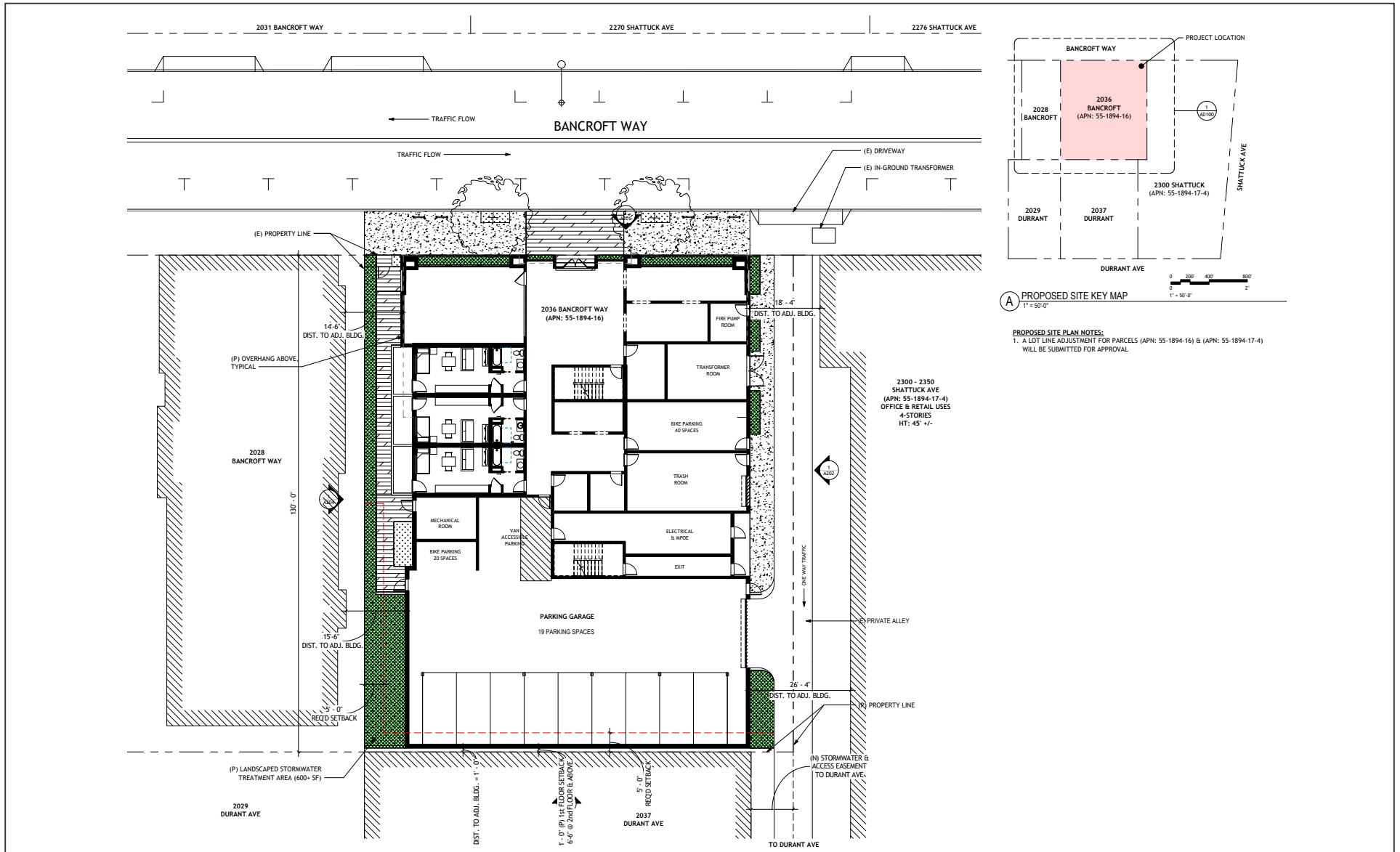
Floor Level	Base* Project Residential Area (sf)	Proposed Project** Residential Area (sf)	Base Project Unit Count	Proposed Project Unit Count
1st	5,788	4,934	3	3
2 nd	9,800	9,685	13	12
3 rd	9,800	9,685	13	13
4 th	9,800	9,685	13	13
5 th	9,800	9,685	13	13
6 th	9,800	9,685	13	13
7 th	5,000	8,949	6	10
8 th	--	8,621	--	10
Total	59,788	70,929	73	87

Source: Studio KDA (2024).

* The Base Project reflects the maximum residential density permitted under the applicable General Plan land use designation and corresponding zoning district.

** The proposed project assumes development at a residential density that exceeds the base density permitted by the applicable General Plan and Zoning Code, to the extent authorized under and consistent with the State Density Bonus Law, including any allowable density increases, concessions, incentives, and/or waivers of development standards, subject to City review and approval.

sf = square feet



NOTE: The Corder Building will be retained.

FIGURE 3-4

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SOURCE: Studio KDA

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2036 Bancroft Way Project
Overall Proposed Site Plan

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The building would be 85 feet tall, excluding rooftop appurtenances, and would reach a maximum height of 97 feet including all mechanical features. The front yard setback on Bancroft Avenue would be 0 feet from the property line and the side yard setbacks would range from seven to 12 feet. The rear yard setback would range between 1 foot and 6 feet, 6 inches.

Figure 3-5 depicts the proposed ground floor plan, Figure 3-6 depicts a typical floor plan as proposed, and Figure 3-7 depicts the proposed roof plan. In addition, proposed street context elevations are provided as Figure 3-8.

3.3.2 Building Design

The proposed building would serve as a transition between the high intensity uses on Shattuck Avenue and the more residential uses to the west. At the pedestrian-level, a fully glazed street-level façade with the lobby, resident work/study area, and resident gym is incorporated into the front of the building to contribute to the pedestrian oriented downtown environment. Full-height storefront windows and a double-height lobby would be located on the ground level floor. The proposed project would repave and reuse the existing private alleyway between the Corder Building and would serve the proposed 19-space parking garage.

The existing Corder Building would be retained with alterations in the northwest corner where the skybridge would be removed and the resulting opening in the exterior wall of the Corder Building would be infilled. The proposed exterior finish would match the existing adjacent cement plaster finish. The proposed project would also include the installation of a new single-hung window to match existing adjacent windows above and beside it. The finish of the new window frame would closely match the dimensions of the existing window openings along this section of the building façade.

3.3.3 Landscaping and Open Space

The proposed project would provide a total of 2,368 square feet of usable open space, including ground-level open space and a split-level rooftop deck on the seventh and eighth floors, and 335 square feet of landscaped usable open space. The proposed landscape plan is provided in Figure 3-9, Figure 3-10, and Figure 3-11. The proposed project would also include two new street trees along Bancroft Way with at-grade planting areas along the north, east, and west sides of the building. A bio-retention garden would be located at the southwest corner along the western side of the building. Terraces on the seventh and eighth floors would include seating, landscaping, and open gathering spaces. Proposed landscaping species would prioritize low water use and/or drought tolerance and friendliness to pollinators; all are California natives.

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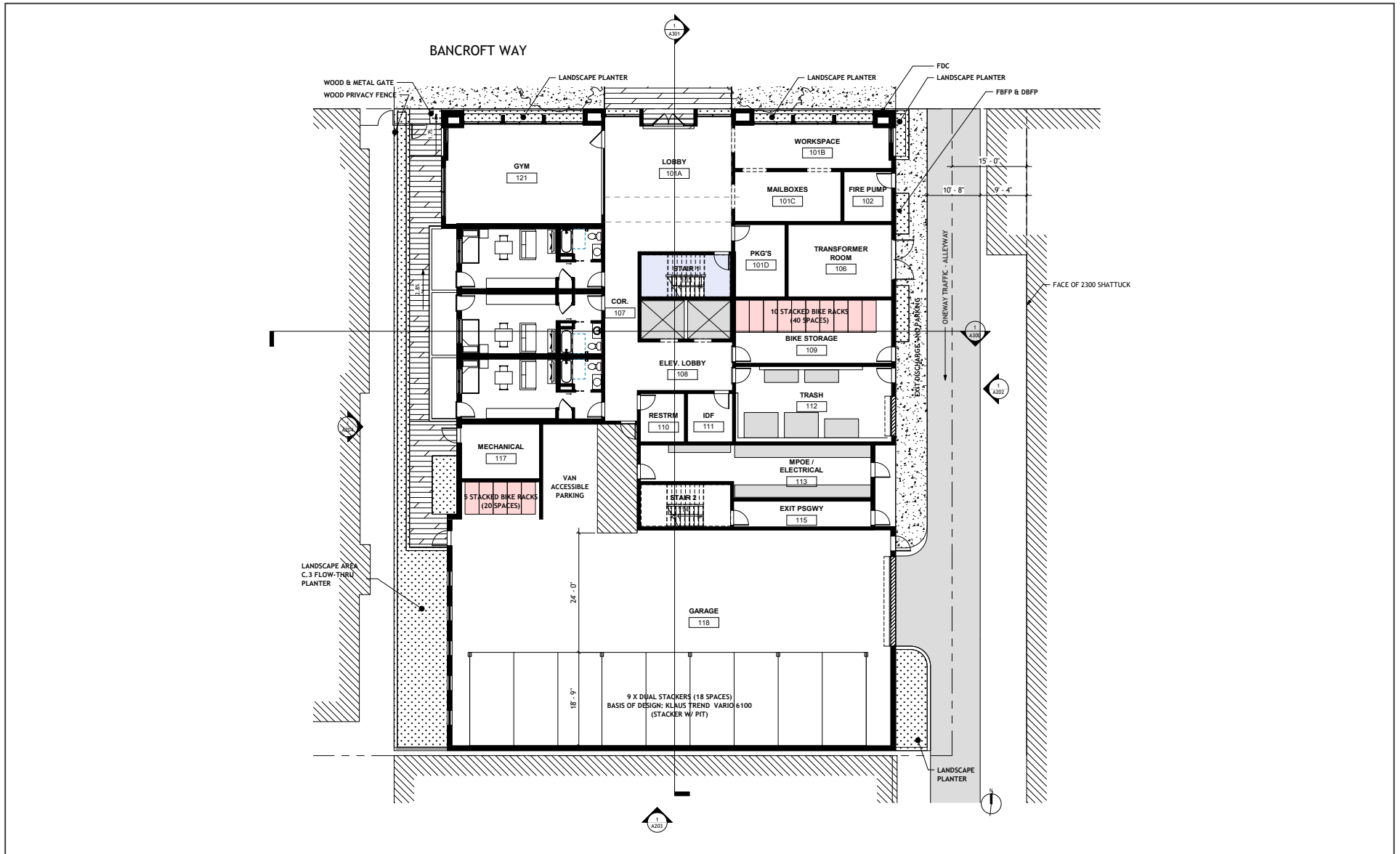


FIGURE 3-5

LSA



0 15 30
FEET

SOURCE: Studio KDA

I:\2024\20242091\G\Proposed_Ground_Floor_Plan.ai (6/9/2025)

2036 Bancroft Way Project
Proposed Ground Floor Plan

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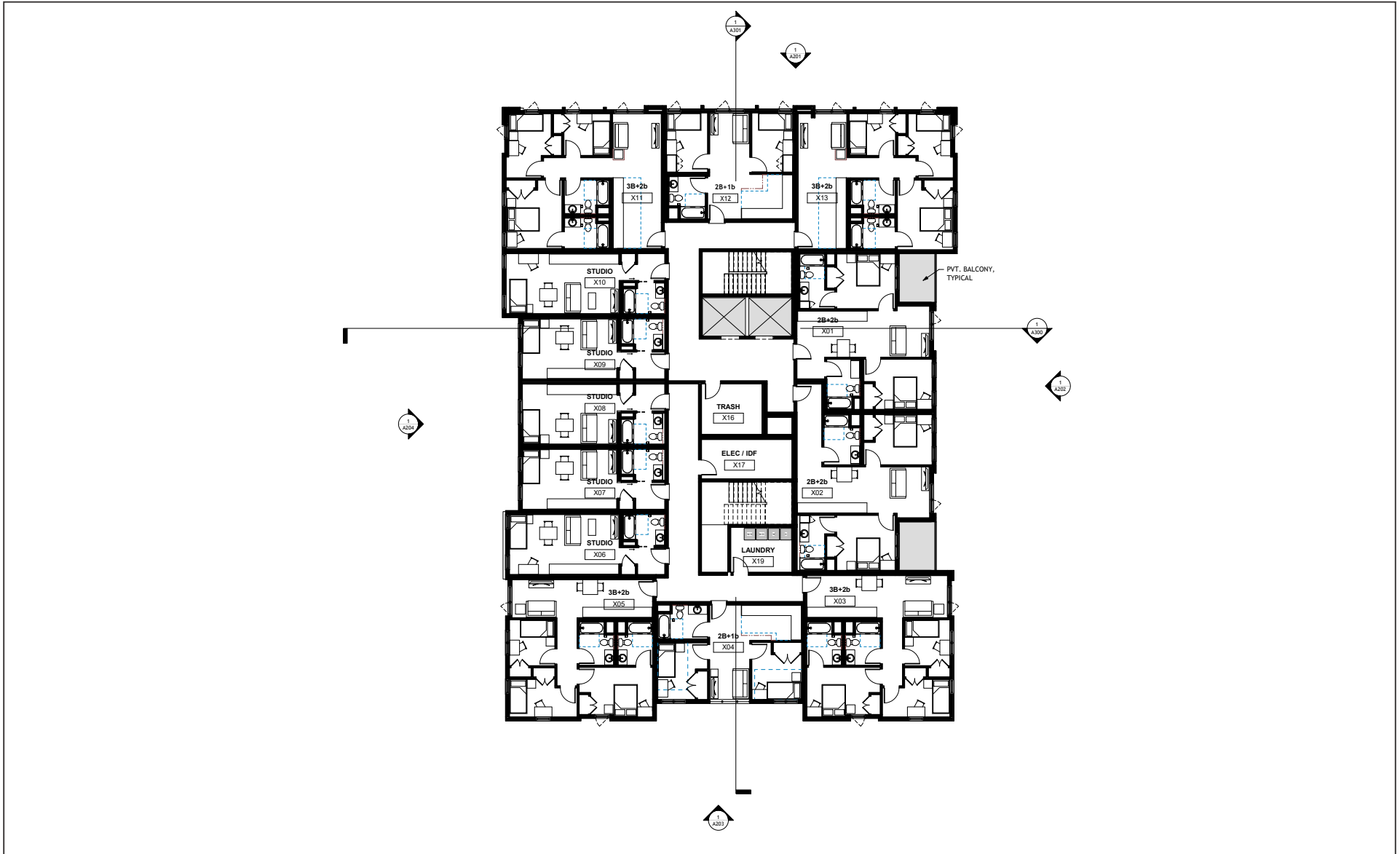


FIGURE 3-6

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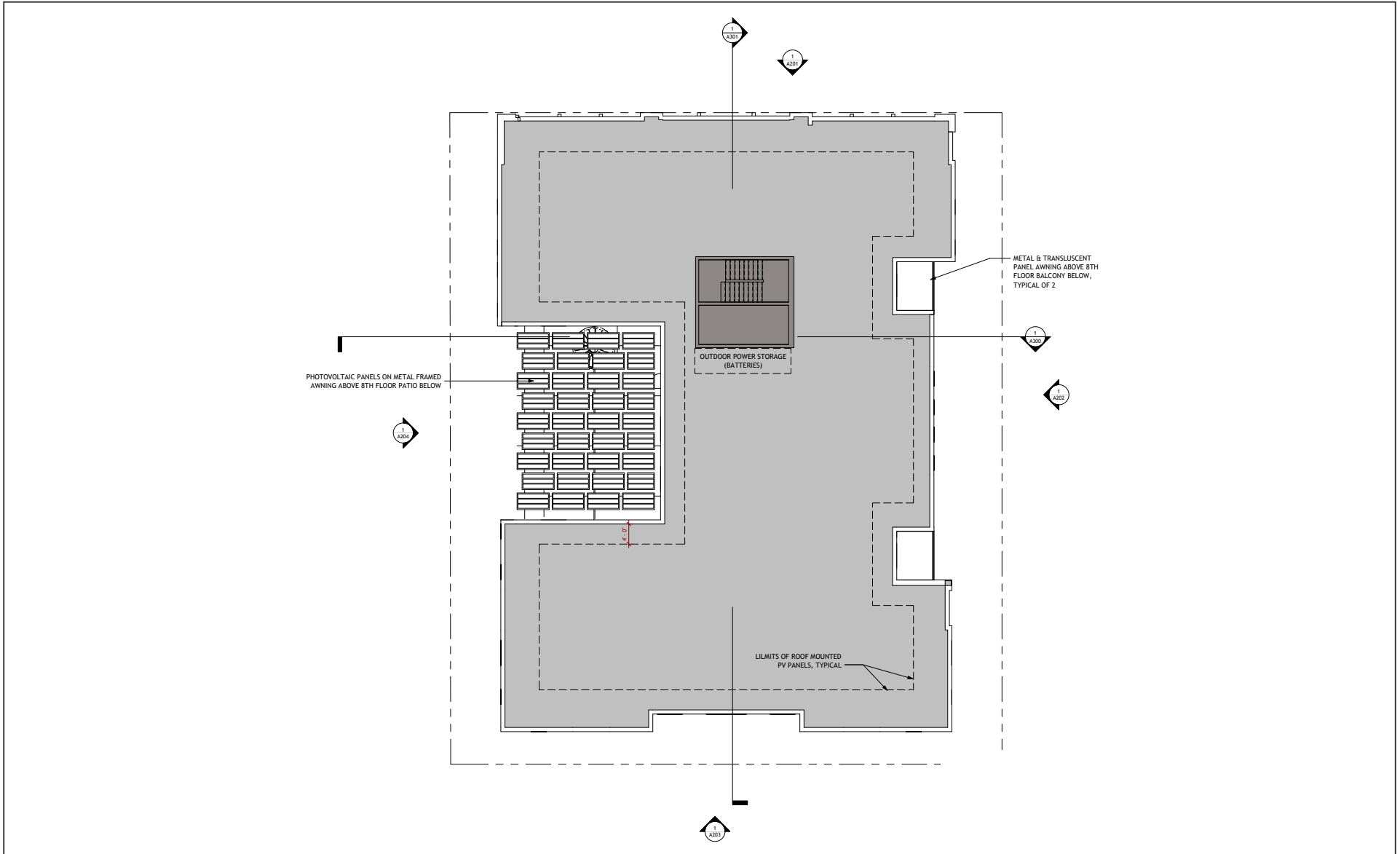


FIGURE 3-7

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Context Elevation Existing



Context Elevation Proposed

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FIGURE 3-9

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FIGURE 3-10

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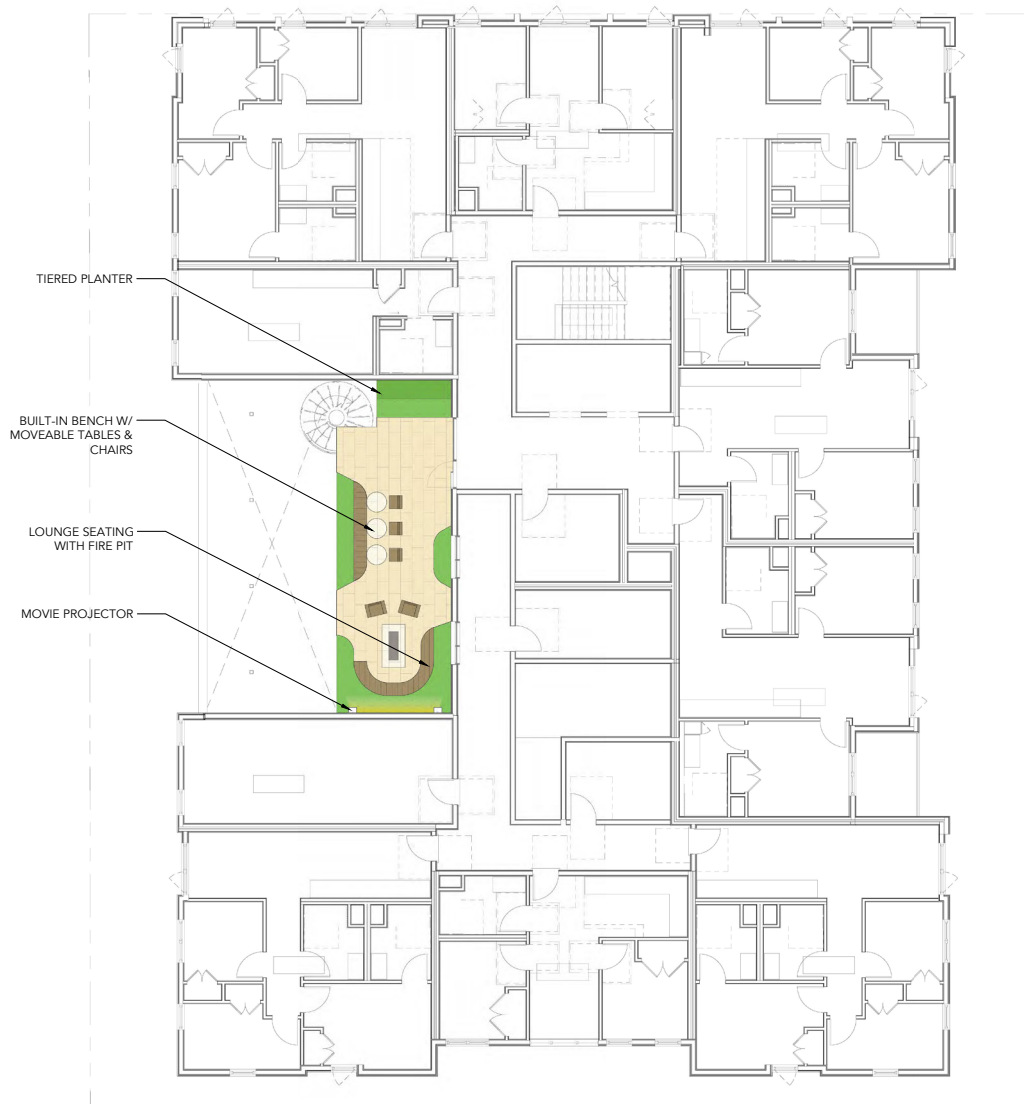


FIGURE 3-11

LSA



0 12 24
FEET

SOURCE: Studio KDA

I:\2024\20242091\G\Proposed_Landscape_Plan.ai (6/23/2025)

2036 Bancroft Way Project
Proposed Landscape Plan - Level 8

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3.3.4 Access, Circulation, and Parking

The proposed project would include secured pedestrian building entrances on Bancroft Way and the alleyway along the eastern side of the proposed building. Additionally, vehicle access would be provided via the existing one-way alley on Bancroft Way. This alleyway would provide access to a parking garage, as shown on Figure 3-5, with 19 vehicle parking spaces within a vehicle stacking system. Consistent with Berkeley Municipal Code (BMC) Sections 19.37 and 19.47.040, 10 percent of the 19 parking spaces (2) would be installed with Level 2 electric vehicle (EV) charging stations (40-amp minimum) and 40 percent of the 19 parking spaces (8) would be EV-ready, equipped with low-power, Level 2 EV charging receptacles (20-amp minimum).

The proposed project would also include total of 63 secure bicycle parking spaces, including 58 long-term spaces and a stacked bike rack with two short-term bike parking spaces. The proposed project would implement a Transportation Demand Management (TDM) Program. The TDM Program would provide unbundled vehicle parking, a secure bicycle room within the building, and a real-time transit information monitor in the lobby area. The proposed project would also offer tenants free transit passes on demand at a rate of one per unit for studios and one-bedroom units and one per bedroom for two- and three-bedroom units.

3.3.5 Utilities and Infrastructure

The proposed project would require utility services including water, wastewater, storm drain, electrical, and telecommunications. The proposed project would connect to existing utilities on Bancroft Way via tie-ins, including connections to the 12-inch water line, 12-inch wastewater line, and a connection to the existing joint utility trench for electrical service. The proposed project would also replace the existing sewer lateral. The proposed building would be all-electric and would include solar photovoltaic (PV) panels installed as an awning above the eighth-floor rooftop open space and the roof to comply with California Energy Code requirements for energy efficiency.

The project site currently includes a total of 9,556 square feet of impervious surface area. The proposed project would result in an increase in impervious surface area on the project site. Roofs that cover the building footprint and associated overhangs that extend beyond the footprint, roads, concrete driveways and other infrastructure would result in a total of 12,154 square feet of impervious surfaces.

3.3.6 Green Building Features

The proposed project would comply with BMC Energy Code Chapter 19.36 and Green Code Chapter 19.37, adopted by the City Council on December 3, 2019. Green building features would include the solar PV system, installed battery energy storage, electric vehicle charging, and low-carbon concrete requirements, as well as energy and water efficiency measures. The proposed project would not include any natural gas infrastructure. The proposed new residential building would obtain a GreenPoint Rated Platinum certification, consistent with BMC Section 23.204.130(G).

3.3.7 Grading and Construction

The existing Broad Apartments and Broad House buildings would be demolished and the Corder Building would be altered to remove the Office Annex and skybridge connection for redevelopment of the project site. The proposed project would require a total of 1,135 cubic yards of cut material and 557 cubic yards of fill material, resulting in approximately 577 cubic yards of material being exported off-site. The demolition of the Broad Apartments, Broad House, Office Annex buildings would result in approximately 3,900 cubic yards of demolition debris. The typical depth of excavation is expected to be approximately four feet below ground surface. However, excavation in a limited portion of the project site would extend to approximately six feet below ground surface for the installation of a temporary construction crane. Construction of the proposed project would occur over an approximately 18- to 20-month period.

3.3.8 Regulatory Requirements and Approvals

The following describes the applicable regulatory requirements of the State Density Bonus Law, the Housing Accountability Act, the City's Inclusionary Housing requirement (BMC Chapter 23.328) and Affordable Housing Mitigation Fee (BMC Section 22.20.065), and other discretionary approvals.

3.3.8.1 State Density Bonus

The proposed project was submitted pursuant to Senate Bill (SB) 330 and is subject to the modifications and protections of State Density Bonus Law and the Housing Accountability Act. As such, the proposed project includes three extremely low-, two very low-, two low-, and one moderate-income housing units⁴ to satisfy State replacement requirements and achieve a density bonus. The base density for the project site would allow for 73 units. The project would provide at least 5 percent of the base project units (minimum of four units) as extremely low- and very low-income affordable units, which would achieve a 20 percent density bonus under Government Code Section 65915. State Density Bonus Law allows for additional density ("bonus") and flexibility in development standards in exchange for providing affordable housing units on site. With the density bonus under State law, the proposed project would provide a total of 87 units.

3.3.8.2 Inclusionary Housing Requirements

The proposed project is subject to the City of Berkeley's Inclusionary Housing requirement (BMC Chapter 23.328) and Affordable Housing Mitigation Fee (BMC Section 22.20.065). Together, these ordinance sections require a rental unit project to provide affordable units on-site or pay a fee in lieu of providing on-site affordable units. The project sponsor would provide a portion of required units on-site, including three extremely low-, two very low-, two low-, and one moderate-income housing units (eight units). For the remaining requirement, the project sponsor would contribute approximately \$1.6 million as an in-lieu fee toward Berkeley's Affordable Housing Trust Fund in compliance with Section 21.28.080 of the BMC.

⁴ Extremely low income households are defined as those earning 30 percent or less of the Area Median Income (AMI). Very low, low, and moderate income households earn 50 percent, 80 percent, and 120 percent of AMI, respectively.

3.3.8.3 Discretionary Actions

The proposed project is also subject to action by the City of Berkeley's Zoning Adjustments Board (ZAB) and the Landmarks Preservation Commission (LPC). The project would require the following discretionary entitlements from the City of Berkeley, per the City's Municipal Code (BMC):

1. Use Permit (Public Hearing) under BMC Section 23.204.020, to construct a Mixed-Use Residential building in the C-DMU zoning district
2. Use Permit (Public Hearing) under BMC Section 23.326.070(A) to demolish a non-residential building (the Corder Office Annex at 2036 Bancroft)
3. Use Permit (Public Hearing) under BMC Section 23.326.0301 to demolish 8 residential units (2030 and 2032 Bancroft)
4. Use Permit (Public Hearing) under BMC Section 23.326.030(A)(3)1 to demolish a building containing 8 dwelling units constructed prior to June 1980
5. Use Permit (Public Hearing) under BMC Section 23.204.020(A) to construct dwelling units
6. Use Permit (Public Hearing) under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
7. Use Permit (Public Hearing) under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 60 feet (plus 5-foot parapet, by right) in the Buffer Sub-Area
8. Use Permit (Public Hearing) under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right) in the Corridor Sub-Area
9. Administrative Use Permit under BMC Section 23.304.050(A) to allow rooftop architectural elements to exceed the district height limit
10. Structural Alteration Permit under BMC Section 3.24.219 to demolish the Broad House and Broad Apartments buildings (2030–2032 Bancroft Way), demolish the Office Annex (2036 Bancroft Way) of the Corder Building, alter a portion of the west façade of the Corder Building (2300 Shattuck Avenue), and construct a new eight-story residential building in place of the demolished buildings

3.3.8.4 Lot Line Adjustment

The proposed project also includes a lot line adjustment between the two subject parcels such that APN 55-1894-17-4 would only contain the Corder Building, and APN 55-1894-16 would only include the proposed new building.

3.3.8.5 Waivers/Concessions

In addition, the following waivers and concessions pursuant to the State Density Bonus Law are requested:

1. Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits, to be 85 feet to the roof and 93 feet to the top of the parapet (8-foot parapet at front), where 60 feet with use permit is the limit (plus 5-foot parapet, by right) in the Buffer Sub-Area, and 75 feet with use permit is the limit (plus 5-foot parapet, by right) in the Corridor Sub-Area
2. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height; reduce the rear setback requirement to 6 feet, 6 inches, where 15 feet is the minimum, above 75-foot building height; and reduce the interior setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and over 65 feet from lot frontage
3. Waiver of BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements
4. Waiver of BMC Section 23.204.130(E)(4) to reduce the usable open space requirement by providing 2,368 square feet where 7,040 square feet is required
5. Waiver of BMC/23.304.090(B)(7) to reduce the landscaped Usable Open Space requirement, to provide 26 percent where 40 percent is required
6. Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee

3.3.8.6 Standard Conditions of Approval

Development of the proposed project, if approved, would be subject to the City of Berkeley's standard Conditions of Approval (COA), pursuant to BMC 23B.32.040.D and consistent with the findings made by ZAB for approval of the project and issuance of the requested Administrative Use Permit. Applicable COAs are identified in Table 3.C below and summarized in the appropriate topical sections of the Infill EIR and the Infill Environmental Checklist (Appendix A to this Infill EIR). The COAs provided in the Table 3.C include the COAs prescribed in both the Infill Environmental Checklist and the Infill EIR. Each COA is titled pursuant to the subject area it addresses.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
Aesthetics	Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
Air Quality	Public Works - Implement Bay Area Air District-Recommended Measures During Construction. For all proposed projects, the Air District recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust: A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. B. All haul trucks transporting soil, sand, or other loose material off site shall be covered. C. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. D. All vehicle speeds on unpaved roads shall be limited to 15 mph. E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Air Quality - Diesel Particulate Matter Controls During Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures: a. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from Air District and Office of Environmental Health Hazard Assessment (OEHHA). The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or b. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following: • An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
	A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
Biological Resources	Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
Cultural Resources	Archaeological Resources. (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archeological resources accidentally discovered during construction” should be instituted. Therefore: - In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. - If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards. - In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. - If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation measures for cultural resources is carried out. - If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center. Human Remains. (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
	excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
Geology and Soils	Paleontological Resources. (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
Greenhouse Gas Emissions	Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste. Low-Carbon Concrete. The project shall verify compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent.
Hazards and Hazardous Materials	Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal: A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527). A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com) B. Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD. C. Environmental Site Clearance. The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits. D. Soil and Groundwater Management Plan. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
	map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit. The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following: i. procedures for soil and groundwater management including identification of pollutants and disposal methods; ii. procedures to manage odors, dust and other potential nuisance conditions expected during development; iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints. TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval. E. <u>Demolitions & Renovations – Building Materials Survey.</u> A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. ii. If asbestos is identified, the Air District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.) iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq. iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
	F. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: http://cers.calepa.ca.gov/ for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc. Additionally, the business occupant must submit an HMBP within 30 days of starting operations.
Hydrology and Water Quality	Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply: The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions. B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD. C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans. D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit. E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants. F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept. G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City. H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
	pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge. I. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup. J. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge. K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
	Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
	Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
	Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
	Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
Noise	Construction Noise Reduction Program.The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical: • Construction equipment should be well maintained and used judiciously to be as quiet as practical. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible. • Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible. • Prohibit unnecessary idling of internal combustion engines. • If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. • Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise. • Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. • Route construction related traffic along major roadways and away from sensitive receptors where feasible. Construction Noise Management - Public Notice Required.At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the Project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the Project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. Construction Phases.The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an onsite meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
	Construction Hours.Construction activity shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and 4:00 p.m. on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
	Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
	Project Construction Website.The applicant shall establish a Project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant: • Contact information (i.e., "hotline" phone number, and email address) for the Project construction manager • Calendar and schedule of daily/weekly/monthly construction activities • The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.
	Damage Due to Construction Vibration.The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the Project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall: • Establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and • Include written descriptions and photographs.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
Transportation	Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities: A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes); B. Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW; C. Provision of exclusive contractor parking on-street; or D. Significant truck activity. Please contact the Office of Transportation at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff. Transportation Demand Management Plan. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections. A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection. B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees. i. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit. ii. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit. iii. Each Group Living Accommodation rooms will receive one pass iv. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited adult monthly pass for unlimited local bus transit service monthly local bus pass.

Table 3.C: Applicable City Conditions of Approval

Issue Area	City COA
Tribal Cultural Resources	COA: Archeological Resources and COA: Human Remains. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
Utilities and Service Systems	Water Efficient Landscaping (<i>prior to the issuance of any building [construction] permit</i>). Landscaping, totaling 500 square feet or more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate for Berkeley is 41.8. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division's Recycling Program Manager, Julia A. Heath, at jheath@berkeleyca.gov.

COA = Condition of Approval

4.0 SETTING, IMPACTS, AND MITIGATION MEASURES

This chapter presents an analysis of the potentially significant environmental impacts that could result from implementation of the 2036 Bancroft Way Project (proposed project) described in Chapter 3.0, Project Description. The following describes (1) how a determination of significance is made, (2) the environmental issues addressed in this chapter, (3) the context for the evaluation of cumulative effects, (4) the format of the topical issue sections, and (5) an evaluation of each potentially significant impact in Sections 4.1 and 4.2.

DETERMINATION OF SIGNIFICANCE

The California Environmental Quality Act (CEQA) defines a significant effect as a substantial, or potentially substantial, adverse change in the environment (Public Resources Code (PRC) Section 21068). The “environment” means the physical conditions, which exist in the area including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (PRC Section 21060.5). Each impact evaluation in this chapter is prefaced by criteria of significance, which are the thresholds for determining whether an impact is significant. These criteria of significance are based on the *State CEQA Guidelines*, applicable City of Berkeley (City) policies, and other applicable regulations.

As Lead Agency for environmental review of the proposed project, the City has the discretion to formulate project-specific thresholds of significance and to identify quantitative and qualitative standards, as appropriate, for the evaluation of potential environmental effects.^{1,2}

In determining whether a project's impacts are significant, an Environmental Impact Report (EIR) compares the environmental conditions of a proposed project with existing environmental conditions, which are referred as the “baseline” for the impact analysis. The baseline most commonly used is based on environmental conditions in existence at the time that the Notice of Preparation (NOP) was published. Accordingly, this Draft Infill EIR compares the potential environmental impacts of the proposed project with the baseline environmental conditions in existence at the time that the NOP was published December 19, 2025.

The document is a Draft Infill EIR, as the proposed project is evaluated as an infill development project that tiers from the program-level environmental review prepared for the 2009 Downtown Area Plan (DAP). The Berkeley Downtown Area Plan Environmental Impact Report (DAP EIR) (SCH No. 2008102032), which was certified in August 2009, analyzed the environmental effects of anticipated development within the DAP at a programmatic level and identified mitigation measures applicable to subsequent projects.

Pursuant to *State CEQA Guidelines* Section 15183.3, Streamlining for Infill Projects, this Draft Infill EIR describes the potential environmental impacts of the proposed project. The purpose of *State CEQA Guidelines* Section 15183.3 is to streamline the environmental review process for eligible infill development projects where the environmental effects of infill development have already been

¹ *State CEQA Guidelines*. 2023. Section 15064.7.

² *Rominger v. County of Colusa* 226 Cal. App. 4th 690 (2014).

addressed in a prior planning-level decision or through uniformly applicable development policies. Additionally, *State CEQA Guidelines* Section 15183.3 allows lead agencies to streamline the environmental review process for eligible infill projects by removing analysis of the following types of environmental effects from evaluation:

1. First, if an effect was addressed as a significant effect in a prior EIR for a planning-level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.
2. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

As previously discussed, the City's DAP EIR analyzed environmental impacts associated with adoption and implementation of the DAP. These documents are incorporated by reference in their entirety into this Draft Infill EIR. The DAP EIR is a "planning-level decision" pursuant to *State CEQA Guidelines* Section 15183.3(f)(2), which defines a "planning-level decision" as an "enactment or amendment of a general plan or any general plan element, community plan, specific plan, or zoning code." The DAP is a Specific Plan. Accordingly, the DAP is the planning level decision that is the basis for the use of the Infill Exemption under *State CEQA Guidelines* Section 15183.3 with regard to the environmental analysis of the proposed project.

No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects than those studied in the DAP, or if uniformly applicable development policies or standards would substantially mitigate such effects. Therefore, this Draft Infill EIR is limited to topics applicable to project-level review only.

Although the project is consistent with the land use framework evaluated in the DAP EIR, this project-level analysis is required because implementation of the proposed development would result in significant and unavoidable (SU) impacts that would occur at the site-specific level. Pursuant to *State CEQA Guidelines* Section 15152(f), tiering does not eliminate the need to prepare an EIR for a later project when the subsequent activity may result in significant effects. Accordingly, this document serves as a focused, site-specific Draft Infill EIR that tiers from the DAP EIR while providing the detailed analysis necessary to evaluate project-specific impacts and identifies compliance with adopted mitigation measures.

In determining the significance of potential environmental impacts compared to baseline conditions, the City's Standard Conditions of Approval (COAs) are first applied. The City's COAs are routinely required conditions applicable to development projects throughout the City and are implemented to reduce or avoid potential environmental effects. Applicable COAs are identified in the Regulatory Framework subsections for each environmental issue and prior to the impact determination.

TOPICS ADDRESSED IN THE DRAFT EIR

This Draft Infill EIR addresses the following environmental topics:

- 4.1, Cultural Resources
- 4.2, Tribal Cultural Resources

Sections 4.1 and 4.2 of this chapter describe the project's environmental setting as evaluated in the Draft Infill EIR and the impacts that are expected to result from implementation of the proposed project. Mitigation measures are proposed to reduce potential impacts, where appropriate.

CUMULATIVE ANALYSIS CONTEXT

CEQA defines a "cumulative impact" as "two or more individual effects which, when considered together, are considerable, or which can compound to increase other environmental impacts." Section 15130 of the *State CEQA Guidelines* requires that an EIR evaluate potential environmental impacts when the project's incremental effect is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. These impacts can result from a combination of the proposed project together with other projects causing related impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects (*State CEQA Guidelines* Section 15355).

The cumulative discussions in Sections 4.1 and 4.2 explain the geographic scope of the area affected by each cumulative effect (e.g., immediate project vicinity, citywide, regional). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed. *State CEQA Guidelines* Section 15130 requires that cumulative impacts be discussed using either a list of past, present, and probable future projects producing related or cumulative impacts, or a summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. This analysis employs the projection-based approach for the two resource areas identified in the Infill EIR cultural resources and tribal cultural resources.

FORMAT OF ENVIRONMENTAL TOPIC SECTIONS

Each environmental topical section is generally organized as follows:

- **Methodology:** The Methodology section for each environmental topic provides a description of the methodology used to conduct the associated analysis and identify potentially significant environmental impacts.
- **Existing Environmental Setting:** The Existing Environmental Setting section for each environmental topic generally provides a description of the applicable physical setting (e.g., existing land uses, existing traffic conditions) for the project site and its surroundings in the city.

- **Regulatory Setting:** The Regulatory Setting section for each environmental topic provides an overview of regulatory considerations that are applicable to each specific environmental topic.
- **Significance Criteria:** The Significance Criteria section for each environmental topic provides the thresholds used to determine whether an impact is potentially significant. These thresholds are adapted from Appendix G of the *State CEQA Guidelines* and apply local and regional criteria applicable to the project area, as described above.
- **Project Impacts:** The Project Impacts section for each environmental topic presents a discussion of the potential impacts that could result from construction and operation of the proposed project. The section presents the potential impacts from the proposed project and mitigation measures, if necessary.

Evidence is presented to show the cause-and-effect relationship between the proposed project and potential changes in the environment. In accordance with *State CEQA Guidelines* Section 15126.2(a), this Draft Infill EIR is required to “identify and focus on the significant effects of the proposed project on the environment.” The magnitude, duration, extent, frequency, and range or other parameters of a potential impact are ascertained to the extent feasible to determine whether impacts may be significant. In accordance with CEQA, potential project impacts, if any, are classified as follows for each of the environmental topics discussed in this Draft Infill EIR:

- **Potentially Significant Impact:** This classification refers to impacts that are identified as potentially significant because the established threshold would be exceeded with implementation of the proposed project. This determination is made prior to identification of mitigation measures.
- **Less than Significant Impact:** Less than significant impacts are environmental impacts that have been identified but are not potentially significant. If the proposed project is approved, the decision-making body is required to make findings pursuant to *State CEQA Guidelines* Section 15091 that no significant impacts would occur.
- **Less than Significant Impact with Mitigation:** Less than significant impacts are environmental impacts that have been identified but can be feasibly mitigated to a level of insignificance. If the proposed project is approved, the decision-making body is required to make findings pursuant to *State CEQA Guidelines* Section 15091 that significant impacts have been mitigated to the extent feasible through implementation of mitigation measures, if required.
- **Significant and Unavoidable Impact:** This classification refers to impacts that are significant, cannot be mitigated with implementation of feasible mitigation measures, and that cannot be avoided with implementation of the project as proposed. If the proposed project is approved with significant and unavoidable impacts, the decision-making body is required to adopt a statement of overriding considerations pursuant to *State CEQA Guidelines* Section 15093 explaining why the project’s benefits outweigh those significant and unavoidable environmental impacts.

- **Cumulative Impacts:** The Cumulative Impacts section of this Draft EIR evaluates whether the proposed project's incremental effects, when combined with the effects of past, present, and reasonably foreseeable future projects, would result in a cumulatively considerable contribution to a significant environmental impact, consistent with *State CEQA Guidelines* Section 15130. The analysis identifies relevant geographic scopes for each resource topic and determines whether the project's contribution would be cumulatively considerable after implementation of mitigation measures.

Impacts are numbered and shown in bold type, and the corresponding mitigation measures are numbered and indented. Impacts and mitigation measures are numbered consecutively and begin with an acronymic or abbreviated reference to the impact section (e.g., CUL). The following acronyms are used for their respective individual topics:

- CUL Cultural Resources
- TCR Tribal Cultural Resources

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4.1 CULTURAL RESOURCES

This section describes existing cultural resources within the project site and vicinity. It identifies potentially significant impacts to such resources that may result from implementation of the proposed project and recommends mitigation measures to reduce the severity of potentially significant impacts.

Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value for their historical significance. Examples of cultural resources include precontact (Native American) and historic-period archaeological sites, and historic buildings and bridges of architectural significance. The California Environmental Quality Act (CEQA) requires agencies that are considering projects that are subject to discretionary action to consider the potential impacts on cultural resources that may occur from project implementation (see Section 15064.5 and Appendix G of the *State CEQA Guidelines*). Section 4.2, Tribal Cultural Resources, of this Draft Infill Environmental Impact Report (EIR) addresses the topic of tribal cultural resources.

In addition to the references identified below, a Historical Resources Evaluation/Project Impact Analysis (HRE/PIA)¹ was prepared for the project site and built environment resources located within the project site. The HRE/PIA was used in the analysis provided in this section and is included as Appendix C to the Draft Infill EIR. The HRE/PIA was peer reviewed by LSA as a consultant to the City of Berkeley (City).

4.1.1 Methodology

4.1.1.1 Historical Resources Evaluation/Project Impact Analysis

To characterize the setting for historical resources at the project site, the existing buildings on the project site were evaluated in the HRE/PIA to determine their eligibility for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City of Berkeley Landmark and Structure of Merit criteria. A project-specific impact analysis which applied the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards) was included in the HRE/PIA, to identify and potentially mitigate project-related impacts to historical resources within the project site.

4.1.1.2 Records Search

A record search of the California Historic Resources Information System (CHRIS) archives was conducted at the Northwest Information Center (NWIC). The NWIC records search was conducted on December 19, 2025. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resource records and reports for Alameda County. The results of the NWIC database indicate that there has been one prior study that covered the project site and another 13 prior studies that were within 0.25-mile of the project site. The one study that includes the project area is a survey that covers nearly the entire project area except a small area on the southwest. The 13 studies outside the project site include 10 survey studies; one monitoring study; one excavation and monitoring study, and one Finding of Effect study.

¹ Preservation Architecture. 2024. *2300 Shattuck Ave. – 2036 Bancroft Way, Berkeley Historical Project Evaluation/Project Impact Analysis*. June 5. Revised September 11, 2025, and January 27, 2026.

These prior studies recorded a total of 58 cultural resources. Two of the recorded resources are located on the project site, while the remaining 56 of the resources are outside of the project area but within 0.25-mile. The two resources on the project site are P-1-5593 (the Corder Building at 2300 Shattuck Avenue) that is within the project site and P-1-11858 (the Shattuck Avenue Downtown Historic District), as described in the following subsection. Other resources on the site that were not previously recorded or identified in the records search are also further discussed below.

4.1.2 Existing Environmental Setting

The approximately 1-acre project site is located at 2030–2036 Bancroft Way and 2300 Shattuck Avenue, in Berkeley (Assessor's Parcel Numbers [APNs] 55-1894-16 and 55-1894-17-4). The project site is currently developed with: (1) a three-story residential building at 2030 Bancroft Way containing six dwelling units (Broad Apartments); (2) a two-story residential building at 2032 Bancroft Way containing two dwelling units (Broad House); (3) a four-story commercial office with ground floor retail building at 2300 Shattuck Avenue (Corder Building) and the three-story annex at 2036 Bancroft Way (Office Annex), connected through a skybridge to the Corder Building.

All three buildings are designated City Landmarks. Further, the Corder Building is listed on the NRHP and the CRHR, and the Office Annex and skybridge are contributing elements to the historically significant Corder Building, as discussed in more detail below.

4.1.2.1 Historic Background

According to the Downtown Area Plan (DAP) EIR,² the development of Downtown Berkeley was heavily influenced by East Bay transportation routes and the establishment of the University of California, Berkeley (UC Berkeley). The principal commercial center for the city was established in 1876 when Francis Kittredge Shattuck and J.L. Barker persuaded the stockholders of the Central Pacific Railroad (later Southern Pacific) to run a spur line through Shattuck's property. This rail access provided the impetus for new commercial growth in what became Downtown Berkeley. Further, the relocation of UC Berkeley to just east of the Downtown Area in 1873 also provided opportunity for commercial growth to support the UC Berkeley community. When the Town of Berkeley was incorporated in 1878, Shattuck Avenue was already established as the City's "Main Street." By the 1890s, a fully operational rail line with steam trains ran along Shattuck Avenue, terminating at what is now Berkeley Square and Shattuck Square.

In 1906, an earthquake resulted in an influx of new residents to the City, and businesses in the downtown area quickly began to accommodate the expanded population. Downtown Berkeley became a bustling business, commercial, and light industrial center in the 1920s, and continued to grow and expand into the 1940s. As with many commercial downtowns in California, post-World War II suburban expansion resulted in the creation of new residential and commercial areas away from the historic commercial core.

² City of Berkeley. 2009. *Draft Environmental Impact Report, State Clearinghouse Number: 2008102032, Berkeley Downtown Area Plan*. January.

The historical resources located in the Downtown Area reflect a wide range of themes and historic contexts, including residential and commercial development; civic, government and educational institutions; transportation; recreation; and cultural groups. According to the DAP EIR, many of these historical resources have already been listed at the federal, state, and local levels. Within the Downtown Area, there are 16 resources currently listed on the NRHP. These same 16 resources are also listed on the CRHR, as NRHP-listed resources are automatically entered into the CRHR. In addition, there are 76 resources designated as Berkeley Landmarks and two resources designated as Berkeley Structures of Merit. There are also two historic districts present, the Downtown Berkeley Civic Center District (local and NRHP designated) and the Berkeley High School Campus National Register Historic District. In addition, 66 resources are on the State Historic Resources Inventory.

Although there have been numerous historical resource survey efforts that have encompassed parts of Downtown Berkeley, none comprehensively surveyed the area covered by the DAP. During preparation of the DAP, the Downtown Berkeley Historic Resource Survey was prepared for the DAP Advisory Committee (DAP AC), including a reconnaissance survey and a historic context statement for the Downtown area. At the request of the Landmarks Preservation Commission-DAP AC Subcommittee, in lieu of California Department of Parks and Recreation 523 (DPR) forms as part of an intensive-level survey, efforts were directed toward the creation of a reconnaissance survey list incorporating a more extensive set of attributes and conditions than had initially been conceived. As part of the evaluation, a preliminary evaluation of the integrity of the resources (high, good, fair, or poor) and verified assessor's estimated year of construction was provided. This survey considered all properties and structures within the Downtown Area and also included those properties immediately adjacent to the Downtown Area. The report also provided a discussion of historic contexts for the survey area, so that at a future date the historical resources within Berkeley's Downtown Area can be fully evaluated. An intensive level survey was not conducted, and, therefore, evaluations of individual significance or eligibility were not made. Overall, 178 properties that were over 45 years of age, retained a high, good, or fair level of integrity, and had not been documented in past surveys were identified.

Downtown Area Plan Historic Areas. Based on the reconnaissance survey, several clusters of historical resources or distinct streetscapes that might suggest special recognition within the DAP were identified. Two of the four clusters discussed below are presently recognized as historic districts, including the Civic Center Historic District and the Berkeley High School Campus National Register Historic District. The clusters of historical resources are discussed in more detail below:

- The **Shattuck Avenue Downtown Historic District** (also known as the Shattuck Avenue Commercial Corridor) runs along Shattuck Avenue, with the area of highest commercial activity from about Durant Avenue to University Avenue. This area includes a significant concentration of historic commercial buildings that share historic contexts, themes, physical attributes, and characteristics. The historical resources present in this concentration reflect the following historic contexts, including commercial development, transportation, recreation, and cultural groups. The earliest buildings date from the 1890s extending to a building campaign after World War II that included an increase in student population at the University.

The DAP EIR identified this area as a potential historic district. Since certification of the DAP EIR, the City has not formally adopted the Shattuck Avenue Downtown Historic District into a local register or inventory of historical resources; however, for the purposes of this analysis this is considered a resource under CEQA.

The Shattuck Avenue Downtown Historic District identifies the existing Corder Building located on the project site as a contributor, highlighting the building as part of the “Roaring Twenties,” and the changes ushered in by the 1920s, including the 1923 Berkeley fire and the reconstruction it spurred, as well as the growth of the personal automobile. The building is also identified as part of the “one-part” commercial block, which is characterized by buildings that accommodate many types of uses and were built out of a variety of styles and materials. The one-part commercial block buildings had simple box forms with flat roofs, storefronts, and ornament at the cornices. Most of these structures were used as retail stores and were often replaced with more substantial multi-story structures. Some, like the Corder Building at 2300 Shattuck Avenue, were built as one-story commercial buildings; upper floors were added at a later date. Typically, these buildings were long and rectangular in plan with the narrow side facing the street. As outlined in this section, the entirety of the project site is part of the Shattuck Avenue Downtown Historic District.

- The **Civic Center Historic District** is concentrated around Berkeley's Civic Center. It is already designated as a historic district under the City's Landmarks Preservation Ordinance and is also a NRHP-listed historic district. The 1959 John Hudspeth-designed Alameda County Court House may also be considered for inclusion as a contributor. While this building was constructed at a later date than the majority of the historic district potential contributors and is constructed in a different style of architecture, it was constructed in the heart of Berkeley's Civic Center, and it shares the government and civic historic context for which the district is significant. The project site is not located within this historic district.
- The **Berkeley High School Campus Historic District** was listed in the NRHP on November 9, 2007. The Berkeley Community Theater, Florence Schwimley Little Theater, and the shop and science buildings of Berkeley High School were designated a City of Berkeley Landmark on December 7, 1992. Berkeley High School also forms part of the Civic Center Historic District, which is listed in the NRHP. The project site is not located within this historic district.
- **Residential areas on the periphery of the Downtown Area** are generally part of larger residential neighborhoods. The DAP boundaries overlap these residential areas, but do not encompass them fully. The DAP determined that further study of these entire residential neighborhoods should be undertaken at some point to determine the relevant contexts, boundaries and historical associations. Within the DAP boundaries, there are three main residential areas: one is located north of University Avenue and is focused on Hearst Avenue and Berkeley Way; a second is the area south of the downtown west of Shattuck Avenue surrounding Haste and Milvia streets. Residential development in Downtown Berkeley is diverse, the result of over a century of growth. Historic residences range from Victorian single-family dwellings to post-earthquake shingled boxes to apartment buildings from the 1930s, 1940s, and 1950s. Although more consistent within subareas, the DAP residential buildings are

diverse with large single-family residences, apartment buildings, small cottages, duplexes, and flats. The project site is not located within these residential areas.

The DAP EIR also determined that the cluster of historic commercial resources around what was once the Dwight Station area (Shattuck Avenue at Dwight Way) should be further studied to determine if a potential historic district is present in this part of the Downtown Area.

4.1.2.2 Project Site

The project site is currently developed with: (1) a three-story residential building at 2030 Bancroft Way containing six dwelling units (Broad Apartments); (2) a two-story residential building at 2032 Bancroft Way containing two dwelling units (Broad House) (collectively APN 55-1894-16 and referred to as the 2030–2032 Bancroft Way parcel); (3) a four-story commercial office with ground floor retail building at 2300 Shattuck Avenue (Corder Building) and the three-story annex at 2036 Bancroft Way (Office Annex) (collectively APN 55-1894-17-4 and referred to as the 2300 Shattuck Avenue parcel), connected through a skybridge to the Corder Building.

All three buildings are designated City Landmarks. Further, the Corder Building is listed on the NRHP and the CRHR, and the Office Annex and skybridge are contributing elements to the historically significant Corder Building, as discussed in more detail below.

Corder Building. The Corder Building, built in 1921, was designated as a City Landmark in 1980 on the basis of the building's historical design and construction, with a recorded historical period of 1900–1949. Per the NRHP record, the Corder Building was one of the most immediately noticeable major buildings of Downtown Berkeley, its size and preserved elegance lending the area urban dignity. Its construction filled in a whole previously undeveloped block and was thus a major step in merging the train-stop business districts of Shattuck-Center and Dwight-Shattuck into one continuous downtown. The building was itself meant to grow and expanded from one-story to four-stories four years later. As such, the Corder Building may be the only building in Berkeley expanded as planned by the original architect, James W. Plachek, who was associated more than any other architect with Downtown Berkeley's growth in the late 1910s and 20s. When a final addition was made to the building in 1946, a warehouse and shop for Stone-Pierce, the architect was again James W. Plachek, nearing the end of his career after a notable series of Works Progress Administration (WPA) public buildings in the city.

Background research and a field survey prepared as part of the project-specific HRE/PIA indicate that the Corder Building retains the qualities for which it was originally determined eligible for the NRHP, CRHR, and as a City Landmark and therefore remains a historical resource for the purposes of CEQA. In addition, the Corder Building is a contributing element to the Shattuck Avenue Downtown Historic District.

Office Annex and Skybridge. The Office Annex and skybridge were designed in 1946 by James W. Plachek for the Corder Building. The skybridge provided access from the Corder Building to the Office Annex, which was used for warehousing. Aside from their general forms and original windows, given their utility, the Office Annex and skybridge are architecturally featureless. However, the Office Annex is a third, supportive part of an early 20th century building with identified historic

design and construction significance (i.e., Corder Building). In the 1980 NRHP record, the two original parts of the Corder Building were identified as significant while the Office Annex and skybridge were not. Similarly, the Office Annex and skybridge are not designated as City Landmarks. Given their secondary and utilitarian design and construction, their potential importance remains limited to having been a third component of the Corder Building.

As the Corder Building retains the qualities for which it was originally determined eligible for the NRHP and as a City Landmark, it remains a historical resource for the purposes of CEQA. The Office Annex and skybridge are considered contributing elements to the historically significant Corder Building due to their physical relationship to the Corder Building. However, because no exterior design materials or features of the otherwise utilitarian Office Annex or skybridge have potential individual significance, these structures on their own would not meet the criteria for listing in the NRHP or CRHR and they would not be considered individual historical resources.

Broad Apartments and Broad House. The Broad Apartments and Broad House, built in 1915 and 1887, respectively, were designated as City Landmarks in 2017, as the buildings possess architectural merit as two examples of notable work of the master builder Alphonso Herman Broad (1851–1930). The Broad Apartments and Broad Houses’ association with Broad is significant and important because of his fine work and his participation in the City’s early history, growth and development (between 1878 and approximately 1929). The City’s Landmarks Preservation Commission (LPC) voted to landmark these two buildings based on their association with Broad and the integrity of the two buildings. In doing so, the LPC determined that the buildings embody and express the history of Berkeley and East Bay.

According to the project-specific HRE/PIA, while designated landmarks, it must nonetheless be acknowledged that the Broad Apartments and Broad House lack their historic residential context at the time of their landmarking, as the two other surviving residential buildings that previously stood directly adjacent were removed and replaced in 2017 with a multi-unit, multi-story residential building that reinforces the historic downtown context while further isolating the Broad Apartments and Broad House. Therefore, the historic setting and integrity of Broad Apartments and Broad House is presently clearly diminished.

4.1.3 Regulatory Setting

The following describes the federal, State and local regulations and policies related to cultural resources that are relevant to the proposed project.

4.1.3.1 Federal Regulations

National Register of Historic Places (NRHP). The NRHP was first established in 1966, with major revisions in 1976. The register is set forth in 36 Code of Federal Regulations (CFR 60) which establishes the responsibilities of the State Historic Preservation Officers (SHPOs), standards for their staff and review boards, and describes the statewide survey and planning process for historic preservation. Within these regulations, guidelines are set forth concerning the NRHP (36 CFR 60.6). In addition, further regulations are found in 36 CFR 63-66, -800, and 1982 *Bulletin 15: How to Apply*

the National Register Criteria for Evaluation (Bulletin 15)³, which define procedures for determination of eligibility, identification of historic properties, recovery, reporting, and protection procedures. The NRHP was established to recognize resources associated with the accomplishments of all peoples who have contributed to the country's history and heritage. Guidelines were designed for federal and State agencies in nominating cultural resources to the NRHP. These guidelines are based upon integrity and significance of the resource. Integrity applies to specific items such as location, design, setting, materials, workmanship, feeling, and association. Quality of significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet at least one of the following criteria:

- **Criterion A:** Associated with events that have made a significant contribution to broad patterns of our history
- **Criterion B:** Associated with the lives of persons significant in our past
- **Criterion C:** Embodies distinctive characteristics of type, period, or method of construction, or that represent the work of master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction
- **Criterion D:** Have yielded, or are likely to yield, information important in prehistory or history

Integrity is defined in the United States Department of the Interior National Park Service (NPS) Bulletin 15 as "...the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period. If a property retains the physical characteristics it possessed in the past then it has the capacity to convey association with historical patterns or persons, architectural or engineering design and technology, or information about a culture or peoples." There are also seven aspects of integrity that are used: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association.

4.1.3.2 State Regulations

California Environmental Quality Act (CEQA). CEQA, codified in Public Resources Code [PRC] Sections 21000 et seq., applies to all discretionary projects undertaken or subject to approval by the State's public agencies (14 California Code of Regulations [CCR] Section 15002(i)). Pursuant to the *State CEQA Guidelines*, "A project with an effect 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" (14 CCR Section 15064.5(b)).

State CEQA Guidelines Section 15064.5(a) defines a "historical resource" as a resource that meets one or more of the following criteria:

- Listed in, or eligible for listing in, the CRHR (as defined under California PRC, Section 5024.1; 14 CCR Section 4850, et seq.)

³ United States Department of the Interior National Park Service (NPS). 1982. *Bulletin 15: How to Apply the National Register Criteria for Evaluation*. U.S. Department of the Interior, Washington, D.C.

- Listed in a local register of historical resources (as defined at PRC Section 5020.1(k))
- Identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g)
- Determined to be a historical resource by a project's lead agency (14 CCR Section 15064.5(a))

A historical resource consists of “Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California...Generally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing in the California Register of Historical Resources” (14 CCR Section 15064.5(a)(3)).

If an impact on a historical or archaeological resource is significant, CEQA requires feasible measures to minimize the impact (14 CCR Section 15126.4 (a)(1)). Mitigation of significant impacts must lessen or eliminate the physical impact that the project would have on the resource. Generally, a project that follows the Secretary of the Interior’s *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* shall be considered mitigated to a level of a less than significant impact on the historical resource (14 CCR Section 15064.5(b)(3)). As stated in Section 15126.4(b)(2) of the *State CEQA Guidelines*, “In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment will occur.” Finally, CEQA requires that all feasible mitigation be undertaken even if the mitigation does not reduce impacts to less than significant levels (14 CCR Section 15126.4(a)(1)).

California Register of Historical Resources (CRHR). PRC Section 5024.1 established the CRHR. The requirements for listing in the CRHR, including the criteria for listing and having integrity, are similar to those of the NRHP. Generally, a resource is considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the CRHR (14 CCR Section 15064.5(a)(3)). For a cultural resource to qualify for listing in the CRHR, it must be significant under one or more of the following criteria:

- **Criterion 1:** Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage
- **Criterion 2:** Associated with the lives of persons important in our past
- **Criterion 3:** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values

- **Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history

In addition to being significant under one or more of these criteria, a resource must retain enough of its historic character and appearance to be recognizable as a historical resource and be able to convey the reasons for its significance (14 CCR Section 4852(c)). Generally, a cultural resource must be 50 years or older to be eligible for the CRHR (14 CCR Section 4852(d)(2)).

In addition to meeting one or more of the significance criteria, a cultural resource must retain its historical integrity to be considered eligible for listing in the CRHR. Historical integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.”⁴ The evaluation of integrity must be grounded in an understanding of a resource’s physical features and its environment, and how these relate to its significance. There are seven aspects of integrity to consider when evaluating a cultural resource (i.e., location, design, setting, materials, workmanship, feeling, and association), which are described as follows:⁵

1. **Location** is the place where the historic property was constructed or the place where the historic event occurred. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons.
2. **Design** is the combination of elements that create the form, plan, space, structure, and style of a property. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.
3. **Setting** is the physical environment of a historic property. Setting refers to the character of the place in which the property played its historical role. Physical features that constitute the setting of a historic property can be either natural or manmade, including topographic features, vegetation, paths or fences, or relationships between buildings and other features or open space.
4. **Materials** are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. **Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of the artisan's labor and skill in constructing or altering a building, structure, object, or site.
6. **Feeling** is a property’s expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.

⁴ California Office of Historic Preservation. n.d. California Office of Historic Preservation Technical Assistance Series #6. *California Register and National Register: A Comparison*. California Office of Historic Preservation. California Office of Historic Preservation, Sacramento.

⁵ United States Department of the Interior National Park Service (NPS). 1982. *Bulletin 15: How to Apply the National Register Criteria for Evaluation*. U.S. Department of the Interior, Washington, D.C.

7. **Association** is the direct link between an important historic event or person and a historic property.

California PRC Section 5097.98. Section 5097.98 of the PRC states that the Native American Heritage Commission (NAHC), upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5 (discussed below), shall immediately notify those persons (i.e., the Most Likely Descendant or “MLD”) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

California Health and Safety Code Section 7050.5. Section 7050.5 of the California Health and Safety Code states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification. The NAHC will identify a Native American MLD to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

4.1.3.3 Regional Regulations

There are no regional regulations related to cultural resources that are relevant to the proposed project.

4.1.3.4 Local Regulations

City of Berkeley General Plan. The following policies of the Berkeley General Plan Urban Design and Preservation Element pertaining to cultural resources would be applicable to the proposed project:

- **Policy UD-5: Architectural Features.** Encourage, and where appropriate require, retention of ornaments and other architecturally interesting features in the course of seismic retrofit and other rehabilitation work.
- **Policy UD-6: Adaptive Reuse.** Encourage adaptive reuse of historically or architecturally interesting buildings in cases where the new use would be compatible with the structure itself and the surrounding area.
- **Policy UD-16: Context.** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings. *(Also see Land Use Policies LU-3, LU-4, LU-7, LU-17, and LU-21.)*

- **Policy UD-20: Alterations.** Alterations to a worthwhile building should be compatible with the building's original architectural character.

Downtown Area Plan (DAP). The Historic Preservation and Urban Design Chapter of the DAP establishes the importance of design review in Berkeley's downtown:

Policies of the Downtown Area Plan seek to harmonize and balance the twin goals of preserving and enhancing historic resources, and encouraging new and complementary development. It is fundamental to this Plan that, with appropriate design guidelines and regulations, both goals can be achieved and complement each other. The character of new development must be considered through the lens of good urban design and consideration for Downtown's historic settings. Context – geographic and cultural – presents critical design considerations that help lead to projects that fit the place. In addition, through continued care and investment, historic buildings and good urban design will continue to contribute continuity and character to Downtown's changing yet principled cityscape.

In addition, the DAP EIR discussed potential impacts to cultural resources on pages 4-93 through 4-124. The DAP EIR identified the following impacts and mitigation measures relating to built historic resources:

1. **DAP EIR Impact CUL-1: Demolition of Historic Resources.** Although City policies and the DAP provide substantial protections for historic resources, development allowed under the DAP could result in the demolition of designated or eligible historic resources in the Downtown Area. Demolition of a historic resource would constitute a significant and unavoidable impact under CEQA, as such impacts cannot generally be mitigated to a less-than-significant level. If demolition is proposed, a separate, site-specific environmental review would be required to evaluate the impact, consider alternatives, and identify feasible mitigation measures.
2. **DAP EIR Impact CUL-2: Substantial Adverse Changes in Character-Defining Features in Portions of the Downtown Area that may have the Potential for Future Designation as Historic Districts.** Implementation of the DAP could result in substantial adverse changes to character-defining features in portions of the Downtown Area that may qualify for future historic district designation. Because cumulative development could alter the historic fabric and integrity of these areas over time, any significant adverse change to character-defining features would represent a potentially significant impact under CEQA.
 - DAP EIR Mitigation CUL-2: Establish Parameters for Compatible Infill Development in the Downtown Area within Updated Design Guidelines. Using the Secretary of the Interior's "Standards" as a starting point (in compliance with DAP Policy HD-I-1a), the Design Guidelines for future development in the Downtown Area should be updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts. Specific guidelines that could be added for this purpose include, but are not limited to, the following: – Consider the difference in character of individual blocks. The scale of buildings

change in the potential historic district(s) and new construction should reflect the appropriate scale per block.

- Priorities for new construction and additions include: build-to-the-street, particularly at corners; construct infill buildings at vacant or underutilized sites along major streets; and modify non-historic buildings so that they contribute visual interest and quality.
- Construct new buildings, of compatible design with the surrounding neighborhood.
- Encourage creative and innovative contemporary designs for new buildings in the downtown.
- Streetscape plays an important role in drawing individuals to a particular area of the city. Use signage, lighting, and paving to improve the pedestrian experience.
- Build consistently with the street wall, particularly at corner sites. Continue dominant rhythms for structural bays, bay windows, large pilasters, and other repeating vertical elements. Also, continue dominant cornice lines, such as between ground floors and upper stories, and at the top of facades that meet a street.
- Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design. – Set back upper floors where taller buildings are permitted, so that dominant roof and cornice lines remain generally consistent in the Downtown, as seen from the street.
- Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate.
- Provide multi-tenant retail space and other active publicly accessible uses at the street level. These should be accessible directly from the sidewalk, rather than through common interior lobbies.
- Provide easy-to-locate building entrances on all street-facing facades. Where a building extends through an entire block or is located at a corner, connect its entrances with a suitably scaled public lobby. Highlight entrances with signage and lighting to distinguish them from storefronts.
- Use vertically-proportioned windows. Group such windows in sets where a horizontally proportioned window opening is desired, especially for the expression of structural bays.

The DAP EIR concluded that as development projects are proposed within the Downtown Area, those with the potential to affect historic resources would be reviewed under the Landmark Preservation Ordinance. Compliance with the Ordinance, adherence to the Secretary of the Interior's Standards (consistent with DAP Policy HD 1-1a), and consistency with the Downtown

Design Guidelines adopted pursuant to Mitigation Measure CUL-2 (discussed below) ensure protection of character-defining features and areas that may qualify as historic districts. Through this regulatory framework, potential impacts to historic resources can be reduced to a less than significant level.

Downtown Berkeley Design Guidelines. As identified in Impact CUL-2 of the DAP EIR, the Downtown Berkeley Design Guidelines (Guidelines)⁶ were established to implement DAP EIR Mitigation Measure CUL-2 and ensure that new development is compatible with historic resources in the Downtown. The Downtown Berkeley Design Guidelines organize design direction into six primary areas: building design; awnings and canopies; signs and graphics; site design; special sites, buildings, and subareas; and special considerations. The building design category includes subcategories addressing façades; roof forms; storefronts and entrances; materials; details and ornament; colors; lighting, security, and equipment; and special historic features. The site design category includes guidance related to frontages, setbacks, and heights; open spaces; and parking and loading.

The Guidelines include three categories: those applicable to Landmark Buildings, those applicable to Significant Buildings, and those applicable to All Buildings. Each category provides detailed standards intended to ensure that new development reinforces the historic character and pedestrian-oriented qualities of the Downtown area. The Landmark Buildings and All Building categories are applicable to the proposed project, and these design standards are listed below.

Because the proposed project at 2030–2036 Bancroft Way and 2300 Shattuck Avenue would demolish landmarked structures and construct a new residential building, the applicable guidelines for the new construction are those that apply to All Buildings. The project would also retain and alter the landmarked Corder Building at 2300 Shattuck Avenue; therefore, these alterations would be subject to review under the Landmark Buildings guidelines as well as the Secretary of the Interior’s Standards.

Design Standards for Landmark Buildings. The following presents the City’s design standards for Landmark Buildings based on guidance from the Landmarks Preservation Commission and the City’s Landmarks Preservation Ordinance (Berkeley Municipal Code [BMC] Chapter 3.24).

1. Preservation of Character-Defining Features

- Retain and preserve original façades, storefront configurations, cornices, rooflines, windows, doors, and decorative details.
- Avoid removal or alteration of significant architectural materials and features.
- Repair deteriorated historic materials rather than replace them whenever feasible.

⁶ City of Berkeley. 2012. *Downtown Berkeley Design Guidelines*. Website: <https://berkeleyca.gov/sites/default/files/2022-02/Downtown-Berkeley-Design-Guidelines-2012.pdf> (accessed June 2025).

2. Compatibility of Alterations

- Any exterior alteration must be consistent with the building's historic architectural style, materials, proportions, and detailing.
- Replacement features (e.g., windows, storefronts) should match the original in size, configuration, and visual character.
- Modern interventions should be subtle and should not dominate or obscure historic fabric.

3. Additions

- New additions should be subordinate to the historic structure.
- Additions should be located at the rear or otherwise visually secondary elevations when feasible.
- Additions must be differentiated from, yet compatible with, the historic building in scale, massing, materials, and rhythm.
- Additions should be reversible where possible.

4. Storefronts and Ground Floor Treatment

- Preserve historic storefront patterns, including recessed entries and large display windows.
- Avoid blank walls or incompatible glazing systems.
- Maintain pedestrian-oriented character consistent with the Downtown streetscape.

5. Materials and Finishes

- Use in-kind materials for repairs when possible (e.g., compatible mortar mixes for masonry).
- Avoid synthetic materials that do not replicate historic texture and appearance.
- Maintain historic color palettes appropriate to the building's period.

6. Roof Forms and Cornices

- Preserve original parapets, cornices, and roofline elements.
- Avoid removing or altering distinctive roof features that define the building's silhouette.

7. Mechanical Equipment

- Locate rooftop equipment so it is not visible from the public right-of-way.
- Avoid cutting into primary façades for vents or utilities.

Desing Guidelines for All Buildings. The following presents the City’s design standards for all buildings.

1. Building Design Guidelines (Simplified Summary)

- **Facades:** New construction and renovations should reinforce the overall form, rhythm, and character established by Downtown’s Landmark and Significant buildings. Historic buildings should not be copied, but they should guide new design. The goal is a unified Downtown identity that respects historic character while allowing contemporary architecture.
- **Roof Forms:** Many historic Downtown buildings have distinctive rooflines and detailing that create visual interest and define the skyline. New buildings and façade changes should include variation in height, profile, materials, or detailing at the roof level to maintain this sense of enclosure and architectural interest.
- **Storefronts and Entrances:** Downtown should remain pedestrian-oriented. New and remodeled storefronts should include welcoming entrances, large display windows, clear locations for signage, and well-proportioned design elements that encourage street activity.
- **Materials:** Durable, high-quality materials should be used. Materials should complement the historic context and contribute to a cohesive Downtown appearance.
- **Details and Ornament:** Architectural detailing adds richness and character to Downtown. New construction and alterations should include thoughtful detailing that complements the historic environment, without overwhelming it.
- **Color:** Color should enhance harmony and visual quality. Since many Downtown buildings use light earth-toned materials such as concrete, masonry, and stone, new color schemes should be compatible and contribute to a cohesive and well-maintained appearance.
- **Lighting, Security, and Equipment:** Downtown should feel safe, active, and inviting. Lighting should focus on sidewalks and storefronts to support pedestrian use. Mechanical equipment should be screened so it is not visible or disruptive from public spaces.

- 2. **Awnings and Canopies.** Awnings and canopies provide shade and rain protection for pedestrians, create a sense of enclosure along the sidewalk, offer appropriate locations for signage, and help protect storefront displays from

direct sunlight. They should be designed to complement the building façade, respect the surrounding streetscape, and maintain the historic character of Downtown.

3. **Signs and Graphics.** Signs are a highly visible part of the streetscape and should reflect quality, craftsmanship, and creativity. Signage should support the unique and historic character of Downtown and contribute positively to the overall visual environment.

4. Site Design

- **Frontages, Setbacks, and Heights.** Buildings should define and frame the street as an active public space. In Downtown, buildings are typically located at the property line, creating a continuous “streetwall.” New construction should maintain this pattern. Setbacks may be used thoughtfully to allow sunlight, views, or open space, but should not disrupt the visual continuity of the street.
 - **Heights.** New development should respect the historic character of Downtown while allowing appropriate growth. Building heights should transition sensitively at the edges of Downtown to create a gradual shift toward adjacent neighborhoods.
5. **Open Spaces.** Open spaces should be welcoming, well-scaled, and located to support pedestrian activity. Successful open spaces are clearly defined by surrounding buildings or landscaping and encourage public use. Where possible, open spaces should preserve or frame views toward the Berkeley Hills or San Francisco Bay.
 6. **Parking and Loading.** Downtown is primarily a pedestrian environment. Parking and loading areas should be designed to minimize conflicts with pedestrians and avoid disrupting the comfort, safety, and vitality of the street.

City of Berkeley Conditions of Approval for Development Projects. The City has established standard conditions of approval (COA) for all development projects. The following COAs address cultural resources. These conditions have been recently revised by the City, through ongoing consultation with interested tribes on various development projects.⁷

COA: Unanticipated Discovery of Archaeological. Pursuant to *State CEQA Guidelines* Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:

⁷ The City’s standard conditions regarding cultural and tribal resources were updated since publication of the Infill Environmental Checklist for the proposed project, but are materially the same and applicable to the proposed project.

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe ("Tribe"), to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the Tribe shall meet to determine the appropriate avoidance measures or other appropriate measure to mitigate impacts to the Tribal Cultural Resource..
- C. In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached.
- D. If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor may be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources are carried out.
- E. If significant materials are recovered, the Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.

COA: Discovery of Human Remains. In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the *State CEQA Guidelines*. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

- A. The descendants' preferences for treatment may include the following:
 - i. The nondestructive removal and analysis of human remains and items associated with Native American human remains.
 - ii. Preservation of Native American human remains and associated items in place.

- iii. Relinquishment of Native American human remains and associated items to the descendants for treatment.
 - iv. Other culturally appropriate treatment.
- B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures.
- C. For the purposes of this section, “conferral” or “discuss and confer” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other.
- i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness.
 - ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.
- D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following:
- i. Record the site with the commission or the appropriate Information Center.
 - ii. Utilize an open-space or conservation zoning designation or easement.
 - iii. Record a document with the county in which the property is located.
- E. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).

- F. Pursuant to State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.

City of Berkeley Municipal Code Section 3.24.110 – Landmarks, Historic Districts, and Structures of Merit Designation, Criteria for Consideration. The following set of criteria is applied by the Landmarks Preservation Commission and by the City Council in designating buildings, places, and areas as historic landmarks, historic districts, or structures of merit:

- A. **Landmarks and Historic Districts.** General criteria which the commission shall use when considering structures, sites and areas for landmark or historic district designation are as follows:

1. Architectural Merit:

- (a) Property that is the first, last, only or most significant architectural property of its type in the region;
- (b) Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or
- (c) Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

- 2. Cultural Value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;
- 3. Educational Value: Structures worth preserving for their usefulness as an educational force;
- 4. Historic Value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/ California/United States. History may be social, cultural, economic, political, religious or military;
- 5. Any property which is listed on the NRHP described in Section 470A of Title 16 of the United States Code.

- B. **Structures of Merit.** Criteria which the commission shall use when considering a structure for structure of merit designation are as follows:

- 1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or

a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

2. Specific criteria include, but are not limited to one or more of the following:
 - (a) The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.
 - (b) The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.
 - (c) The structure is a good example of architectural design.
 - (d) The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings. (Ord. 5686-NS § 1 (part), 1985; Ord. 4694-NS § 3.1, 1974)

City of Berkeley Municipal Code Section 3.24.260 Permit Application – Review Standards and Criteria. The following outlines the requirements for obtaining a Structural Alteration Permit from the Landmarks Preservation Commission:

- A. The commission shall be guided by the standards in this section in its review of permit applications for work on a landmark site, in an historic district or on a structure of merit site. In appraising the effects and relationships mentioned herein, the commission shall in all cases consider the architectural style, appearance, arrangement, height, design, texture, materials, color and appurtenances and such other facts as may be relevant.
- B. In all instances, the proposed work shall be as appropriate for and as consistent with the purposes of this chapter as is possible within the peculiar circumstances of the owner of the property and preservation or enhancement of the characteristics and particular features specified in the designation.
- C. Approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1. and 2. below:
 1. For permit applications for construction, alteration or repair:
 - (a) For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special

historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

- (b) For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.
 - (c) For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.
2. For permit applications for demolition: the commission shall find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district, or structure of merit site in its utilization. (Ord. 5686-NS § 1 (part), 1985; Ord. 4694-NS § 6.2, 1974)

4.1.4 Significance Criteria

The thresholds of significance for cultural resources impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. Based on these thresholds, implementation of the proposed project would have a significant adverse impact with respect to cultural resources if it would:

- CUL-1:** Cause a substantial adverse change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5;
- CUL-2:** Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to *State CEQA Guidelines* Section 15064.5; or
- CUL-3:** Disturb any human remains, including those interred outside of formal cemeteries.

As discussed in Section 3.5 of the Infill Environmental Checklist (Appendix A) the proposed project would not cause a substantial adverse change in the significance of a unique archaeological resource pursuant to *State CEQA Guidelines* Section 15064.5 with adherence to *COA: Unanticipated Discovery of Archaeological Resources*, which include provisions for the treatment of archaeological resources and deposits that would ensure that these resources are protected if encountered at the project site during construction (CUL-2). In addition, the proposed project would have a less than significant

impact on human remains, including those interred outside of formal cemeteries, with adherence to *COA: Discovery of Human Remains*, which include provisions for the treatment of Native American remains that would ensure that descendant communities have significant input in the treatment and final disposition of human remains, if encountered at the project site during construction (CUL-3). Therefore, these topics are not discussed further in this Draft Infill EIR.

4.1.5 Project Impacts

Impact CUL-1 of the DAP EIR discusses that development anticipated under the DAP EIR could result in demolition of historic resources. The DAP EIR includes the provision that in the event that project construction includes demolition, a project specific environmental review is required, including alternatives and project specific mitigation measures.

This section discusses the proposed project's impact on built historic resources (Criterion CUL-1). According to the *State CEQA Guidelines*, a proposed project may have a significant effect on the environment if it would create "an effect that may cause a substantial adverse change in the significance of a historical resource." Specifically, substantial adverse changes include "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (*State CEQA Guidelines* Section 15064.5(b)(1)). The project site is currently developed with three existing buildings that are identified as historic resources: the Broad Apartments, the Broad House, and the Corder Building (with the Office Annex and skybridge considered contributing elements to the Corder building, but not individually historic). Direct and indirect impacts to these structures, including the potential for impacts to occur to an established historic district, are discussed below.

4.1.5.1 Broad Apartments and Broad House

Impact CUL-1: The proposed project would demolish the historic resources located at 2030 Bancroft Way (Broad Apartments) and 2032 Bancroft Way (Broad House).

The proposed project would demolish the existing Broad Apartments and Broad House buildings, which are historical resources for the purposes of CEQA. Demolition of the Broad Apartments and the Broad House would cause a substantial adverse change in the significance of a historical resource; therefore, impacts to these historical resources would be **potentially significant**.

Mitigation Measure CUL-1 shall be required.

Mitigation Measure CUL-1 **Documentation.** Prior to the issuance of a demolition permit for the existing structures at 2030 Bancroft Way (Broad Apartments), 2032 Bancroft Way (Broad House), and 2036 Bancroft Way (Office Annex), the project sponsor shall obtain a qualified Historic American Building Survey (HABS) photographer to document the existing structures and its setting. Generally, this documentation shall be done after consultation with the City of Berkeley to ascertain the appropriate level of effort and methods that would be in general accordance with the HABS "Outline" format, which includes:

- **Photographs:** HABS standards generally require large-format, black-and-white photography with large-format safety film negative (4" x 5", 5" x 7", or 8" x 10") and a contact print, archivally processed, on fiber-based paper. The HABS photographer must be familiar with the recordation of historical resources in accordance with current HABS guidelines. Photographs, either taken via large-format camera with contact film or other form, (e.g., digitally) should include context views of the general environment to illustrate setting, including landscaping, adjacent building(s), and roadways, views of character-defining features, exterior elevations of significant façades, views of interior spaces, and detailed views of specific materials or elements. Overgrowth, board-up plywood, and other obstacles shall be removed by the project sponsor prior to photography at the direction of the professional HABS photographer. Photographs must include a photo index, photo sketch plans, and field notes, and be identified and labeled using HABS standards outlined in *Preparing HABS/HAER/HALS Documentation – Transmittal Guidelines* as appropriate.
- **Measured Drawings or 3D Laser Scanning “As-Built”:** Measured drawings for HABS are considered “as-built” drawings. Accordingly, they illustrate the existing condition of a building at the time of documentation, including additions, alterations, and demolitions which have occurred since the building was first constructed. Where sufficient knowledge exists concerning the sequence of changes to a building over time, it may be useful to provide appropriate notation on the drawings. Alternatively, delineators may wish to produce additional interpretive drawings, or copies of the original building plans or scaled drawings available via local government offices, illustrating the building at an earlier date, to explain its historic significance more fully. In lieu of measured architectural drawings, 3D laser scanning and 2D CAD documentation can be done to create as-built drawings from the scanned data in AutoCAD to provide archival-quality printed and digital images that can be utilized for future exhibits, documentation, and research associated with the Broad Apartments, Broad House, and Office Annex buildings. The 3D images can then be printed as measured drawings and will also be available digitally.
- **Historical Background Information:** An architectural historian, meeting the Secretary of the Interior’s *Professional Qualification Standards* (Code of Federal Regulations, 36 CFR Part 61) shall assemble historical background information, drawings, maps,

and historic photographs relevant to the Broad Apartments, Broad House, and Office Annex buildings and its setting using the HABS “Outline” format to produce a HABS historical report. The historical report will be formatted to HABS Guidelines for Historical Reports (updated January 2020), as appropriate.

- **Public Access to Documentation:** HABS documentation must be prepared using specific archival materials and archival processes to comply with the permanence standards that govern the collection. By adhering to these standards, even the very earliest HABS records from the 1930s are still available for researchers and will be in the future. Non-archival material deteriorates for two principal reasons: harmful substances in the environment attack it, and/or the physical and chemical composition is such that it will deteriorate regardless of how it is stored. Accordingly, it is recommended that one archival set of the HABS documentation is submitted to the Library of Congress or the Berkeley Architectural Heritage Association (BAHA).

Before work commences, the HABS preparer shall contact the Northwest Information Center (NWIC)/California Historic Resources Information System (CHRIS), the City of Berkeley, the City of Berkeley Library, the Berkeley Historical Society, the California State Library, and the California Historical Society requesting if their organization wishes to have a digital copy of the final HABS documentation for their collection. This mitigation would create a collection of preservation materials that would be available to the public and inform future research.

In addition, as discussed in Chapter 3.0, Project Description, the proposed project would be required to obtain a Structural Alteration Permit under BMC Section 3.24.219 to demolish the Broad House and Broad Apartments buildings and construct a new eight-story residential building in place of the demolished buildings. As provided in BMC Section 3.24.260, for permit applications for proposed demolition, the LPC may find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district, or structure of merit site in its utilization.

With implementation of **Mitigation Measure CUL-1**, the Broad Apartments and Broad House would be properly documented according to established standards. However, because these structures would be demolished, impacts to built-environment historical resources as defined in *State CEQA Guidelines* Section 15064.5 would be **significant and unavoidable**.

4.1.5.2 Corder Building, Office Annex, and Skybridge

The Corder Building would be largely retained; however, the proposed project would include the demolition of the Office Annex and skybridge. The Office Annex and skybridge are considered contributing elements to the historically significant Corder Building due to their physical relationship to the Corder Building. However, as discussed above, because no exterior design materials or features of the otherwise utilitarian Office Annex or skybridge have potential individual significance, these structures on their own would not meet the criteria for listing the NRHP or CRHR and are not designated as City landmarks. Therefore, they would not be considered individual historical resources. Further, despite that physical connection, the Office Annex and skybridge do not visibly relate to the Corder Building and the historic warehouse-related use of the Office Annex and skybridge was lost when the Corder Building was converted to offices, thus further establishing that the Corder Building's significance does not rely on these two structures.

All removal, repair, and alteration work associated with the Corder Building would be undertaken in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, particularly the Standards for Rehabilitation (Standards) as required by DAP EIR Mitigation Measure CUL-2. These Standards require that a property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships (Standard 1); historic materials and character-defining features be retained and preserved to the maximum extent feasible (Standard 2); changes to a property that have acquired historic significance in their own right will be retained and preserved (Standard 4); distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved (Standard 5); that deteriorated historic features be repaired rather than replaced wherever possible (Standard 6); and that any new work be differentiated from the old while remaining compatible in massing, size, scale, and architectural features (Standard 9). In addition, the Standards require that alterations avoid creating a false sense of historical development (Standard 3) and that new additions or alterations be constructed so that, if removed in the future, the essential form and integrity of the historic property would remain unimpaired (Standard 10). The HRE/PIA prepared for the proposed project analyzes the proposed project's ability to meet these Standards.

Consistent with meeting Standards 3, 9, and 10, exterior patching at the former bridge opening would match the existing wall finish in material, texture, and coloration while remaining subtly differentiated upon close inspection; any window replacement would replicate the historic configuration, proportions, and trim detailing; and repairs to masonry or cladding would use in-kind materials and compatible mortar mixes to avoid damage to historic fabric. The infill of the bridge opening would be patched to generally match the existing exterior wall finish, including a new window similar to the existing, and the alterations are proposed to be subtly differentiated to identify the alteration thus avoid the faux historic feeling, meeting Standard 3. In addition, the removal of the Office Annex and skybridge would be performed in a manner that avoids damage to the primary historic structure and ensures that any points of attachment are repaired using appropriate preservation techniques, thereby maintaining the integrity of the Corder Building's character-defining features, meeting Standards 2, 4, 5. Further, the Corder Building would be maintained and would continue to operate as a commercial building, meeting Standard 1.

As previously discussed, the proposed project would be required to obtain a Structural Alteration Permit under BMC Section 3.24.219 to alter a portion of the west façade of the Corder Building due to removal of the skybridge, and construct a new eight-story residential building in place of the demolished buildings. During review of the proposed project as part of the Structural Alteration Permit process, the LPC would evaluate the proposed project's consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties, including the Standards discussed above. In addition, as discussed above and provided in BMC Section 3.24.260, for permit applications for proposed demolition, the LPC may find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district, or structure of merit site in its utilization. The LPC's review and evaluation of the proposed project as part of the Structural Alteration Permit process would further ensure that the proposed demolition of the skybridge and alteration to the Corder Building, would not result in a substantial adverse change in the historical significance of the Corder Building.

Therefore, the proposed alterations to the Corder Building, including the demolition of the Office Annex and skybridge, would not substantially affect the eligibility of the Corder Building as a historical resource as defined in *State CEQA Guidelines* Section 15064.5 and impacts would be **less than significant**.

4.1.5.3 Downtown Area Historic Districts and Structures

In consideration of potential impacts to other historical resources in the Downtown Area, Impact CUL-2 of the DAP EIR outlines that DAP implementation may cause substantial adverse changes in the character-defining features of structures or resources in the Downtown Area, which are not yet officially designated, such as the Shattuck Avenue Commercial Corridor Historic District. To address these impacts, the DAP EIR included Mitigation CUL-2, which led to the establishment of the Downtown Berkeley Design Guidelines. According to the DAP EIR, project-specific compliance with the provisions of the Landmark Preservation Ordinance, conformance with the Secretary of the Interior's Standards (consistent with DAP Policy HD 1-1a), and consistency with updated Design Guidelines would protect the character-defining features of those portions of the Downtown Area which may have the potential for designation as historic districts. According to the DAP EIR, the implementation of these standards would reduce potential impacts associated with development that might jeopardize existing character defining features in those areas to a less than significant level.

The Shattuck Avenue Downtown Historic District identifies the Corder Building at 2300 Shattuck Avenue as a contributor to the district (the Broad House and Broad Apartments are not). The building is associated with Berkeley's "Roaring Twenties" era, reflecting post-1923 Berkeley Fire reconstruction and the rise of automobile-oriented commercial growth. It is classified as a "one-part commercial block," a common early 20th century commercial type characterized by a simple rectangular form with a flat roof, ground-floor storefront, and modest cornice ornamentation. The Corder Building would be retained, and alterations would be limited to removal of the Office Annex

and skybridge and infill of the former opening in a manner consistent with the Secretary of the Interior's Standards, as described above.

The new eight-story residential building would be located on the Bancroft Way portion of the site, behind and west of the landmarked Corder Building, which fronts Shattuck Avenue and defines the historic corridor streetscape. The proposed building design incorporates pedestrian-oriented ground-floor transparency, articulated façades, and materials compatible with the surrounding Downtown context. Because the proposed new construction would not occupy the Shattuck Avenue frontage and would not alter the primary façade or character-defining features of the Corder Building, the project would not materially change the historic streetscape rhythm, scale, or visual continuity of the corridor, as required by the Standards. In addition, the proposed project would be located along the Shattuck Avenue Downtown Historic District's boundary and buildings north and west behind the project site which to some degree, soften the contrast between the proposed project and adjacent contributing elements in the Shattuck Avenue Downtown Historic District, thus further minimizing project impacts.

Further, as discussed above, the proposed project would be required to obtain a Structural Alteration Permit under BMC Section 3.24.219 to demolish the Broad House and Broad Apartments buildings, demolish the Office Annex, alter a portion of the west façade of the Corder Building due to removal of the skybridge, and construct a new eight-story residential building in place of the demolished buildings. As provided in BMC Section 3.24.260, for permit applications for proposed demolition, the LPC may find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district, or structure of merit site in its utilization. The LPC's review and evaluation of the proposed project as part of the Structural Alteration Permit process would further ensure that implementation of the proposed project would not result in a substantial adverse change in the historical significance of the Shattuck Avenue Downtown Historic District.

As such, the proposed project would maintain the integrity of location, design, setting, feeling, and association that support the Shattuck Avenue Downtown Historic District eligibility and impacts would be **less than significant**.

4.1.5.4 Indirect Impacts to Historic Structures

The proposed project would also include construction activities that have the potential to generate groundborne vibration or groundborne noise levels. The project would require demolition of the existing structures on the project site, as well as site clearing and grading activities. These activities would occur within 10 feet of an existing residential structure and directly adjacent to the Corder Building. No impact pile driving is anticipated as part of constructing the proposed project.

The proposed project would be required to comply with COA: *Damage Due to Construction Vibration*, which is consistent with DAP EIR Mitigation Measure NOI-6, requiring measures to reduce construction vibration levels.

COA: Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall:

- Establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
- Include written descriptions and photographs.

Once operational, the proposed project would not generate vibration. Furthermore, vibration levels generated from project-related traffic on Bancroft Way, Durant Avenue, Shattuck Avenue, Milvia Street, and other roadways in the project vicinity would not be unusual for on-road vehicles because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. Therefore, with adherence to *COA: Damage Due to Construction Vibration*, construction and operational vibration impacts would be **less than significant**.

4.1.5.5 Conclusion

As discussed above, although the proposed project would alter the Corder Building through the demolition of the Office Annex and skybridge connection, these alterations would not substantially affect the eligibility of the Corder Building as a historical resource as defined in *State CEQA Guidelines* Section 15064.5. In addition, because the proposed project would maintain the integrity of location, design, setting, feeling, and association that support the Shattuck Avenue Downtown Historic District eligibility, impacts on the historic district would also be less than significant. Lastly, because the proposed project would be required to comply with *COA: Damage Due to Construction Vibration*, consistent with DAP EIR Mitigation Measure NOI-6, and operation of the proposed project would not generate substantial vibration, construction of the proposed project would also not result in any indirect impacts on the historical structures present on the project site.

However, because the proposed project would demolish the historically significant Broad Apartments and Broad House buildings, implementation of the proposed project would cause a substantial adverse change in the significance of a historical resource as defined in *State CEQA*

Guidelines Section 15064.5, even with implementation of **Mitigation Measure CUL-1**. Therefore, impacts on built historical resources would be **significant and unavoidable**.

4.1.6 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and reasonably foreseeable projects causing related impacts. Potential impacts of the proposed project to cultural resources, including historical resources, when combined with other development as envisioned under the DAP could contribute to a cumulatively significant impact due to the overall loss of cultural and historical resources in the region. For cultural resources, the scope for assessing cumulative impacts encompasses the DAP area. The proposed project would have a significant effect on the environment if it would contribute to a significant cumulative impact on cultural resources.

As discussed above, the proposed project would demolish the existing Broad Apartments and Broad House buildings. Similar to the proposed project, other development that would impact historical resources would implement mitigation measures similar to **Mitigation Measure CUL1**, which requires documentation of the buildings to be demolished and altered in compliance with HABS standards. Implementation of **Mitigation Measure CUL-1** would not avoid the demolition of the historical resources and project impacts would remain **significant and unavoidable**.

Development within the Downtown Area Plan area and elsewhere in the city has resulted, and would continue to result, in incremental changes to historic resources through demolition, alteration, and new construction. When considered together with past, approved, and reasonably foreseeable development in the Downtown, the proposed project's demolition of designated historic resources would contribute to a cumulatively significant impact related to the loss and alteration of historic resources. Although each subsequent project would be subject to its own CEQA review and required to comply with applicable policies, standards, and consultation requirements, such review does not preclude the possibility that additional historic resources could be demolished or materially altered.

While compliance with CEQA, including application of mitigation measures and adherence to the Secretary of the Interior's Standards where rehabilitation is proposed, may reduce impacts on a project-by-project basis, the loss of designated historic buildings under the proposed project would represent a cumulatively considerable contribution to the erosion of historic resources in the Downtown area. Therefore, the proposed project would contribute to a cumulatively significant impact on historic resources, and this impact would be **significant and unavoidable**.

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4.2 TRIBAL CULTURAL RESOURCES

This section identifies the known tribal cultural resources on the project site and vicinity, evaluates potentially significant impacts to such resources that may result from implementation of both the proposed project and the conceptual development project, and recommends mitigation measures to reduce the severity of potentially significant impacts. California Public Resources Code (PRC) Section 21074 defines “tribal cultural resources” as:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (A) included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register); or (B) included in a local register of historical resources as defined in subdivision (k) of Section 5020.1 or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

Information in this section is based Native American consultation efforts pursuant to Assembly Bill (AB) 52, the City of Berkeley (City) General Plan and the Downtown Area Plan Environmental Impact Report (DAP EIR).

4.2.1 Methodology

4.2.1.1 Tribal Consultation

Chapter 532, Statutes of 2014 (i.e., AB 52), requires that Lead Agencies evaluate a project’s potential to impact “tribal cultural resources.” Such resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources (Public Resources Code [PRC] Section 21074). AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource falling outside the definition stated above nonetheless qualifies as a “tribal cultural resource.” Also, per AB 52 (specifically PRC Section 21080.3.1), as Lead Agency, the City of Berkeley must consult California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have previously requested that the Lead Agency provide the tribe with notice of such projects.

A request form describing the proposed project and map depicting the project site was sent to the Native American Heritage Commission (NAHC) in West Sacramento, requesting a search of the Sacred Lands File (SLF) and a list of tribes eligible to consult with the City, pursuant to PRC Section 21080.3.1. On June 17, 2025, the NAHC responded in a letter indicating that the search of the SLF was positive. The NAHC also provided a list of 28 tribal contacts associated with the following tribes.

- Amah Mutsun Tribal Band
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Confederated Villages of Lisjan Nation
- Costanoan Rumsen Carmel Tribe
- Guidiville Rancheria of California

- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Tribe of the San Francisco Bay Area (SF Bay Area)
- Northern Valley Yokut/Ohlone Tribe
- The Ohlone Indian Tribe
- Wilton Rancheria
- Wuksachi Indian Tribe/Eshom Valley Band

The City contacted these individuals on November 24, 2025, notifying them of their opportunity to consult for the proposed project.

4.2.1.2 Records Search

A record search of the California Historic Resources Information System (CHRIS) archives was conducted at the Northwest Information Center (NWIC). The NWIC records search was conducted on December 19, 2025. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resource records and reports for Alameda County. The results of the NWIC database indicate that there are 2 prehistoric sites, 1 prehistoric human burial (P-1-10538/CA-ORA-607) and 1 shell scatter with midden sediment within the 0.25 mile search radius; however, all sites are distant from the project site.

4.2.2 Existing Environmental Setting

The approximately 1-acre project site is located at 2030-2036 Bancroft Way and 2300 Shattuck Avenue, in Berkeley. The section below outlines the precontact background associated with the project site.

4.2.2.1 Precontact Background

Studies and analysis of archaeological materials uncovered in the San Francisco Bay Area indicate that native peoples have occupied the Bay region for more than 11,000 years. The area of West Berkeley where the project site is located was originally inhabited by the indigenous Ohlone people who maintained villages, hunted and gathered, and created shellmounds along the Bay shore and inland from approximately 500 CE (Common Era) until the coming of European settlers in 1776.

Originally called “Costanoans” after the Spanish derivative for “coastal people,” the terms Ohlone/Costanoan imply a loose linguistic affiliation encompassing six or seven distinct dialect clusters. The Costanoan languages derived from Penutian Stock, a theoretical linguistic construct that appears to have its origins in the northwestern Great Basin. Penutian-speaking peoples presumably slowly migrated into Central California as early as 2500 BCE (Before Common Era). As Penutian-speaking peoples continued to spread west, they would have come in contact with existing Hokan populations. The fusion of Hokan and Penutian-speaking peoples may have become the Miwok and Ohlone cultures. By 300–500 AD, proto-Ohlone speakers of Penutian stock were firmly ensconced in the San Francisco Bay region.

At the time of the European settlement in the Bay Area, the project site was part of the Huchiun Ohlone territory, who spoke the Chochenyo Ohlone dialect. The Ohlone were semi-sedentary collectors and hunters of fish and game. In 1770, it is estimated that the Ohlone population was at

most around 10,000, perhaps fewer. Forty (40) years later, by 1810, much of the native population and their traditional culture and languages had been subjected to the disastrous effects of European encroachment, primarily disease and displacement from the California mission system.

Ohlone society was organized in local tribes of 200–400 people living in semi-permanent villages made up of round, domed, or conical thatch homes with frames and a center hearth. Hereditary village leaders, who could be male or female, played an important role in conflict resolution, receiving guests, directing ceremonies, organizing food-gathering expeditions, and leading war parties but did not otherwise exercise direct authority.¹ Despite their autonomy, intermarriage between tribelets appears to have been frequent.

The Huchiun spoke the Chochenyo dialect of the Ohlone language, which was spoken along the eastern shore of San Francisco Bay prior to 1770. Ohlone/Costanoan is a branch of the Yok-Utian subfamily of the Penutian languages, which are spoken along the Pacific Coast from Central California to southeast Alaska. Penutian speakers seem to have entered central California from the northern Great Basin around 4000–4500 years ago and arrived in the San Francisco Bay Area about 1,500 years ago, displacing speakers of Hokan languages, which also relates to the spread of the Windmill pattern.^{2,3}

4.2.3 Regulatory Setting

The following describes the federal, State and local regulations and policies related to tribal cultural resources that are relevant to the proposed project.

4.2.3.1 Federal Regulations

The Native American Graves Protection and Repatriation Act (NAGPRA). The NAGPRA (Public Law 101-601; 25 USC 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. It requires that federal agencies and museums receiving federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items.⁴

4.2.3.2 State Regulations

California Health and Safety Code Section 7050.5. California Health and Safety Code Section 7050.5 states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby

¹ Levy, Richard. 1978. Costanoan. In: *Handbook of North American Indians*, Vol. 8, California, edited by R.F. Heizer, pp 485-495. Smithsonian Institution, Washington, D.C.

² Ibid.

³ Moratto, Michael. 1984. *California Archaeology*. Academic Press, New York.

⁴ United States Department of the Interior National Park Service (NPS). The Native American Graves Protection and Repatriation Act (NAGPRA). Website: <https://www.nps.gov/archeology/tools/laws/nagpra.htm> (accessed January 10, 2024).

area reasonably suspected to overlie adjacent remains until the Coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the Coroner's authority. If the human remains are of Native American origin, the County Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Public Resources Code (PRC) Section 5097.5. Section 5097.98 of the PRC states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5 (discussed above), shall immediately notify those persons (i.e., the MLD) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site. See also *State CEQA Guidelines* Section 15064.5(d) and (e).

Assembly Bill 52 Tribal Consultation. California PRC Sections 21080.3.1 and 21080.3.2 and Chapter 532, Statutes 2014 (i.e., AB 52), require that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52, specifically PRC Section 21080.3.1(d), requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether an Environmental Impact Report (EIR) (among other types of environmental documents) is required for a project. The bill specifies examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources. The bill makes the above provisions applicable to projects that have a Notice of Preparation (NOP) filed on or after July 1, 2015. By requiring the lead agency to consider these effects relative to tribal cultural resources and to conduct consultation with California Native American tribes, this bill imposes a State-mandated local program.

Senate Bill 18. SB 18 (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to "provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places."⁵

⁵ Governor's Office of Planning and Research (OPR). 2005. Tribal Consultation Guidelines. November 14, Website: https://opr.ca.gov/docs/011414_Updated_Guidelines_922.pdf (accessed August 19, 2022).

4.2.3.3 Regional Regulations

There are no regional regulations related to tribal cultural resources that are relevant to the proposed project.

4.2.3.4 Local Regulations

City of Berkeley General Plan. The following policies of the City of Berkeley General Plan Urban Design and Preservation Element pertaining to tribal cultural resources would be applicable to the proposed project:

- **Policy UD-1: Techniques.** Use a wide variety of regulatory, incentive, and outreach techniques to suitably protect Berkeley's existing built environment and cultural heritage.
 - A. Identify and protect historically significant structures, sites, districts, and neighborhoods. (Also see Land Use Policy LU-2.)
 - B. Develop a comprehensive program that will indicate, in more detail, needed in-depth surveys and other actions to protect Berkeley's built environment and cultural heritage.
 - C. Conserve and update the Landmarks Preservation Ordinance.
 - D. Encourage widespread public participation in the identification and designation of historically or culturally important buildings, sites, and areas.
 - E. Review and revise the Zoning Ordinance, in general, as appropriate to further the protection of historic and cultural resources.
 - F. Take full advantage of all State of California preservation programs such as the Certified Local Government program.
 - G. Through code enforcement and other activities, provide early intervention to promote timely upkeep of historic and cultural resources, and thereby avoid continued neglect that could eventually make such resources unsavable.
- **Policy UD-4: Inventory.** On an ongoing basis, maintain, expand, and update the inventory of historic and cultural resources.
 - A. Actively expand the inventory of historic and cultural resources, with particular attention to areas where development pressure is expected, and make the inventory results prominently available to citizens and potential developers.

- B. Fully incorporate the identity of inventoried historic and cultural resources into the City's Geographic Information System and permit system.
- C. Acquire and maintain generalized information on what parts of Berkeley, and which types of sites, are sufficiently likely to contain notable archaeological materials as to warrant further, site-specific investigation.

City of Berkeley Conditions of Approval for Development Projects. The City has established standard conditions of approval (COA) for all development projects. The following COAs address cultural resources, including tribal cultural resources. These conditions have been recently revised by the City, through ongoing consultation with interested tribes on various development projects.⁶

COA: Unanticipated Discovery of Archaeological Resources. Pursuant to *State CEQA Guidelines* Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction." Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe ("Tribe"), to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and Tribe shall meet to determine the appropriate avoidance measures or other appropriate measure to mitigate impacts to the Tribal Cultural Resource.
- C. In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached.
- D. If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor may be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.

⁶ The City's standard conditions regarding cultural and tribal resources were updated since publication of the Infill Environmental Checklist for the proposed project, but are materially the same and applicable to the proposed project.

COA: Discovery of Human Remains. In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the *State CEQA Guidelines*. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

- A. The descendants' preferences for treatment may include the following:
 - i. The nondestructive removal and analysis of human remains and items associated with Native American human remains.
 - ii. Preservation of Native American human remains and associated items in place.
 - iii. Relinquishment of Native American human remains and associated items to the descendants for treatment.
 - iv. Other culturally appropriate treatment.
- B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures.
- C. For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.
 - i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness.
 - ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.
- D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation

provided for in subdivision (k) of Public Resources Code Section 5097.94. If invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following:

- i. Record the site with the commission or the appropriate Information Center.
 - ii. Utilize an open-space or conservation zoning designation or easement.
 - iii. Record a document with the county in which the property is located.
- E. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).
- F. Pursuant to State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.

COA: Unanticipated Discovery of Tribal Cultural Resources. In the event that Tribal Cultural Resources are identified during construction, all work within 50 feet of the discovery shall be redirected. The Project applicant and Project construction contractor shall notify the Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a Tribal Cultural Resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

DAP EIR: The DAP EIR does not specifically address tribal cultural resources as this topic was not identified within the *State CEQA Guidelines* Appendix G checklist at the time the DAP EIR was prepared. However, the DAP EIR does discuss cultural resources impacts on pages 4-93 through 4-124. The DAP EIR identified the following impacts and mitigation measures that are relevant to cultural resources, which may also be identified as tribal cultural resources:

1. **DAP EIR Impact CUL-3: Possible Disturbance of Unidentified Subsurface Archaeological Resources.** Although no archaeological resources are currently known to exist within the Downtown Area, ground-disturbing activities associated with new construction, excavation, or utility installation could uncover previously unidentified subsurface archaeological

resources. If encountered, disturbance or destruction of such resources would constitute a potentially significant impact under CEQA.

- **DAP EIR Mitigation CUL-3: Halt Work/Archaeological Evaluation/Site-Specific Mitigation.** If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.
2. **DAP EIR Impact CUL-5: Possible Disturbance of Unidentified Human Remains.** Ground-disturbing activities associated with new construction and underground utility installation could encounter previously unidentified subsurface human remains. The disturbance of such remains would constitute a potentially significant impact under CEQA.
- **Mitigation CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations.** If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.

4.2.4 Significance Criteria

The thresholds of significance for tribal cultural resources impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. Based on these thresholds, implementation of the proposed project would have a significant adverse impact with respect to tribal cultural resources if it would:

TCR-1: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) listed or eligible for listing in the California Register, or in a local register of historical resources as defined in PRC Section 5020.1(k); or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.2.5 Project Impacts

This section discusses the proposed project's impacts on tribal cultural resources (Criterion TCR-1). According to the *State CEQA Guidelines*, a proposed project may have a significant effect on the environment if it would cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

Impact TCR-1: **The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074, including resources listed or eligible for listing in the California Register or determined significant by the lead agency, during ground disturbing construction activities.**

The proposed project would require ground-disturbing activities associated with demolition, grading, and construction of the new eight-story residential building. As described in Chapter 3.0, Project Description, the project would involve demolition of the Broad Apartments and Broad House, removal of the Office Annex and skybridge, and excavation to a typical depth of approximately four feet below ground surface, with limited excavation extending to approximately six feet below ground surface for installation of a temporary construction crane. The project would require approximately 1,135 cubic yards of cut and 557 cubic yards of fill, with a net export of approximately 577 cubic yards of soil off-site. These activities would result in subsurface disturbance across portions of the project site and have the potential to encounter previously unidentified tribal cultural resources. As previously discussed, a request form describing the proposed project and map depicting the project site was sent to the NAHC in West Sacramento, requesting a search of the SLF and a list of tribes eligible to consult with the City, pursuant to Public Resources Code Section 21080.3.1. On June 17, 2025, the NAHC responded in a letter indicating that the search of the SLF was positive. The City sent letters to these individuals on November 25, 2025, notifying them of their opportunity to consult for this project.

The City received two requests for tribal consultation from the Muwekma Ohlone Tribe of the SF Bay Area and the Confederated Villages of Lisjan Nation. In addition, the Confederated Villages of Lisjan Nation requested the results of the SLF search request from the NAHC and the results of the CHRIS records search. The City responded to the Muwekma Ohlone Tribe of the SF Bay Area to find a

time to meet and discuss the proposed project; however, the City received no response from the tribe. No other communication from the Muwekma Ohlone Tribe of the SF Bay Area has been received and the City considers consultation with this tribe to be complete.

The City met with the Confederated Villages of Lisjan Nation on February 4, 2026. At the February 4, 2026, tribal consultation meeting with the Confederated Villages of Lisjan Nation, the Confederated Villages of Lisjan Nation requested additional information relating to on-site soils and where the maximum excavation to 6 feet bgs would occur on the project site. The tribe also inquired about the status of a project-specific geotechnical report, requested revisions to the City's COAs related to archaeological resources and human remains, and provided input on potential mitigation measures related to tribal cultural resources. Following the consultation meeting, the tribe requested information related to the on-site soils and excavation; this was provided to the tribe and the City informed the tribe that a project-specific geotechnical report was not required for the proposed project at this time.

As described in Section 3.5, Cultural Resources, of the Infill Environmental Checklist (Appendix A) and provided in the DAP EIR, no archaeological resources are currently known to exist in the Downtown Area, including the project site. However, ground-disturbing activities associated with implementation of the proposed project could have a substantial adverse change in the significance of an unrecorded buried archaeological deposits that qualify as historical resources, as defined in *State CEQA Guidelines* Section 15064.5, and could materially impair pre-contact archaeological deposits. As such, construction of the proposed project would result in a **potentially significant** impact.

The proposed project would be required to comply with *COA: Unanticipated Discovery of Archaeological Resources* and *COA: Discovery of Human Remains*, as detailed above under Section 4.2.3.4 (modified from the prior conditions included in the Infill Environmental Checklist [Appendix A]), that addresses potential impacts to archaeological resources and human remains.

COA: Unanticipated Discovery of Archaeological Resources. Pursuant to *State CEQA Guidelines* Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction." Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a Registered Professional Archaeologist or paleontologist, and the culturally-affiliated California Native American Tribe ("Tribe"), to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and Tribe shall meet to determine the appropriate avoidance measures or other appropriate measure to mitigate impacts to the Tribal Cultural Resource.
- C. In considering any suggested measure proposed by the Registered Professional Archaeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to

mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached.

- D. If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor may be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the Registered Professional Archaeologist shall prepare a report on the findings for submittal to the Northwest Information Center.

COA: Discovery of Human Remains. In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the *State CEQA Guidelines*. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

- A. The descendants' preferences for treatment may include the following:
 - v. The nondestructive removal and analysis of human remains and items associated with Native American human remains.
 - vi. Preservation of Native American human remains and associated items in place.
 - vii. Relinquishment of Native American human remains and associated items to the descendants for treatment.
 - viii. Other culturally appropriate treatment.
- B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures.
- C. For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking

agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.

- iii. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness.
 - iv. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.
- D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following:
- iv. Record the site with the commission or the appropriate Information Center.
 - v. Utilize an open-space or conservation zoning designation or easement.
 - vi. Record a document with the county in which the property is located.
- E. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).
- F. Pursuant to State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.

As discussed in Section 3.5, Cultural Resources, of the Infill Environmental Checklist (Appendix A) prepared for the proposed project, the City's COAs (including as recently revised) are consistent with Mitigation Measures CUL-3 and CUL- 5 prescribed in the DAP EIR, which require work stoppage in the vicinity of a potential find if unidentified subsurface archaeological resources and/or human remains are discovered.

In addition, as previously discussed, the Confederated Villages of Lisjan Nation provided input on potential mitigation measures related to tribal cultural resources during the AB 52 consultation

meeting with the City. Although the City has also adopted *COA: Unanticipated Discovery of Tribal Cultural Resources*, which addresses potential impacts to tribal cultural resources, the proposed project would instead be required to implement **Mitigation Measures TCR-1** and **TCR-2**, as requested by the Confederated Villages of Lisjan Nation, in order to reduce potential impacts on tribal cultural resources. Additionally, these mitigation measures replace and supersede *COA: Unanticipated Discovery of Archaeological Resources*, as applicable to the discovery of tribal cultural resources.

Mitigation Measure TCR-1

Native American Monitoring. Prior to ground-disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archaeological or tribal cultural resources be identified during monitoring. If archaeological or Tribal cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find must be evaluated for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground-disturbing activities moves to a new location within the project site and/or when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

Mitigation Measure TCR-2

Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground-disturbing activities within 50 feet shall cease until an archaeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archaeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 50 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a tribal cultural resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archaeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is

not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery. Implementation of these requirements would supersede the requirements specified in *COA: Unanticipated Discovery of Archaeological Resources* in the event that tribal cultural resources are identified during ground-disturbing activities.

With implementation of the City's standard COAs identified in the Infill Environmental Checklist (Appendix A) and as recently revised and included in this Infill EIR, as well as **Mitigation Measures TCR-1** and **TCR-2**, which require Native American monitoring during ground-disturbing construction activities and detail provisions for the treatment of unanticipated tribal cultural resources that would supersede *COA: Unanticipated Discovery of Archaeological Resources* as applicable to and in the event that tribal cultural resources are discovered, impacts to tribal cultural resources would be **less than significant with mitigation incorporated**.

4.2.6 Cumulative Impacts

As defined in Section 15130 of the *State CEQA Guidelines*, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and reasonably foreseeable projects causing related impacts. Potential impacts of the proposed project to unknown tribal cultural resources, when combined with other development as envisioned under the DAP and on land traditionally used by culturally affiliated tribes, could contribute to a cumulatively significant impact due to the overall loss of tribal cultural resources in the region.

However, each development proposal received by the City is required to undergo individual environmental review pursuant to CEQA, including AB 52 outreach. Furthermore, impacts of other projects on tribal cultural resources are generally site-specific because they result from ground-disturbing activities that would require a site-specific impact analysis to determine the nature and extent of the resources and identify appropriate mitigation measures that would reduce or avoid significant impacts. Thus, there is no potential for the proposed project to contribute to a significant cumulative impact associated with the significance of a tribal cultural resource pursuant to California Code of Regulations (CCR) Section 15064.5.

Similar to the proposed project, ground disturbance associated with these projects could result in potentially significant impacts on previously unidentified archaeological sites and associated human remains that may be unearthed. However, impacts on resources that may be inadvertently discovered during implementation of these projects would be mitigated to less than significant levels with appropriate mitigation measures adopted as conditions of approval. Proposed projects in the area would also be required to comply with the City's *COA: Unanticipated Discovery of Archaeological Resources*, *COA: Discovery of Human Remains*, *COA: Unanticipated Discovery of Tribal Cultural Resources*, and applicable mitigation measures similar to **Mitigation Measures TCR-1**

and **TCR-2** that may be identified during tribal consultation. Collectively, recent past, approved, and probable future projects envisioned under the DAP that may occur in the vicinity, including the proposed project, would not result in a cumulative increase in impacts on tribal cultural resources or human remains, because these resources would be avoided or otherwise removed, analyzed, and reported (i.e., by a qualified archaeologist). In addition, through required tribal consultation, additional mitigation measures for ensuring tribal cultural resources are not significantly impacted would also be developed and prescribed on a project-specific basis.

When the City considers future development proposals, both on the project site and citywide, these proposals would undergo environmental review pursuant to CEQA and when necessary, mitigation measures would be adopted as appropriate. In most cases, this environmental review and compliance with project conditions of approval and relevant policies of the General Plan or the DAP would ensure that significant impacts on tribal cultural resources would be avoided or otherwise mitigated to less than significant levels. Based on the information in this section and for the reasons summarized above, the proposed project would not contribute to significant adverse cumulative impacts related to tribal cultural resources when considered together with other cumulative development. Therefore, the proposed project's contribution would not be cumulatively considerable and this impact would be **less than significant**.

5.0 ALTERNATIVES

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.) and the *State CEQA Guidelines* (California Code of Regulations [CCR], Title 14, Section 15000 et seq.) require that an Environmental Impact Report (EIR) “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (*State CEQA Guidelines* Section 15126.6(a)). If mitigation measures or a feasible project alternative that would meet most of the basic project objectives would substantially lessen the significant environmental effects of a proposed project, then the lead agency should not approve the proposed project unless it determines that specific technological, economic, social, or other considerations make the mitigation measures and the project alternative infeasible (PRC Section 21002, *State CEQA Guidelines* Section 15091(a)(3)). The EIR must also identify alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the reasons underlying the lead agency’s determination (*State CEQA Guidelines* Section 15126.6(c)).

This section describes alternatives to the proposed project and compares the impacts of the alternatives to the environmental impacts of the project as proposed, consistent with the guidance in *State CEQA Guidelines* Section 15126.6(d). At the conclusion of the analysis, the environmentally superior alternative is identified (*State CEQA Guidelines* Section 15126.6(e)(2)). One of the alternatives that must be analyzed is the “No Project” Alternative. The purpose of the No Project analysis is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. CEQA states that an EIR should not consider alternatives “whose effect cannot be ascertained and whose implementation is remote and speculative.”

5.1 PROJECT OVERVIEW

As described in more detail in Chapter 3.0, Project Description, the 2036 Bancroft Way Project (proposed project) would result in demolition of the existing Broad Apartments and Broad House and the alteration of the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new eight-story, approximately 80,343-square-foot residential building consisting of 70,929 square feet of residential space and 87 for-rent dwelling units. The building would be 85 feet tall, excluding rooftop appurtenances, and would reach a maximum height of 97 feet including all mechanical features.

The existing Corder Building would be retained with alterations in the northwest corner where the skybridge would be removed and the resulting opening in the exterior wall of the Corder Building would be infilled. At completion, the project site would include a total of 79 net new residential units and 98,865 square feet of retained commercial use (a reduction of 19,740 square feet). The proposed project would replace the existing eight dwelling units that would be demolished and would include six dwelling units at below market rates. Associated improvements include landscaping, circulation and parking, and infrastructure upgrades.

The proposed project was submitted pursuant to Senate Bill (SB) 330 and is subject to the modifications and protections of State Density Bonus Law and the Housing Accountability Act. The proposed project includes eight affordable dwelling units (including three extremely low-, two very low-, two low-, and one moderate-income housing unit) to satisfy State replacement requirements and achieve a density bonus.

5.2 METHODOLOGY FOR SELECTION OF ALTERNATIVES

Pursuant to *State CEQA Guidelines* Section 15183.3(e), the analysis of alternatives in an infill EIR may be more limited than in a typical project-level EIR. Specifically, an infill EIR is not required to evaluate alternative locations, densities, or building intensities.

5.2.1 Potential Feasibility

An EIR must “consider a range of potentially feasible alternatives” (*State CEQA Guidelines* Section 15126.6(a)). *State CEQA Guidelines* Section 15126.6(f) (1) explains “feasibility” (e.g., “... feasibly attain most of the basic objectives of the project ...”), in part, as follows:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

Although, as noted above, EIRs must contain a discussion of “potentially feasible” alternatives, the ultimate determination as to whether an alternative is definitively feasible or infeasible is made by the lead agency’s decision-making body, here the City’s Zoning Adjustments Board (see PRC Sections 21081.5, 21081[a] [3].) As a result, the EIR only concludes whether an alternative is potentially feasible.

5.2.2 Attainment of Project Objectives

As described above, one factor that must be considered in selection of alternatives is the ability of a specific alternative to attain most of the basic objectives of the proposed project (*State CEQA Guidelines* Section 15126.6(a)). As provided by the project sponsor, the objectives of the proposed project are to:

1. Build an eight-story, 87-unit transit-oriented housing project consistent with the Downtown Area Plan that includes enough density and cost feasibility to support the construction of on-site affordable units, compliance with the more stringent code requirements for taller buildings, and an environmentally superior transit-oriented housing project that is accessible to Downtown services, jobs, and the UC Berkeley campus.

2. Provide a superior green building using environmentally sustainable siting, development, and construction practices, including Leadership in Energy and Environmental Design (LEED) Gold or equivalent certification and an all-electric building system.
3. Retain the landmarked Corder Building.
4. Provide residential amenities including open space.
5. Make progress toward meeting the City's Regional Housing Needs Assessment (RHNA) required targets.
6. Better activate the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians.
7. Use ecologically beneficial native and drought-tolerant landscaping and stormwater management features that promote watershed health, improve water quality, and reduce flooding impacts.
8. Encourage alternative modes of transportation for residents. Reduce car use and congestion as well as pedestrian and bicycle vs. vehicle conflicts by providing residents with a range of Transportation Demand Management measures.
9. Generate significant new revenue streams for the City of Berkeley through increased property tax base, gross receipts taxes, contributions toward the Downtown Berkeley Association (DBA), contributions to the Berkeley Unified School District, and contributions to the Downtown Streets and Open Space Improvements fund, and new residential population that support Downtown businesses.

5.2.3 Potential to Avoid or Substantially Reduce a Significant Impact

Alternatives considered in an EIR must avoid or substantially lessen any of the significant effects of the proposed project (*State CEQA Guidelines* Section 15126.6(a)). This Draft Infill EIR identifies significant and unavoidable impacts after implementation of mitigation measures associated with historic architectural resources (see Chapter 4.0, Setting, Impacts, and Mitigation Measures), as summarized below:

Impact CUL-1. The proposed project would cause a substantial adverse change in the significance of a historic resource as defined in *State CEQA Guidelines* Section 15064.5 because implementation of the proposed project would include the demolition of the existing Broad Apartments and Broad House buildings which are considered "historical resources" for purposes of CEQA. The Broad Apartments and Broad House were designated as City Landmarks in 2017, as the buildings possess architectural merit as two examples of notable work of the master builder Alphonso Herman Broad (1851–1930). Therefore, impacts to built historical resources would be significant and unavoidable.

5.3 ALTERNATIVES CONSIDERED BUT REJECTED

The *State CEQA Guidelines* state that an EIR should identify any alternatives that were considered by the lead agency but were rejected during the scoping process and briefly explain the reasons underlying the lead agency's determination (Section 15126.6[c]). This section addresses these potential alternatives that were considered but rejected from detailed analysis.

1. **Alternative Location Alternative:** *State CEQA Guidelines* Section 15126.6(f)(2) states that alternative locations should be considered if they would avoid or substantially lessen any of the significant effects or a proposed project. However, pursuant to *State CEQA Guidelines* Section 15183.3(e), an infill EIR is not required to evaluate alternative locations. Regardless, an alternative involving development at a different location was considered but rejected from further analysis. The proposed project is site-specific, based on the availability, configuration, and ownership of the property at 2036 Bancroft Way, as well as its designation within the City's Downtown planning area. Implementing the proposed project on another site would not meet the basic project objectives, including redevelopment of an infill parcel in close proximity to transit, services, and employment centers, and would introduce speculative assumptions regarding land availability, zoning, and environmental conditions. Consistent with *State CEQA Guidelines* Section 15126.6(c), this alternative was rejected because it would not be feasible and would not meet the project objectives.
2. **Open Space Alternative:** An alternative under which the project site would be converted entirely to open space or left undeveloped was also considered but rejected. While such an alternative could reduce certain development-related impacts, it would not meet the fundamental project objectives related to housing production, efficient use of an infill site, or consistency with City of Berkeley policies encouraging residential development in the Downtown area. In addition, the site is privately owned and not designated for public open space, and conversion to open space would not be feasible. Accordingly, this alternative was rejected pursuant to *State CEQA Guidelines* Section 15126.6(c).
3. **Commercial Alternative:** A fully commercial development alternative was considered but rejected from further analysis. This alternative would not meet the project objectives related to housing production and would be inconsistent with City of Berkeley land use policies that prioritize residential and mixed-use development in the Downtown area to address housing needs and reduce vehicle miles traveled. In addition, a purely commercial use could generate greater peak-hour traffic and activity levels compared to residential development, potentially increasing transportation and noise impacts. Because this alternative would not meet the project objectives and would be inconsistent with applicable City policies, it was rejected from further consideration under *State CEQA Guidelines* Section 15126.6(c).
4. **Relocation of the Broad House and Broad Apartments:** An alternative considered during project development was the relocation of the existing Broad House and Broad Apartments (2030–2032 Bancroft Way) to another site, either within the Downtown Area or elsewhere in Berkeley, in lieu of demolition. Under this alternative, the existing residential structures would be physically moved and rehabilitated to preserve their building fabric while allowing redevelopment of the project site. This alternative was rejected for several reasons. First, relocation would remove the

buildings from their original context and setting, thereby diminishing any remaining historical association with their site. Even if relocated, the buildings would lose integrity of location and setting, which are critical aspects of historic resource significance under CEQA. Second, the physical feasibility of relocation is constrained by the buildings' age, structural condition, and construction type, as well as the logistical challenges associated with transporting multi-unit residential structures through the Downtown street network. Third, no suitable relocation site was identified that would accommodate the structures while meeting zoning, lot size, and setback requirements.

In addition, relocation would not meet several of the project objectives, including maximizing housing yield on a transit-oriented Downtown site, implementing the Downtown Area Plan, and contributing to the City's Regional Housing Needs Allocation (RHNA) targets. The costs associated with structural stabilization, transport, foundation reconstruction, and code upgrades would also be substantial and would undermine the financial feasibility of the proposed infill housing project. For these reasons, the relocation alternative was determined to be infeasible and was not carried forward for further analysis.

5.4 COMPARISON AND ANALYSIS OF ALTERNATIVES

The following discussion summarizes the alternatives evaluated, how they meet CEQA requirements for consideration of alternatives, and then provides an evaluation of the alternative. Alternatives evaluated in this Draft Infill EIR are:

1. **No Project Alternative.** Under the No Project Alternative, redevelopment of the project site would not occur, and the existing conditions would remain unchanged. No demolition, new construction, or changes in land use would occur, and no new housing units would be provided.
2. **Historic Preservation Alternative.** The Historic Preservation Alternative would retain all three City-designated Landmark buildings on the project site. This alternative would preserve the Corder Building, which is listed on the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and is a City landmark and the Broad Apartments and Broad House, which are designated as City of Berkeley Landmarks. It would also retain the Office Annex and skybridge, which are not City landmarks nor listed on the NRHP or CRHR and do not have historical significance individually but are nonetheless contributing elements to the historic Corder Building. Rehabilitation of the existing buildings would be undertaken in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, with no exterior alterations to the Corder Building and no demolition of the Broad Apartments or Broad House. Overall, implementation of the Historic Preservation Alternative would not construct any new housing units, limiting consistency with City policies that prioritize housing production and efficient use of Downtown sites.
3. **Partial Historic Preservation (Corder Building) Alternative.** The Partial Historic Preservation (Corder Building) Alternative would retain the Corder Building in its existing condition, with no exterior changes (i.e., no alterations to the Office Annex and skybridge connection), while allowing removal of the Broad Apartments and Broad House buildings on the project site. At the same time, this alternative would allow new development on the remainder of the project site,

constructing approximately 40 new housing units, representing an approximately 46 percent reduction in housing units compared to the proposed project while still advancing City objectives related to Downtown housing, infill development, and proximity to transit and services.

4. **Partial Historic Preservation (Broad House and Broad Apartments) Alternative.** The Partial Historic Preservation (Broad House and Broad Apartments) Alternative would retain both the Broad House and Broad Apartment buildings in their existing condition, with no exterior alterations, while allowing removal of the Office Annex and skybridge connection on the project site. This alternative would allow new development on the portion of the project site currently occupied by the Office Annex building, constructing approximately 40 new housing units, representing an approximately 46 percent reduction in housing units compared to the proposed project while still advancing City objectives related to Downtown housing, infill development, and proximity to transit and services.

5.5 NO PROJECT ALTERNATIVE

The following provides a description of the No Project Alternative and its anticipated environmental impacts. The emphasis of the analysis is on comparing the anticipated environmental impacts of the No Project Alternative to the environmental impacts associated with the proposed project. The discussion includes a determination of whether or not the No Project Alternative would reduce, eliminate, or create new significant environmental impacts, and whether it would or would not meet the objectives of the proposed project.

5.5.1 Description of Alternative

Under the No Project Alternative, redevelopment of the project site would not occur, and the existing conditions would remain unchanged. No demolition, new construction, or changes in land use would occur, and no new housing units would be provided.

5.5.2 Ability to Meet Project Objectives

Implementation of the No Project Alternative would not meet most of the identified project objectives as the No Project Alternative would not provide any new market-rate or affordable housing units on an infill site surrounded by mixed development; provide amenities, such as open space; make progress toward meeting the City's Regional Housing Needs Assessment (RHNA) required targets; or generate significant new revenue streams for the City. However, the No Project Alternative would meet the project objective related to retaining the landmarked Corder Building.

5.5.3 Comparison of Environmental Impacts

The potential impacts associated with the No Project Alternative are described below. As discussed, the No Project Alternative would avoid the significant and unavoidable impacts of the proposed project associated with cultural (historical architectural) resources.

5.5.3.1 Cultural Resources

Implementation of the No Project Alternative would result in no changes to the existing conditions of the project site and would not result in the demolition or alteration of any existing structures on the project site. Therefore, the existing Broad Apartments, Broad House, Corder Building, and associated Office Annex and skybridge would not be demolished or altered. Because the No Project Alternative would not demolish the Broad Apartments or Broad House, **Mitigation Measure CUL-1** would not be required and the proposed project's significant and unavoidable impact on built historical resources would be avoided.

Therefore, compared to the significant and unavoidable impacts of the proposed project, the No Project Alternative would have **no impact** on built-environment historic resources as defined in *State CEQA Guidelines* Section 15064.5. Overall, implementation of the No Project Alternative would avoid the significant and unavoidable impacts of the proposed project associated with cultural resources.

5.5.3.2 Tribal Cultural Resources

Implementation of the No Project Alternative would result in no changes to the existing conditions of the project site and would not facilitate nor include construction or ground disturbance activities that could result in the accidental discovery of tribal cultural resources. Therefore, City COA: *Unanticipated Discovery of Archaeological Resources* and COA: *Discovery of Human Remains*, would not be applicable to the No Project Alternative. In addition, **Mitigation Measures TCR-1 and TCR-2**, which require Native American monitoring during ground disturbing construction activities and detail provisions for the treatment of unanticipated tribal cultural resources, would not be applicable to the No Project Alternative. Therefore, compared to the less than significant impacts with mitigation of the proposed project, the No Project alternative would have **no impact** on tribal cultural resources.

5.6 HISTORIC PRESERVATION ALTERNATIVE

The following provides a description of the Historic Preservation Alternative and its anticipated environmental impacts. The emphasis of the analysis is on comparing the anticipated environmental impacts of the Historic Preservation Alternative to the environmental impacts associated with the proposed project. The discussion includes a determination of whether or not the Historic Preservation Alternative would reduce, eliminate, or create new significant environmental impacts, and whether it would or would not meet the objectives of the proposed project.

5.6.1 Description of Alternative

The Historic Preservation Alternative would retain all three City-designated Landmark buildings on the project site. This alternative would preserve the Corder Building, which is listed on the NRHP and the CRHR; the Broad Apartments and Broad House, which are designated City of Berkeley Landmarks; and the Office Annex and skybridge, which are contributing elements to the historic Corder Building.

Under this alternative, rehabilitation of the existing buildings would be undertaken in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, particularly

the Standards for Rehabilitation. These Standards require retention and repair of historic materials and character-defining features, avoidance of conjectural reconstruction,¹ and that any necessary alterations be differentiated yet compatible with the historic fabric. Exterior alterations to the Corder Building would be avoided, and no demolition of the Broad Apartments or Broad House would occur. Any necessary upgrades would be designed to minimize impacts to historic materials while improving safety and functionality.

To remain habitable and code-compliant, however, the retained structures would require substantial upgrades to meet current California Building Code (CBC) requirements. Improvements would likely include seismic retrofitting to comply with current structural and lateral force-resistance standards; foundation reinforcement or replacement; fire-life safety upgrades, including fire-rated assemblies and potentially new sprinkler systems; accessibility improvements consistent with CBC Chapter 11 and the Americans with Disabilities Act (ADA); and replacement or modernization of building systems such as plumbing, electrical, and mechanical infrastructure.

In addition, the buildings would need to be upgraded to comply with current Title 24 Building Energy Efficiency Standards and CALGreen requirements. Such improvements could include enhanced insulation, high-performance glazing, energy-efficient HVAC systems, LED lighting, improved air sealing, low-flow plumbing fixtures, and potentially rooftop or site-mounted solar photovoltaic systems, where feasible and compatible with historic preservation constraints. Because the Secretary's Standards limit alterations that would damage historic materials or alter character-defining features, achieving full energy performance equivalency with new construction may be constrained.

Overall, implementation of the Historic Preservation Alternative would result in no new housing units at the project site, compared to the proposed 87-unit project. However, eight existing units on the project site would be retained. This alternative would maximize preservation of existing historic resources.

5.6.2 Ability to Meet Project Objectives

The Historic Preservation Alternative would fully meet the objective of retaining the landmarked Corder Building (3), and it would meet objectives related to using ecologically beneficial native and drought-tolerant landscaping and stormwater management features (7) and encouraging alternative transportation modes (8), but to a lesser extent than the proposed project. Rehabilitation could incorporate code-compliant upgrades, energy efficiency improvements, and limited site enhancements; however, the constraints of the existing building envelopes and historic preservation standards would limit the extent to which these objectives could be fully achieved.

However, the Historic Preservation Alternative would not meet the objectives of building an eight-story, 87-unit transit-oriented housing project consistent with the Downtown Area Plan (DAP) that supports construction of affordable units, complies with code requirements for taller buildings, and

¹ *Conjectural reconstruction* means rebuilding or recreating a historic building or feature based mostly on guesswork rather than solid evidence like old photos, drawings, or physical remains. The National Park Service discourages this practice because it can create a misleading picture of what the place actually looked like or how it developed over time.

supports transit-oriented housing (1); providing a superior green building using environmentally sustainable siting, development, and construction practices (2); providing residential amenities, including open space (4); making progress towards meeting the City's RHNA goal (5); better activating the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians (6); or generating significant new revenue streams for the City of Berkeley (9), as no new building would be constructed and redevelopment of the project site would not occur.

Overall, while this alternative would prioritize preservation, it would substantially limit the project's ability to meet key housing production, sustainability, and policy objectives.

5.6.3 Comparison of Environmental Impacts

The potential impacts associated with the Historic Preservation Alternative are described below. As discussed, the Historic Preservation Alternative would avoid the significant and unavoidable impacts of the proposed project associated with cultural (historical) resources.

5.6.3.1 Cultural Resources

Implementation of the Historic Preservation Alternative would develop the project site with new residential uses; however, all three City-designated Landmark buildings on the project site would be retained. Specifically, this alternative would preserve the Corder Building, which is listed on the NRHP and the CRHR, and the Broad Apartments and Broad House, which are designated as City of Berkeley Landmarks. The Historic Preservation Alternative would also retain the Office Annex and skybridge, which are contributing elements to the historic Corder Building. Rehabilitation of the existing buildings would be undertaken in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, with no exterior alterations to the Corder Building and no demolition of the Broad Apartments or Broad House.

Because the existing Broad Apartments, Broad House, and Corder Building, which are considered historical resources as defined in *State CEQA Guidelines* Section 15064.5, would not be demolished or altered, implementation of the Historic Preservation Alternative would not result in a significant adverse change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5 and **Mitigation Measure CUL-1** would not be required. Therefore, compared to the significant and unavoidable impacts of the proposed project, the Historic Preservation Alternative would have a **less than significant** impact on built-environment historic resources as defined in *State CEQA Guidelines* Section 15064.5.

Overall, implementation of the Historic Preservation Alternative would avoid the significant and unavoidable impacts of the proposed project associated with cultural resources.

5.6.3.2 Tribal Cultural Resources

Implementation of the Historic Preservation Alternative would include construction and ground disturbance activities that could result in the accidental discovery of tribal cultural resources, similar to the proposed project. Therefore, the Historic Preservation Alternative would also be required to implement **Mitigation Measures TCR-1** and **TCR-2**, which require Native American monitoring

during ground disturbing construction activities and detail provisions for the treatment of unanticipated tribal cultural resources, similar to the proposed project. Similar to the proposed project, these measures would be required to address potential impacts associated with the unanticipated discovery of tribal cultural resources. Therefore, impacts on tribal cultural resources associated with implementation of both the Historic Preservation Alternative and the proposed project would be **less than significant with mitigation incorporated**.

5.7 PARTIAL HISTORIC PRESERVATION (CORDER BUILDING) ALTERNATIVE

The following provides a description of the Partial Historic Preservation (Corder Building) Alternative and its anticipated environmental impacts. The emphasis of the analysis is on comparing the anticipated environmental impacts of the Partial Historic Preservation (Corder Building) Alternative to the environmental impacts associated with the proposed project. The discussion includes a determination of whether or not the Partial Historic Preservation (Corder Building) Alternative would reduce, eliminate, or create new significant environmental impacts, and whether it would or would not meet the objectives of the proposed project.

5.7.1 Description of Alternative

The Partial Historic Preservation (Corder Building) Alternative would retain the Corder Building in its existing condition, with no exterior alterations, including preservation of the Office Annex and skybridge, while allowing for the demolition of the Broad Apartments and Broad House buildings. However, retention of the Office Annex and skybridge would substantially constrain redevelopment potential by limiting the contiguous buildable area on the Bancroft Way portion of the site. Because the Office Annex occupies a significant portion of the parcel and physically connects to the Corder Building, its retention would reduce the effective development footprint by approximately 50 percent, thereby limiting building massing options, efficient site planning, and the ability to design an integrated residential structure.

This alternative would allow new construction only on the remaining developable portion of the site, resulting in approximately 40 new housing units—an approximately 46 percent reduction compared to the proposed 87-unit project. This density estimate was determined based on recent built project examples from the project sponsor that were constructed under similar constraints, including lot size, frontage length, feasibility for parking/driveway access, and anticipated unit mix.

5.7.2 Ability to Meet Project Objectives

Implementation of the Partial Historic Preservation (Corder Building) Alternative would meet many of the identified project objectives, but to a lesser degree than the proposed project. Specifically, the Partial Historic Preservation (Corder Building) Alternative would fully meet the objective of retaining the landmarked Corder Building (3), and it would meet the objectives related to providing a superior green building using environmentally sustainable siting, development, and construction practices (2); providing residential amenities, including open space (4); making progress towards meeting the City's RHNA goal (5); better activating the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians (6); using ecologically beneficial native and drought-tolerant landscaping and stormwater management features (7); and generating significant new revenue streams for the City of Berkeley (9), as implementation of the

Partial Historic Preservation (Corder Building) Alternative would redevelop the project site with a new residential building and associated improvements. However, this alternative would meet these objectives to a lesser extent than the proposed project due to the reduction in overall development. The reduction in development would also result in the Partial Historic Preservation (Corder Building) Alternative not meeting the objective of building an eight-story, 87-unit transit-oriented housing project consistent with the DAP that supports construction of affordable units, complies with code requirements for taller buildings, and supports transit-oriented housing (1).

While implementation of the Partial Historic Preservation (Corder Building) Alternative would advance certain objectives related to providing infill housing and transit-oriented development, the reduced site area would constrain the ability to maximize housing implementation. The smaller building envelope would also limit opportunities for structured parking efficiency, rooftop open space, high-performance building systems, and optimized sustainability features. As a result, although this alternative would balance preservation and redevelopment objectives, it would substantially reduce housing production, diminish financial feasibility, and limit consistency with key project objectives related to RHNA progress, sustainability performance, and efficient use of a prime Downtown site. As such, while the Partial Historic Preservation (Corder Building) Alternative would advance most project objectives, it would do so to a lesser extent than the proposed project.

5.7.3 Comparison of Environmental Impacts

The potential impacts associated with the Partial Historic Preservation (Corder Building) Alternative are described below. As discussed, the Partial Historic Preservation (Corder Building) Alternative would reduce, but not avoid the significant and unavoidable impacts of the proposed project associated with cultural (historical architectural) resources.

5.7.3.1 Cultural Resources

The Partial Historic Preservation (Corder Building) Alternative would develop the project site with new residential uses; however, the Corder Building, which is listed on the NRHP and the CRHR, would not be altered to remove the Office Annex and skybridge connection, which are contributing elements to the historic Corder Building. However, the Partial Historic Preservation (Corder Building) Alternative would include the demolition of the Broad Apartments and Broad House, which are designated as City of Berkeley Landmarks.

Because the existing Broad Apartments and Broad House, which are considered historical resources as defined in *State CEQA Guidelines* Section 15064.5, would be demolished, implementation of the Partial Historic Preservation (Corder Building) Alternative would continue to result in a significant adverse change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5 and **Mitigation Measure CUL-1** would be required. With implementation of **Mitigation Measure CUL-1**, the Broad Apartments and Broad House would be properly documented. However, because these structures would be demolished, impacts to built-environment historical resources as defined in *State CEQA Guidelines* Section 15064.5 would continue to be significant and unavoidable. Therefore, both the Partial Historic Preservation (Corder Building) Alternative and proposed project would result in **significant and unavoidable** impacts on built-environment historic resources as defined in *State CEQA Guidelines* Section 15064.5.

Overall, implementation of the Partial Historic Preservation (Corder Building) Alternative would reduce, but not avoid, the significant and unavoidable impacts of the proposed project associated with cultural resources.

5.7.3.2 Tribal Cultural Resources

Implementation of the Partial Historic Preservation (Corder Building) Alternative would include construction and ground disturbance activities that could result in the accidental discovery of tribal cultural resources, similar to the proposed project. Therefore, the Partial Historic Preservation (Corder Building) Alternative would be required to implement **Mitigation Measures TCR-1 and TCR-2**, which require Native American monitoring during ground disturbing construction activities and detail provisions for the treatment of unanticipated tribal cultural resources, similar to the proposed project. Similar to the proposed project, these measures would be required to address potential impacts associated with the unanticipated discovery of tribal cultural resources. Therefore, impacts on tribal cultural resources associated with implementation of both the Partial Historic Preservation (Corder Building) Alternative and the proposed project would be **less than significant with mitigation incorporated**.

5.8 PARTIAL HISTORIC PRESERVATION (BROAD HOUSE AND BROAD APARTMENTS) ALTERNATIVE

The following provides a description of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative and its anticipated environmental impacts. The emphasis of the analysis is on comparing the anticipated environmental impacts of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative to the environmental impacts associated with the proposed project. The discussion includes a determination of whether or not the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would reduce, eliminate, or create new significant environmental impacts, and whether it would or would not meet the objectives of the proposed project.

5.8.1 Description of Alternative

The Partial Historic Preservation (Broad House and Broad Apartments) Alternative would retain both the Broad House and Broad Apartment buildings in their existing condition, with no exterior alterations, while allowing removal of the Office Annex and skybridge connection on the project site. The Corder Building would also be retained. However, retention of the Broad House and Broad Apartment buildings would substantially constrain redevelopment potential by limiting the contiguous buildable area on the project site. Because the Broad House and Broad Apartment buildings occupy a significant portion of the project site, their retention would reduce the effective development footprint by approximately 50 percent, thereby limiting building massing options, efficient site planning, and the ability to design an integrated residential structure.

This alternative would allow new construction only on the remaining developable portion of the site, resulting in approximately 40 new housing units—an approximately 46 percent reduction compared to the proposed 87-unit project.

5.8.2 Ability to Meet Project Objectives

Implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would meet many of the identified project objectives to a similar degree as the Partial Historic Preservation (Corder Building) Alternative. Similar to the Partial Historic Preservation (Corder Building) Alternative, this alternative would also meet the project objectives to a lesser degree than the proposed project. Specifically, the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would fully meet the objective of retaining the landmarked Corder Building (3), and it would meet the objectives related to providing a superior green building using environmentally sustainable siting, development, and construction practices (2); providing residential amenities, including open space (4); making progress towards meeting the City's RHNA goal (5); better activating the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians (6); using ecologically beneficial native and drought-tolerant landscaping and stormwater management features (7); and generating significant new revenue streams for the City of Berkeley (9), as implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would redevelop the project site with a new residential building and associated improvements. However, this alternative would meet these objectives to a lesser extent than the proposed project due to the reduction in overall development. The reduction in development would also result in the Historic Preservation (Broad House and Broad Apartments) Alternative not meeting the objective of building an eight-story, 87-unit transit-oriented housing project consistent with the DAP that supports construction of affordable units, complies with code requirements for taller buildings, and supports transit-oriented housing (1).

While implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would advance certain objectives related to providing infill housing and transit-oriented development, the reduced site area would constrain the ability to maximize housing implementation. The smaller building envelope would also limit opportunities for structured parking efficiency, rooftop open space, high-performance building systems, and optimized sustainability features. As a result, although this alternative would balance preservation and redevelopment objectives, it would substantially reduce housing production, diminish financial feasibility, and limit consistency with key project objectives related to RHNA progress, sustainability performance, and efficient use of a prime Downtown site. As such, while the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would advance most project objectives, it would do so to a lesser extent than the proposed project.

5.8.3 Comparison of Environmental Impacts

The potential impacts associated with the Partial Historic Preservation (Broad House and Broad Apartments) Alternative are described below. As discussed, the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would avoid the significant and unavoidable impacts of the proposed project associated with cultural (historical architectural) resources.

5.8.3.1 Cultural Resources

The Partial Historic Preservation (Broad House and Broad Apartments) Alternative would develop the project site with new residential uses; however, the Broad House and Broad Apartments, which

are designated as City Landmarks and are therefore considered “historical resources” for purposes of CEQA, would not be demolished. However, the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would include the alteration of the Corder Building to remove the Office Annex and skybridge connection, similar to the proposed project.

Because the existing Broad Apartments and Broad House would not be demolished, implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would not result in a significant adverse change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5 and **Mitigation Measure CUL-1** would not be required. Therefore, the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would avoid the significant and unavoidable impact on built-environment historic resources associated with the proposed project.

As discussed in Section 4.1, Cultural Resources, the proposed alterations to the Corder Building, including the demolition of the Office Annex and skybridge, would not substantially affect the eligibility of the Corder Building as a historical resource as defined in *State CEQA Guidelines* Section 15064.5. As the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would alter the Corder Building to remove the Office Annex and skybridge connection, similar to the proposed project, implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would also result in less than significant impacts on the historical significance of the Corder Building. Therefore, implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would have a **less than significant** impact on built historical resources.

Overall, implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would avoid the significant and unavoidable impacts of the proposed project associated with cultural resources.

5.8.3.2 Tribal Cultural Resources

Implementation of the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would include construction and ground disturbance activities that could result in the accidental discovery of tribal cultural resources, similar to the proposed project. Therefore, the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would be required to implement **Mitigation Measures TCR-1 and TCR-2**, which require Native American monitoring during ground disturbing construction activities and detail provisions for the treatment of unanticipated tribal cultural resources, similar to the proposed project. Similar to the proposed project, these measures would be required to address potential impacts associated with the unanticipated discovery of tribal cultural resources. Therefore, impacts on tribal cultural resources associated with implementation of both the Partial Historic Preservation (Broad House and Broad Apartments) Alternative and the proposed project would be **less than significant with mitigation incorporated**.

5.9 COMPARISON OF ALTERNATIVES AND ENVIRONMENTALLY SUPERIOR ALTERNATIVE

5.9.1 Alternatives Summary Comparison of Impacts and Ability to Meet Project Objectives

Table 5.A identifies the level of impact for the proposed project and each alternative (e.g., no impact, less than significant impact, less than significant impact with mitigation, significant and unavoidable impact, or significant and unavoidable impact with mitigation) and whether the impact of the alternative would be the same as, less than, or greater than the proposed project impacts. In some cases, the proposed project and alternative would result in the same significance determination, but the degree of that impact with the alternative might be less than or greater than the proposed project.

Table 5.A: Comparison of Environmental Impacts of the Proposed Project to Impacts of the Alternatives

Impacts	Proposed Project	No Project Alternative	Historic Preservation Alternative	Partial Historic Preservation (Corder Building) Alternative	Partial Historic Preservation (Broad House and Broad Apartment) Alternative
4.1: CULTURAL RESOURCES					
CUL-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines Section 15064.5?	SU	NI <	LTS <	SU <	LTS <
4.2: TRIBAL CULTURAL RESOURCES					
TCR-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) listed or eligible for listing in the California Register, or in a local register of historical resources as defined in PRC Section 5020.1(k); or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	LTSM	NI <	LTSM <	LTSM <	LTSM <

NI = No Impact

LTS = Less Than Significant Impact

LTSM = Less Than Significant with Mitigation

SU = Significant and Unavoidable Impact (all SU impacts are shown in bold)

< (less than)

= (equal to)

A comparison of each alternative and its ability to meet the project objectives compared to the proposed project is summarized below in Table 5.B, and evaluated in more detail in the subsequent discussion.

Table 5.B: Summary of Ability of Alternatives to Address Project Objectives

Project Objective	Proposed Project	No Project Alternative	Historic Preservation Alternative	Partial Historic Preservation (Corder Building) Alternative	Partial Historic Preservation (Broad House and Broad Apartment) Alternative
1. Build an eight-story, 87-unit transit-oriented housing project consistent with the Downtown Area Plan that includes enough density and cost feasibility to support the construction of on-site affordable units, compliance with the more stringent code requirements for taller buildings, and an environmentally superior transit-oriented housing project that is accessible to Downtown services, jobs, and the UC Berkeley campus. .	Yes	No	No	No	No
2. Provide a superior green building using environmentally sustainable siting, development, and construction practices, including Leadership in Energy and Environmental Design (LEED) Gold or equivalent certification and an all-electric building system.	Yes	No	No	Yes <	Yes <
3. Retain the landmarked Corder Building.	Yes	No	Yes >	Yes >	Yes >
4. Provide residential amenities including open space.	Yes	No	No	Yes <	Yes <
5. Make progress toward meeting the City's Regional Housing Needs Assessment (RHNA) required targets.	Yes	No	No	Yes <	Yes <
6. Better activate the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians.	Yes	No	No	Yes <	Yes <
7. Use ecologically beneficial native and drought-tolerant landscaping and stormwater management features that promote watershed health, improve water quality, and reduce flooding impacts.	Yes	No	Yes <	Yes <	Yes <
8. Encourage alternative modes of transportation for residents. Reduce car use and congestion as well as pedestrian and bicycle vs. vehicle conflicts by providing residents with a range of Transportation Demand Management measures.	Yes	No	Yes <	Yes <	Yes <
9. Generate significant new revenue streams for the City of Berkeley through increased property tax base, gross receipts taxes, contributions toward the Downtown Berkeley Association (DBA), contributions to the Berkeley Unified School District, and contributions to the Downtown Streets and Open Space Improvements fund, and new residential population that support Downtown businesses.	Yes	No	No	Yes <	Yes <

Source: LSA (2026).

< (less than)

> (greater than)

5.9.2 Environmentally Superior Alternative

Because the Historic Preservation Alternative would retain all three City-designated Landmark buildings on the project site—including the Corder Building (listed on the NRHP and CRHR), the Broad Apartments and Broad House (City Landmarks), and the Office Annex and skybridge as contributing elements to the Corder Building—and would rehabilitate these structures in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, it

would avoid the significant and unavoidable impact related to demolition of built historic resources. Although the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would also retain the Broad House and Broad Apartments, thereby avoiding the proposed project's significant and unavoidable impact on built historic resources, the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would not retain the Corder Building to the same extent as the Historic Preservation Alternative due to the removal of the Office Annex and skybridge connection.

Although the Historic Preservation Alternative would avoid the significant and unavoidable cultural resource impact, it would substantially reduce housing production on an infill site—resulting in no new housing units at the project site and representing an approximately 100 percent reduction compared to the proposed project—and would not meet key objectives related to building an eight-story, 87-unit transit-oriented housing project consistent with the DAP that supports construction of affordable units, complies with code requirements for taller buildings, and supports transit-oriented housing(1); providing a superior green building using environmentally sustainable siting, development, and construction practices (2); providing residential amenities, including open space (4); making progress towards meeting the City's RHNA goal (5); better activating the pedestrian environment along Bancroft Way with a building design and ground floor experience inviting to pedestrians (6); or generating significant new revenue streams for the City of Berkeley (9).

The Partial Historic Preservation (Corder Building) Alternative would substantially reduce (but not avoid) impacts to historic resources while allowing redevelopment of a portion of the site, thereby meeting a greater number of project objectives overall (2, 4, 5, 6, 7, 8, and 9), although to a lesser extent than the proposed project and retaining the landmarked Corder Building (3). Although it would not avoid the cultural resource impact to the same degree as full preservation, it provides a more balanced approach between environmental protection and attainment of project objectives. However, the overall reduction in development would also result in the Historic Preservation Alternative not meeting the objective of building an eight-story, 87-unit transit-oriented housing project consistent with the DAP that includes both on-site affordable units and market-rate units (1).

While the Partial Historic Preservation (Broad House and Broad Apartments) Alternative would meet a greater number of project objectives when compared with the Historic Preservation Alternative, and would also avoid the proposed project's significant and unavoidable impact on built historical resources; because the Historic Preservation Alternative would not result in any alterations to the Corder Building (i.e., no removal of the Office Annex and skybridge), the Historic Preservation Alternative is identified as the environmentally superior alternative.

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6.0 OTHER CEQA CONSIDERATIONS

As discussed in Chapter 3.0, Project Description, the proposed 2036 Bancroft Way Project (proposed project) would result in demolition of the existing Broad Apartments and Broad House and the alteration of the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new eight-story, approximately 80,343-square-foot residential building consisting of 70,929 square feet of residential space and 87 for-rent dwelling units.

As required by the California Environmental Quality Act (CEQA), this chapter discusses the following types of impacts that could result from implementation of the proposed project: (1) significant irreversible changes; (2) effects found not to be significant with implementation of standard conditions, regulatory compliance measures or mitigation measures; and (3) significant unavoidable effects. As noted in Section 6.2, below, the following environmental issue topics were discussed in the Infill Environmental Checklist (Appendix A), which determined that the following impacts would not be significant: aesthetics, agricultural resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire.

As provided in *State CEQA Guidelines* Section 15183.3(e), “an infill EIR need not analyze growth inducing impacts.” Therefore, because this is an Infill Environmental Impact Report (EIR) prepared in accordance with *State CEQA Guidelines* Section 15183.3, this EIR does not analyze growth-inducing impacts.

6.1 SIGNIFICANT IRREVERSIBLE CHANGES

As required by *State CEQA Guidelines* Section 15126.2(d), an EIR must identify any significant irreversible environmental changes that could result from implementation of a proposed project. These may include current or future uses of non-renewable resources, and secondary growth-inducing impacts that commit future generations to similar uses. CEQA suggests that irreversible commitments of resources should be evaluated to assure that such current consumption is justified. Each of these three categories is further detailed below.

6.1.1 Changes in Land Use That Commit Future Generations

The approximately 1-acre project site is currently developed with residential and commercial uses within the Broad Apartments, Broad House, and Corder Building and associated Office Annex and skybridge. The proposed project would demolish the existing Broad Apartments and Broad House and alter the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new eight-story, approximately 80,343-square-foot residential building consisting of 70,929 square feet of residential space and 87 for-rent dwelling units.

The proposed project does not include a General Plan amendment or a zoning ordinance amendment and implementation of the proposed project would not change the existing land uses at the project site. Although the proposed project would demolish the two residential buildings at

2030 Bancroft Way and 2032 Bancroft Way (Broad Apartments and Broad House), the proposed project would develop new residential uses on that portion of the project site. In addition, although the proposed project would demolish the Office Annex and skybridge connection, the Corder Building and the associated commercial use would be maintained. Further, at the end of the useful life of the proposed project, the project site could be rezoned, repurposed, and redeveloped. Therefore, implementation of the proposed project would not commit future generations to a significant change in land use.

6.1.2 Irreversible Damage from Environmental Accidents

As discussed in Section 3.9, Hazards and Hazardous Materials, of the Infill Environmental Checklist prepared for the proposed project (Appendix A), the public and/or the environment could be affected by the release of hazardous materials from the proposed project into the environment, by: (1) exposing workers and/or the public to potentially contaminated soil and groundwater during construction and/or operation of the project, or (2) exposing workers and/or the public to hazardous building materials (e.g., polychlorinated biphenyls [PCBs], lead paint, asbestos) during demolition of the existing commercial structures. However, as discussed in Appendix A, development projects that require a use permit such as the proposed project are required to comply with City of Berkeley Condition of Approval *COA: Toxics*, which addresses each of these potential impacts.

6.1.2.1 On-site Hazardous Building Materials

The proposed project would demolish the existing Broad Apartments and Broad House buildings and alter the Corder Building to remove the Office Annex and skybridge connection. The Broad House and Broad Apartments buildings were constructed in 1887 and 1915, respectively,¹ and the Office Annex and associated skybridge were constructed in 1946. Due to the age of the buildings on the project site, asbestos-containing materials (ACMs) and/or lead-based paints (LBP) may be present in the buildings. Demolition activities could cause the release of asbestos and lead into the environment if ACMs and LBPs are present in the buildings.

Condition of Approval *COA: Toxics(E)*, requires that prior to issuance of a building permit, a hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal are required and must be prepared by qualified professionals. The survey shall include, but not be limited to, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply with state hazardous waste generator requirements (22 California Code of Regulations [CCR] 66260 et seq). The survey becomes a condition of any building or demolition permit for the proposed project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to the Toxics Management Division within 30 days of the completion of the

¹ Berkeley Architectural Heritage Association. Berkeley Landmarks Designated in 2017, A.H. & Julia Broad House and Broad Apartment Building. Website: https://berkeleyheritage.com/berkeley_landmarks/2017_landmarks.html (accessed June 2025).

demolition. If asbestos is identified, Air District Regulation 11-2-401.3 notification must be made and the Air District Job Number (or "J Number") must be made available to the City of Berkeley Permit Service Center. Compliance with the requirements described above and outlined in Condition of Approval COA: *Toxics(E)* would ensure that potential impacts related to hazardous building materials would be less than significant.

6.1.2.2 Hazardous Soil and Groundwater Conditions

As described in Section 3.9.2.d of the Infill Environmental Checklist, there are no known hazardous materials sites located on the project site, or in the immediate proximity, that would represent a significant risk to public health or safety (e.g., on-site storage, leaking tanks, approaching groundwater contamination plume). Therefore, it is unlikely that the soil and groundwater are contaminated with significant toxic or hazardous materials that would be released during construction. Additionally, compliance with the regulations described under Section 3.9.2.a of the Infill Environmental Checklist would ensure that the proposed project would not create a significant hazard to the public or the environment through accident conditions involving the release of hazardous materials into the environment during the transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction of the proposed project. Therefore, this impact would be less than significant, and no mitigation is required.

In addition, as described above, small quantities of common hazardous materials would be used at the project site during construction and operation of the proposed project. Improper use, storage, or handling could result in a release of hazardous materials into the environment which could pose a risk to construction workers and the public. However, the proposed project would be required to comply with existing government regulations in the use and disposal of these materials, and such materials would not be used in sufficient strength or quantity to create a substantial risk to human or environmental health.

Preparation and implementation of a Soil and Groundwater Management Plan (SGMP) for excavation and potential dewatering activities (as required by City COA: *Toxics* and the Toxics Management Division) would ensure that the proposed project would not result in irreversible damage from environmental accidents.

6.1.3 Consumption of Non-Renewable Resources

Consumption of nonrenewable resources includes increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. As discussed in Section 3.2, Agriculture and Forestry Resources, of the Infill Environmental Checklist prepared for the proposed project (Appendix A), the project site and vicinity are located within an urban area of the City of Berkeley that does not contain prime farmland, unique farmland, or farmland of Statewide importance;² forest land; or land under a Williamson Act contract.³ In addition, the area is not zoned for any agricultural uses. Therefore, no existing agricultural lands would be converted to non-agricultural

² California Department of Conservation. 2022. California Important Farmland Finder (map). Website: maps.conservation.ca.gov/dlrp/ciff (accessed May 2025).

³ California Department of Conservation. 2023. California Williamson Act Enrollment Finder. Website: <https://maps.conservation.ca.gov/dlrp/WilliamsonAct/> (accessed May 2025).

uses. In addition, as discussed in Section 3.12, Mineral Resources, of the Infill Environmental Checklist prepared for the proposed project (Appendix A), the project site does not contain known mineral resources and does not serve as a mining reserve; thus, development of the proposed project would not result in the loss of access to mining reserves.

Construction of the proposed project would require the use of energy, including energy produced from non-renewable resources. As discussed in Section 3.6, Energy, of the Infill Environmental Checklist prepared for the proposed project (Appendix A), energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. In addition, to increase energy efficiency on the site during project construction, idling times would be restricted to 5 minutes or less and construction workers would be required to shut off idle equipment, as required by Condition of Approval COA: *Public Works – Implement Air District-Recommended Measures During Construction*. Accordingly, construction of the proposed project would have a negligible effect on local and regional energy supplies.

As discussed in Section 3.6, Energy, of the Infill Environmental Checklist (Appendix A), impacts related to energy use during construction would be temporary and relatively small in comparison to Alameda County's overall use of the State's available energy resources. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the State. Construction activities are not anticipated to result in an inefficient use of energy because gasoline and diesel fuel would be supplied by construction contractors, who would conserve the use of their supplies to minimize their costs on the project. The proposed project would not cause or result in the need for additional energy facilities or an additional or expanded delivery system. For these reasons, fuel consumption during construction would not be inefficient, wasteful, or unnecessary and this impact would be less than significant.

Energy consumption would also take place during the operational period of the proposed project. As discussed in Section 3.6, Energy, of the Infill Environmental Checklist, the all-electric building would use electricity derived from 100 percent renewable generation sources; therefore, the building would have zero operational emissions associated with electricity usage. In addition to the all-electric design, the proposed project would be required to comply with the latest California Energy Code and California Green Building Standards Code standards, including any locally adopted amendments, such as those related to electric vehicle chargers and utilizing low-carbon concrete, and would include a solar photovoltaic (PV) system, which would help to reduce energy consumption and greenhouse gas emissions. The proposed solar PV systems would provide approximately 3 percent of the proposed building's energy needs.

The proposed project would also result in energy usage associated with gasoline for project-related trips. Based on fuel consumption obtained from the California Air Resources Board's (CARB) Emission Factor model (EMFAC2021), approximately 463.0 million gallons of gasoline and approximately 153.6 million gallons of diesel fuel will be consumed from vehicle trips in Alameda County in 2025. Therefore, based on the total fuel usage in Alameda County and the minimal increase in net new average daily trips, vehicle trips associated with the proposed project would negligibly increase the annual fuel use in Alameda County. Additionally, the project site is served by an 8-foot sidewalk along Bancroft Way and is located within 0.25 mile of several intersecting major bus routes, including AC

Transit Lines 6, 7, 18, 51B, 79, 800, 851, and the Transbay F Line. In addition, the Downtown Berkeley Bay Area Rapid Transit (BART) Station is located approximately two blocks (0.2 mile) north of the project site. The proposed project would provide 65 secure bicycle parking spaces, including 63 long-term spaces and a bike rack with two short-term bike parking spaces. In addition, as discussed in Section 3.17, Transportation, of the Infill Environmental Checklist (Appendix A), at least one of the transit benefits detailed in *COA: Transportation Demand Management Plan* must be implemented at no cost to the resident for a period of ten years after the issuance of a Certificate of Occupancy. These transit benefits include: (1) one monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit; (2) one monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit; (3) or a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited adult monthly pass for unlimited local bus transit service monthly local bus pass, subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager. Therefore, the proposed project would support the ability of residents and employees to use alternative modes of transportation. As such, fuel consumption associated with vehicle trips generated by project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Given the location of the project and proposed improvements, implementation of the proposed project would not result in a substantial increase in electricity, natural gas, or transportation-related energy, such that it would result in a wasteful, inefficient, or unnecessary consumption of energy resources. This impact would be less than significant. Further, the proposed project would not require the construction of major new infrastructure to deliver energy or natural gas, as these services are already provided in the area. Therefore, the proposed project would not result in a significant impact associated with the consumption of nonrenewable resources.

6.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

The environmental topics analyzed in Chapter 4.0, Setting, Impacts, and Mitigation Measures, including cultural resources and tribal cultural resources, are topics that have the potential for adverse impacts associated with development of the proposed project and the conceptual development project. The following topics are not further analyzed in this Draft Infill Environmental Impact Report (Infill EIR) pursuant to *State CEQA Guidelines* Section 15183.3 because impacts related to these topics were determined by the Infill Environmental Checklist (Appendix A) to either not occur or would be less than significant with implementation of applicable standard conditions and regulatory compliance measures: aesthetics, agriculture and forestry resources, air quality, biological resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire.

As discussed in the Infill Environmental Checklist (Appendix A), based on an examination of the analysis, findings, and conclusions of the Berkeley Downtown Area Plan Environmental Impact Report (DAP EIR), implementation of the proposed project would not substantially increase the severity of significant impacts identified in the DAP EIR, nor would it result in new significant impacts related to the above mentioned issue areas that were not identified in the DAP EIR. Please refer to the Infill Environmental Checklist (Appendix A) for further discussion on these issue areas.

6.3 SIGNIFICANT UNAVOIDABLE AND CUMULATIVE IMPACTS

This Infill EIR identifies significant and unavoidable impacts after implementation of mitigation measures associated with historic architectural resources (see Chapter 4.0, Setting, Impacts, and Mitigation Measures), as summarized below.

6.3.1 Cultural Resources

6.3.1.1 Historic Architectural Resources

The proposed project would cause a substantial adverse change in the significance of a historic resource as defined in *State CEQA Guidelines* Section 15064.5 because implementation of the proposed project would include the demolition of the existing Broad Apartments and Broad House buildings, which are considered “historical resources” for purposes of CEQA. The Broad Apartments and Broad House were designated as City Landmarks in 2017, as the buildings possess architectural merit as two examples of notable work of the master builder Alphonso Herman Broad (1851–1930). Therefore, even with implementation of **Mitigation Measure CUL-1**, impacts to built historical resources would be **significant and unavoidable**.

7.0 REPORT PREPARATION

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