

Office of the City Manager

PUBLIC HEARING

April 28, 2015

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Eric Angstadt, Director, Planning & Development Department

Subject: Adoption of the Updated Berkeley Housing Element 2015-2023

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a Resolution adopting the Negative Declaration; and
2. Adopt a Resolution amending the General Plan to adopt and incorporate the Berkeley Housing Element 2015-2023, and rescinding Resolution No. 65,067-N.S.

SUMMARY

The Housing Element (HE) is a State mandated evaluation of local level policies, programs, land availability and general practices regarding the development of housing. It is an element of the General Plan. Government Code Section 65585 mandates that each local government update the HE with recent statistical information, consider programs for a wide range of issues from homelessness and supportive housing programs to the development of market rate units. The Association of Bay Area Governments (ABAG) provides an allocation of housing units at all income levels for which each jurisdiction in the Bay Area must plan.

The State Department of Housing and Community Development (HCD) is tasked with evaluating and certifying each HE. Local governments of the Bay Area are currently working on the 5th cycle of HE evaluation and certification. Certain jurisdictions, Berkeley included, have been granted a “streamlined review process” based on prior performance and compliance with several other criteria.

This report provides an overview of the contents of the updated Housing Element (HE), changes from the previous (2009-2014) Element, and the public review process. Resolutions to adopt the updated HE, a state-mandated component of the General Plan, and adopt the Negative Declaration, are attached to this report.

The Planning Commission recommended that the Council adopt the Negative Declaration and the Berkeley Housing Element 2015-2023, by a vote of 9-0-0-0 on February 18, 2015.

FISCAL IMPACTS OF RECOMMENDATION

None. The majority of the policy actions and programs described in the HE are ongoing and therefore do not represent new fiscal commitments. The HE does not commit the City to any new expenditures.

CURRENT SITUATION AND ITS EFFECTS

In December 2014, after review by the Planning, Housing Advisory and Homeless commissions, the draft HE was submitted to the State Department of Housing and Community Development (HCD) for a streamlined review. In January 2015 the City received comments on the draft Element. After the City provided responses and revisions to HCD in February 2015, HCD confirmed that the revised draft HE meets the statutory requirements of State Housing Element law and recommended that the City adopt it. Since receiving this notice from HCD, the Planning Commission recommended approval of the HE by a vote of 9-0-0-0 on February 18, 2015.

The revised draft HE is now before the City Council for consideration and adoption. To remain on an eight year planning cycle, the City Council must adopt the Housing Element by May 29, 2015 (within 120 calendar days from the statutory due date of January 31, 2015 for ABAG localities). If this deadline is not met, the City of Berkeley will be required to revise its housing element every four years until adopting at least two consecutive revisions by the statutory deadline. A State certified HE is a prerequisite for various state funding programs. Therefore, the sooner the HE is adopted and certified, the sooner the City will be in position to apply for grants from these funding sources as they become available.

BACKGROUND

California State Senate Bill 375 (Chapter 728, Statutes of 2008) is intended to reduce the State's transportation-related greenhouse gas emissions for each region in the State. The law re-aligns the timelines for several State mandated regional plans including: the Regional Transportation Plan, Regional Projections of Growth, and the HE updates. In addition, the law allows for local governments that meet certain criteria to have an eight year cycle between HE updates and reviews.

The City of Berkeley meets the standard set for the eight year cycle and "streamlined Review" noted above. HCD has provided a letter (2/17/15) stating that the draft HE meets the statutory requirements of the State HE law (see Appendix D of the HE). To remain on the eight year cycle, the City must adopt this 5th cycle HE no later than May 31, 2015.

The development of the Housing Element (Attachment 1) is a multi-departmental effort with the Planning Department as lead and significant contributions from HH&CS, Rent Board and other City staff.

PUBLIC REVIEW PROCESS

The 2015-2023 HE update was reviewed by the Planning, Housing Advisory, and Homeless commissions. Community participation is an important component of the update process, and is described in Chapter 1 and Appendix D. A summary of the HE public review process follows.

- September 2014 through December 2014 – Stakeholder outreach and draft copies of HE chapters reviewed at Planning Commission (PC) meetings
- December 2014 – Draft copies of the HE chapters reviewed at HAC and Homeless Commission meetings.
- December 10, 2014 – December 21, 2014 – Revisions to draft HE made by staff based on public and Commissions' comments.
- December 22, 2014 – Draft Housing Element submitted to HCD.
- January 21, 2015 – PC received complete draft HE in advance of public hearing
- January 27, 2015 – HCD site visit with City of Berkeley staff to review draft HE.
- February 4, 2015 and February 18, 2015 – Planning Commission public hearing, review and comment on full HE draft.
- February 6, 2015 through March 8, 2015 – Public review period on the draft Negative Declaration and Initial Study.
- February 17, 2015 – HCD letter received indicating that the revised draft Element will comply with State Housing Element law when adopted.
- February 19, 2015 through March 12, 2015 – Final revisions made by staff based on public comments.

Next Steps to Berkeley Housing Element certification include:

1. City Council public hearing and adoption of the Element and Negative Declaration.
2. The City adopted Housing Element submitted to HCD for final certification.

On February 4 and 18, the Planning Commission conducted a public hearing and considered the revised draft HE. There were 21 speakers; many comments addressed housing affordability throughout Berkeley for low and moderate income households as well as the importance of preserving the city's stock of rent-controlled units.

The Commission voted unanimously to recommend that the City Council adopt the draft Berkeley Housing Element 2015-2023 and the draft Negative Declaration.

Motion/Second: Poschman, Davis. Ayes: Eric Panzer, Deborah Matthews, Tracy Davis, Stephen Murphy, Jim Novosel, Harry Pollack, Elizabeth Lam, Gene Poschman & Patrick Sheahan. Noes: None. Abstain: None. Absent: None.

Along with this recommendation, the Commission acknowledged that any absence from the draft Housing Element of specific proposals submitted by the public to the Planning Commission shall not preclude these proposals from being addressed in the future by

the appropriate City Commissions. Furthermore, the Commission recommended that the City Council review the City's procedures of making documents available for public review for future Housing Element review processes.

CONTENTS AND PURPOSE

An overview of the required components as well as the organization of the 2015-2023 Berkeley Housing Element is provided in Chapter 1. In summary, the required components of the HE include:

- Analysis of housing needs based on the population and existing housing stock;
- Analysis of land suitable to accommodate the city's regional "fair share" of housing;
- Analysis of constraints to housing production and mitigation of those constraints;
- Housing objectives, policies and actions, which guide decision making and address the city's identified housing needs and mitigation of constraints; and
- Description of programs which implement the city's housing goals and address housing needs.

The Berkeley HE 2015-2023 establishes the City's housing goals in the form of objectives, policies that enact those objectives, and actions to implement those policies. The objectives and policies of the HE reflect the housing-related goals developed in other City planning documents, including the *Housing Trust Fund Guidelines*, the *EveryOne Home Plan*, the *Consolidated Plan*, and the *Climate Action Plan*. In this way, the HE serves as a compilation of the City's numerous goals and programs related to housing and public services. The HE also meets State requirements under Housing Element law, thereby making the City eligible and more competitive for numerous funding sources that help implement our housing programs.

The HE's goals and programs demonstrate the City's commitment to providing housing and services for low-income households. The City has innovative service programs for the homeless and formerly homeless; programs to help lower-income households remain housed through financial assistance; and programs to encourage and facilitate the development of new below-market-rate housing.

The Berkeley Housing Element consists of six chapters and four appendices that fulfill the State requirements and address the City's housing priorities.

- Chapter 1: Introduction, describes Housing Element requirements and the community process to prepare this Housing Element update; an evaluation of the prior Housing Element; and consistency with the General Plan.
- Chapter 2: Community Profile and Housing Needs Assessment, provides a study of the existing housing needs within the community, including population, employment and income statistics; information on extremely low income housing

needs; characteristics of the existing housing stock; and special needs populations, including the elderly, disabled, homeless, large families and female headed households.

- Chapter 3: Projected Housing Need and Land Resources, provides a discussion of the inventory of land suitable for residential development to accommodate Berkeley's identified fair share of housing need, a variety of housing types, and housing for low income households.
- Chapter 4: Potential Constraints to Housing Production, includes a discussion of constraints on the development of housing in Berkeley and programs to mitigate those constraints.
- Chapter 5: Objectives, Policies, and Actions, includes the goals and steps Berkeley will take to promote housing opportunities for all Berkeley residents.
- Chapter 6: Housing Programs and Quantified objectives, describes the programs Berkeley will use to meet existing and projected housing needs, including those addressing publicly assisted housing developments that may convert to non-assisted housing ("at-risk" units); opportunities for energy conservation; and a statement of quantified objectives that estimates the number of housing units by income level to be constructed, rehabilitated, and conserved in Berkeley by 2023.
- Appendices: Background and supporting materials for the above chapters, including a detailed opportunity sites inventory, a summary of development standards, zoning and general plan background, and a summary of the public participation process.

CHANGES FROM THE PREVIOUS HOUSING ELEMENT

The City's policy direction has not changed since the adoption of the last housing element in 2010. Staff prepared a "streamlined" update as provided for by HCD, which allowed for limited revisions and shorter State review. Proposed changes to the HE are shown as highlighted text to orient the reader. The relatively short timeframe between the comprehensive 2010 Housing Element update and this iteration made the changes straightforward. The revisions consisted primarily of:

- Updated Census data;
- Minor revisions to the list of opportunity sites;
- Descriptions of revised zoning (e.g. homeless shelter zoning, downtown zoning) and revised programs (e.g. the affordable housing mitigation fee); and
- Up-to-date status on City programs implementation.

The fundamental underpinning of the Housing Element - the City's policies addressing new and existing housing, affordable housing, and homeless services - have not shifted dramatically. As such, the changes to the housing Objectives, Policies and Actions, in Chapter 5, are minimal and do not introduce new policy direction.

Of particular interest are chapters 2, 3 and 6: *Community Profile and Housing Needs Assessment*, *Projected Housing Needs and Land Resources*, and *Housing Programs and Quantified Objectives*, respectively. These three chapters sustained the most updates in the HE. They describe the City's population changes over time, the capacity for the City to plan for housing and the City programs that support housing and other community needs.

Chapter 5 *Objectives, Policies and Actions* serves as the policy basis and community intent for the HE. This chapter states the City's intent to provide both housing and programs to support the broad range of community needs. Since the HE was updated recently, this chapter has not changed significantly; the City's focus remains consistent.

Appendices A, B and C focus on the City's capacity to meet the regional allocation of housing needs described in Chapter 3. Appendix D holds all materials from the public process for the HE: list of meetings and Public Hearings, public comments received, staff reports, the HCD review letter and other related materials.

ENVIRONMENTAL REVIEW (CEQA)

Staff prepared a draft CEQA Initial Study Checklist and Negative Declaration evaluating the potential environmental impacts of the Housing Element update and submitted to the State Clearinghouse on February 4, 2015 (SCH #2015022021).

The Initial Study determined that the updated HE would not result in any significant impacts because the element does not rezone or re-designate any property in the City, nor does it significantly modify goals or policies affecting land use; it is a policy document which does not create any change to the physical environment of the City.

The public review and comment period for the Negative Declaration and Environmental Initial Study Checklist ran from February 6 through March 8, 2015. The Notice of Availability and Intent to Adopt was sent to state and regional agencies and other CEQA interest groups, was posted online, at the Alameda County Clerk, and available at the Permit Service Center, Main Library and West Berkeley Library. Staff received two comment letters, neither of which required or requested any revisions to the CEQA documents.

ENVIRONMENTAL SUSTAINABILITY

The Housing Element does not have a direct impact on the sustainability of the City. However, the *Objectives, Policies and Actions* Chapter 5 is clear in its intent to produce housing that supports and is in compliance with all sustainability policy of the City.

RATIONALE FOR RECOMMENDATION

Adoption and certification of a HE is required under state law. It is also necessary for eligibility and competitiveness for certain funding sources the City relies upon. The 2015-2023 Berkeley Housing Element reflects City's housing policies and programs,

particularly for the lower-income population. The HE has already met initial state compliance review and is ready for final certification.

ALTERNATIVE ACTIONS CONSIDERED

The Planning, Housing Advisory, and Homeless Commissions considered multiple drafts of the HE chapters and provided feedback and direction on both the methodology and analysis of housing needs as well as policies and programs to address those needs.

CONTACT PERSON

Alex Amoroso, Principal Planner, Planning and Development Department, 981-7520

Attachments:

1: Resolution

 Exhibit A: Notice of Availability and Intent to Adopt

 Exhibit B: Negative Declaration and Environmental Initial Study

2: Resolution

 Exhibit A: Draft City of Berkeley Housing Element 2015-2023

3: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

ADOPT THE NEGATIVE DECLARATION, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Berkeley ("City") has prepared, in conformance with the California Environmental Quality Act, an Environmental Initial Study and Negative Declaration on the 2015-2023 Berkeley Housing Element; and

WHEREAS, a Notice of Availability and Intent to Adopt was prepared and delivered to the State Clearinghouse on February 4, 2015; and

WHEREAS, the Negative Declaration and Environmental Initial Study were available for review at the Berkeley Planning and Development Department Permit Service Center-Zoning Counter, 2120 Milvia Street; and

WHEREAS, the Negative Declaration and Environmental Initial Study was released for public review and comment on February 6, 2015, and the public comment was adequate and closed on March 8, 2015; and

WHEREAS, the City received two comment letters on the Negative Declaration and Environmental Initial Study, which did not request or require revisions to the documents; and

WHEREAS, the Planning Commission was provided a copy of the Negative Declaration and Environmental Initial Study on February 4, 2015 and found the Negative Declaration and Environmental Initial Study to be complete and adequate on September February 18, 2015 and recommended it for adoption by the City Council; and

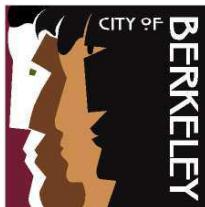
WHEREAS, the City Council has carefully reviewed the Negative Declaration and Environmental Initial Study, and in its independent judgment, finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and finds it adequate and sufficient in all respects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the Negative Declaration and Environmental Initial Study prepared on the updated 2015-2023 Berkeley Housing Element.

Exhibits

A: Notice of Availability and Intent to Adopt

B: Negative Declaration and Environmental Initial Study



Planning Department

NOTICE OF AVAILABILITY AND INTENT TO ADOPT THE NEGATIVE DECLARATION FOR THE 2015-2023 BERKELEY HOUSING ELEMENT

DATE: February 4, 2015

TO: Responsible Agencies and Interested Parties

NOTICE IS HEREBY GIVEN that the City of Berkeley has prepared a Negative Declaration (ND) for the proposed 2015-2023 Berkeley Housing Element. The ND is available for public review and comment and this notice is provided pursuant to Section 21092 of the State Public Resources Code and 15072 of the CEQA guidelines.

PUBLIC REVIEW & COMMENT PERIOD on the Negative Declaration and Environmental Initial Study Checklist: February 6 to March 8, 2015.

PROJECT LOCATION: The 2015 Berkeley Housing Element Update establishes housing policies and programs citywide.

PROJECT DESCRIPTION: The Housing Element, an element of the Berkeley General Plan, is a comprehensive assessment of current and projected housing needs for all economic segments of the Berkeley community. The 2015-2023 Berkeley Housing Element covers the planning period extending from January 31, 2015 to January 31, 2023 and is an update of the 2009-2014 Berkeley Housing Element. This streamlined update of the City of Berkeley Housing Element does not rezone or re-designate any property in the City, nor does it significantly modify goals or policies affecting land use. This is a policy document which does not create any change to the physical environment of the City.

The purpose of the Housing Element is to:

- Determine the existing and projected housing needs of Berkeley residents, including special needs populations;
- Identify adequate capacity via the site inventory process to demonstrate availability of land for the development of housing for various income levels in order to accommodate Berkeley's share of regional need;
- Analyze constraints on housing production;
- Establish goals and policies that guide decision-making to address housing needs; and
- Describe programs that will implement the City's housing objectives.

The Draft 2015-2023 Berkeley Housing Element is published online on the Housing Element page of the City's website at: <http://www.cityofberkeley.info/housingelement>
Hard copies of the Housing Element are available at the Zoning Counter of the Permit Service Center (2120 Milvia Street) for \$10.00.

LOCATIONS WHERE DOCUMENTS ARE AVAILABLE FOR REVIEW:

Main Library, Reference Desk
2090 Kittredge Street

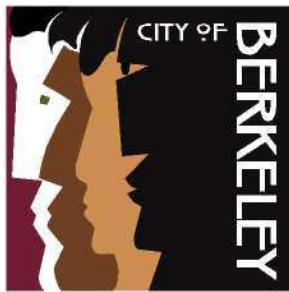
West Berkeley Library
1125 University Avenue

Permit Service Center-Zoning Counter
Planning and Development Department
2120 Milvia Street, Berkeley, CA

- A link to the ND/Initial Study is on the Housing Element page of the City's website on the Internet at: <http://www.cityofberkeley.info/housingelement>
- Hard copies of the ND/Initial Study are available from the Berkeley Planning Department. Please call 981-7410 to request a copy.

WRITTEN COMMENTS: Written comments concerning this project should be directed to:

Leslie Mendez, Associate Planner
Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704
(510) 981-7426
lmendez@cityofberkeley.info

**January 2015**Planning and Development Department
Land Use Planning Division

2015-2023 Housing Element Update

City of Berkeley

PROJECT SUMMARY INFORMATION

1. PROJECT TITLE: 2015-2023 Housing Element Update – City of Berkeley

2. LEAD AGENCY:
Planning and Development
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

3. CONTACT PERSON:
Leslie Mendez, Associate Planner
Phone: (510) 981-7426
Email: lmendez@ci.berkeley.ca.us

4. PROJECT LOCATION: City of Berkeley, citywide

5. PROJECT SPONSOR:
City of Berkeley
Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

6. GENERAL PLAN DESIGNATION All (citywide)

7. ZONING: All (citywide)

8. PROJECT DESCRIPTION:

The Project is the State-mandated update (5th cycle) of the City of Berkeley Housing Element 2015-2023, which is subject to review by the Department of Housing and Community Development (HCD). The Berkeley Housing Element serves as a policy guide to address the comprehensive housing needs of the City. State Housing Element law requires that local jurisdictions outline the housing needs of their community, the barriers or constraints to providing that housing, and actions proposed to address these concerns over an eight-year planning period. In addition, Housing Element law requires each city and county to accommodate its “fair share” of projected housing need over the Element planning period. Cities and counties must demonstrate that adequate sites

are available to accommodate this need, and that the jurisdiction allows for development of a variety of housing types. This housing need requirement, known as the Regional Housing Needs Allocation (RHNA), apportions to each jurisdiction its portion of the Bay Area's projected need.

The purpose of the Housing Element is to:

- Determine the existing and projected housing needs of Berkeley residents;
- Identify adequate parcels via the site inventory process to facilitate the development of housing for various income levels to accommodate Berkeley's share of regional need;
- Analyze constraints on housing production;
- Establish goals and policies that guide decision-making to address housing needs; and
- Describe programs that will implement the City's housing objectives.

This streamlined update of the City of Berkeley Housing Element does not rezone or re-designate any property in the City, nor does it significantly modify goals or policies affecting land use. This is a policy document which does not create any change to the physical environment of the City.

REGIONAL HOUSING NEEDS ALLOCATION

California law does not require cities to build housing, but it does require communities to facilitate new housing production to meet the RHNA through appropriate zoning that allows for the development of the units. For the 2015-2023 planning period, the City of Berkeley has a RHNA of 2,959 units, a 21.7 percent increase over the 2009-2014 allocation.¹ The City's existing zoning standards, which are consistent with the 2002 General Plan, are adequate to accommodate this allocation; no changes to allowable residential densities or areas were residential uses are permitted are necessary to accommodate the RHNA. The RHNA is further divided into a specific allocation of units by affordability. Berkeley's RHNA by affordability level is shown in Table 1 below.

Table 1: City of Berkeley RHNA Capacity Requirement 2014-2022

Income Category	Income Range	No. of units	% of Total
Extremely Low Income (ELI)	Up to 30 % of AMI	266	9%
Very Low Income (VLI)	31% - 50% of AMI	266	9%
Low Income (LI)	51% - 80% of AMI	442	14.9%
Moderate Income (MOD)	81% - 120% of AMI	584	19.7%
Above Moderate Income (Above MOD)	Above 120% of AMI	1,401	47.4%
Total		2,959	100%

The Housing Element shows that the City has sufficient land to accommodate its 2014–2022 regional housing need. As shown in Table 2, Berkeley has a surplus capacity of 636 units. As of January 1, 2015, the City has approved a total of 137 units, or 4.6 percent of the city's allocation.

¹ The 8.8-year Regional Housing Needs Allocation is from January 2, 2014 to October 31, 2022. It applies to the Housing Element planning period of January 31, 2015 to January 31, 2023.

Table 2: Summary of Residential Capacity

Inventory Area	Total Estimated Capacity (number of units)	Estimated Capacity towards current RHNA cycle
Commercial Corridors	2,461	1,794
Downtown Plan Area	2,121	997
Southside Plan Area	430	430
Residential Districts	316*	237
Total Unit Capacity Estimate	5,328	3,458
Estimated Excess Capacity		636

* Does not include sites that are underdeveloped. See discussion in Appendix A of the Housing Element under “Residential Neighborhood Opportunity Sites and Residential Capacity Analysis” (page 233).

REGULATORY FRAMEWORK

California Government Code Title 7, Division 1, Article 10.6 requires that each city and county adopt a Housing Element as one of the seven required elements of the General Plan. The Housing Element is different from the other required elements of the General Plan in that it must be updated regularly and is subject to detailed statutory requirements. The city's previous Housing Element, adopted in 2010, addressed the period 2009 to 2014. Unlike other elements, the Housing Element must be submitted to the California State Department of Housing and Community Development (HCD) for review and certification. A Housing Element is certified by HCD when it is found to be in compliance with all requirements of state Housing Element law.

The main required components of a Housing Element are listed below:

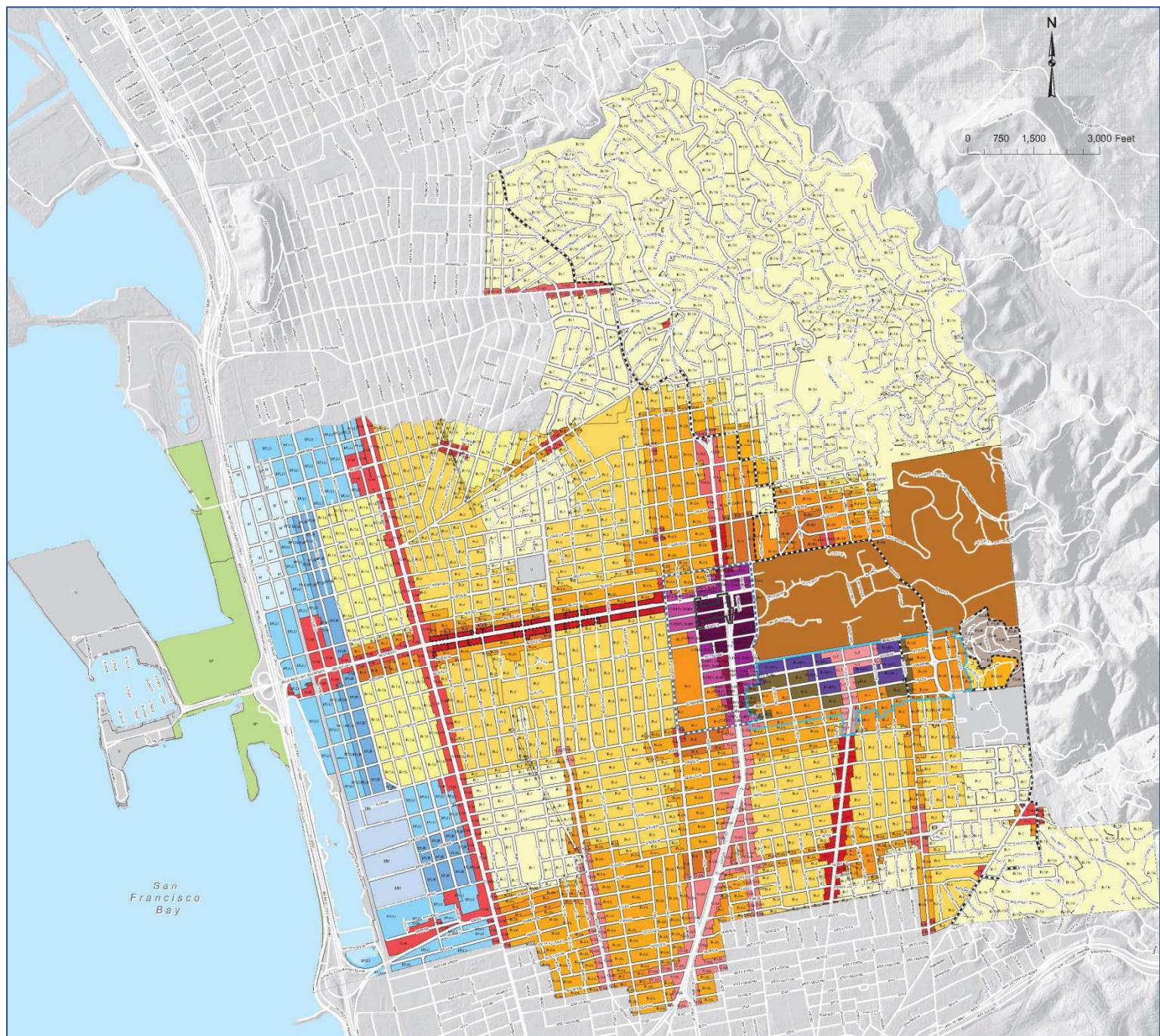
1. Population and demographic trends, including employment and income information and household and housing stock characteristics, to identify community housing needs.
2. Public participation.
3. Assessment of below-market units at-risk of converting to market rate.
4. Assessment of special needs populations, defined as the homeless, elderly, disabled, mentally ill, large families, single parent families.
5. Review of the effectiveness of the previous Housing Element.
6. Analysis of constraints on housing production.
7. Inventory of available sites for housing development.
8. Analysis of capacity for housing on available sites and capacity to accommodate all income levels and a variety of housing types.
9. Programs and policies to address housing need and encourage affordable housing.
10. Quantified objectives for the number of housing units by income level to be constructed, rehabilitated and conserved.

9. SETTING:

The City of Berkeley is mostly built-out with structures dating from the late 19th century. Most new development that occurs in the City is re-use of previously developed property. The city's estimated population in 2013 was 116,768 according to the U.S. Census Bureau. The University of California is the dominant institution in Berkeley but is not subject to the City's land use authority. The City boundaries meet the cities of Oakland and Emeryville to the South, cities of Albany to the North, unincorporated Contra Costa County to the East and San Francisco Bay to the West.

10. PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:

Berkeley Planning Commission (recommend adoption of 2015-2023 Housing Element by City Council)
Berkeley City Council (adoption of Negative Declaration; adoption of 2015-2023 Housing Element as an amendment to the 2002 Berkeley General Plan)
California Department of Housing and Community Development (HCD), Housing Element review and certification.

JANUARY 2015
Figure 1: City Zoning Map, as of March 20, 2014

ZONING DISTRICTS

R-1	Single Family Residential
R-1A	Limited Two-family Residential
R-2	Restricted Two-family Residential
R-2A	Restricted Multiple-family Residential
R-3	Multiple-family Residential
R-4	Multi-family Residential
R-5	High Density Residential
ES-R	Environmental Safety-Residential
R-S	Residential High Density Subarea
R-SMU	Residential Mixed Use Subarea

C-DMU	C-DMU Core
C-DMU	C-DMU Outer Core
C-DMU	C-DMU Corridor
C-DMU	C-DMU Buffer

C-T	General Commercial
C-E	Elmwood Commercial
C-N	Neighborhood Commercial
C-NS	North Shattuck Commercial
C-SA	South Area Commercial
C-SO	Solano Avenue Commercial
C-T	Telegraph Avenue Commercial
C-W	West Berkeley Commercial

M	Manufacturing
MM	Mixed Manufacturing
MULI	Mixed Use-Light Industrial
MUR	Mixed Use-Residential

SP	Specific Plan
U	Unclassified

ZONING OVERLAYS

Hillside Overlay Boundary

Arts District Overlay

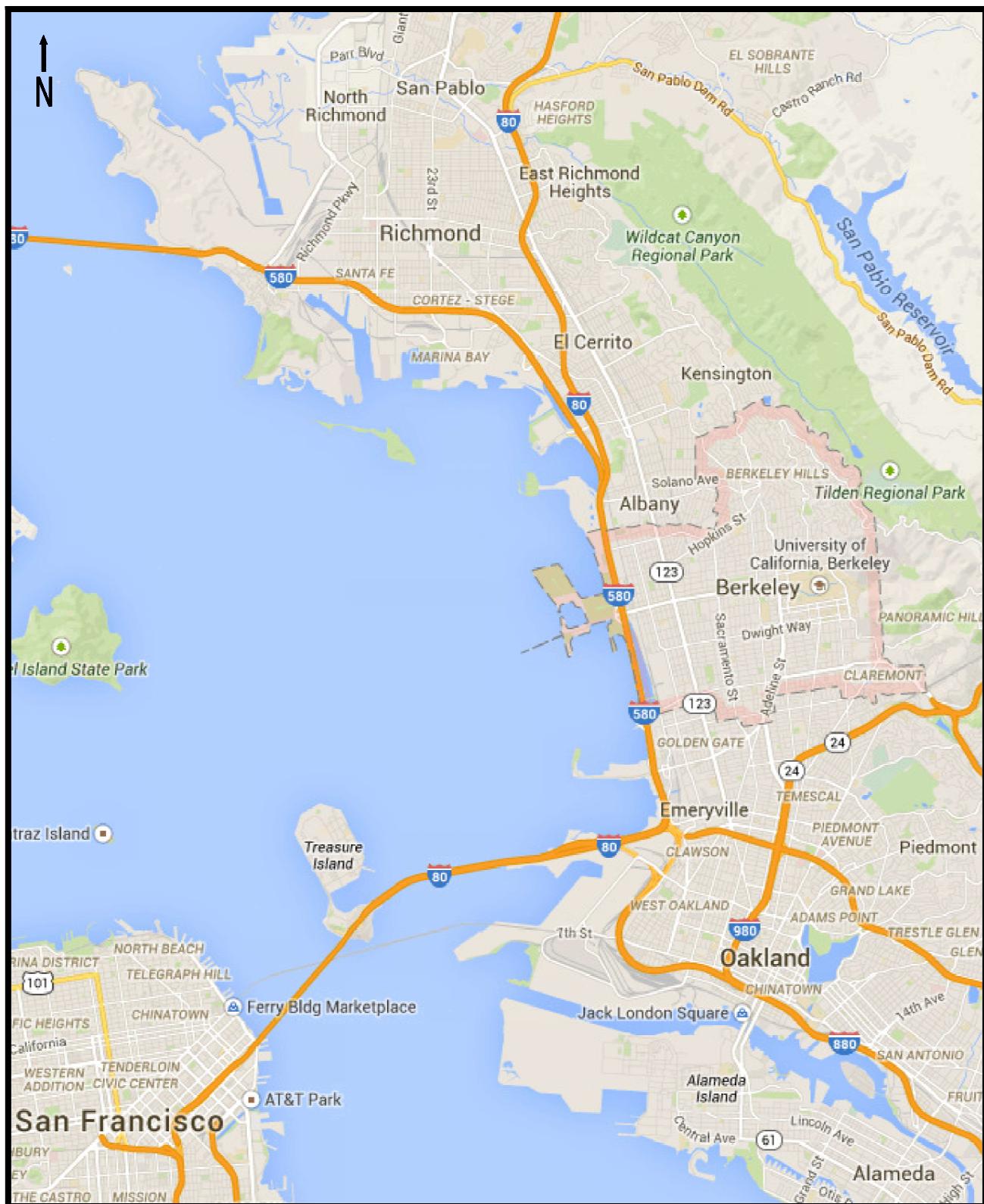
Southside Plan

Downtown Area Plan

University Ave Strategic Plan

Avenue Mixed Use

UASP Node

Figure 2: Regional Map

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least four impacts that are “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Leslie Mendez, Associate Planner
City of Berkeley

January 30, 2015
Date

CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? ²	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-d) The Housing Element is a policy document that identifies opportunity sites suitable for future housing development; it does not propose any specific development projects, nor does it recommend or require change to existing land use (i.e. General Plan, Zoning) designations. The impacts of the currently zoned densities and capacities have been previously analyzed in the General Plan EIR, and subsequent Southside Plan and Downtown Area Plan EIRs. These EIRs determine that implementation of City of Berkeley General Plan and Specific Plan policies would result in less than significant visual impacts.

Any new housing development proposal would be subject to discretionary and environmental review. The project would be analyzed for conformance with relevant urban design policies of the General and Specific Plans, subject to the City's design review policies, if located in a non-residentially zoned property, and conditions of approval limiting substantial new outdoor light sources and glare.

² There are no scenic highways in the City of Berkeley. California Department of Transportation, California Scenic Highway Mapping System. Website: www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm (accessed December 29, 2014).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURAL AND FORESTRY RESOURCES.

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Discussion

- a - e) The Housing Element is intended to identify sites that can accommodate development of housing to meet Berkeley's future needs. The city does not contain lands under agricultural use. The City is shown as Urban and Built-Up and Other Land on the California Department of Conservation's 2010 farmland map. Additionally, according to the City of Berkeley General Plan, "Agriculture in Berkeley is limited to personal and community gardens." The Housing Element would not change any land use designations or zoning or otherwise result in the development of agricultural or forestland. None of the properties identified in the Housing Element are under a Williamson Act contract, and they do not contain active farming operations or forest land. No impacts or conflict related to agricultural or timberland resources would occur as a result of the proposed project.

³ State of California, Natural Resources Agency, California Environmental Information Clearinghouse, Farmland Mapping and Monitoring Program, Alameda County, 2010 map.

<http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf>. Accessed December 19, 2014.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

Discussion

a-e) The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the San Francisco Bay Area. The BAAQMD clean air strategy includes the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The BAAQMD also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the federal Clean Air Act, Clean Air Act Amendments, and California Clean Air Act. The BAAQMD limits emissions and public exposure to emissions, including toxic air contaminants, through a number of programs, rules, and regulations. BAAQMD regulations applicable to the proposed project may include, but are not limited to, the following:

- **Regulation 2 – Permits:** Specifies the requirements for issuance of authorities to construct and permits to operate for stationary emission sources. Includes requirements for the review of new emissions sources, including sources of toxic air contaminants.
- **Regulation 6 – Particulate Matter:** Limits the quantity of particulate matter in the atmosphere by controlling emissions rates, concentration, visible emissions, and opacity.
- **Regulation 7 – Odorous Substances:** Establishes general limitations on odorous

substances and specific emission limitations on certain odorous compounds.

- **Regulation 8 – Organic Compounds:** Limits the emission of organic pollutants from permitted stationary sources.
- **Regulation 9 – Inorganic Gaseous Pollutants:** Limits inorganic gaseous pollutants from permitted stationary sources.
- **Regulation 10 – Standards of Performance for New Stationary Sources:** Establishes emission and/or performance standards for permitted stationary sources.
- **Regulation 11 – Hazardous Pollutants:** Sets emission and/or performance standards for hazardous pollutants, including emissions of asbestos. The BAAQMD prioritizes TAC-emitting stationary sources based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors.

The BAAQMD also prepares ozone attainment plans for the national ozone standard and clean air plans for the California standard both in coordination with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). With respect to applicable air quality plans, the BAAQMD prepared the Bay Area 2010 Clean Air Plan to address nonattainment of the national 1-hour ozone standard in the San Francisco Bay Area Air Basin, as well as nonattainment of the California ambient air quality standards.⁴ The purpose of the Bay Area 2010 Clean Air Plan is to (BAAQMD 2010):

- Update the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement “all feasible measures” to reduce ozone.
- Consider the impacts of ozone control measures on particulate matter (PM), air toxics, and greenhouse gases in a single, integrated plan.
- Review progress in improving air quality in recent years.
- Establish emission control measures to be adopted or implemented in the 2009–2012 timeframe.

Future residential development projects in the city would be required to comply with all applicable regulations related to emissions reductions, including those promulgated by the BAAQMD. Compliance with these regulations would reduce emissions from future residential development. The Housing Element, as a policy document, would not result in emissions of pollutants. Because no land use designations are being changed with the 2015-2023 HE update and construction of any new dwelling units would be subject to City standards and applicable design regulations, there are no anticipated impacts related to emissions of criteria pollutants as a result of the Housing Element.

⁴ Bay Area Air Quality Management District 2010 Clean Area Plan, <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES. Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a- f) The City of Berkeley is characterized by four major environmental habitat areas: urbanized Berkeley, the waterfront, the largely undeveloped upper hills (mostly outside the City's jurisdiction and owned by Lawrence Berkeley Laboratories, the University, and the East Bay Regional Park District (EBRPD), and the creek systems and riparian zones. All the opportunity sites identified in the Housing Element, as well as any other parcel available for residential development, fall within the City's urbanized habitat. The urbanized portion of Berkeley extends from the waterfront on the west to the undeveloped Berkeley Hills on the east, and from the City

limits on the north to the City limits on the south. There are no known plants or animals of importance within the urbanized habitat, no federally protected wetlands, and no Habitat Conservation Plans or other resource plans applicable to the area. As previously mentioned, the project is the update of a policy document and does not encompass new development. Any proposal for new dwelling units would be subject to the provisions found in Berkeley Municipal Code (BMC) Chapter 17.08 “Preservation and Restoration of Natural Watercourses” and the city’s Coast Live Oak Tree Ordinance, as applicable.^{5,6} Therefore, the project would not impact any significant biological resources.

5 City of Berkeley, General Information, Creeks Ordinance Administration (2004).
<http://cityofberkeley.info/ppop/Home/ParcelConditions/2274>.

6 City of Berkeley’s Coast Live Oak Tree Ordinance, 2006. Ordinance No. 6,905-N.S., amending Ordinance 6,321-N.S. March 9, 2006.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion

- a-d) The 2015 Berkeley Housing Element has identified sites with capacity for additional residential or mixed-use development throughout the City. The majority of the sites are located within developed areas, and many are currently developed with structures. None of the sites have existing Berkeley Landmarks or Structures of Merit.⁷ The Element is consistent with the existing policies of the General Plan and would not have any impacts beyond those already fully assessed in the General Plan EIR. Any future development on sites identified in the Housing Element would be subject to individual environmental review, which would identify and address any potential site-specific impacts to cultural resources. Additionally, future development proposals and demolitions of non-residential buildings over 40 years old will be referred to the Berkeley Landmarks Preservation Commission for consideration as historical resources per the Berkeley zoning ordinance.

⁷ City of Berkeley Historic Resource Information:
http://www.ci.berkeley.ca.us/Planning_and_Development/Home/Landmarks_Preservation_Commission.aspx

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Discussion

- a-e) The entire Bay Area region is subject to geologic hazards due to strong seismic activity. The Hayward fault traverses the city at the base of the Berkeley hills. Areas of the city are subject to fault rupture, seismic ground shaking, liquefaction, and landslides. The Housing Element identifies sites throughout the City that have potential for new housing or mixed-use development, thus some of those sites could be vulnerable to seismic hazards. However, the

2015 Housing Element is a policy-level document and does not propose any specific development. The Housing Element does include policies and programs for rehabilitation of existing structures that are vulnerable to seismic hazards. These programs improve the safety of soft-story and unreinforced masonry buildings by requiring seismic upgrades. The City also offers a partial fee rebate to homeowners who conduct seismic upgrades on their property. These programs assure improved safety for existing Berkeley residents.

Any new housing development proposal would be subject to site-specific review, which would identify any seismic-related hazards. Any needed mitigation measures or conditions of approval would be identified at that time, including compliance with the General Plan Disaster Preparedness and Safety Element. Additionally, as the City of Berkeley is known to have weak soils and is expected to experience strong earthquake ground shaking, project engineering has to meet the most stringent requirements for seismic design. While building codes assume that some damage would occur during an earthquake, they are designed to prevent loss of life and limb and reduce the potential of structural collapse. Any proposed development would be required to comply with the geotechnical and seismic design criteria required for construction as listed in Chapter 16 of the California Building Code (Title 24, part 2), and building codes as adopted by the City of Berkeley. Although ground shaking could be substantial during a large earthquake, compliance with the California Building Code and building code requirements as adopted by the City of Berkeley, is expected to reduce potential impacts associated with ground shaking and liquefaction remains less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS. Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion

- a-b) Greenhouse gases (GHGs) generated by human activities can contribute to changes in the natural greenhouse effect, which could result in climate change. Motor vehicles make up the bulk of GHG emissions produced on an operational basis for most nonindustrial projects. A number of regulations have been developed to reduce GHG emissions, as discussed below.

In June 2005, Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals for the State of California: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050. California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "Global Warming Solutions Act," passed by the California State legislature on August 31, 2006. This effort aims at reducing state-wide GHG emissions to 1990 levels by 2020.

At the regional level, the BAAQMD established a climate protection program in 2005 to acknowledge the link between climate change and air quality. BAAQMD regularly prepares inventories of criteria and toxic air pollutants to support planning, regulatory and other programs. In addition, the City of Berkeley residents approved Measure G in 2006 that seeks to reduce the entire community's greenhouse gas emissions by 80 percent by 2050. In 2009, the City adopted a Climate Action Plan (CAP) to provide guidance in addressing impacts on global warming.

The California Energy Resources Conservation and Development Commission revised energy conservation standards for new residential and commercial buildings in 2008 (Title 24, Part 6 of the California Code of Regulations [CCR]). In general, Title 24 requires the design of building shells and building components to conserve energy. While the 2008 Code was voluntary, the first mandatory Green Code in California became effective in 2011, and a revised Mandatory Green Code (CALGreen) with increased measures became effective July 1, 2014 (Part 11 of the 2013 California Building Standards Codes, Title 24, CCR). The 2013 CALGreen is a state specific code that was developed by the California Building Standards Commission (CBSC) and

that applies to all residential and commercial buildings including additions and alterations to existing buildings and single family homes.⁸

Existing General Plan and CAP Policies, as well as application of 2013 CALGreen, would substantially reduce GHG emissions associated with future projects. While future projects would still emit greenhouse gases, there is adequate land zoned for residential development in the city to meet the RHNA, and the proposed Housing Element does not recommend any land use designation or zone changes. Approval of the Housing Element would not result in the approval of any development project; therefore, there would be no impact related to greenhouse gas emissions as a result of the Housing Element.

⁸ California Building Standards Commission, CALGreen: <http://www.bsc.ca.gov/Home/CALGreen.aspx>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a-h) The 2015 Housing Element is a policy document that does not propose any specific development. Adoption of the Element would not result in the transport, use, disposal, emission or accidental release of hazardous materials. While development of housing or mixed-use buildings consistent with the Element could be located a site contaminated with hazardous materials, such development would be subject to site-specific environmental review and impact mitigation. The closest airport is Oakland International which is approximately 7.5 miles from Berkeley. No part of the city is located within an airport land use plan and there are no private airstrips in Berkeley.

Implementation of the following City of Berkeley Standard Condition of Approval required before construction commences would ensure no significant impact results, if hazardous materials are identified as part of any future specific project construction:

Soil and Groundwater Management Plan: A *Soil and Groundwater Management Plan (SGMP) shall be required for all non-residential projects, and residential or mixed-use projects with four or more units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be submitted to the Toxics Management Division (TMD) with the project's building permit application and shall be approved by TMD prior to issuance of the building permit. The EMA map is available online at:*

http://www.ci.berkeley.ca.us/Planning_and_Development/Toxics_Management/Environmental_Management_Area.aspx

The SGMP shall identify procedures for soil and groundwater management including identification of pollutants and disposal methods and shall comply with the hazardous materials and waste management standards required by Berkeley Municipal Code Section [15.12.100](#), the San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074 C3 and C6, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66360 et seq.), and the East Bay Municipal Utility District's Ordinance 311.

The SGMP shall also include:

- *A requirement that TMD be notified within 24 hours of the discovery of any previously undiscovered contamination;*
- *Procedures to manage odors, dust and other potential nuisance conditions expected during development.*
- *A requirement that the name and phone number of the individual responsible for implementing the SGMP and responding to community questions and complaints be posted at the construction site on the same notice required under Condition ___ for noise management.*

TMD shall review the SGMP and 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 of this Use Permit.

Demolitions: *Prior to approving any permit for partial or complete demolition activities, a hazardous materials survey shall be conducted by a qualified professional. The survey shall*

include, but not be limited to, identification of any lead-based paint, asbestos, PCB containing equipment, treated wood and mercury containing devices. The survey shall include hazardous materials removal and disposal procedures to be implemented that fully comply with hazardous waste generator requirements (22 California Code of Regulations (CCR) 66360 et seq.). If the survey identifies hazardous materials, the removal and disposal procedures included in the survey shall become conditions of any building or demolition permit for the project. 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.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-f) Construction of housing in the city would result in ground-disturbing activities, which could in turn result in water quality effects on receiving waters. The Clean Water Act (CWA) regulates the water quality of all discharges into waters of the United States including wetlands and perennial and intermittent stream channels. Section 401, Title 33, Section 1341 of the CWA sets forth water quality certification requirements for “any applicant applying for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters.” The California statutes enforced by the State Water Resources Control Board and Regional Water Quality Control Boards (RWQCB) are equivalent to or more stringent than the federal statutes. Regional Boards are responsible for establishing water quality standards and objectives that protect the beneficial uses of various waters.

The Porter-Cologne Water Quality Control Act (Porter-Cologne) governs the coordination and control of water quality in the state and includes provisions relating to non-point source pollution. The State Water Resources Control Board (SWRCB) has the ultimate authority over state water rights and water quality policy. However, Porter-Cologne also establishes nine Regional Water Quality Control Boards to oversee water quality on a day-to-day basis at the local/regional level. Permits issued to control pollution (i.e., waste discharge requirements and National Pollutant Discharge Elimination System [NPDES] permits) must implement Basin Plan requirements (i.e., water quality standards), taking into consideration beneficial uses to be protected.

The SWRCB issued a statewide General Permit (Water Quality Order No. 209-0009-DWQ) for construction activities within the state. The Construction General Permit (CGP) is implemented and enforced by the RWQCBs. The CGP applies to construction activity that disturbs 1 acre or more and requires the preparation and implementation of a storm water pollution prevention plan that identifies best management practices to minimize pollutants from discharging from the construction site to the maximum extent practicable.

Consistent with the NPDES Permit, any construction activity that creates or replaces 2,500 square feet⁹ of impervious surface would be required to follow the Permit's section C.3 requirements to address stormwater pollutant discharges and prevent flow increase through source control, site design, and stormwater treatment measures.

In addition to the federal and state regulations, any future residential project would be required to comply with the City of Berkeley's Standard Conditions of Approval, which address contamination found during demolition or construction to prevent degradation of water quality and describes runoff reduction measures. Compliance with the SGMP condition (see VIII. Hazards and Hazardous Materials discussion above) and the following Standard Conditions of Approval would ensure that impacts would be reduced to less than significant:

Storm Water Requirements. *The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code Section 17.20. The following conditions apply:*

- A. *The project plans shall identify and show site-specific BMP's 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 storm water 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 storm water 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 storm water 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*

⁹ C.3 project categories—exempt, small, and regulated—are determined by a combination of project type and square footage of impervious surface created or replaced. See Alameda County C.3 Stormwater Technical Guidance Manual: <http://cleanwaterprogram.org/c3-guidance-table/item/c3-guidance-table.html>

accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

- G. Beginning August 15, 2006, all private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

- g-j) The flood potential in Berkeley is a relatively mild threat in comparison to seismic, landslide, and fire risks. Flooding events may occur as flash floods, local storm drain blockages, or tidally influenced events. There exists some potential for wave damage along the Berkeley waterfront, but tsunami waves (triggered by earthquakes, underwater landslides, or volcanic eruptions) have historically resulted in little damage around San Francisco Bay. The Berkeley General Plan Disaster Preparedness and Safety Element maps flood and tsunami prone areas of the city, which are limited to the waterfront and property immediately adjacent to Strawberry Creek on the UC Berkeley campus. No areas of the City that permit residential uses are located with a 100-year flood hazard area or an area of potential inundation by seiche, tsunami or mudflow. The Disaster Preparedness and Safety Element also cited an evaluation conducted on the 37-million-gallon Summit Reservoir located on the Berkeley/Kensington border. The reservoir was evaluated for seismic stability in 1985 and reviewed again in 1992.¹⁰ The evaluation found that the embankments would remain stable in a 7.5 event on the Hayward fault or a magnitude 8.5 earthquake on the San Andreas Fault. Therefore, flooding due to catastrophic failure is considered unlikely.

Finally, approval of the Housing Element would not result in the approval of any development project; therefore, there would be no impact related to landslide, seiche, mudflow or other type of inundation or flooding.

¹⁰ The California Division of Safety of Dams, which has jurisdiction over the facility, reviewed and approved the Summit Reservoir stability analysis.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-c) As noted in the project description, the Housing Element identifies areas of the city that are designated and zoned for residential development. As such, the Housing Element would be a continuation of the existing uses and character of the surrounding area and would not divide an established community. Similarly, as the Housing Element would not alter any land use designations or zoning, it would not conflict with the General Plan policies adopted to avoid or mitigate environmental effects. The City does not have an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Therefore, there would be no impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?
- b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion

- a,b) The City of Berkeley's General Plan does not identify any mineral resources within the City. The proposed project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resources. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that is valuable on a local, regional or state-wide basis.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-d) The 2015 Housing Element is a policy document that does not propose any specific development. Approval of the Housing Element will not have any impact on noise in the City. Although not a scope of this project, any new housing project would be subject to General Plan noise policies, City of Berkeley Noise Ordinance standards, Best Practices and Standard Conditions of approval as discussed below.

Noise Policies and Standards. The Environmental Management Element of the City of Berkeley General Plan sets forth policies and actions to address community noise in Berkeley. Policy EM-43 addresses noise reduction through increased enforcement of the noise ordinance, improvements to the noise ordinance, and increased public awareness. Policy EM-44 addresses noise prevention and elimination by incorporating noise considerations into land use planning decisions, ensuring active enforcement of noise level limits, coordinating with CAL OSHA, and supporting federal and state legislation to lower motor vehicle noise limits. Policy EM-45

addresses reducing traffic noise by reducing local and regional traffic, encouraging neighborhood traffic calming strategies, restricting taxis and shuttles from honking in neighborhoods, and improving street circulation, traffic routing, and other traffic control measures, promoting new vehicle technologies, enforcing muffler laws, working with AC Transit to reduce bus noise, and establishing noise emission limits on sources under the jurisdiction of the City. Policy EM-46 requires noise mitigation in new construction and major rehabilitation and where noise would impact parks and public open space. Policy EM-47 guides the City in land use planning that is compatible with the noise environment.

The City of Berkeley's Noise Ordinance (Chapter 13.40 of the Municipal Code) establishes noise regulations in the City of Berkeley. Section 13.40.050 (Exterior Noise Standards) provides the exterior noise limits not to be exceeded more than 30 minutes out of any hour (see Table 7). The Municipal Code also stipulates that if the measured ambient noise level exceeds these limits, the allowable noise exposure standard would be the ambient noise level. The project site is in a Commercial zone, but is adjacent to R-2 and R-2A Residential zones, so the more restrictive standard applies.

Table 7: Exterior Noise Limits

Zone	Time Period	L ₅₀ Noise Level, dBA
R-1, R-2	7:00 a.m. - 10:00 p.m.	55
	10:00 p.m. - 7:00 a.m.	45
R-3 and above	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
Commercial	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	60
Industry	Anytime	70

Source: City of Berkeley Municipal Code Section 13.40

Noise limits for maximum noise levels and cumulative noise levels of shorter durations are also provided in the Noise Ordinance. However, the noise limits specified in Table 7 are the most conservative noise limits that would be applicable.

Code section 13.40.070 of the City's Noise Ordinance regulates construction noise as follows:

Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section 13.40.050 or 13.40.060, except for emergency work of public service utilities or by variance issued by the EHD. (This section shall not apply to the use of domestic power tools as specified in subsection B.11 of this section.)

Noise Restrictions at Affected Properties. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

At residential properties: Mobile Equipment. Maximum sound levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment:

	<i>R-1, R-2 Residential</i>	<i>R-3 and above Multi-Family Residential</i>	<i>Commercial/Industrial</i>
<i>Weekdays 7:00 a.m. to 7:00 p.m.</i>	75 dBA	80 dBA	85 dBA
<i>Weekends 9:00 a.m. to 8:00 p.m. and legal holidays</i>	60 dBA	65 dBA	70 dBA

Stationary Equipment. Maximum sound levels for repetitively scheduled and relatively long term operation (period of ten days or more) of stationary equipment:

	<i>R-1, R-2 Residential</i>	<i>R-3 and above Multi-Family Residential</i>	<i>Commercial/Industrial</i>
<i>Weekdays 7:00 a.m. to 7:00 p.m.</i>	60 dBA	65 dBA	70 dBA
<i>Weekends 9:00 a.m. to 8:00 p.m. and legal holidays</i>	50 dBA	55 dBA	60 dBA

Construction Noise. Construction of any future housing project would involve various types of trucks and equipment. Residences and businesses surrounding construction sites would be temporarily affected by construction noise. Noise impacts resulting from construction activities would depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts over extended periods of time.

The City of Berkeley Noise Ordinance regulates the hours allowed for construction and demolition work and has guidelines for maximum allowable construction-related noise levels for residential and commercial/industrial areas. Specifically, the Noise Ordinance restricts construction to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on weekends or legal holidays, unless a variance is secured from the Noise Control Officer.

Also, where technically and economically feasible, the Noise Ordinance requires that construction activities be conducted in such a manner that the maximum noise levels at affected properties would not exceed the maximum allowable noise levels designated in the Ordinance. The project abuts both an R-2 and an R-2A residential area, so that applicable standards for this project would include maximum noise levels of 75 dBA on weekdays and 60 dBA on weekends and legal

holidays for short-term, mobile equipment such as jackhammers, drills, and saws, and maximum noise levels of 60 dBA on weekdays and 50 dBA on weekends and legal holidays for stationary, repetitively-scheduled equipment.

Based on this analysis, exterior construction activities could expose existing area residences to construction-generated noise exceeding the Municipal Code noise limits over the construction period. Construction noise levels resulting from activities occurring indoors would not be expected to exceed General Plan and Municipal Code noise limits. Given the temporary construction period for exterior construction, demolition and construction activities would result in a less-than-significant short-term noise impact provided that the following City of Berkeley's Standard Condition of Approvals are implemented:

Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

Prior to issuance of a building permit, the applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request.

Pile driving shall be prohibited. The use of vibratory rollers or tampers capable of generating substantial vibrations within adjacent structures shall be avoided.

Construction Noise. To ensure compliance with the City of Berkeley's Noise Ordinance, the Zoning Officer is authorized to place additional limitations on the hours of operation and/or halt construction until corrective measures are taken.

Vibration Policy and Standards. Vibration regulations in the City of Berkeley Municipal Code are as follows: *Operating or permitting the operation of any device that creates a vibration, which annoys or disturbs at least two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source, if on private property, or at least 150 feet (46 meters) from the source, if on a public space or public right-of-way (BMC §13.40.070.B.8).*

For measuring structural damage, the California Department of Transportation uses a vibration limit of 0.5 in/sec as a major concern, and a conservative limit of 0.08 in/sec, PPV for ancient buildings or buildings that are documented to be structurally weakened.

Project construction activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may at times generate perceptible vibration levels in the immediate vicinity of the site. Jackhammers

typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. At a distance of 25 feet, construction activities would not likely generate vibration levels exceeding the 0.2 in/sec PPV threshold for buildings that are found to be structurally sound (e.g., adjacent residences). Therefore, groundborne vibration levels resulting from project construction activities would be less than significant.

Although any future housing project is not expected to cause structural damage or significant groundborne vibration noise, vibration levels may still be perceptible to surrounding properties during construction. This perceptible level of vibration is common in any type of construction and would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (jackhammers and other high power tools).

- e-f) As discussed in Section VIII. Hazards and Hazardous Materials above, the nearest airport, Oakland International, is approximately 7.5 miles from Berkeley. No part of the city is located within an airport land use plan and there are no private airstrips in Berkeley.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion

- a-c) As discussed previously, the Housing Element is a planning document that identifies opportunity sites where the housing allocation could be developed under existing land use designations and zoning. The areas identified in the Housing Element have already been considered for residential development in the City's General Plan, Specific Area Plans, and in the regional plan – Plan Bay Area. Therefore, the population increase associated with that residential development has already been considered by the City and the region, and the Housing Element would not induce population growth in Berkeley. Additionally, because the Housing Element does not propose physical development, it would not result in the displacement of persons or housing that would require the construction of housing elsewhere. Therefore, there would be no impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES.

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

Discussion

- a) The 2015 Housing Element does not propose any specific development projects, but rather encourages future housing development and identifies sites for suitable for residential development in order to accommodate the needs of Berkeley residents. The Element would not encourage housing growth beyond the goals, policies and programs established in the General Plan and studied in the 2001 Draft General Plan EIR. Therefore, adoption of the 2015 Housing Element would not impact the provision of public services beyond impacts anticipated and studied in the General Plan EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION.

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion

- a-b) The 2015 Housing Element is a policy document rather than a development project proposal. The Element would not encourage housing growth beyond the goals, policies and programs established in the General Plan, including the open Space & Recreation Element. The Housing Element would not generate population growth beyond that anticipated in the General Plan EIR. Therefore, adoption of the 2015 Housing Element would not impact the existing open space and recreational facilities beyond impacts anticipated and studied in the General Plan EIR

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a-b) The Housing Element is a policy document that does not propose any specific development projects and thus would not generate new vehicle trips. The Housing Element would not generate population growth beyond that anticipated in the General Plan EIR. Therefore, adoption of the 2015 Housing Element would not impact the performance of the circulation system beyond impacts anticipated and studied in the General Plan EIR. From a regional perspective, consistent with the Plan Bay Area, the Housing Element should have beneficial cumulative impact on congestion by encouraging development in locations served by transit, thereby reducing or at least reducing the rate of increase in regional Vehicle Miles Traveled (VMT) and improving the ridership of mass transit.

- c) The closest airport is Oakland International which is approximately 7.5 miles from Berkeley. The proposed project is not located in an airport land use plan area nor would it impact traffic levels related to travel to or from a regional airport.
- d) The 2015 Housing Element is not a development project and does not involve roadway redesign or development. Future development would be consistent with design requirements for emergency access and consistent with the Disaster Preparedness and Safety Element of the General Plan. Future development would also be subject to individual project review, which would identify and mitigate any site-specific design-related hazards.
- e) The 2015 Housing Element is not a development project and does not propose construction of new housing with the potential to be subject to inadequate emergency access. Future development on the opportunity sites identified within the Housing Element would be on sites that currently have vehicular access for emergency services on existing City roadways. Future development would also be consistent with design requirements for emergency access and consistent with the Disaster Preparedness and Safety Element of the General Plan, and would be subject to individual project review, which would identify and mitigate any site-specific emergency access impacts.
- f) The 2015 Housing Element includes policies consistent with implementation of General Plan policies and goals promoting alternative modes of transportation to private autos.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-g) The 2015 Housing Element is a policy document that does not propose any specific development projects. The Element would not encourage housing growth beyond levels planned for in the General Plan. Therefore, the Element should have no additional impacts on utilities and service systems associated with development beyond those addressed in the General Plan EIR.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a 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.)
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion

- a-c) The project is a policy document that identifies sites in the city that are already designated and zoned for residential development; it does not propose or approve any physical development. This Initial Study determined, therefore, that there would be no impact associated with the potential to degrade the quality of the environment, affecting plants or animals, eliminate important examples of the major periods of California history or prehistory, or result in adverse effects on human beings. The project would not result in impacts that are individually limited but cumulatively considerable.

REPORT PREPARATION

A. PREPARER

City of Berkeley

2120 Milvia Street

Berkeley, CA 94704

Leslie Mendez, Associate Planner

B. REFERENCES

Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), Plan Bay Area, adopted July 18, 2013:

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[ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf)

**January 2015**Planning and Development Department
Land Use Planning Division

2015-2023 Housing Element Update

City of Berkeley

PROJECT SUMMARY INFORMATION

1. PROJECT TITLE: 2015-2023 Housing Element Update – City of Berkeley

2. LEAD AGENCY:
Planning and Development
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

3. CONTACT PERSON:
Leslie Mendez, Associate Planner
Phone: (510) 981-7426
Email: lmendez@ci.berkeley.ca.us

4. PROJECT LOCATION: City of Berkeley, citywide

5. PROJECT SPONSOR:
City of Berkeley
Planning and Development Department
2120 Milvia Street
Berkeley, CA 94704

6. GENERAL PLAN DESIGNATION All (citywide)

7. ZONING: All (citywide)

8. PROJECT DESCRIPTION:

The Project is the State-mandated update (5th cycle) of the City of Berkeley Housing Element 2015-2023, which is subject to review by the Department of Housing and Community Development (HCD). The Berkeley Housing Element serves as a policy guide to address the comprehensive housing needs of the City. State Housing Element law requires that local jurisdictions outline the housing needs of their community, the barriers or constraints to providing that housing, and actions proposed to address these concerns over an eight-year planning period. In addition, Housing Element law requires each city and county to accommodate its “fair share” of projected housing need over the Element planning period. Cities and counties must demonstrate that adequate sites

are available to accommodate this need, and that the jurisdiction allows for development of a variety of housing types. This housing need requirement, known as the Regional Housing Needs Allocation (RHNA), apportions to each jurisdiction its portion of the Bay Area's projected need.

The purpose of the Housing Element is to:

- Determine the existing and projected housing needs of Berkeley residents;
- Identify adequate parcels via the site inventory process to facilitate the development of housing for various income levels to accommodate Berkeley's share of regional need;
- Analyze constraints on housing production;
- Establish goals and policies that guide decision-making to address housing needs; and
- Describe programs that will implement the City's housing objectives.

This streamlined update of the City of Berkeley Housing Element does not rezone or re-designate any property in the City, nor does it significantly modify goals or policies affecting land use. This is a policy document which does not create any change to the physical environment of the City.

REGIONAL HOUSING NEEDS ALLOCATION

California law does not require cities to build housing, but it does require communities to facilitate new housing production to meet the RHNA through appropriate zoning that allows for the development of the units. For the 2015-2023 planning period, the City of Berkeley has a RHNA of 2,959 units, a 21.7 percent increase over the 2009-2014 allocation.¹ The City's existing zoning standards, which are consistent with the 2002 General Plan, are adequate to accommodate this allocation; no changes to allowable residential densities or areas were residential uses are permitted are necessary to accommodate the RHNA. The RHNA is further divided into a specific allocation of units by affordability. Berkeley's RHNA by affordability level is shown in Table 1 below.

Table 1: City of Berkeley RHNA Capacity Requirement 2014-2022

Income Category	Income Range	No. of units	% of Total
Extremely Low Income (ELI)	Up to 30 % of AMI	266	9%
Very Low Income (VLI)	31% - 50% of AMI	266	9%
Low Income (LI)	51% - 80% of AMI	442	14.9%
Moderate Income (MOD)	81% - 120% of AMI	584	19.7%
Above Moderate Income (Above MOD)	Above 120% of AMI	1,401	47.4%
Total		2,959	100%

The Housing Element shows that the City has sufficient land to accommodate its 2014–2022 regional housing need. As shown in Table 2, Berkeley has a surplus capacity of 636 units. As of January 1, 2015, the City has approved a total of 137 units, or 4.6 percent of the city's allocation.

¹ The 8.8-year Regional Housing Needs Allocation is from January 2, 2014 to October 31, 2022. It applies to the Housing Element planning period of January 31, 2015 to January 31, 2023.

Table 2: Summary of Residential Capacity

Inventory Area	Total Estimated Capacity (number of units)	Estimated Capacity towards current RHNA cycle
Commercial Corridors	2,461	1,794
Downtown Plan Area	2,121	997
Southside Plan Area	430	430
Residential Districts	316*	237
Total Unit Capacity Estimate	5,328	3,458
Estimated Excess Capacity		636

* Does not include sites that are underdeveloped. See discussion in Appendix A of the Housing Element under “Residential Neighborhood Opportunity Sites and Residential Capacity Analysis” (page 233).

REGULATORY FRAMEWORK

California Government Code Title 7, Division 1, Article 10.6 requires that each city and county adopt a Housing Element as one of the seven required elements of the General Plan. The Housing Element is different from the other required elements of the General Plan in that it must be updated regularly and is subject to detailed statutory requirements. The city’s previous Housing Element, adopted in 2010, addressed the period 2009 to 2014. Unlike other elements, the Housing Element must be submitted to the California State Department of Housing and Community Development (HCD) for review and certification. A Housing Element is certified by HCD when it is found to be in compliance with all requirements of state Housing Element law.

The main required components of a Housing Element are listed below:

1. Population and demographic trends, including employment and income information and household and housing stock characteristics, to identify community housing needs.
2. Public participation.
3. Assessment of below-market units at-risk of converting to market rate.
4. Assessment of special needs populations, defined as the homeless, elderly, disabled, mentally ill, large families, single parent families.
5. Review of the effectiveness of the previous Housing Element.
6. Analysis of constraints on housing production.
7. Inventory of available sites for housing development.
8. Analysis of capacity for housing on available sites and capacity to accommodate all income levels and a variety of housing types.
9. Programs and policies to address housing need and encourage affordable housing.
10. Quantified objectives for the number of housing units by income level to be constructed, rehabilitated and conserved.

9. SETTING:

The City of Berkeley is mostly built-out with structures dating from the late 19th century. Most new development that occurs in the City is re-use of previously developed property. The city's estimated population in 2013 was 116,768 according to the U.S. Census Bureau. The University of California is the dominant institution in Berkeley but is not subject to the City's land use authority. The City boundaries meet the cities of Oakland and Emeryville to the South, cities of Albany to the North, unincorporated Contra Costa County to the East and San Francisco Bay to the West.

10. PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED:

Berkeley Planning Commission (recommend adoption of 2015-2023 Housing Element by City Council)
Berkeley City Council (adoption of Negative Declaration; adoption of 2015-2023 Housing Element as an amendment to the 2002 Berkeley General Plan)
California Department of Housing and Community Development (HCD), Housing Element review and certification.

10. MANDATORY FINDING OF SIGNIFICANCE:

There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

Figure 1: City Zoning Map, as of March 20, 2014

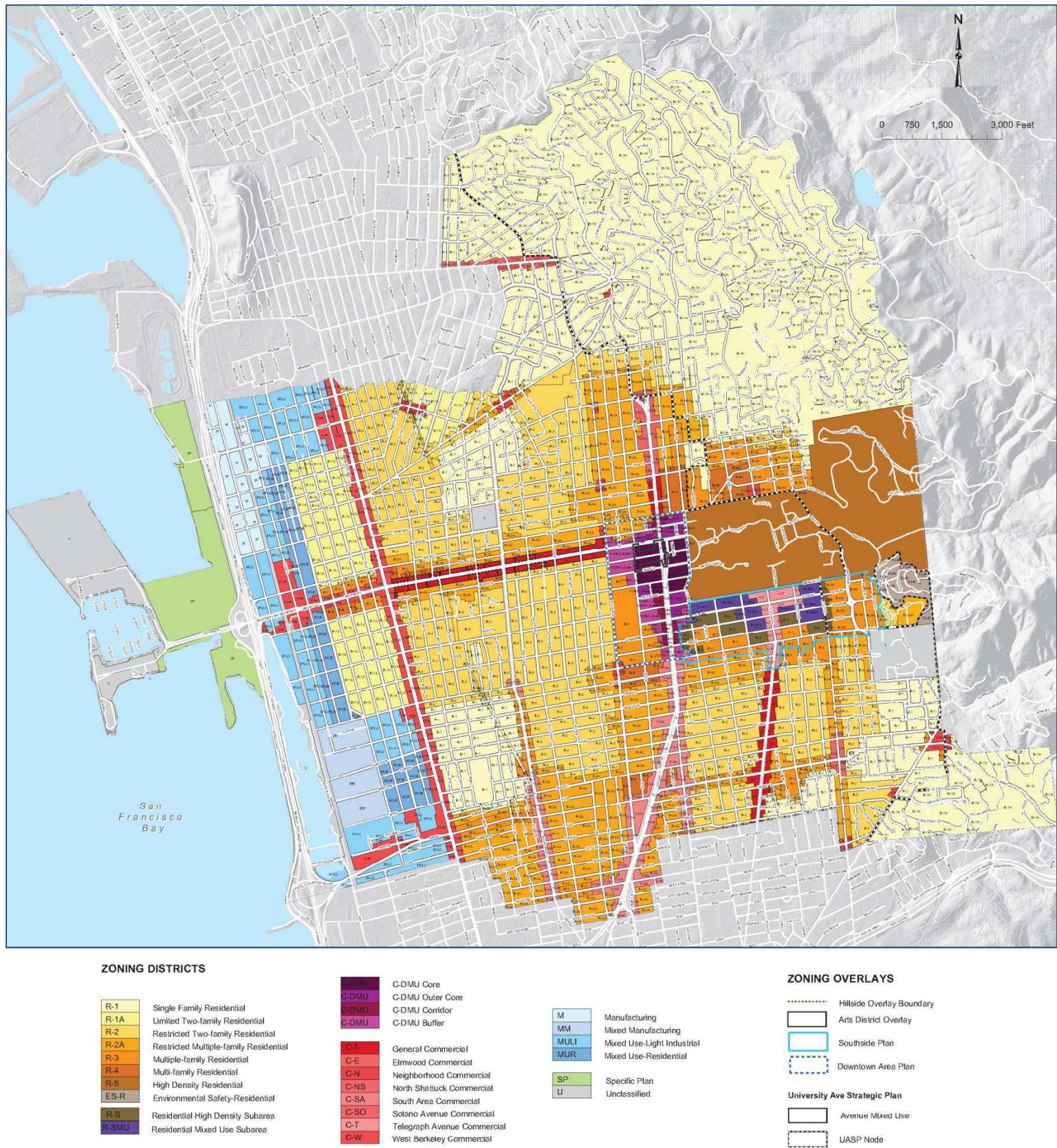
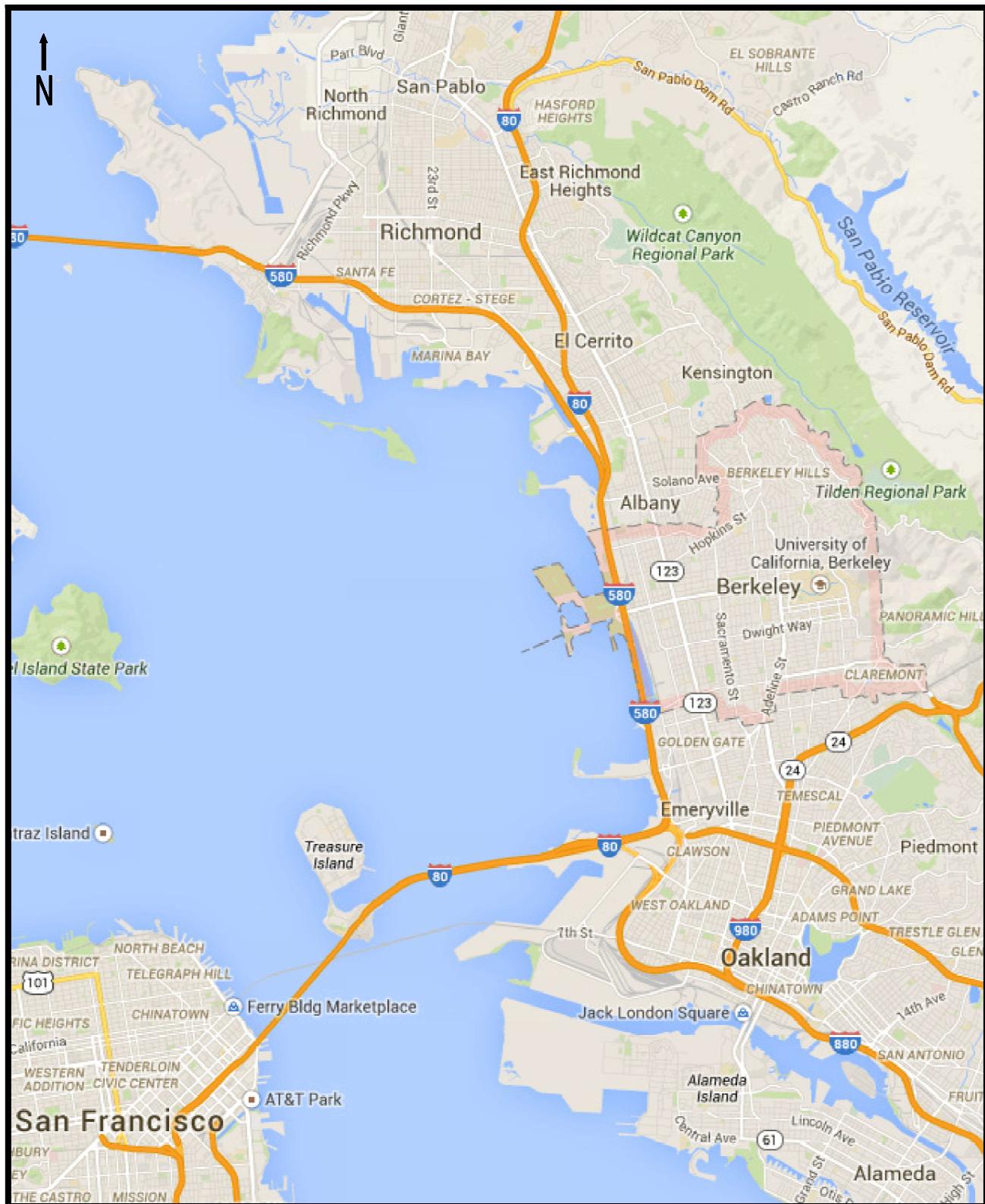


Figure 2: Regional Map

Environmental Factors Potentially Affected:

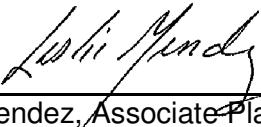
The environmental factors checked below would be potentially affected by this project, involving at least four impacts that are “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Leslie Mendez, Associate Planner
City of Berkeley

January 30, 2015
Date

CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? ²	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-d) The Housing Element is a policy document that identifies opportunity sites suitable for future housing development; it does not propose any specific development projects, nor does it recommend or require change to existing land use (i.e. General Plan, Zoning) designations. The impacts of the currently zoned densities and capacities have been previously analyzed in the General Plan EIR, and subsequent Southside Plan and Downtown Area Plan EIRs. These EIRs determine that implementation of City of Berkeley General Plan and Specific Plan policies would result in less than significant visual impacts.

Any new housing development proposal would be subject to discretionary and environmental review. The project would be analyzed for conformance with relevant urban design policies of the General and Specific Plans, subject to the City's design review policies, if located in a non-residentially zoned property, and conditions of approval limiting substantial new outdoor light sources and glare.

² There are no scenic highways in the City of Berkeley. California Department of Transportation, California Scenic Highway Mapping System. Website: www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm (accessed December 29, 2014).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURAL AND FORESTRY RESOURCES.

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

Discussion

- a - e) The Housing Element is intended to identify sites that can accommodate development of housing to meet Berkeley's future needs. The city does not contain lands under agricultural use. The City is shown as Urban and Built-Up and Other Land on the California Department of Conservation's 2010 farmland map. Additionally, according to the City of Berkeley General Plan, "Agriculture in Berkeley is limited to personal and community gardens." The Housing Element would not change any land use designations or zoning or otherwise result in the development of agricultural or forestland. None of the properties identified in the Housing Element are under a Williamson Act contract, and they do not contain active farming operations or forest land. No impacts or conflict related to agricultural or timberland resources would occur as a result of the proposed project.

³ State of California, Natural Resources Agency, California Environmental Information Clearinghouse, Farmland Mapping and Monitoring Program, Alameda County, 2010 map.

<http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf>. Accessed December 19, 2014.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a-e) The Bay Area Air Quality Management District (BAAQMD) is the regional agency tasked with managing air quality in the San Francisco Bay Area. The BAAQMD clean air strategy includes the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The BAAQMD also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the federal Clean Air Act, Clean Air Act Amendments, and California Clean Air Act. The BAAQMD limits emissions and public exposure to emissions, including toxic air contaminants, through a number of programs, rules, and regulations. BAAQMD regulations applicable to the proposed project may include, but are not limited to, the following:

- **Regulation 2 – Permits:** Specifies the requirements for issuance of authorities to construct and permits to operate for stationary emission sources. Includes requirements for the review of new emissions sources, including sources of toxic air contaminants.
- **Regulation 6 – Particulate Matter:** Limits the quantity of particulate matter in the atmosphere by controlling emissions rates, concentration, visible emissions, and opacity.
- **Regulation 7 – Odorous Substances:** Establishes general limitations on odorous

substances and specific emission limitations on certain odorous compounds.

- **Regulation 8 – Organic Compounds:** Limits the emission of organic pollutants from permitted stationary sources.
- **Regulation 9 – Inorganic Gaseous Pollutants:** Limits inorganic gaseous pollutants from permitted stationary sources.
- **Regulation 10 – Standards of Performance for New Stationary Sources:** Establishes emission and/or performance standards for permitted stationary sources.
- **Regulation 11 – Hazardous Pollutants:** Sets emission and/or performance standards for hazardous pollutants, including emissions of asbestos. The BAAQMD prioritizes TAC-emitting stationary sources based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors.

The BAAQMD also prepares ozone attainment plans for the national ozone standard and clean air plans for the California standard both in coordination with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). With respect to applicable air quality plans, the BAAQMD prepared the Bay Area 2010 Clean Air Plan to address nonattainment of the national 1-hour ozone standard in the San Francisco Bay Area Air Basin, as well as nonattainment of the California ambient air quality standards.⁴ The purpose of the Bay Area 2010 Clean Air Plan is to (BAAQMD 2010):

- Update the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement “all feasible measures” to reduce ozone.
- Consider the impacts of ozone control measures on particulate matter (PM), air toxics, and greenhouse gases in a single, integrated plan.
- Review progress in improving air quality in recent years.
- Establish emission control measures to be adopted or implemented in the 2009–2012 timeframe.

Future residential development projects in the city would be required to comply with all applicable regulations related to emissions reductions, including those promulgated by the BAAQMD. Compliance with these regulations would reduce emissions from future residential development. The Housing Element, as a policy document, would not result in emissions of pollutants. Because no land use designations are being changed with the 2015-2023 HE update and construction of any new dwelling units would be subject to City standards and applicable design regulations, there are no anticipated impacts related to emissions of criteria pollutants as a result of the Housing Element.

⁴ Bay Area Air Quality Management District 2010 Clean Area Plan, <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a- f) The City of Berkeley is characterized by four major environmental habitat areas: urbanized Berkeley, the waterfront, the largely undeveloped upper hills (mostly outside the City's jurisdiction and owned by Lawrence Berkeley Laboratories, the University, and the East Bay Regional Park District (EBRPD), and the creek systems and riparian zones. All the opportunity sites identified in the Housing Element, as well as any other parcel available for residential development, fall within the City's urbanized habitat. The urbanized portion of Berkeley extends from the waterfront on the west to the undeveloped Berkeley Hills on the east, and from the City

limits on the north to the City limits on the south. There are no known plants or animals of importance within the urbanized habitat, no federally protected wetlands, and no Habitat Conservation Plans or other resource plans applicable to the area. As previously mentioned, the project is the update of a policy document and does not encompass new development. Any proposal for new dwelling units would be subject to the provisions found in Berkeley Municipal Code (BMC) Chapter 17.08 “Preservation and Restoration of Natural Watercourses” and the city’s Coast Live Oak Tree Ordinance, as applicable.^{5,6} Therefore, the project would not impact any significant biological resources.

5 City of Berkeley, General Information, Creeks Ordinance Administration (2004).
<http://cityofberkeley.info/ppop/Home/ParcelConditions/2274>.

6 City of Berkeley’s Coast Live Oak Tree Ordinance, 2006. Ordinance No. 6,905-N.S., amending Ordinance 6,321-N.S. March 9, 2006.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Discussion

- a-d) The 2015 Berkeley Housing Element has identified sites with capacity for additional residential or mixed-use development throughout the City. The majority of the sites are located within developed areas, and many are currently developed with structures. None of the sites have existing Berkeley Landmarks or Structures of Merit.⁷ The Element is consistent with the existing policies of the General Plan and would not have any impacts beyond those already fully assessed in the General Plan EIR. Any future development on sites identified in the Housing Element would be subject to individual environmental review, which would identify and address any potential site-specific impacts to cultural resources. Additionally, future development proposals and demolitions of non-residential buildings over 40 years old will be referred to the Berkeley Landmarks Preservation Commission for consideration as historical resources per the Berkeley zoning ordinance.

⁷ City of Berkeley Historic Resource Information:
http://www.ci.berkeley.ca.us/Planning_and_Development/Home/Landmarks_Preservation_Commission.aspx

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Discussion

- a-e) The entire Bay Area region is subject to geologic hazards due to strong seismic activity. The Hayward fault traverses the city at the base of the Berkeley hills. Areas of the city are subject to fault rupture, seismic ground shaking, liquefaction, and landslides. The Housing Element identifies sites throughout the City that have potential for new housing or mixed-use development, thus some of those sites could be vulnerable to seismic hazards. However, the

2015 Housing Element is a policy-level document and does not propose any specific development. The Housing Element does include policies and programs for rehabilitation of existing structures that are vulnerable to seismic hazards. These programs improve the safety of soft-story and unreinforced masonry buildings by requiring seismic upgrades. The City also offers a partial fee rebate to homeowners who conduct seismic upgrades on their property. These programs assure improved safety for existing Berkeley residents.

Any new housing development proposal would be subject to site-specific review, which would identify any seismic-related hazards. Any needed mitigation measures or conditions of approval would be identified at that time, including compliance with the General Plan Disaster Preparedness and Safety Element. Additionally, as the City of Berkeley is known to have weak soils and is expected to experience strong earthquake ground shaking, project engineering has to meet the most stringent requirements for seismic design. While building codes assume that some damage would occur during an earthquake, they are designed to prevent loss of life and limb and reduce the potential of structural collapse. Any proposed development would be required to comply with the geotechnical and seismic design criteria required for construction as listed in Chapter 16 of the California Building Code (Title 24, part 2), and building codes as adopted by the City of Berkeley. Although ground shaking could be substantial during a large earthquake, compliance with the California Building Code and building code requirements as adopted by the City of Berkeley, is expected to reduce potential impacts associated with ground shaking and liquefaction remains less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS. Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion

- a-b) Greenhouse gases (GHGs) generated by human activities can contribute to changes in the natural greenhouse effect, which could result in climate change. Motor vehicles make up the bulk of GHG emissions produced on an operational basis for most nonindustrial projects. A number of regulations have been developed to reduce GHG emissions, as discussed below.

In June 2005, Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals for the State of California: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050. California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "Global Warming Solutions Act," passed by the California State legislature on August 31, 2006. This effort aims at reducing state-wide GHG emissions to 1990 levels by 2020.

At the regional level, the BAAQMD established a climate protection program in 2005 to acknowledge the link between climate change and air quality. BAAQMD regularly prepares inventories of criteria and toxic air pollutants to support planning, regulatory and other programs. In addition, the City of Berkeley residents approved Measure G in 2006 that seeks to reduce the entire community's greenhouse gas emissions by 80 percent by 2050. In 2009, the City adopted a Climate Action Plan (CAP) to provide guidance in addressing impacts on global warming.

The California Energy Resources Conservation and Development Commission revised energy conservation standards for new residential and commercial buildings in 2008 (Title 24, Part 6 of the California Code of Regulations [CCR]). In general, Title 24 requires the design of building shells and building components to conserve energy. While the 2008 Code was voluntary, the first mandatory Green Code in California became effective in 2011, and a revised Mandatory Green Code (CALGreen) with increased measures became effective July 1, 2014 (Part 11 of the 2013 California Building Standards Codes, Title 24, CCR). The 2013 CALGreen is a state specific code that was developed by the California Building Standards Commission (CBSC) and

that applies to all residential and commercial buildings including additions and alterations to existing buildings and single family homes.⁸

Existing General Plan and CAP Policies, as well as application of 2013 CALGreen, would substantially reduce GHG emissions associated with future projects. While future projects would still emit greenhouse gases, there is adequate land zoned for residential development in the city to meet the RHNA, and the proposed Housing Element does not recommend any land use designation or zone changes. Approval of the Housing Element would not result in the approval of any development project; therefore, there would be no impact related to greenhouse gas emissions as a result of the Housing Element.

⁸ California Building Standards Commission, CALGreen: <http://www.bsc.ca.gov/Home/CALGreen.aspx>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a-h) The 2015 Housing Element is a policy document that does not propose any specific development. Adoption of the Element would not result in the transport, use, disposal, emission or accidental release of hazardous materials. While development of housing or mixed-use buildings consistent with the Element could be located a site contaminated with hazardous materials, such development would be subject to site-specific environmental review and impact mitigation. The closest airport is Oakland International which is approximately 7.5 miles from Berkeley. No part of the city is located within an airport land use plan and there are no private airstrips in Berkeley.

Implementation of the following City of Berkeley Standard Condition of Approval required before construction commences would ensure no significant impact results, if hazardous materials are identified as part of any future specific project construction:

Soil and Groundwater Management Plan: A *Soil and Groundwater Management Plan (SGMP) shall be required for all non-residential projects, and residential or mixed-use projects with four or more units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be submitted to the Toxics Management Division (TMD) with the project's building permit application and shall be approved by TMD prior to issuance of the building permit. The EMA map is available online at:*

http://www.ci.berkeley.ca.us/Planning_and_Development/Toxics_Management/Environmental_Management_Area.aspx

The SGMP shall identify procedures for soil and groundwater management including identification of pollutants and disposal methods and shall comply with the hazardous materials and waste management standards required by Berkeley Municipal Code Section [15.12.100](#), the San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074 C3 and C6, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66360 et seq.), and the East Bay Municipal Utility District's Ordinance 311.

The SGMP shall also include:

- *A requirement that TMD be notified within 24 hours of the discovery of any previously undiscovered contamination;*
- *Procedures to manage odors, dust and other potential nuisance conditions expected during development.*
- *A requirement that the name and phone number of the individual responsible for implementing the SGMP and responding to community questions and complaints be posted at the construction site on the same notice required under Condition ___ for noise management.*

TMD shall review the SGMP and 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 of this Use Permit.

Demolitions: *Prior to approving any permit for partial or complete demolition activities, a hazardous materials survey shall be conducted by a qualified professional. The survey shall*

include, but not be limited to, identification of any lead-based paint, asbestos, PCB containing equipment, treated wood and mercury containing devices. The survey shall include hazardous materials removal and disposal procedures to be implemented that fully comply with hazardous waste generator requirements (22 California Code of Regulations (CCR) 66360 et seq.). If the survey identifies hazardous materials, the removal and disposal procedures included in the survey shall become conditions of any building or demolition permit for the project. 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.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-f) Construction of housing in the city would result in ground-disturbing activities, which could in turn result in water quality effects on receiving waters. The Clean Water Act (CWA) regulates the water quality of all discharges into waters of the United States including wetlands and perennial and intermittent stream channels. Section 401, Title 33, Section 1341 of the CWA sets forth water quality certification requirements for “any applicant applying for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters.” The California statutes enforced by the State Water Resources Control Board and Regional Water Quality Control Boards (RWQCB) are equivalent to or more stringent than the federal statutes. Regional Boards are responsible for establishing water quality standards and objectives that protect the beneficial uses of various waters.

The Porter-Cologne Water Quality Control Act (Porter-Cologne) governs the coordination and control of water quality in the state and includes provisions relating to non-point source pollution. The State Water Resources Control Board (SWRCB) has the ultimate authority over state water rights and water quality policy. However, Porter-Cologne also establishes nine Regional Water Quality Control Boards to oversee water quality on a day-to-day basis at the local/regional level. Permits issued to control pollution (i.e., waste discharge requirements and National Pollutant Discharge Elimination System [NPDES] permits) must implement Basin Plan requirements (i.e., water quality standards), taking into consideration beneficial uses to be protected.

The SWRCB issued a statewide General Permit (Water Quality Order No. 209-0009-DWQ) for construction activities within the state. The Construction General Permit (CGP) is implemented and enforced by the RWQCBs. The CGP applies to construction activity that disturbs 1 acre or more and requires the preparation and implementation of a storm water pollution prevention plan that identifies best management practices to minimize pollutants from discharging from the construction site to the maximum extent practicable.

Consistent with the NPDES Permit, any construction activity that creates or replaces 2,500 square feet⁹ of impervious surface would be required to follow the Permit's section C.3 requirements to address stormwater pollutant discharges and prevent flow increase through source control, site design, and stormwater treatment measures.

In addition to the federal and state regulations, any future residential project would be required to comply with the City of Berkeley's Standard Conditions of Approval, which address contamination found during demolition or construction to prevent degradation of water quality and describes runoff reduction measures. Compliance with the SGMP condition (see VIII. Hazards and Hazardous Materials discussion above) and the following Standard Conditions of Approval would ensure that impacts would be reduced to less than significant:

Storm Water Requirements. *The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code Section 17.20. The following conditions apply:*

- A. *The project plans shall identify and show site-specific BMP's 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 storm water 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 storm water 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 storm water 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*

⁹ C.3 project categories—exempt, small, and regulated—are determined by a combination of project type and square footage of impervious surface created or replaced. See Alameda County C.3 Stormwater Technical Guidance Manual: <http://cleanwaterprogram.org/c3-guidance-table/item/c3-guidance-table.html>

accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

- G. Beginning August 15, 2006, all private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

- g-j) The flood potential in Berkeley is a relatively mild threat in comparison to seismic, landslide, and fire risks. Flooding events may occur as flash floods, local storm drain blockages, or tidally influenced events. There exists some potential for wave damage along the Berkeley waterfront, but tsunami waves (triggered by earthquakes, underwater landslides, or volcanic eruptions) have historically resulted in little damage around San Francisco Bay. The Berkeley General Plan Disaster Preparedness and Safety Element maps flood and tsunami prone areas of the city, which are limited to the waterfront and property immediately adjacent to Strawberry Creek on the UC Berkeley campus. No areas of the City that permit residential uses are located with a 100-year flood hazard area or an area of potential inundation by seiche, tsunami or mudflow. The Disaster Preparedness and Safety Element also cited an evaluation conducted on the 37-million-gallon Summit Reservoir located on the Berkeley/Kensington border. The reservoir was evaluated for seismic stability in 1985 and reviewed again in 1992.¹⁰ The evaluation found that the embankments would remain stable in a 7.5 event on the Hayward fault or a magnitude 8.5 earthquake on the San Andreas Fault. Therefore, flooding due to catastrophic failure is considered unlikely.

Finally, approval of the Housing Element would not result in the approval of any development project; therefore, there would be no impact related to landslide, seiche, mudflow or other type of inundation or flooding.

¹⁰ The California Division of Safety of Dams, which has jurisdiction over the facility, reviewed and approved the Summit Reservoir stability analysis.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-c) As noted in the project description, the Housing Element identifies areas of the city that are designated and zoned for residential development. As such, the Housing Element would be a continuation of the existing uses and character of the surrounding area and would not divide an established community. Similarly, as the Housing Element would not alter any land use designations or zoning, it would not conflict with the General Plan policies adopted to avoid or mitigate environmental effects. The City does not have an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Therefore, there would be no impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?
- b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion

- a,b) The City of Berkeley's General Plan does not identify any mineral resources within the City. The proposed project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would it deplete any nonrenewable natural resources. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that is valuable on a local, regional or state-wide basis.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion

- a-d) The 2015 Housing Element is a policy document that does not propose any specific development. Approval of the Housing Element will not have any impact on noise in the City. Although not a scope of this project, any new housing project would be subject to General Plan noise policies, City of Berkeley Noise Ordinance standards, Best Practices and Standard Conditions of approval as discussed below.

Noise Policies and Standards. The Environmental Management Element of the City of Berkeley General Plan sets forth policies and actions to address community noise in Berkeley. Policy EM-43 addresses noise reduction through increased enforcement of the noise ordinance, improvements to the noise ordinance, and increased public awareness. Policy EM-44 addresses noise prevention and elimination by incorporating noise considerations into land use planning decisions, ensuring active enforcement of noise level limits, coordinating with CAL OSHA, and supporting federal and state legislation to lower motor vehicle noise limits. Policy EM-45

addresses reducing traffic noise by reducing local and regional traffic, encouraging neighborhood traffic calming strategies, restricting taxis and shuttles from honking in neighborhoods, and improving street circulation, traffic routing, and other traffic control measures, promoting new vehicle technologies, enforcing muffler laws, working with AC Transit to reduce bus noise, and establishing noise emission limits on sources under the jurisdiction of the City. Policy EM-46 requires noise mitigation in new construction and major rehabilitation and where noise would impact parks and public open space. Policy EM-47 guides the City in land use planning that is compatible with the noise environment.

The City of Berkeley's Noise Ordinance (Chapter 13.40 of the Municipal Code) establishes noise regulations in the City of Berkeley. Section 13.40.050 (Exterior Noise Standards) provides the exterior noise limits not to be exceeded more than 30 minutes out of any hour (see Table 7). The Municipal Code also stipulates that if the measured ambient noise level exceeds these limits, the allowable noise exposure standard would be the ambient noise level. The project site is in a Commercial zone, but is adjacent to R-2 and R-2A Residential zones, so the more restrictive standard applies.

Table 7: Exterior Noise Limits

Zone	Time Period	L ₅₀ Noise Level, dBA
R-1, R-2	7:00 a.m. - 10:00 p.m.	55
	10:00 p.m. - 7:00 a.m.	45
R-3 and above	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
Commercial	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	60
Industry	Anytime	70

Source: City of Berkeley Municipal Code Section 13.40

Noise limits for maximum noise levels and cumulative noise levels of shorter durations are also provided in the Noise Ordinance. However, the noise limits specified in Table 7 are the most conservative noise limits that would be applicable.

Code section 13.40.070 of the City's Noise Ordinance regulates construction noise as follows:

Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work before 7:00 a.m. on a weekday (or before 9:00 a.m. on a weekend or holiday) or after 7:00 p.m. on a weekday (or after 8:00 p.m. on a weekend or holiday) such that the sound therefrom across a residential or commercial real property line violates Section 13.40.050 or 13.40.060, except for emergency work of public service utilities or by variance issued by the EHD. (This section shall not apply to the use of domestic power tools as specified in subsection B.11 of this section.)

Noise Restrictions at Affected Properties. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

At residential properties: Mobile Equipment. Maximum sound levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment:

	<i>R-1, R-2 Residential</i>	<i>R-3 and above Multi-Family Residential</i>	<i>Commercial/Industrial</i>
<i>Weekdays 7:00 a.m. to 7:00 p.m.</i>	75 dBA	80 dBA	85 dBA
<i>Weekends 9:00 a.m. to 8:00 p.m. and legal holidays</i>	60 dBA	65 dBA	70 dBA

Stationary Equipment. Maximum sound levels for repetitively scheduled and relatively long term operation (period of ten days or more) of stationary equipment:

	<i>R-1, R-2 Residential</i>	<i>R-3 and above Multi-Family Residential</i>	<i>Commercial/Industrial</i>
<i>Weekdays 7:00 a.m. to 7:00 p.m.</i>	60 dBA	65 dBA	70 dBA
<i>Weekends 9:00 a.m. to 8:00 p.m. and legal holidays</i>	50 dBA	55 dBA	60 dBA

Construction Noise. Construction of any future housing project would involve various types of trucks and equipment. Residences and businesses surrounding construction sites would be temporarily affected by construction noise. Noise impacts resulting from construction activities would depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction lasts over extended periods of time.

The City of Berkeley Noise Ordinance regulates the hours allowed for construction and demolition work and has guidelines for maximum allowable construction-related noise levels for residential and commercial/industrial areas. Specifically, the Noise Ordinance restricts construction to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and 9:00 a.m. to 8:00 p.m. on weekends or legal holidays, unless a variance is secured from the Noise Control Officer.

Also, where technically and economically feasible, the Noise Ordinance requires that construction activities be conducted in such a manner that the maximum noise levels at affected properties would not exceed the maximum allowable noise levels designated in the Ordinance. The project abuts both an R-2 and an R-2A residential area, so that applicable standards for this project would include maximum noise levels of 75 dBA on weekdays and 60 dBA on weekends and legal

holidays for short-term, mobile equipment such as jackhammers, drills, and saws, and maximum noise levels of 60 dBA on weekdays and 50 dBA on weekends and legal holidays for stationary, repetitively-scheduled equipment.

Based on this analysis, exterior construction activities could expose existing area residences to construction-generated noise exceeding the Municipal Code noise limits over the construction period. Construction noise levels resulting from activities occurring indoors would not be expected to exceed General Plan and Municipal Code noise limits. Given the temporary construction period for exterior construction, demolition and construction activities would result in a less-than-significant short-term noise impact provided that the following City of Berkeley's Standard Condition of Approvals are implemented:

Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

Prior to issuance of a building permit, the applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit this record to the project planner upon request.

Pile driving shall be prohibited. The use of vibratory rollers or tampers capable of generating substantial vibrations within adjacent structures shall be avoided.

Construction Noise. To ensure compliance with the City of Berkeley's Noise Ordinance, the Zoning Officer is authorized to place additional limitations on the hours of operation and/or halt construction until corrective measures are taken.

Vibration Policy and Standards. Vibration regulations in the City of Berkeley Municipal Code are as follows: *Operating or permitting the operation of any device that creates a vibration, which annoys or disturbs at least two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source, if on private property, or at least 150 feet (46 meters) from the source, if on a public space or public right-of-way (BMC §13.40.070.B.8).*

For measuring structural damage, the California Department of Transportation uses a vibration limit of 0.5 in/sec as a major concern, and a conservative limit of 0.08 in/sec, PPV for ancient buildings or buildings that are documented to be structurally weakened.

Project construction activities such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may at times generate perceptible vibration levels in the immediate vicinity of the site. Jackhammers

typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. At a distance of 25 feet, construction activities would not likely generate vibration levels exceeding the 0.2 in/sec PPV threshold for buildings that are found to be structurally sound (e.g., adjacent residences). Therefore, groundborne vibration levels resulting from project construction activities would be less than significant.

Although any future housing project is not expected to cause structural damage or significant groundborne vibration noise, vibration levels may still be perceptible to surrounding properties during construction. This perceptible level of vibration is common in any type of construction and would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (jackhammers and other high power tools).

- e-f) As discussed in Section VIII. Hazards and Hazardous Materials above, the nearest airport, Oakland International, is approximately 7.5 miles from Berkeley. No part of the city is located within an airport land use plan and there are no private airstrips in Berkeley.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion

- a-c) As discussed previously, the Housing Element is a planning document that identifies opportunity sites where the housing allocation could be developed under existing land use designations and zoning. The areas identified in the Housing Element have already been considered for residential development in the City's General Plan, Specific Area Plans, and in the regional plan – Plan Bay Area. Therefore, the population increase associated with that residential development has already been considered by the City and the region, and the Housing Element would not induce population growth in Berkeley. Additionally, because the Housing Element does not propose physical development, it would not result in the displacement of persons or housing that would require the construction of housing elsewhere. Therefore, there would be no impact.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES.

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

Discussion

- a) The 2015 Housing Element does not propose any specific development projects, but rather encourages future housing development and identifies sites for suitable for residential development in order to accommodate the needs of Berkeley residents. The Element would not encourage housing growth beyond the goals, policies and programs established in the General Plan and studied in the 2001 Draft General Plan EIR. Therefore, adoption of the 2015 Housing Element would not impact the provision of public services beyond impacts anticipated and studied in the General Plan EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION.

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion

- a-b) The 2015 Housing Element is a policy document rather than a development project proposal. The Element would not encourage housing growth beyond the goals, policies and programs established in the General Plan, including the open Space & Recreation Element. The Housing Element would not generate population growth beyond that anticipated in the General Plan EIR. Therefore, adoption of the 2015 Housing Element would not impact the existing open space and recreational facilities beyond impacts anticipated and studied in the General Plan EIR

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a-b) The Housing Element is a policy document that does not propose any specific development projects and thus would not generate new vehicle trips. The Housing Element would not generate population growth beyond that anticipated in the General Plan EIR. Therefore, adoption of the 2015 Housing Element would not impact the performance of the circulation system beyond impacts anticipated and studied in the General Plan EIR. From a regional perspective, consistent with the Plan Bay Area, the Housing Element should have beneficial cumulative impact on congestion by encouraging development in locations served by transit, thereby reducing or at least reducing the rate of increase in regional Vehicle Miles Traveled (VMT) and improving the ridership of mass transit.

- c) The closest airport is Oakland International which is approximately 7.5 miles from Berkeley. The proposed project is not located in an airport land use plan area nor would it impact traffic levels related to travel to or from a regional airport.
- d) The 2015 Housing Element is not a development project and does not involve roadway redesign or development. Future development would be consistent with design requirements for emergency access and consistent with the Disaster Preparedness and Safety Element of the General Plan. Future development would also be subject to individual project review, which would identify and mitigate any site-specific design-related hazards.
- e) The 2015 Housing Element is not a development project and does not propose construction of new housing with the potential to be subject to inadequate emergency access. Future development on the opportunity sites identified within the Housing Element would be on sites that currently have vehicular access for emergency services on existing City roadways. Future development would also be consistent with design requirements for emergency access and consistent with the Disaster Preparedness and Safety Element of the General Plan, and would be subject to individual project review, which would identify and mitigate any site-specific emergency access impacts.
- f) The 2015 Housing Element includes policies consistent with implementation of General Plan policies and goals promoting alternative modes of transportation to private autos.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-g) The 2015 Housing Element is a policy document that does not propose any specific development projects. The Element would not encourage housing growth beyond levels planned for in the General Plan. Therefore, the Element should have no additional impacts on utilities and service systems associated with development beyond those addressed in the General Plan EIR.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a 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.)
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion

- a-c) The project is a policy document that identifies sites in the city that are already designated and zoned for residential development; it does not propose or approve any physical development. This Initial Study determined, therefore, that there would be no impact associated with the potential to degrade the quality of the environment, affecting plants or animals, eliminate important examples of the major periods of California history or prehistory, or result in adverse effects on human beings. The project would not result in impacts that are individually limited but cumulatively considerable.

REPORT PREPARATION

A. PREPARER

City of Berkeley
2120 Milvia Street
Berkeley, CA 94704
Leslie Mendez, Associate Planner

B. REFERENCES

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[ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf)

RESOLUTION NO. ##,###-N.S.

ADOPT THE 2015-2023 BERKELEY HOUSING ELEMENT AND INCORPORATE THE ELEMENT INTO THE BERKELEY GENERAL PLAN

WHEREAS, the City of Berkeley ("City") adopted the Housing Element October 19, 2010 with Resolution No. 65,067-N.S.; and

WHEREAS, the State of California requires all Cities and Counties to regularly update the Housing Element of their General Plan; and

WHEREAS, the Berkeley Planning Commission, Housing Advisory Commission and Homeless Commission held meetings on the draft chapters of the updated Berkeley Housing Element in 2014; and

WHEREAS, the City submitted the draft 2015-2023 Berkeley Housing Element to the State Department of Housing and Community Development ("HCD") for review on December 22, 2014; and

WHEREAS, State HCD provided comments on the draft 2015-2023 Berkeley Housing Element on February 17, 2015; and

WHEREAS, the Berkeley Planning and Development Department provided revisions in response to the HCD comments on February 17, 2015; and

WHEREAS, State HCD conditionally approved the revised 2015-2023 Berkeley Housing Element, based on the proposed revisions, on February 17, 2015; and

WHEREAS, the Berkeley Planning Commission conducted a public hearing and considered the revised updated 2015-2023 Berkeley Housing Element and the Negative Declaration on February 4 and 18, 2015; and

WHEREAS, on February 18, 2015 the Berkeley Planning Commission recommended that the City Council (1) adopt the CEQA Negative Declaration/Initial Study, (2) adopt the updated Berkeley Housing Element, incorporating the updated housing policies, as shown in Chapter 5 of the 2015-2023 Berkeley Housing Element into the General Plan, February 2015 draft; and

WHEREAS, the Berkeley Housing Advisory and Homeless Commissions considered the revised updated 2015-2023 Berkeley Housing Element in December 2014 and provided comments; and

WHEREAS, the City has prepared, in accordance with the California Environmental Quality Act, a Negative Declaration and Initial Study on the 2015-2023 Berkeley Housing Element; and

WHEREAS, the City Council adopted the Negative Declaration and made all the required findings pursuant to the California Environmental Quality Act; and

WHEREAS, notice of public hearing was prepared pursuant to Zoning Ordinance Section 22.04.020 and California Govt. Code Section 65355; and

WHEREAS, the 2015-2023 updated Berkeley Housing Element is found to be in the public interest, consistent and compatible with the rest of the General Plan, and the potential effects of the updated Berkeley Housing Element will not be detrimental to public health, safety, or welfare; and

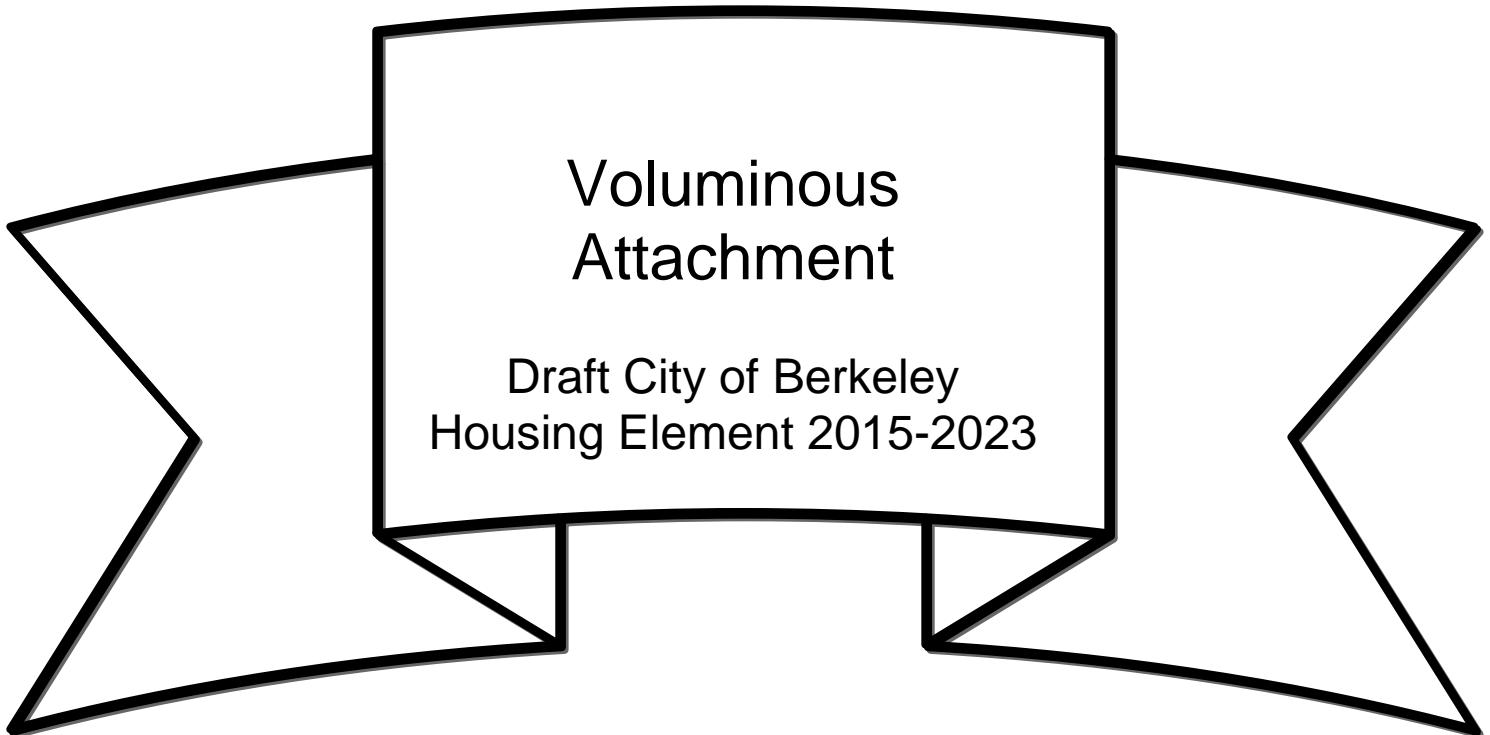
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby adopts the updated 2015-2023 Housing Element draft dated February 2015, as shown in Exhibit A.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that following Council approval, staff shall publish a revised General Plan that reflects the changes approved herein, by replacing the Housing Element chapter beginning on page H-1 of the General Plan with Chapter 5, *Objectives, Policies, and Actions*, of the updated 2015-2023 Berkeley Housing Element and that minor corrections such as spelling, punctuation, or syntax may be made by staff without Council approval provided they do not change the meaning of any objective, policy or action.

BE IT FURTHER RESOLVED, that Resolution No. 65,067-N.S. is hereby rescinded.

Exhibits

A: 2015-2023 Berkeley Housing Element



Attachment 2, Exhibit A to this report is on file and available for review at the City Clerk Department, or can be accessed from the City of Berkeley Website.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley, City Council's Web site
<http://www.cityofberkeley.info/citycouncil/>

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

CONSIDER ADOPTING THE 2015-2023 CITY OF BERKELEY HOUSING ELEMENT

The Department of Planning & Development is proposing that the City Council adopt the 2015-2023 City of Berkeley Housing Element. The Housing Element, an element of the Berkeley General Plan, is a comprehensive assessment of current and projected housing needs for all economic segments of the Berkeley community. The 2015-2023 Berkeley Housing Element is an update of the 2010 Berkeley Housing Element. In the current Element, most of the housing goals and policies have remained consistent with those established in previous Housing Elements.

The purpose of the Housing Element is to:

- Determine the existing and projected housing needs of Berkeley residents, including special needs populations;
- Identify adequate capacity via the site inventory process to demonstrate availability of land for the development of housing for various income levels in order to accommodate Berkeley's share of regional need;
- Analyze constraints on housing production;
- Establish goals and policies that guide decision-making to address housing needs, and
- Describe programs that will implement the City's housing objectives.

The Draft 2015-2023 Berkeley Housing Element is published online on the Housing Element page of the City's website at: <http://www.cityofberkeley.info/housingelement>

The hearing will be held on **April 28, 2010 at 7:00 p.m.** In the City Council Chambers, 2134 Martin Luther King, Jr. Way.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **April 16, 2015**.

For further information, please contact Alex Amoroso, Principal Planner at 510-981-7520.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Council members and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not**

required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: April 17, 2015 – The Berkeley Voice

Notice of public hearing was prepared pursuant to Zoning Ordinance Section 22.04.020 and California Govt. Code Section 65355.

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 16, 2015.

Mark Numainville, City Clerk

