



Office of the City Manager

PUBLIC HEARING

December 11, 2018

*(Continued from December 4, 2018)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Planning & Development Department

Subject: Referral Response: Reclassifying the zoning and the General Plan and West Berkeley Plan designations at 1050 Parker Street / 2621 Tenth Street, with associated Environmental Review

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a resolution amending the General Plan land use designations for a portion of 1050 Parker Street / 2621 Tenth Street from a Manufacturing designation to Avenue Commercial, and amending the West Berkeley Plan land use designation from Mixed Use / Light Industrial to General Commercial (Amendments affect Assessor Parcel Numbers (APNs): 054-1763-001-03, 054-1763-010-00); and
2. Introduce an ordinance:
  - a. Rezoning a portion of the project site from Mixed Use – Light Industrial (MU-LI) to West Berkeley Commercial (C-W) (Amendments affect APNs 054-1763-001-03 and 054-1763-010-00); and
  - b. Amending the C-W District development standards to allow for a 4-story / 50-foot tall building on the subject property (Amendments affect APNs 054-1763-001-03, 054-1763-010-00, and 054-1763-003-03); and
3. Adopt a resolution to adopt findings under the California Environmental Quality Act (CEQA) that determine how potential impacts are to be mitigated, to adopt an Initial Study / Mitigated Negative Declaration that concludes that all impacts of the rezone and re-designations can be reduced to a less-than-significant level under CEQA, and to adopt a Mitigation Monitoring and Reporting Program that ensures the measures will be implemented.

## SUMMARY

The vacant 1.6-acre property located at 1050 Parker Street / 2621 Tenth Street is within two zoning district designations - C-W (West Berkeley Commercial, fronting on San Pablo Avenue) and MU-LI (Mixed-Use - Light Industrial, fronting on Tenth Street). The uses allowed in these two districts are almost entirely mutually exclusive. The property owner applied for and obtained a Use Permit (#ZP2016-0170) for a 61,000 square foot commercial building that occupies all three parcels on the property, segregated into 20,370 square feet of Medical Office use in the C-W District and 40,300 square feet of Research and Development use in the MU-LI District. However, Kaiser Permanente has since expressed a strong interest in leasing the entire building from the property owner and applicant, Wareham Development, for a Medical Office facility. The existing split zoning prohibits the use of the entire property for Medical Offices. Reclassifying a portion of the subject property currently within the MU-LI Zoning District to the C-W District will allow the entire property to be used for a variety of unified commercial uses, including as a Medical Office facility.

In addition to the zoning designation, the General Plan and West Berkeley Plan land use designations would have to be similarly amended to maintain conformance.

City Council referred these amendments to the Planning Commission for consideration in December 2017. The Planning Commission considered the matter at several hearings and forwarded its recommendations to Council. Council action is required to effectuate the re-designation and rezoning. The Zoning Adjustments Board may then decide whether to approve a modified Use Permit to allow medical office uses throughout the site and to allow off-site parking to accommodate the expanded medical office use, as is being proposed by Wareham Development.

Pursuant to the California Environmental Quality Act, the re-designation, rezoning, and use permit for development and parking have been the subject of an initial study and draft mitigated negative declaration that concludes all impacts can be reduced to a less-than-significant level.

## FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts to the City of Berkeley by considering this rezoning application. If built as proposed, the project would accrue increased property and business tax revenues to the City and would offer significant additional employment opportunities.

## CURRENT SITUATION AND ITS EFFECTS

Kaiser Permanente has expressed interest in leasing the entire previously-approved, unbuilt project located at 1050 Parker Street as a medical office facility. Based on the existing zoning, a portion of the building was approved by the Zoning Adjustments Board to be Medical Office and the remaining to be Research and Development. The

portion of the building approved for Research and Development is within the Mixed Use-Light Industrial (MU-LI) zoning district, which does not permit Medical Practitioners.

The following actions are required to allow the building to be used entirely as medical offices:

1. Align all three parcels at the project to allow for Medical Office through a General Plan re-designation of two parcels from Manufacturing to Avenue Commercial and a rezoning from MU-LI to C-W.
2. Allow a maximum height of 50 feet on all three parcels to accommodate the overall height of the previously approved building, which was allowed in the MU-LI District but is not allowed in the C-W District. The C-W Zoning District allows a maximum height of 50 feet only if the project is mixed use with a residential component. The proposed C-W text amendment is drafted to grant a height exception for a solely commercial building at this site only.<sup>1</sup>

#### BACKGROUND

A proposed development project would combine three parcels into one 1.6-acre parcel to allow the construction of a roughly 61,000 square-foot, three-story building. The general configuration of the building would be an “L” shape, with each floor staggered in arrangement such that the second floor would contain a green roof along San Pablo Avenue and near the pedestrian entrance along Parker Street. The project was previewed by the Design Review Committee (DRC) in January 2017 and reviewed again upon formal submittal in October 2017.

An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for the original project pursuant to the provisions CEQA and was circulated for public review from October 12, 2017, to November 13, 2017.

On December 14, 2017, the ZAB considered the DRC input, adopted the IS-MND, and approved Use Permit #ZP2016-0170 to allow construction of a 60,670 square-foot, three-story building with 20,370 square feet of Medical Office and 40,300 square feet of Research and Development uses, and a 750 square-foot quick service restaurant, with 117 at-grade automobile parking spaces and 46 bicycle parking spaces.

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<sup>1</sup> The applicant has also applied for a modification of the previously approved Use Permit (#ZP2018-0117 to modify #ZP2016-0170) to allow the full use of the site as a medical office building and requested approval of a new Use Permit (#ZP2018-0116) to provide additional off-site parking for the expanded medical office use. The Zoning Adjustments Board is considering these permits concurrent with and contingent on this Council action.

During the review process of the use permit, Kaiser Permanente approached the property owner seeking to lease the entire building for medical office uses. In order to accommodate a Medical Office use within the whole building, including the portions that are approved for Research and Development, the underlying zoning of approximately two thirds of the site must be changed from MU-LI to C-W and additional parking spaces must be provided.

On December 19, 2017, the Berkeley City Council, pursuant to Berkeley Municipal Code Section 23A.20.020.B.1, requested that the Planning Commission consider and make recommendations on the rezoning of the two MU-LI designated parcels on the project site to allow for expanded Medical Office use.

The Planning Commission held a public hearing on February 7, 2018, took public testimony, asked staff and the applicant to respond to questions and provide further information, and continued the public hearing to March 21, 2018.

On March 21, 2018, the Planning Commission again considered the re-designation and rezoning and determined that additional detailed revisions to the zoning would be necessary to implement the original intent of the Council referral, and so continued the hearing to April 18, 2018.

On April 18, 2018, the Planning Commission conducted a public hearing and, without taking action on the matter, recommended that the City Council take into account a number of considerations [Motion/Second/Carried (Pinto/Kapla) Ayes: Lacey, Beach, Schildt, Kapla, Vincent, Lau, Pinto, Fong. Noes: None. Abstain: Martinot. Absent: None. (8-0-1-0)]. A listing of those considerations and staff's responses are provided later in this report.

On June 4, 2018, the applicant submitted two new Use Permit applications:

1. Use Permit #ZP2018-0117 (1050 Parker Street) for a modification to Use Permit #ZP2016-0170 to allow the 60,670 square-foot building to be used entirely for medical offices. Approval of Use Permit #ZP2018-0117 is contingent on ZAB approval of Use Permit #ZP2018-0116 for off-site parking and on the re-designation, rezone and text amendment by the City Council; and
2. Use Permit #ZP2018-0116 (2700 Tenth Street) to allow off-site parking at the "Pardee Block" to meet the parking demands of the proposed medical office use. The parking lot would include 88 parking spaces for use by the medical office staff, 35 parking spaces for use by the businesses that are to remain at the Pardee Block, and 18 bicycle parking spaces. Approval of Use Permit #ZP2018-0116 for off-site parking is contingent on ZAB approval of Use Permit #ZP2018-0117 for the medical office use and the re-designation, rezone and text amendment by the City Council.

A new IS-MND was prepared for the revised and expanded project, pursuant to the provisions of CEQA, and was circulated for public review from September 4, 2018, to October 4, 2018. The conclusions were consistent with the original IS-MND completed for the 1050 Parker Street project in 2017, including signalization of the intersection of Parker Street and San Pablo Avenue, and turn lane improvements at the intersection of Dwight Way and San Pablo Avenue. Noise and dust control measures would also be required during construction and stormwater control measures would be required to avoid flooding or pollution. The mitigation measures would be incorporated into the Conditions of Approval for the pending Use Permits. With the implementation of the mitigation measures, project impacts will be reduced to less-than-significant levels.

On October 25, 2018, the ZAB conducted a hearing on the revised Use Permit applications and the proposed IS-MND and continued the public hearing to December 13, 2018. The ZAB requested that the applicant provide additional information regarding parking management by Kaiser. Although the proposal meets zoning standards, additional shuttle, transit and other options could be considered. ZAB action will be contingent on the action Council takes on the requested re-designation, rezone and text amendment.

#### ENVIRONMENTAL SUSTAINABILITY

The proposed development will meet or exceed environmental requirements for material conservation and waste diversion, energy conservation, stormwater management, transportation management and related effects, as set forth in the IS-MND.

#### RATIONALE FOR RECOMMENDATION

On April 18, 2018, the Planning Commission conducted a public hearing and, without taking action on the matter, recommended that the City Council take into account a number of considerations. The following responses to the Planning Commission's recommendations are provided for City Council consideration.

1. *The Commission does not have sufficient and current environmental review (CEQA) information for the revised project to make/recommend the CEQA related findings for the rezone/re-designation actions.*

Staff Response: The revised IS-MND notes that the West Berkeley Plan is intended to guide the development of West Berkeley. It sets forth the City's key policies for West Berkeley on land use, environmental considerations, economic development, transportation, housing and social services, and physical form (urban design, historic preservation, open space). Allowing the rezone and land use re-designation, which would subsequently permit a Medical Office building to be approved, would be generally consistent with applicable policies of the West Berkeley Plan related to environmental

issues addressed by CEQA, and would provide for continued economic development and important services for the City's residents.

2. *The Commission is aware of changes to the project and the need for additional use permits (modified uses allowed for the project and new Pardee Street parking) along with the requisite CEQA analysis.*

Staff Response: The Planning Commission is not obliged to consider specific Use Permits, but to analyze the broad parameters of planning and zoning for sites and areas subject to future Use Permits that are evaluated by the DRC and ZAB. ZAB conducted a public hearing for the revised Use Permits and the newly prepared IS-MND on October 25, 2018, and continued to the hearing to December 13, 2018. The ZAB discussed the merits of the project, took public testimony, and directed the applicant to provide additional information regarding parking prior to the next public hearing. CEQA findings are available for Council consideration.

3. *The use of the rezoned/re-designated parcels should be limited to Medical Office Use, which could be added to the text amendment language, though concern was expressed about "spot zoning."*

Staff Response: The proposed re-designation and rezoning to the C-W District is consistent with the adjacent parcels that comprise the project site. The rezone would allow an application to be submitted for any of the uses listed under Berkeley Municipal Code Section 23E.64.030, "Uses Permitted", including but not limited to medical office. This is consistent with usual practice, allowing the ZAB to consider uses and development on a case by case basis within the overall zoning framework.

4. *Relocation of the displaced auto repair and other industrial/repair type businesses from the Pardee Block parcels should be considered as part of the project approval. This should be done at the expense of the developer (Wareham).*

Staff Response: This concern is being addressed by the ZAB. During its October 25, 2018, public hearing, the ZAB directed the applicant to provide a proposal to address relocation and assistance concerns regarding the existing businesses occupying buildings located at 2700 Tenth Street (at the Pardee Block), which are proposed to be demolished in order to construct a parking lot for employees at the proposed medical offices at 1050 Parker. Appropriate conditions of approval may be imposed by the ZAB as part of the Use Permit.

5. *Any rezone/re-designation policy analysis should include a listing of all related policies and goals from the West Berkeley Plan. The current analysis is limited.*

Staff Response: Allowing the land use re-designation and rezone would allow a Medical Office project to be considered by ZAB. Such use would be generally consistent with applicable policies of the West Berkeley Plan, including: Land Use Goal 1) Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promote the varied and interesting character of the area; Land Use Goal 2) Channel development -- both new businesses and residences and the expansion of existing businesses -- to districts which are appropriate for the various existing elements of the West Berkeley land use mix; Land Use Goal 3) Protect residential core neighborhoods from adverse impacts of economic growth, especially traffic and parking congestion and noise; and Land Use Goal 4) Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.

Medical Office uses would provide for continued economic development as well as provide important services for the City's residents. The subject property is not located in a residential core neighborhood, and the proposed structure is required to be compatible in scale with the greater neighborhood subject to approval by the City's Design Review Committee (DRC). The proposed Use Permits at 1050 Parker Street have been reviewed by the DRC and will also be subject to Final Design Review.

6. *Creative parking solutions, such as free patient and/or staff parking, committed parking spots on the street, and modified parking ratios should be considered for the project.*

Staff Response: The ZAB is considering these issues as part of the Use Permit. The applicant is preparing information from Kaiser regarding expected staffing and patient loads as well as comparable parking studies for similar Kaiser Medical Office facilities, including on-street parking usage within two blocks of the site. The ZAB also asked for information regarding other off-site parking options. The ZAB indicated that upon the provision of this information, they would also consider eliminating some or all of the off-site parking if the studies indicated that not all the proposed parking is necessary for the proposed Medical Office facility. The ZAB is the proper forum for modifying or imposing appropriate conditions on the project.

ALTERNATIVE ACTIONS CONSIDERED

The Council may deny the amendments, or continue the public hearing, or take no action in which case the amendments would not occur and the pending Use Permits would be moot.

CONTACT PERSONS

Timothy Burroughs, Director, Planning & Development Department, (510) 981-7437  
Steven Buckley, Land Use Planning Manager, (510) 981-7411  
Layal Nawfal, Project Planner, (510) 981-7424

Attachments:

- 1: General Plan Amendment / West Berkeley Plan Amendment – Draft Resolution  
Exhibit A: General Plan Amendment Map  
Exhibit B: West Berkeley Plan Amendment Map
- 2: Zoning Amendments – Draft Ordinance  
Exhibit A: Zoning Map Amendments
- 3: California Environmental Quality Act (CEQA) – Draft Resolution  
Exhibit A: Initial Study and Draft Mitigated Negative Declaration  
Exhibit B: Responses to Comments on Draft IS-MND  
Exhibit C: Mitigation Monitoring and Reporting Program
- 4: Planning Commission Meeting Minutes – April 18, 2018
- 5: Planning Commission Staff Report and Attachments – April 18, 2018
- 6: Public Hearing Notice of City Council Hearing on December 4, 2018

RESOLUTION NO. \_\_\_\_-N.S

AMENDING THE BERKELEY GENERAL PLAN TO REDESIGNATE ASSESSOR PARCEL NUMBERS (APNS) 054-1763-001-03 AND 054-1763-010-00 FROM MANUFACTURING TO AVENUE COMMERCIAL AND AMENDING THE WEST BERKELEY PLAN TO REDESIGNATE THE SAME PARCELS FROM MIXED USE / LIGHT INDUSTRIAL TO GENERAL COMMERCIAL

WHEREAS, the City Council of the City of Berkeley has the authority to approve and amend the designation of parcels from one General Plan land use designation to another in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the redesignation of the noted parcels was prepared based on referral from the City Council and a request from a property owner that wishes to modify and unify the allowable uses within a building that has been approved to be built across General Plan land use designation boundaries; and

WHEREAS, on February 7, 2018, the Planning Commission held a duly noticed public hearing and took public testimony and continued the public hearing to obtain additional information; and

WHEREAS, on March 21, 2018, the Planning Commission held a duly noticed public hearing and took public testimony to allow for modifications to the proposal; and

WHEREAS, on April 18, 2018, the Planning Commission voted to provide recommendations for the City Council to consider regarding the adoption of a General Plan and West Berkeley Plan redesignations of Assessor Parcel Numbers (APNs) 054-1763-001-03 and 054-1763-010-00; and

WHEREAS, on December 4, 2018, the City Council held a duly noticed public hearing to consider the recommendations of the Planning Commission, staff, property owner and the general public regarding the General Plan and West Berkeley Plan land use map amendments of APNs 054-1763-001-03 and 054-1763-010-00; and

WHEREAS, the amendments are consistent with the General Plan and West Berkeley Plan (WBP), including: Land Use Goal 1) Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promote the varied and interesting character of the area; Land Use Goal 2) Channel development -- both new businesses and residences and the expansion of existing businesses -- to districts which are appropriate for the various existing elements of the West Berkeley land use mix; Land Use Goal 3) Protect residential core neighborhoods from adverse impacts of economic growth, especially traffic and parking congestion and noise; and Land Use Goal 4) Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development; because Medical Office uses would provide for continued

economic development as well as provide important services for the City's residents. The subject property is not located in a residential core neighborhood, and the proposed structure is required to be compatible in scale with the greater neighborhood subject to approval by the City's Design Review Committee (DRC). The proposed Use Permits at 1050 Parker Street have been reviewed by the DRC and will also be subject to Final Design Review; and

WHEREAS, the amendments serve the public interest through providing for a diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation; and

WHEREAS, the amendments would support the public health, safety and general welfare of the City by bringing a potential new mix of uses to the parcels, including healthcare services and job providers; and

WHEREAS, the effects of the amendments have been evaluated in an Initial Study – Mitigated Negative Declaration to address impacts of using the entirety of the site for Medical Office use and providing off-site parking; and sufficient mitigation measures and conditions of approval would be imposed on a development project as part of any Use Permit for the site; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the General Plan is hereby amended as shown in Exhibit A.

BE IT FURTHER RESOLVED by the City Council of the City of Berkeley that the West Berkeley Plan is amended as shown in Exhibit B.

**EXHIBITS**

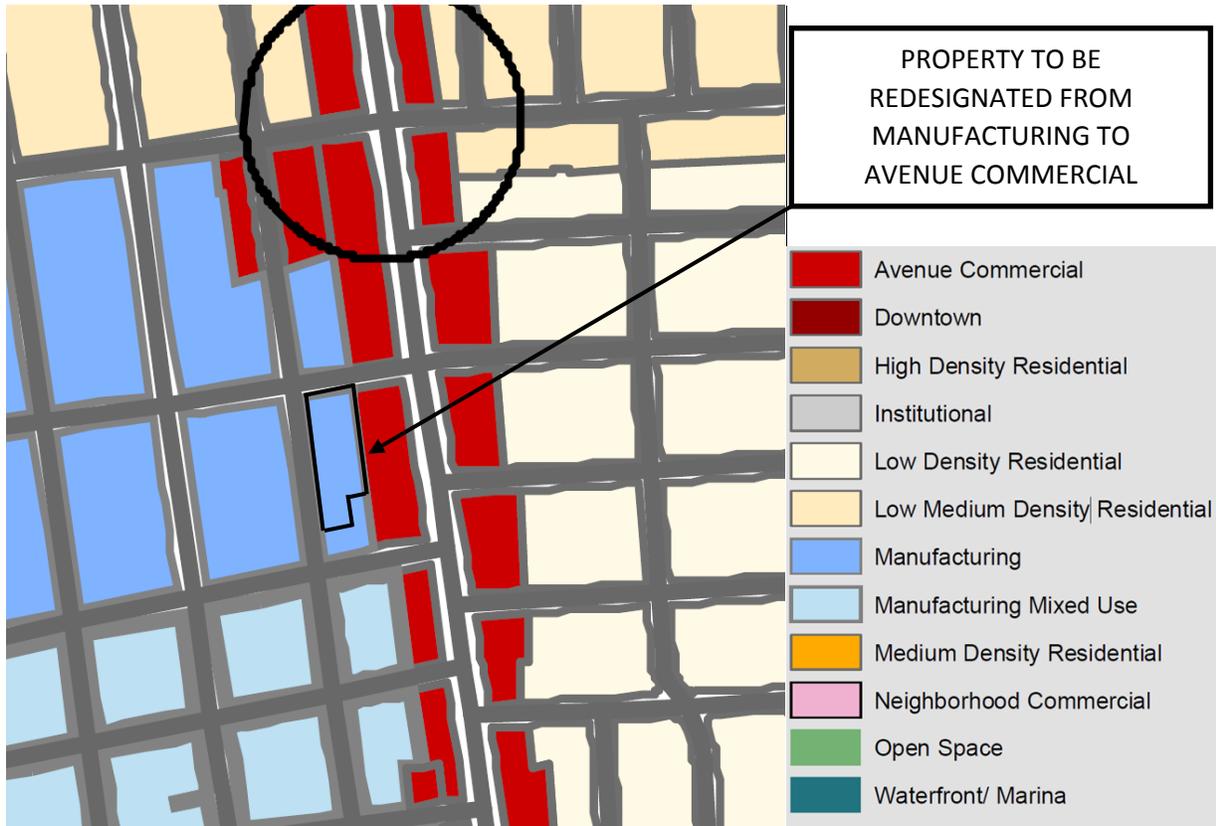
A: Map of General Plan amendment from Manufacturing to Avenue Commercial, Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

B: Map of West Berkeley Plan amendment from Mixed Use/Light Industrial to General Commercial, Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

ATTACHMENT 1, EXHIBIT A

GENERAL PLAN MAP AMENDMENT

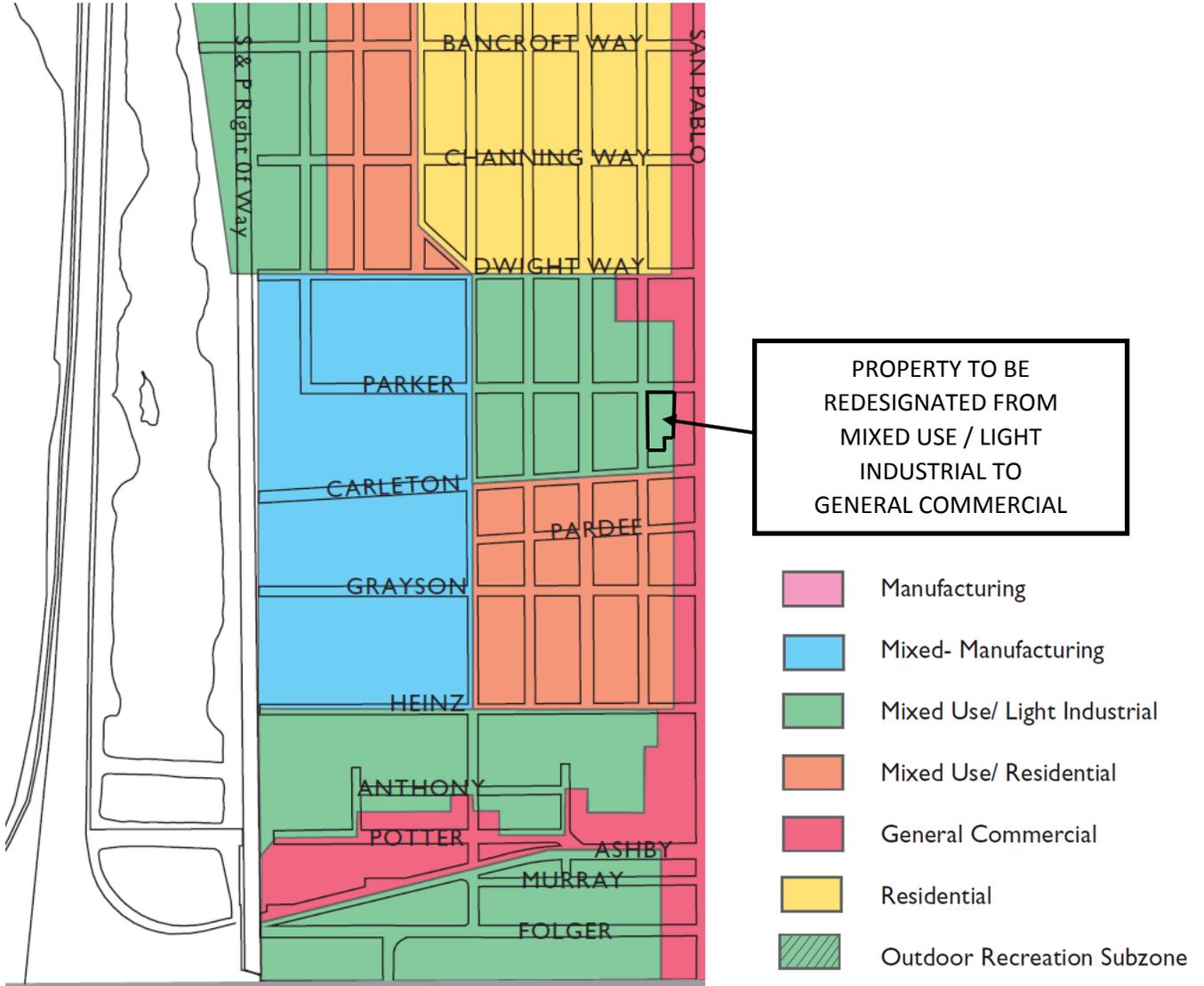
ASSESSOR PARCEL NUMBERS (APNs) 054-1763-001-03, 054-1763-010-00



ATTACHMENT 1, EXHIBIT B

WEST BERKELEY PLAN MAP AMENDMENT

ASSESSOR PARCEL NUMBERS (APNs) 054-1763-001-03, 054-1763-010-0



ORDINANCE NO. \_\_\_\_-N.S

AMENDING BERKELEY MUNICIPAL CODE (BMC) TITLE 23 (ZONING), OFFICIAL ZONING MAP, TO REZONE ASSESSOR PARCEL NUMBERS (APN) 054-1763-001-03 AND 054-1763-010-00 FROM MIXED USE – LIGHT INDUSTRIAL (MU-LI) TO WEST BERKELEY COMMERCIAL (C-W), AND TO AMEND SECTION 23E.64.070 TO ALLOW BUILDINGS ON ASSESSOR PARCEL NUMBERS 054-1763-001-03, 054-1763-010-00 AND 054-1763-003-03 TO BE FIFTY FEET IN HEIGHT AND FOUR STORIES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The City Council has adopted the Initial Study – Mitigated Negative Declaration that was prepared for this rezoning and has made all required findings pursuant to the California Environmental Quality Act, as amended.

Section 2. The City Council finds this rezoning and text amendment to be consistent with the General Plan and West Berkeley Plan, and to be in the public interest and in furtherance of the public health, safety and general welfare.

Section 3. That the City of Berkeley Zoning Map is hereby amended to rezone the parcels known as Assessor Parcel Numbers 054-1763-001-03 and 054-1763-010-00 to West Berkeley Commercial (C-W), as shown in Exhibit A to this ordinance.

Section 4. That Berkeley Municipal Code Section 23E.64.070.B is hereby amended to read as follows:

23E.64.070 Development Standards

B. The height for a main building shall not exceed the following limits and shall satisfy the following requirements:

Table 23E.64.070			
Building Height Limitations *			
Use Type	Height (ft.)	Stories (number)	Special Requirements/Limitations
Commercial Only**	40	3	
Live/Work Only	40	3	
Mixed Use	50	4	The 4th floor must be used for residential or live/work purposes
Residential Only	40	3	

\*Within designated nodes there is a minimum height requirement, see Section 23E.64.040.D

Table 23E.64.070			
Building Height Limitations *			
Use Type	Height (ft.)	Stories (number)	Special Requirements/Limitations
<p><u>**On Assessor Parcel Numbers 054-1763-001-03, 054-1763-010-00 AND 054-1763-003-03 the maximum height may be 50 feet and 4 stories.</u></p>			

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

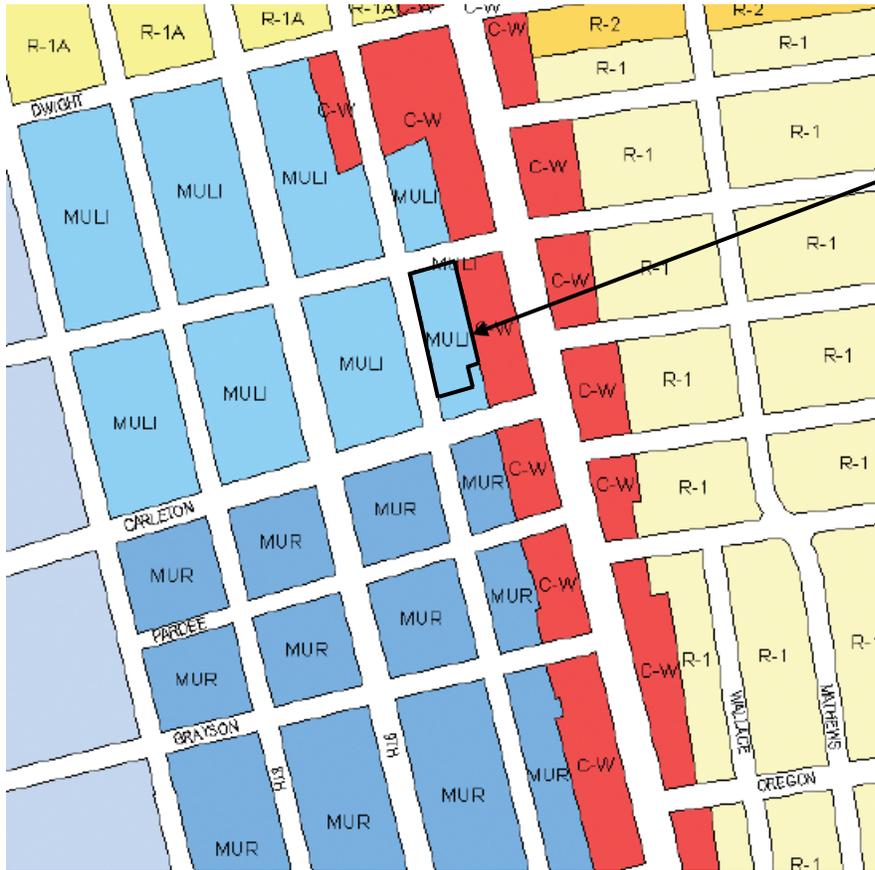
Exhibit

A: Zoning Map Amendment

ATTACHMENT 2, EXHIBIT A

ZONING MAP AMENDMENT

APNs 054-1763-001-03 and 054-1763-010-00



PROPERTY TO BE REZONED FROM MIXED USE – LIGHT INDUSTRIAL TO WEST BERKELEY COMMERCIAL

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
C-1	General Commercial
C-2	Central 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

RESOLUTION NO. \_\_\_\_-N.S

ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A PROPOSED MITIGATED NEGATIVE DECLARATION, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GENERAL PLAN AMENDMENT / WEST BERKELEY PLAN AMENDMENT, AND ZONING MAP AMENDMENT AND ZONING TEXT AMENDMENT FOR “1050 PARKER STREET”

WHEREAS, the City Council of the City of Berkeley has the authority to approve zoning ordinance map and text amendments and to redesignate parcels from one General Plan land use designation to another in order to address unforeseen circumstances and changing priorities; and

WHEREAS, General Plan / West Berkeley Plan redesignation and the zoning amendments of the parcels that would comprise the project site for the “1050 Parker Street” project were prepared based on a request from a property owner that wishes to modify and unify the allowable uses within a building that has been approved to be built across General Plan and zoning district boundaries; and

WHEREAS, on August 22, 2018, staff deemed this application complete, and preparation of a Draft Initial Study was begun to determine potential significant effects of the project including Use Permit applications for medical office use and an off-site parking lot; and

WHEREAS, on September 4, 2018, the Notice of Intent (NOI) to adopt the IS-MND was published and was mailed to adjoining property owners and occupants, and to interested neighborhood organizations. In addition, the applicant filed the NOI with the County Clerk and the Draft Initial Study – Mitigated Negative Declaration (IS-MND) was submitted to the State Clearinghouse (SCH #2018092001) for distribution to interested State and regional agencies; and

WHEREAS, on October 4, 2018, the public review period concluded and none of the comments received on the IS-MND constituted new information that warranted recirculation of the IS-MND. Comments received did not identify new impacts nor result in a substantial increase in the severity of impacts; and

WHEREAS, on October 19, 2018, a Final Mitigated Negative Declaration and Response to Comments was issued; and

WHEREAS, the potential impacts of the proposed development and the necessary General Plan, West Berkeley Plan and zoning amendments have been evaluated and can be reduced to a level of “less than significant” through the implementation of the mitigation measures and any conditions of approval that would be required for future development of the properties; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that after reviewing the Initial Study / Mitigated Negative Declaration, and considering all oral and written information presented at or before this hearing, the Council exercises its independent judgment to find and determine as follows:

1. That the 1050 Parker Street IS-MND, which consists of the Initial Study / Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program (MMRP) attached as Exhibit C, has been completed in accordance with the requirements of CEQA statutes, the CEQA Guidelines, and City of Berkeley CEQA procedures; and
2. That the IS-MND constitutes an adequate, accurate, objective and complete analysis addressing all issues relevant to the approval of the project, consisting of the General Plan / West Berkeley Plan Amendments and Zoning Text / Map Amendments for the project site; and
3. That the IS-MND has been reviewed and considered prior to acting on the proposed amendments and that the IS-MND reflects the independent judgment and analysis of the City; and
4. That the IS-MND identifies all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Mitigated Negative Declaration, including those in the MMRP, would be adopted and implemented as Conditions of Approval for the project-related Use Permits. The City finds that on the basis of the whole record before it, there is no substantial evidence that the project, as mitigated and conditioned, would have a significant impact on the environment.
5. That the monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached MMRP which shall be incorporated into the Conditions of Approval for development of the project. Adoption of the MMRP constitutes fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Berkeley, the project sponsor, or other identified public agencies of responsibility, and will reduce the environmental impacts to a less-than significant level.

BE IT FURTHER RESOLVED that the City Council of the City of Berkeley adopts the 1050 Parker Street Medical Office and Off-Site Parking Lot Project Mitigated Negative Declaration, which consists of the Initial Study - Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, which have been completed in compliance with CEQA.

Exhibits:

- A. Initial Study/Mitigated Negative Declaration (IS-MND)
- B. Responses to Comments on Draft IS-MND
- C. Mitigation Monitoring and Reporting Program



1050 Parker Street Medical Office and  
Off-Site Parking Lot Project  
Use Permit ZP2018-0116 and  
Modification of Use Permit ZP2016-0170

Initial Study – Mitigated Negative Declaration

*prepared by*

**City of Berkeley**

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*prepared with the assistance of*

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**September 2018**

1050 Parker Street Medical Office and  
Off-Site Parking Lot Project  
Use Permit ZP2018-0116 and  
Modification of Use Permit ZP2016-0170

Initial Study – Mitigated Negative Declaration

*prepared by*

**City of Berkeley**

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**September 2018**

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## Initial Study

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### 1. Project Title

Medical Office and Off-Site Parking Lot Project, Use Permit #ZP2018-0116 and Modification of Use Permit #ZP2016-0170

### 2. Lead Agency Name and Address

City of Berkeley  
Department of Planning & Development, Land Use Division  
1947 Center Street, 3rd Floor  
Berkeley, California 94704

### 3. Contact Person and Phone Number

Loyal Nawfal, Associate Planner  
(510) 981-7424

### 4. Project Location

The project site is located in the city of Berkeley. The proposed medical office building (medical office) site is a vacant site bound by an adjacent commercial property and Parker Street on the north, San Pablo Avenue on the east, commercial properties on the south, and Tenth Street on the west. The medical office site comprises 1.6 acres on the following parcels:

- 1050 Parker Street, assessor's parcel number (APN) 54-1763-1-3
- 2621 Tenth Street, APN 54-1763-10
- 2612 San Pablo Avenue, APN 54-1763-3-3

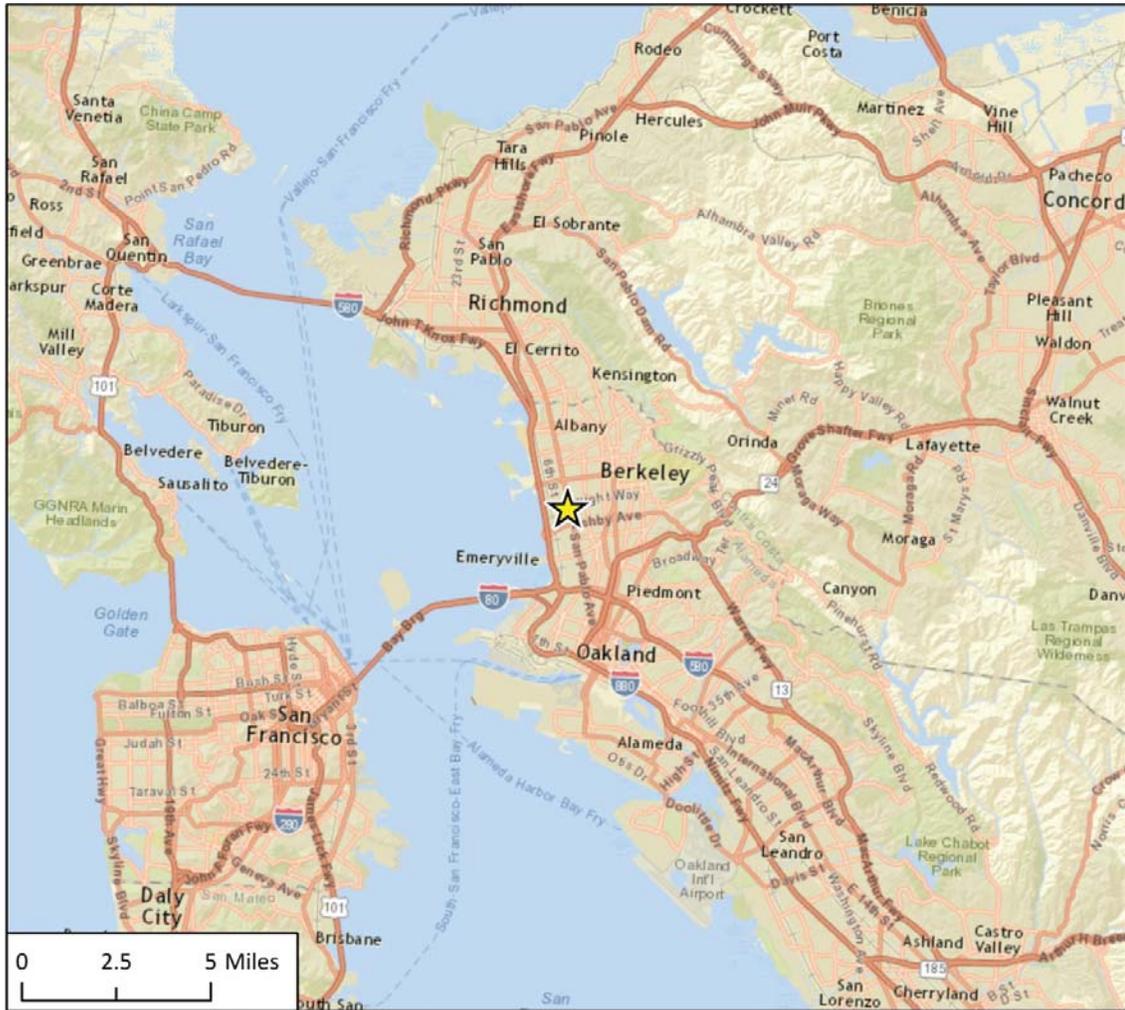
The proposed parking lot (Pardee Block parking lot), approximately 500 feet southwest of the medical office site, is bound by Carleton Street to the north, Pardee Street to the south, Ninth Street to the west, and Tenth Street to the east. The Pardee Block parking lot site would comprise of 1-acre out of the following 1.6-acre parcel:

- APN is 54-1745-18-4

The medical office property fronts Parker Street, Tenth Street, and San Pablo Avenue; a driveway on Parker Street provides vehicular access to the site currently. Future vehicular access would be from Tenth Street, supplemented by pedestrian access at San Pablo Avenue. The parking lot site has frontage on Ninth Street, Tenth Street, and Carleton Street; vehicle access would be from Ninth and Tenth Streets, with pedestrian gates located on Ninth, Tenth, and Carleton streets. The Pardee Block parking lot is occupied currently with multiple buildings, with vehicular access from a single driveway on Carleton Street. Figure 1 shows the location of the project site in the region. Figure 2 shows the project site in its neighborhood context. Figure 3 through Figure 6 show photographs of the existing project sites and immediate surroundings.

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Figure 1 Regional Location



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Fig 1 Regional Location

Figure 2 Project Location



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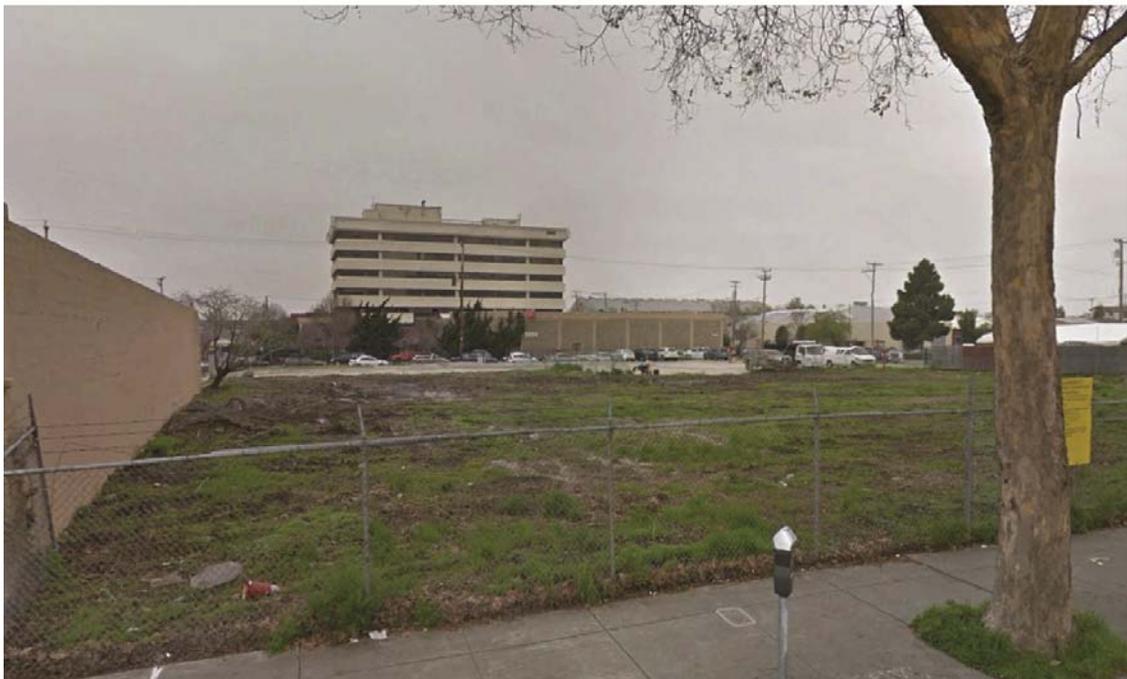
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**Figure 3 Existing Conditions of Proposed Medical Office Building Site**



**Photo 1:** Northeast view from Tenth Street.



**Photo 2:** Northwest view from San Pablo Avenue.

**Figure 4 Existing Conditions of the Proposed Medical Office Building Site**



**Photo 3:** Southeast view from Parker Street.



**Photo 4:** Southwest view from San Pablo Avenue.

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Figure 5 Existing Conditions of the Proposed Surface Parking Lot Site



Photo 1: 1000-1010 Carleton Street, looking southeast. Original repair shop is at left. Storage shed at right. (Shayne Watson, 2018)



Photo 2: 2710 Tenth Street, looking southwest. (Shayne Watson, 2018)

**Figure 6 Existing Conditions of the Proposed Surface Parking Lot Site****Photo 3:** Storage shed, looking east. (Shayne Watson, 2018)

## 5. Project Sponsor's Name and Address

2600 Tenth Street, LLC and Pardee I, LLC  
 Contact: Chris Barlow, Wareham Property Group  
 1120 Nye Street, Suite 400  
 San Rafael, California 94901

## 6. Existing Setting

The 68,331 square-foot (1.6-acre) medical office site is vacant, generally level, and irregular in shape. The northwest and largest parcel (1050 Parker Street, APN 54-1763-1-3) is paved and occasionally used as a surface parking lot. A smaller parcel along Tenth Street (2621 Tenth Street, APN 54-1763-10) and the parcel comprising the eastern portion of the site along San Pablo Avenue (2612 San Pablo Avenue, APN 54-1763-3-3) consist of mostly unpaved areas with non-native grasses and shrubs. There are two non-native trees on the site, one on the smaller parcel on Tenth Street and one on the parcel fronting San Pablo Avenue. Steel and chain-link fences surround the site. Figure 3 and Figure 4 shows existing conditions on the medical building site.

The 68,000 square-foot (1.56-acre) Pardee Block parking lot (APN 54-1745-18-4) is currently developed with seven existing warehouse, automobile repair, and storage structures, some of which are proposed for demolition. Figure 5 and Figure 6 shows the existing conditions of the parking lot site.

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## 7. Surrounding Land Uses and Setting

The project properties are located on separate sites, 500 feet apart, in an urbanized and developed area of West Berkeley.

Land uses near the medical office site, as seen in Figure 7, include the Missouri Lounge bar and three residential units above the bar on the southwest corner of San Pablo Avenue and Parker Street, and a Bank of America on the north side of Parker Street beyond; a mix of retail, restaurants, and automobile services to the east along San Pablo Avenue; retail spaces and a church (Covenant Worship Center) to the south along San Pablo Avenue; a commercial office development, including a recording studio (Fantasy Studios), on the west side of Tenth Street; and light industrial and automobile services to the south along Carleton Street. Surrounding building heights vary from one to seven stories, with the majority being one to two stories. There are two street trees along the site's San Pablo Avenue frontage and two on its Tenth Street frontage.

Land uses near the Pardee Block parking lot site, as seen in Figure 8, include an industrial/commercial building at the southeast corner of Pardee and Tenth streets; a mix of retail, commercial, and residential uses, including the Berkeley Humane Society and an apartment complex, south along Ninth Street; Juan's Place restaurant and a surface parking lot north along Carleton Street; and light industrial uses east along Tenth Street. The surrounding building heights vary from one to three stories.

The medical office site abuts San Pablo Avenue, a major transit corridor in Berkeley. There are a number of Alameda-Contra Costa (AC) Transit bus stops within 0.25 mile of the project site, with the closest one approximately 150 feet from the project site at the corner of Parker Street and San Pablo Avenue (serving the 72, 72M, and 802 lines). Additional bus stops are situated at the intersection of Dwight Way and San Pablo Avenue, approximately one block north of the project site. There are three Bay Area Rapid Transit (BART) stations within 2.0 miles of the project site: North Berkeley (1.5 miles northeast), Ashby (1.7 miles southeast), and Downtown Berkeley (1.9 miles east).

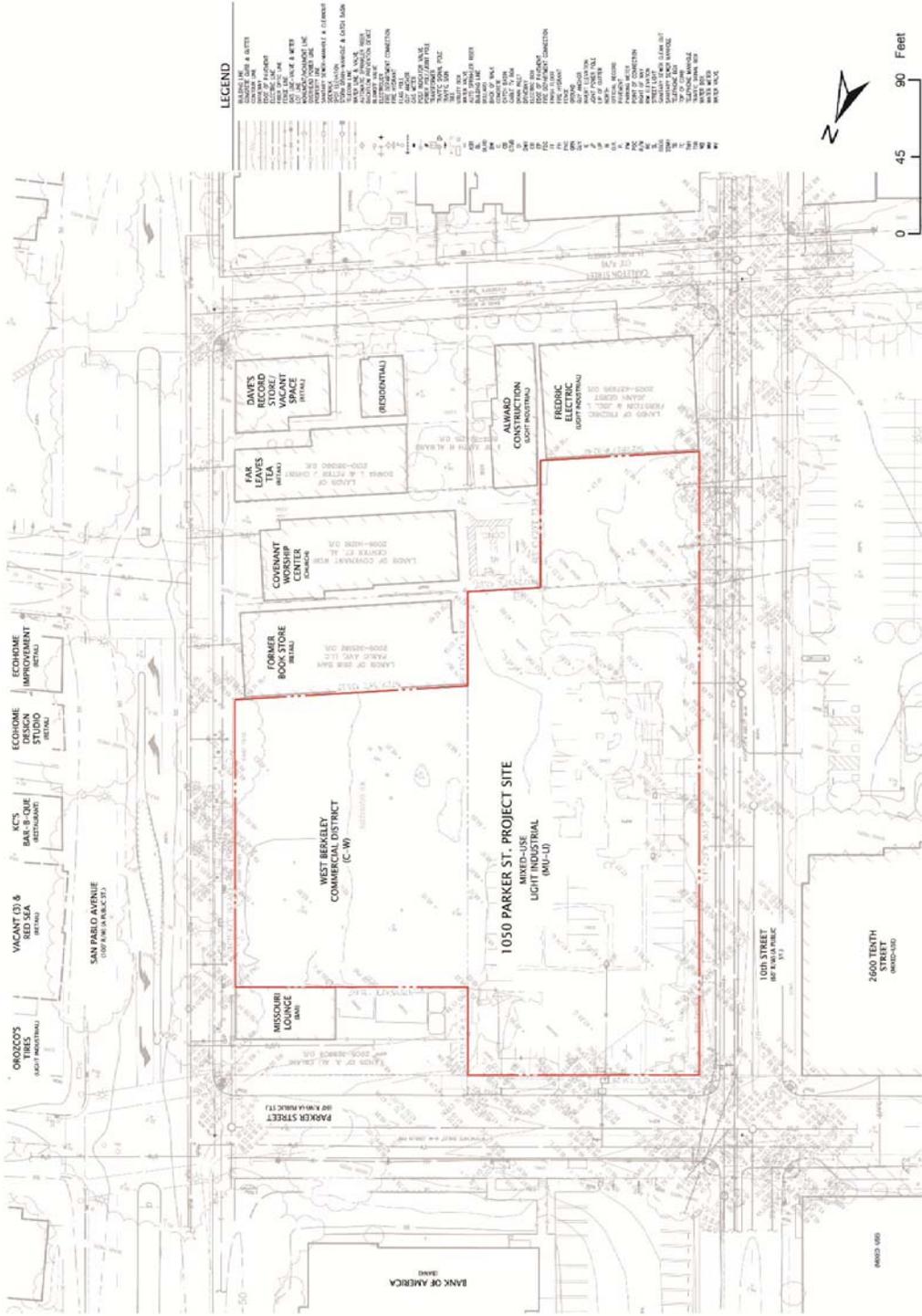
## 8. General Plan Designation

The project sites have three General Plan designations: APN 54-1763-1-3 (1050 Parker Street) and APN 54-1763-10 (2621 Tenth Street) are designated Manufacturing, while APN 54-1763-3-3 (2612 San Pablo Avenue) is designated Avenue Commercial. The proposed Pardee Block parking lot, APN 54-1745-18-4 (1000-1016 Carleton Street), is designated Manufacturing Mixed Use.

## 9. Zoning

As described in the project setting, the project site comprises three parcels on one block and one parcel on an adjacent block. The medical office site includes APN 54-1763-1-3 (1050 Parker Street) and APN 54-1763-10 (2621 Tenth Street) which are zoned Mixed Use-Light Industrial (MU-LI), and APN 54-1763-3-3 (2612 San Pablo Avenue) which is zoned West Berkeley Commercial (C-W). The Pardee Block parking lot site at APN 54-1745-18-4 (1000-1016 Carleton Street) is zoned Mixed Use-Residential (MU-R). The applicant has requested that a rezoning be processed concurrently to change the zoning designation on the two MU-LI designated parcels to C-W in order to accommodate full medical office uses on that site.

Figure 7 Existing Surrounding Land Uses – Medical Office Site



Source: Gould Evans, 2015.

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 Use Permit ZP2018-0116 and Modification of Use Permit ZP2016-0170

Figure 8 Existing Surrounding Land Uses – Pardee Block Parking Lot Site



## 10. Site Conditions

The proposed medical office site is mostly vacant with a large paved area along the western portion of the site that is used sometimes for temporary parking. The southern and central portion of the site was leased most recently for interim use as a community garden through November 2016.

The Pardee Block parking lot property currently consists of seven light industrial structures that total approximately 27,000 square feet and are greater than 40 years old. The structures consist of a contractor's repair shop, a wooden lean-to storage shed, a machine shop, and two warehouses, plus associated outbuilding structures. Historic evaluations were conducted for all structures proposed for demolition and are included as Appendix G. Further discussion of the historical evaluations are included in the Cultural Resources section of this report.

## 11. Project History

On December 14, 2017, the City of Berkeley Zoning Adjustments Board (ZAB) approved Use Permit #ZP2016-0170 to allow for the construction of a 60,670 square-foot, three-story building with 20,370 square feet of medical office and 40,300 square feet of research and development uses, and a 750 square-foot quick service restaurant, with 117 automobile parking spaces and 46 bicycle parking spaces.

An Initial Study-Mitigated Negative Declaration (IS-MND; State Clearinghouse #2017102038) was prepared for the original project, pursuant to the provisions of the California Environmental Quality Act (CEQA), and circulated for public review from October 12, 2017 to November 13, 2017. The IS-MND was adopted by ZAB on December 14, 2017 in conjunction with the approval of Use Permit #ZP2016-0170.

During the process of the approval of Use Permit #ZP2016-0170, a major health care organization approached the property owner seeking to lease the entire proposed 60,670 square-foot building for medical office uses. In order to accommodate medical office use through the portions of the building that are approved under Use Permit #ZP2016-0170 for research and development, the underlying zoning of approximately two thirds of the site must be modified from MU-LI to C-W and additional parking spaces need to be provided.

In December 2017, the Berkeley City Council requested that the Planning Commission consider, and make recommendations on, the necessary rezoning of the two MU-LI parcels on the site to allow expanded medical office use. The Planning Commission subsequently held two public meetings in February 2018 and April 2018 and directed City Staff to forward its recommendations for the rezone to the City Council. The final determination on the rezone is pending as of the publication of this IS-MND.

On June 4, 2018, the property owner submitted a request to the City of Berkeley for a modification to Use Permit #ZP2016-0170 to allow the 60,670 square-foot building to be used entirely for medical offices. Because of the need to increase the number of parking spaces provided, the project applicant has also applied for a new Use Permit to allow for off-site parking (Use Permit #ZP2018-0116, Pardee Block parking lot).

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**1050 Parker Street Medical Office and Off-Site Parking Lot Project**

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## 12. Description of Project

Modification of Use Permit #ZP2016-0170 would allow for previously approved 60,670 square-foot building to be used entirely for medical offices, rather than medical office and research and development. The Berkeley Municipal Code (BMC) parking requirements for medical office uses are higher than for research and development uses; as such, the proposed Pardee Block parking lot would provide the required overflow parking to meet the full parking requirements of the medical office building. Specific changes to the previously approved building include the removal of an internal physical separation wall between the portions of the building with different underlying zoning designations and modifications to the required on-site accessible, accessible van, clean air/van pool, electric vehicle, and future electric vehicle parking spaces. This CEQA document analyzes the potential environmental impacts of both the medical office building and the additional Pardee Block parking lot.

The medical office building project would combine three parcels into one 68,331 square-foot parcel to allow the construction of a 60,670 square-foot, three-story building. The general configuration of the building would be an "L" shape, with each floor staggered in arrangement such that the second floor would contain a green roof along San Pablo Avenue. The project would also include a 750-square-foot café/retail space located along San Pablo Avenue.

Building entryways for pedestrians would be located on the ground floor along San Pablo Avenue and Parker Street. Vehicular access would be provided on Parker Street and Tenth Street. On-site parking would be located under the building and on a surrounding surface lot. On-site parking accommodations would include a total of 115 automobile parking and 46 bicycle parking spaces.

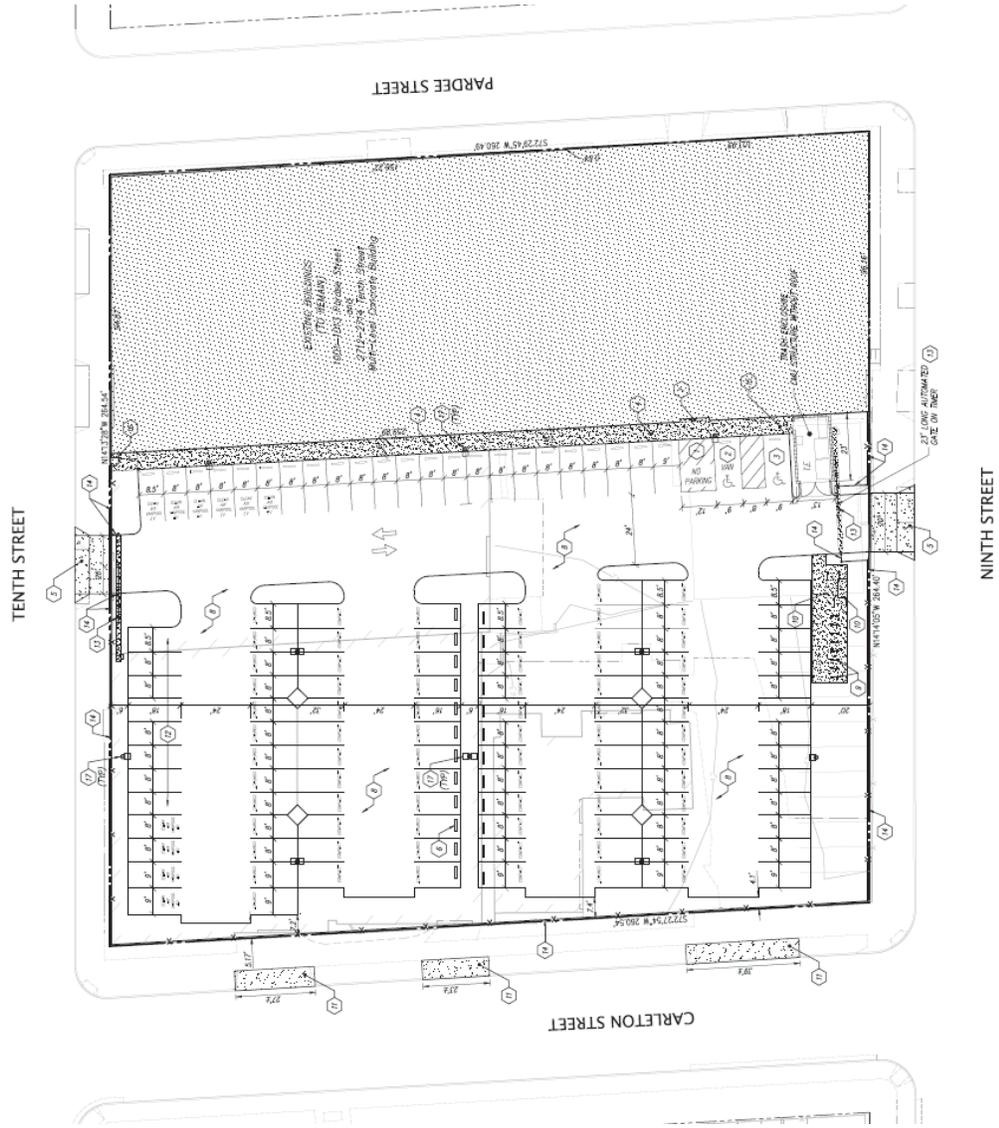
The project would include nearly 10,000 square feet of landscaped area on the ground level, including 2,150 square feet of public open space comprising two small public plazas with seating and landscaping. A 650-square-foot plaza would be located at the corner of Parker and Tenth Street and a 1,200-square-foot plaza would be located along San Pablo Avenue, adjacent to the proposed café/retail space. Approximately 4,600 square feet of private open space would be provided on a second floor terrace accessed from the third floor.

Two mechanical penthouses and an elevator penthouse would be constructed on the roof of the proposed building. The two mechanical penthouses would be 14 feet above the roof level, and the elevator penthouse would be 16 feet above the roof level. Figure 9 and Figure 10 depict the proposed building and off-site parking lot site plans. Figure 11 through Figure 15 depict floor plans and elevations. Table 1 provides project details.



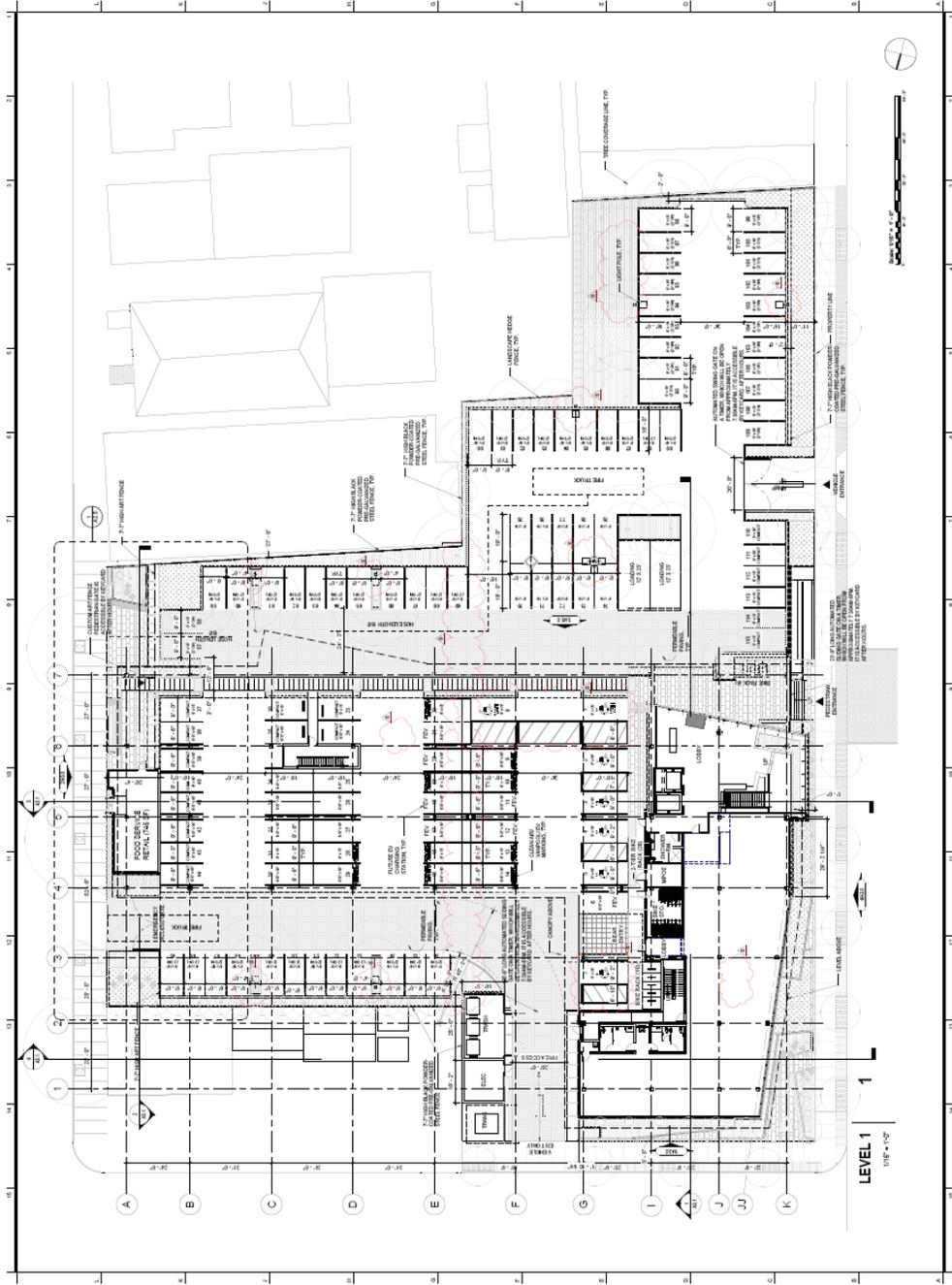
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Figure 10 Proposed Parking Lot Site Plan



Source: Gould Evans, 2018

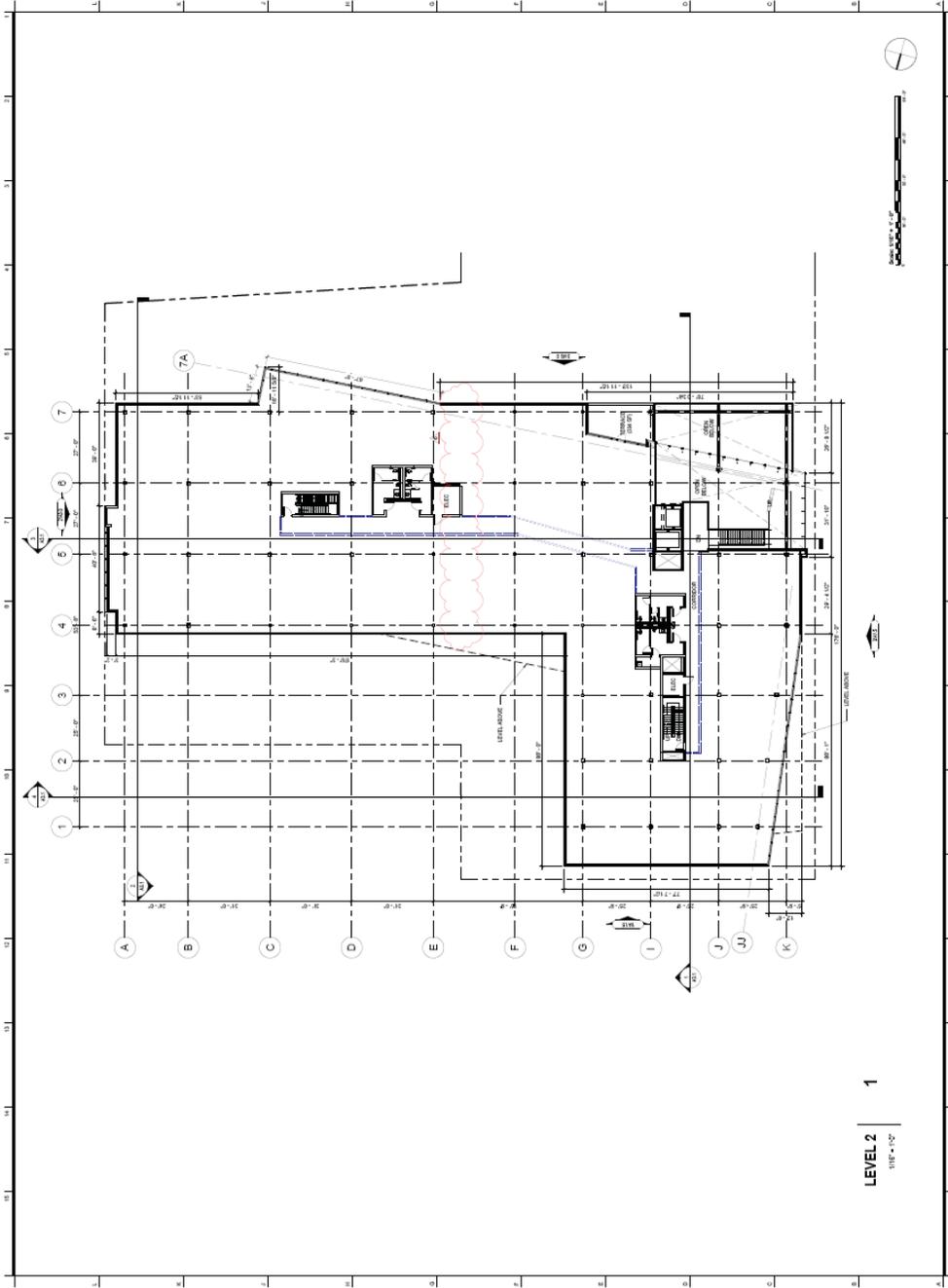
Figure 11 Proposed Ground Floor Plan – Medical Office Building



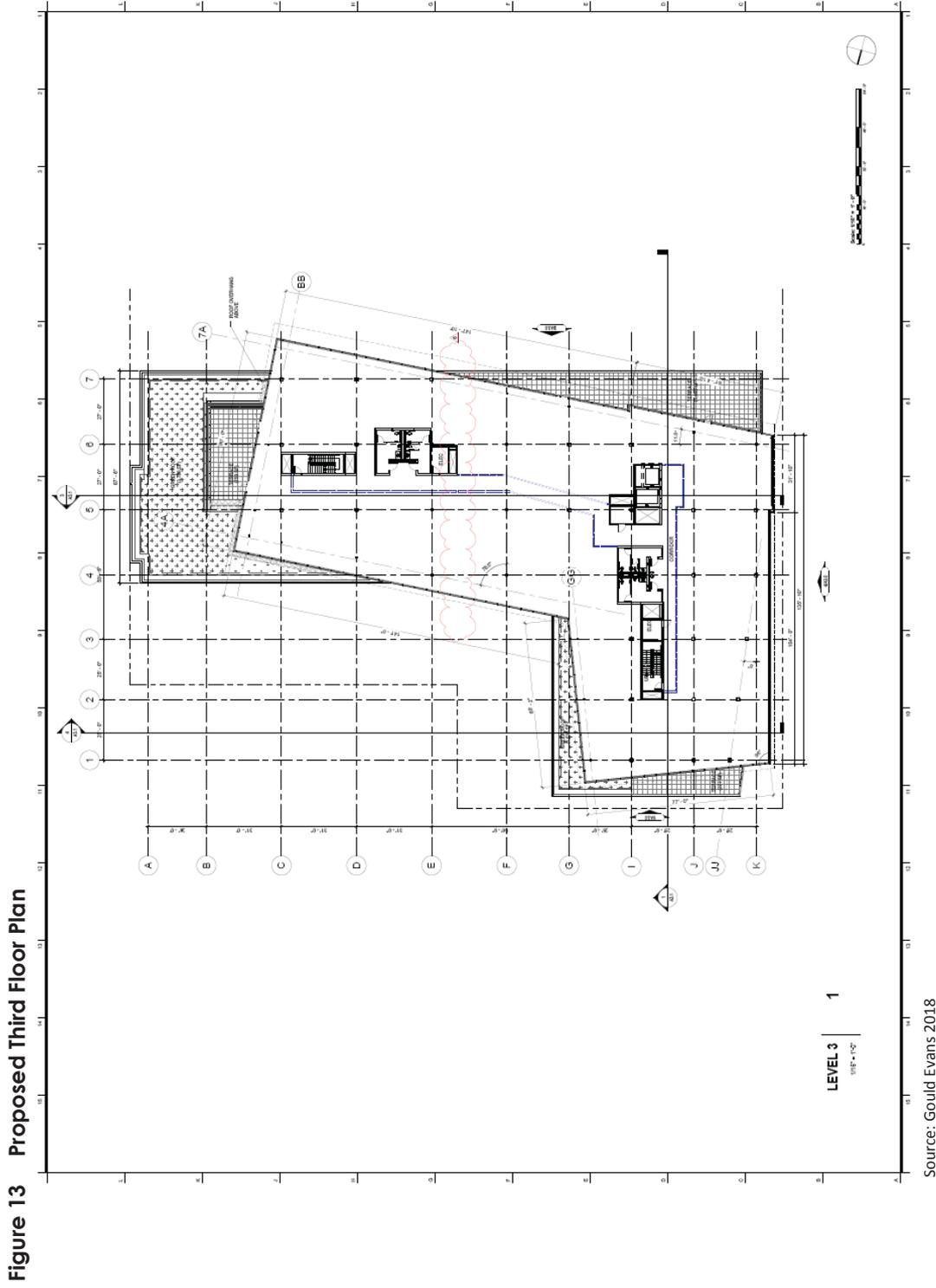
Source: Gould Evans, 2018

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Figure 12 Proposed Second Floor Plan



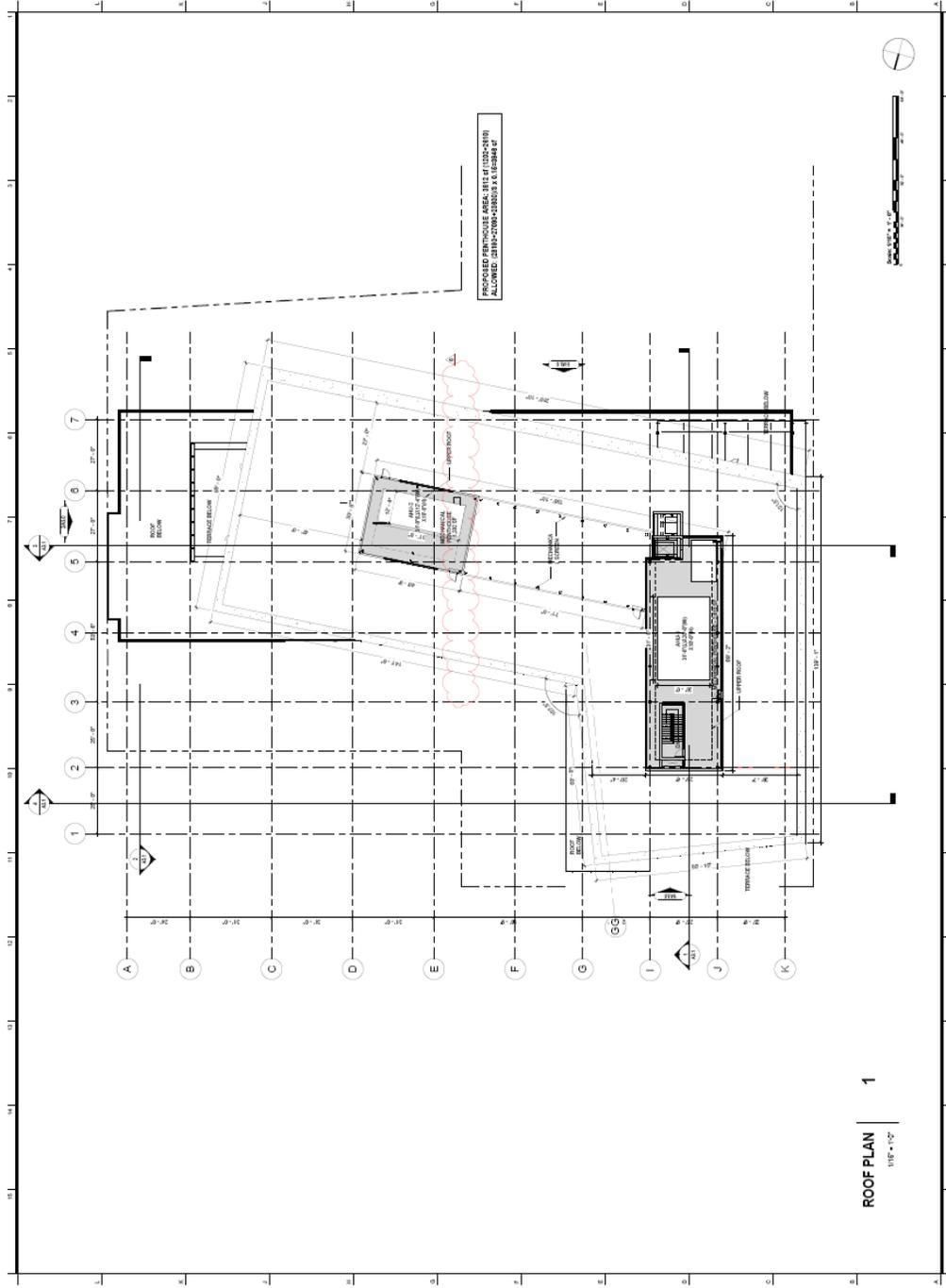
Source: Gould Evans, 2018



Source: Gould Evans 2018

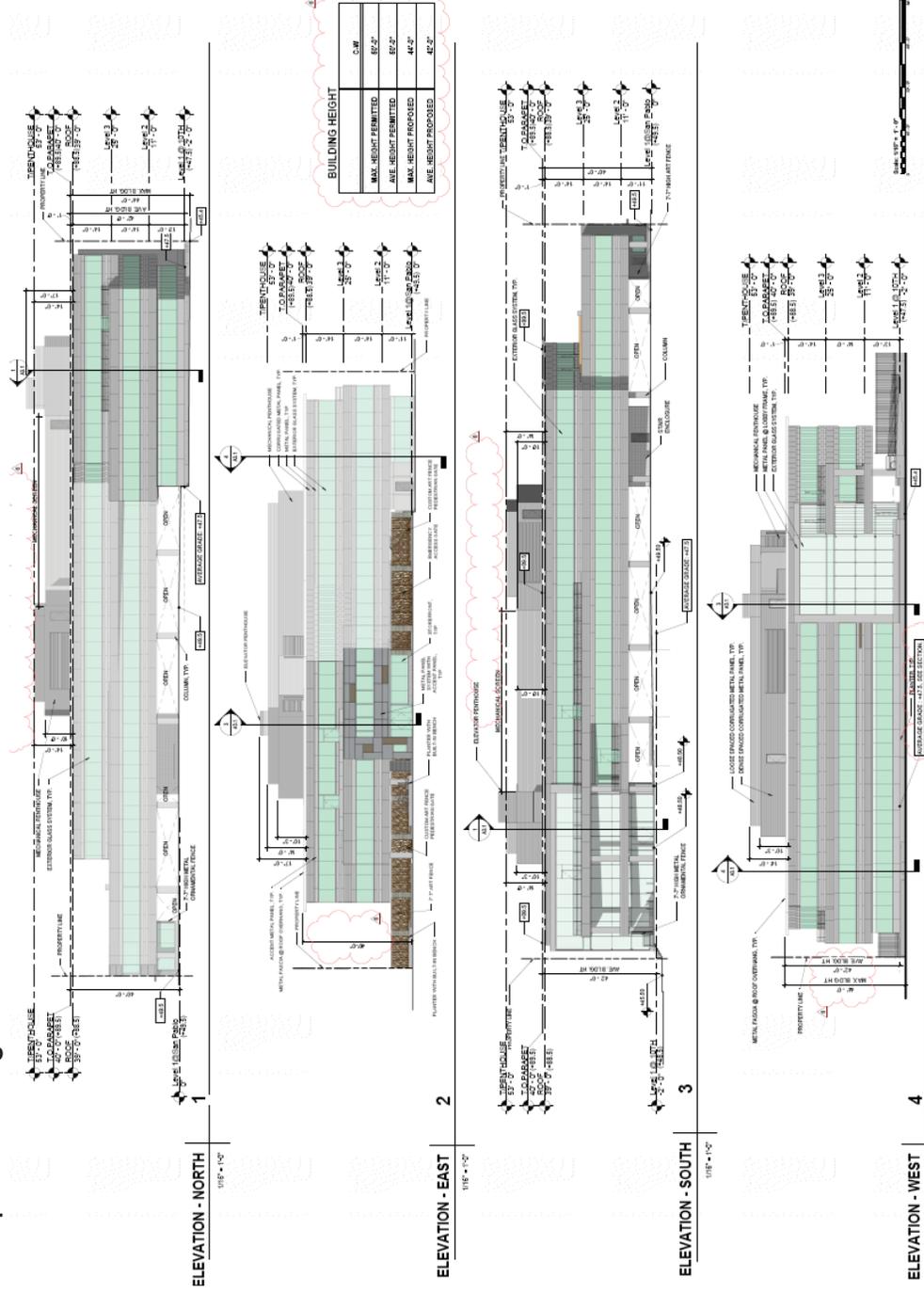
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Figure 14 Proposed Roof Plan



Source: Gould Evans 2018

Figure 15 Proposed Building Elevations



Source: Gould Evans 2018

City of Berkeley

**1050 Parker Street Medical Office and Off-Site Parking Lot Project**

Use Permit ZP2018-0116 and Modification of Use Permit ZP2016-0170

**Table 1 Project Summary**

Project Component	Proposed per Block (square feet)		Total
	Medical Office	Surface Parking Lot	
Lot Area	68,331	68,000	136,331
<b>Building Area</b>			
First Floor	9,920		9,920
Second Floor	27,100		27,100
Third Floor	23,650		23,650
<b>Total Gross Floor Area</b>	<b>60,670 (0.88 FAR)</b>		<b>60,670</b>
Rooftop Equipment	3,812		3,812
Vehicle Parking	115	123	238
Bicycle Parking	46	18	64
<b>Landscaping</b>			
Total Landscape Area	9,968	5,668	n/a
Total Hardscape Area	± 26,311	38,179	n/a

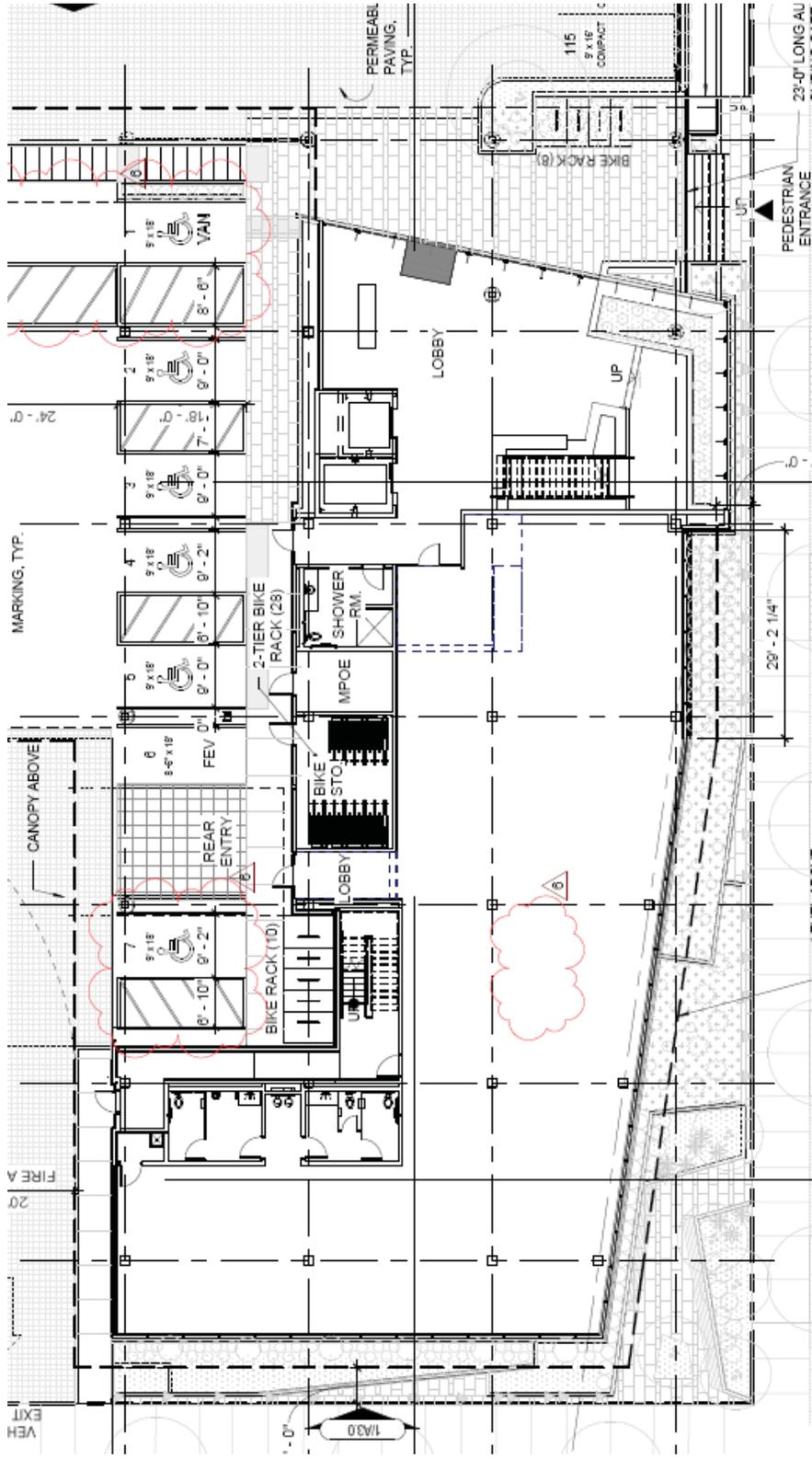
Use Permit ZP2018-0116 would allow for the construction of a new 43,847 square-foot surface parking lot on a 68,000 square-foot parcel located on an adjacent City block bounded by Carleton, Tenth, and Ninth streets. The construction of the surface parking lot would require the demolition of seven occupied structures that include warehouses, light industrial structures, auto repair and service buildings, and storage structures, plus associated outbuildings. The remainder of the Pardee Block parking lot site includes approximately 24,000 square feet of commercial buildings. These buildings, located along the southern portion of the site, would remain intact and operational.

Landscaping in the Pardee Block parking lot would include native and adaptive plantings that would incorporate trees, evergreen shrubs, perennials, and grasses to provide seasonal interest along the three street frontages. Pedestrian gates would be located along Carleton, Tenth, and Ninth Streets. Vehicular access would be gate-controlled and provided on Tenth and Ninth Streets. Pardee Block parking accommodations would include a total of 123 automobile parking and 18 bicycle parking spaces. The off-site parking lot would primarily provide employee parking to serve the project building as solely medical office use. The parking lot would include 88 parking spaces for use by the medical office staff and 35 parking spaces for use by the businesses that are to remain at the Pardee Block.

### Access and Parking

Building entryways for pedestrians at the proposed medical office building would be located on the ground floor along San Pablo Avenue and Parker Street. Parking for the entire project would total 238 vehicle parking spaces and 64 bicycle spaces. Vehicular access would be provided from driveways on Parker Street and Tenth Street for the medical office site and provided from driveways on Ninth Street and Tenth Street for the off-site parking lot. An emergency vehicle-only access driveway would be provided on San Pablo Avenue for the medical office building. See Table 2 for vehicle and bicycle parking details. Figure 16 provides a detail of the medical office site bicycle parking facilities, while Figure 17 provides a detail of the Pardee Block parking lot bicycle parking facilities.

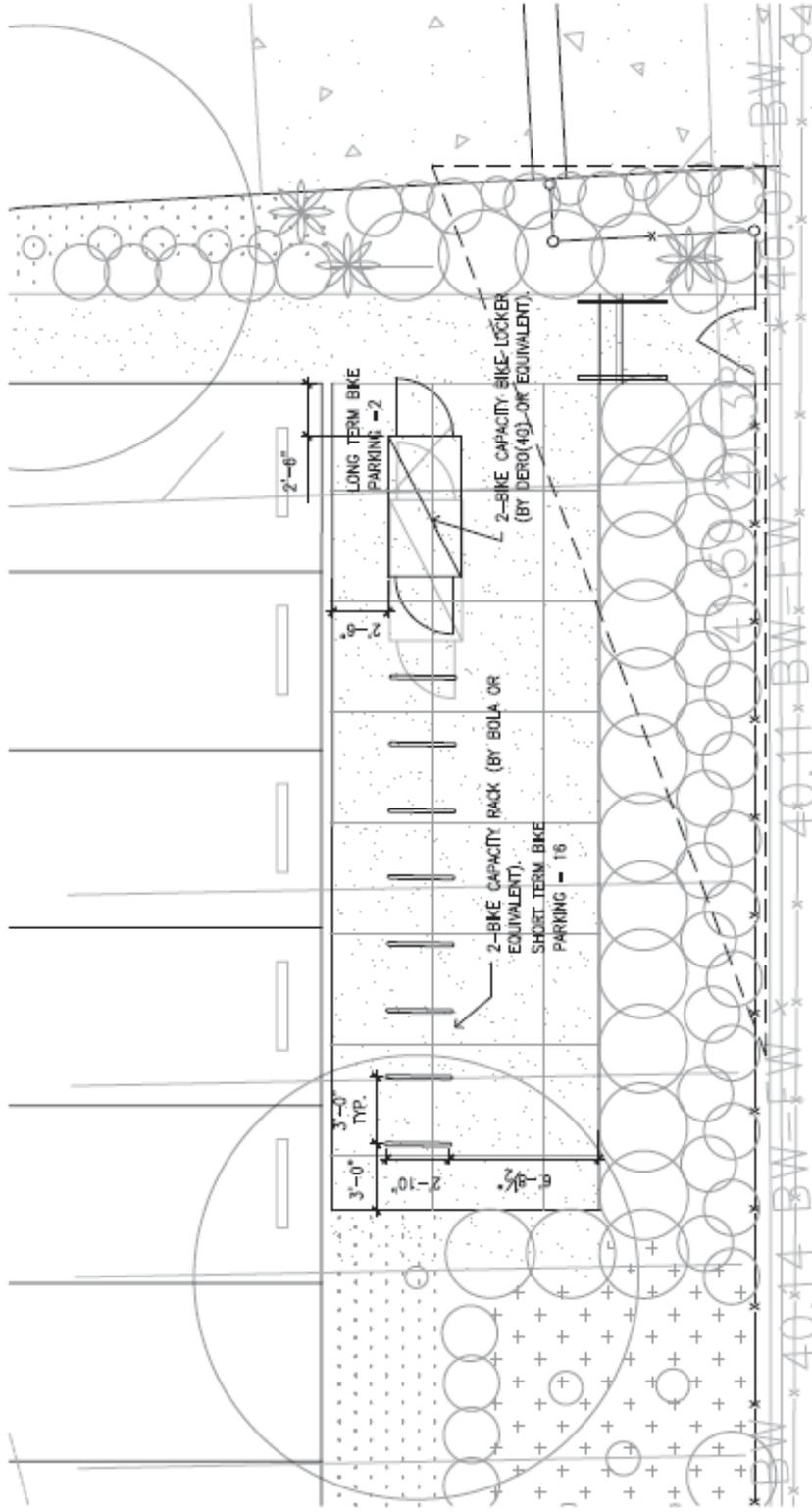
Figure 16 Medical Office Site Bicycle Parking Facilities Detail



Source: Gould Evans, 2018

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Figure 17 Pardee Block Parking Lot Site Bicycle Parking Facilities Detail



Source: Gould Evans, 2018

**Table 2 Project Vehicle and Bicycle Parking Details**

Project Component	Proposed per Site		
	Medical Office	Pardee Block Parking Lot	Total
<b>Vehicle Parking</b>			
Standard (8'x18' to 9'x18')	71	72	143
Compact (8'x16' to 9'x16')	20	31	51 (21% of all parking)
Clean Air/Vanpool/EV (8'x18' and 8'6"x18')	10	10	20
Fuel Efficient (8'x18' and 8'6"x18')	7	7	14
ADA Accessible (9'x18')	7	3	10
<b>Total</b>	<b>115</b>	<b>123</b>	<b>238</b>
<b>Bicycle Parking</b>			
Short-Term	18	16	34
Long-Term (secured/lockers)	28	2	30
<b>Total</b>	<b>46</b>	<b>18</b>	<b>64</b>

## Sustainability Features

The project proponent has indicated that the new building would be designed with a goal of LEED certification at a minimum Silver level. In addition to the bicycle parking as described above, sustainable features of the project would include shuttle service to the Ashby BART station, bioretention planting areas and permeable paving as part of the on-site storm water treatment, planted rooftops, energy recovery accommodations for future tenant improvement work, demand control laboratory exhaust system accommodations, and a drip irrigation system.

## Construction

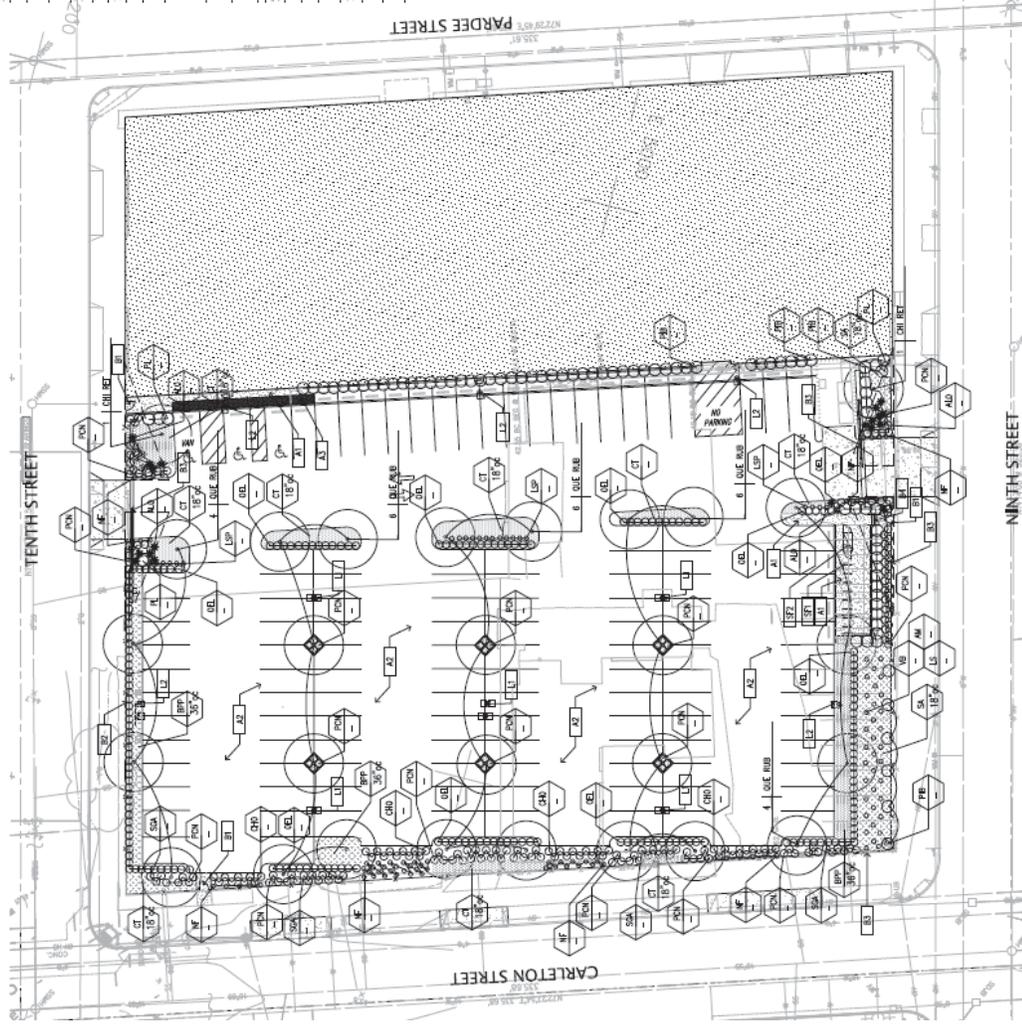
Construction of the proposed project is anticipated to start in 2019 and last approximately nine months. The entire 1.6-acre medical office site would be graded, which would include removing existing paving and plant material, excavating for foundations, utilities, and drainage, and importing approximately 2,100 cubic yards of fill from off site to level the grades. The proposed off-site surface parking lot would involve demolition of seven existing buildings as well as grading and paving typical of parking lot areas.

## Landscape and Open Space

Landscaping and open space would constitute approximately 15 percent of the medical office project site (see Figure 18). The Pardee Block parking lot would be enhanced with landscaping in the perimeter setback areas as well as in planted medians, tree diamonds, and along on-site pedestrian circulation pathways (see Figure 19). Table 3 provides details of the landscape and open space square footage allocation for the proposed project. The proposed landscape design for the project would meet or exceed the City of Berkeley water efficient landscape ordinance.



Figure 19 Proposed Pardee Block Parking Lot Landscape Plan



Source: Gould Evans 2018

City of Berkeley

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**Table 3 Landscape and Open Space Square Footage Allocation**

Project Component	Medical Office Site (sf)	Pardee Block Parking Lot (sf)
<b>Landscaping</b>		
Green Roof Area	4,679	
Public Plazas	2,150 (public open space)	
Lobby Plaza/ Terrace/Balconies	4,773 (private open space)	
Total Landscape Area	9,968	6,213
Total Hardscape Area	26,311	37,661
Parking Lot Shade	14,889	18,630
Percent Shade	56.5% of hardscape area	49.5% of hardscape area

## 13. Required Approvals

The following entitlements are required for the proposed project:

- Modification to Use Permit ZP#2016-0170 under BMC Section 23E.64.030 to establish medical office space of more than 5,000 square feet in the C-W District
- Modification to Use Permit ZP#2016-0170 under BMC Section 23E.64.050.B.1 to construct more than 5,000 square feet of new floor space in the C-W District
- Administrative Use Permit under BMC Section 23E.28.080.B to locate ground level parking space within 20 feet of street frontage
- Use Permit under BMC Section 23C.08.050.A to demolish a main building used for non-residential purposes
- Use Permit under BMC Section 25E.84.030 to construct a parking lot in the MU-R District that is not exclusively for uses located in the district

## 14. Other Public Agencies Whose Approval is Required

The City of Berkeley is the lead agency with responsibility for approving the proposed project. Approval from other public agencies is not required.

## Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Potentially Significant Unless Mitigation Incorporated” as indicated by the checklist on the following pages.

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

## Determination

Based on 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 to 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 potential 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.

  
 \_\_\_\_\_  
 Signature

Sally Schifman  
 \_\_\_\_\_  
 Printed Name

August 31, 2018  
 \_\_\_\_\_  
 Date

Senior Environmental Planner  
 \_\_\_\_\_  
 Title

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## Environmental Checklist

### 1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have substantial damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a state scenic highway?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*a. Would the project have a substantial adverse effect on a scenic vista?*

The City’s General Plan identifies significant views in the city, including those “toward the Bay, the hills, and significant landmarks such as the Campanile, Golden Gate Bridge, and Alcatraz Island” (see Policy UD-31 in the Urban Design and Preservation Element). Public views of the San Francisco Bay and hills are available from University Avenue and other major east/west streets and sidewalks, as well as some parks. Views of the Bay, bridges, and islands are available from numerous public viewing locations in the Berkeley Hills. A substantial adverse impact would occur if a scenic vista were to be blocked significantly or unreasonably interfered with, or if an objectively unattractive or incompatible use or structure were to be approved, such as an unscreened wrecking yard.

The project sites are not located on a major east/west street. Views toward the Bay are not available from San Pablo Avenue or Tenth Street, adjacent to the sites or from other points east through the site due to the relatively level topography and intervening trees and buildings (see photos in Figure 3 through Figure 6, Existing Conditions). Partial views of the Berkeley Hills are available from the site looking east from Tenth Street. The views of the hills would be blocked mostly by the proposed medical office building structure. However, these views are obstructed partially by street trees on San Pablo Avenue and by existing buildings east of the site. In addition, views of the hills would still be available looking east on Parker, Carleton, and Pardee streets at Tenth Street directly to the north and south of the site. Some of these views may still be available

through the sites in the southern portion where the on-site surface parking lot for the medical office building is proposed, although it would be filtered through proposed parking lot trees. Finally, the proposed Pardee Block parking lot would improve views of the hillsides and surrounding area through the removal of seven light-industrial structures, though landscaping would also be introduced there. Thus, although the project would obscure views from a portion of Tenth Street adjacent to the proposed medical office building compared to current conditions, the impact would not be significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- b. Would the project have substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway?*

There are no rock outcroppings or historic buildings on the project sites. However, two trees would be removed to accommodate the proposed medical office building.

The project sites are not located in view of a state scenic highway nor does a state scenic highway exist on-site. According to the California Department of Transportation State Scenic Highway Mapping System website (accessed July 2018), Interstate 80 (I-80) is the closest eligible scenic highway and is located approximately 2.0 miles west of the project site. Parker Street, Carleton Street, Ninth Street, Tenth Street, and San Pablo Avenue are not identified as scenic highways in the City's General Plan. Although two trees would be removed from the medical office property, implementation of the project would not damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a state scenic highway; there would be no impact in this regard.

#### **NO IMPACT**

- c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

The project site consists of a partially paved, but otherwise generally vacant, lot for the medical office building, and a developed site with several industrial structures for the Pardee Block parking lot. Because there are no structures and little vegetation on the medical office site, it allows for a visual "break" in the otherwise almost fully developed neighborhood. However, because of the unmaintained landscaping and paving and occasional vehicle parking, the visual quality of the site is low.

The visual character of areas surrounding the project sites varies, but can generally be characterized by a mix of residential, commercial, and industrial buildings; surface parking lots; and two to four lane streets with intermittent street trees. Surrounding building heights vary from one to seven stories. The commercial buildings along San Pablo Avenue adjacent to, across the street from, and within one block of the project site are generally one and two stories. The building on the southwest corner of San Pablo Avenue and Carleton Street, one block south of the project site, is four stories. There is a four-story apartment building fronting San Pablo approximately 250 feet northeast of the project site. There is a seven-story commercial building at 2600 Tenth Street approximately 225 feet to the west of the project site. The buildings surrounding the Pardee Block surface parking lot are one to three stories.

Construction of the medical office building would result in a substantial change in the visual character of the site, from partially paved, but otherwise vacant, to fully developed with a new three-story building and surface parking. The height and massing would be greater than that of

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immediately adjacent buildings that are one or two stories lower, but within the range of heights found in the surrounding blocks. As detailed in Section 10, Land Use and Planning, the project would meet the height and setback standards of the underlying zoning districts. By maintaining three stories, a 44-foot maximum height, a zero-foot front setback (along San Pablo Avenue), and five-foot side and rear setbacks (along Parker Street and Tenth Street), the proposed building would be comparable in height and building setbacks to surrounding properties.

The second and third floors would be offset from each other such that the second floor roof would contain green space adjacent to San Pablo Avenue and Parker Street. The arrangement of each floor and the inclusion of second floor rooftop landscaping would soften the building mass visible from San Pablo Avenue, where the majority of buildings are two stories rather than three. The building façade of the proposed café/retail space along San Pablo Avenue would be two stories, while the third floor of medical office portion of the building would be setback nearly 50 feet from street. The 40-foot, three-story portions of the building would be situated primarily along Parker Street and Tenth Street, with the largest massing along Tenth Street. This would serve to enhance compatibility with the adjacent and surrounding development pattern on San Pablo Avenue (one- and two-story commercial buildings) and Tenth Street, where the seven-story building between Tenth and Ninth Streets is visually prominent.

Project implementation would also involve the demolition of seven light industrial-type structures on a single lot in order to construct the Pardee Block parking lot. Historical evaluations were conducted on all structures proposed for demolition. The evaluations determined that the structures were not eligible for listing on the Historical Registers nor were they eligible for consideration as a City landmark or structure (Watson 2018). As the structures are not considered architecturally significant and are not of high visual quality, their removal would not substantially degrade the visual quality of the area. The replacement of these structures with a surface parking lot would create a visual break in the developed area of the neighborhood. The proposed parking lot incorporates a six-foot aluminum rod fence and landscaping with native and adaptive plants with tree canopies, evergreen shrubs, perennials, and grasses that would provide some screening of the parking lot.

Finally, the project must obtain approval from the City's Design Review Committee. BMC §23E.08 states that the design review process is intended to ensure that new construction and alterations to existing buildings are compatible with the best elements of the existing character of the area to provide a pleasing urban environment for Berkeley residents, pedestrians, and building occupants, and to consider a project in relation to its urban context. This review would help to ensure the project would not substantially degrade the existing visual character or quality of the site and its surroundings. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

The project sites are in an urban area with relatively high levels of existing lighting. The adjacent buildings, roadway traffic, and streetlights generate light and glare at the edges of the project boundary. Primary sources of light adjacent to the project sites include those associated with the existing commercial and industrial buildings, including building-mounted lighting, and that coming from vehicle headlights on nearby streets. The primary source of glare adjacent to the project sites is the sun's reflection from metallic, glass, and light-colored surfaces on buildings and from vehicles on adjacent streets and parking areas.

The medical office building would include windows and building materials that would generate additional glare in the area. The artificial lighting on the site would also increase compared to existing conditions. However, in both cases the light and glare would be commercial in nature and similar to that already generated by surrounding buildings. The Pardee Block parking lot lighting would include ten LED light poles throughout the proposed parking area. The parking lot would also produce light from vehicles, but this impact would typically occur during times of the year which have work hours extending past sunset. The project would also remove the existing lighting and glare associated with the seven structures proposed for demolition. The City's standard conditions of approval require that exterior lighting be shielded and directed downward and away from property lines to minimize illumination and glare beyond the subject property. The project would not generate glare that would significantly affect day or nighttime views in the area. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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## 2 Agriculture and Forest Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. *Would the project convert Prime Farmland, Unique Farmland, 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 non-agricultural use?*

The Land Use Element of the City’s General Plan does not designate land for agricultural use in Berkeley. Neither the project sites nor adjacent properties are identified as farmland under the Farmland Mapping and Monitoring Program nor are they enrolled in Williamson Act contracts; the area does not support forest land or resources (Department of Conservation 2016). The proposed project would not involve development that would convert farmland to non-agricultural uses. For these reasons, the project would have no impact with respect to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use; it would not conflict with existing agricultural zoning or a Williamson Act contract. It would not result in the loss of forest land or conversion of forest land to non-forest use; nor would it result in other conversion of farmland to non-agricultural use.

**NO IMPACT**

- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Refer to discussion 2a.

**NO IMPACT**

- c. *Would the project 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))?*

Refer to discussion 2a.

**NO IMPACT**

- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

Refer to discussion 2a.

**NO IMPACT**

- e. *Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

Refer to discussion 2a.

**NO IMPACT**

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### 3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Air Quality Standards and Attainment

The project site is in the San Francisco Bay Area Air Basin (Basin), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, the BAAQMD is required to monitor air pollutant levels to ensure that State and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

Depending on whether or not the standards are met or exceeded, the Basin is classified as being in “attainment” or “non-attainment.” Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. The BAAQMD is in non-attainment for the federal and state ozone standards, the federal and state PM<sub>2.5</sub> (particulate matter up to 2.5 microns in size) standards, and the state PM<sub>10</sub> (particulate matter up to 10 microns in size) standards and is required to prepare a plan for improvement (BAAQMD 2017a). Table 4 summarizes the National Ambient Air Quality Standards and the California Ambient Air Quality Standards for each pollutant, as well as the attainment status of the Basin.

**Table 4 Federal and State Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards		National Standards	
		Concentration	Attainment Status	Concentration	Attainment Status
Ozone	8 Hour	0.070 ppm	N	0.070 ppm	N
	1 Hour	0.09 ppm	N		
Carbon Monoxide	8 Hour	9.0 ppm	A	9 ppm	A
	1 Hour	20 ppm	A	35 ppm	A
Nitrogen Dioxide	1 Hour	0.18 ppm	A	0.100 ppm	U
	Annual Arithmetic Mean	0.030 ppm		0.053 ppm	A
Sulfur Dioxide	24 Hour	0.04 ppm	A	0.14 ppm	A
	1 Hour	0.25 ppm	A	0.075 ppm	A
	Annual Arithmetic Mean			0.030 ppm	A
Particulate Matter (PM <sub>10</sub> )	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	N		
	24 Hour	50 µg/m <sup>3</sup>	N	150 µg/m <sup>3</sup>	U
Particulate Matter - Fine (PM <sub>2.5</sub> )	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	N	12 µg/m <sup>3</sup>	U/A
	24 Hour			35 µg/m <sup>3</sup>	N
Sulfates	24 Hour	25 µg/m <sup>3</sup>	A		
Lead	Calendar Quarter			1.5 µg/m <sup>3</sup>	A
	Rolling 3 Month Average			0.15 µg/m <sup>3</sup>	
	30 Day Average	1.5 µg/m <sup>3</sup>			A
Hydrogen Sulfide	1 Hour	0.03 ppm	U		
Vinyl Chloride (chloroethene)	24 Hour	0.010 ppm	No information available		
Visibility Reducing particles	8 Hour(10:00 to18:00 PST)		U		

A=Attainment; N=Nonattainment; U=Unclassified; mg/m<sup>3</sup>=milligrams per cubic meter; ppm=parts per million; µg/m<sup>3</sup>=micrograms per cubic meter

Source: BAAQMD 2017a

The health effects associated with criteria pollutants for which the Basin is in non-attainment are described in Table 5.

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**Table 5 Health Effects Associated with Non-Attainment Criteria Pollutants**

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM <sub>10</sub> )	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma). <sup>a</sup>
Suspended particulate matter (PM <sub>2.5</sub> )	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma. <sup>a</sup>

<sup>a</sup> More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in the following document: USEPA, Air Quality Criteria for Particulate Matter, October 2004.

Source: U.S. Environmental Protection Agency (USEPA) 2017a

## Air Quality Management

The BAAQMD is primarily responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities. The BAAQMD has jurisdiction over much of the nine-county Bay Area, including Alameda County.

The BAAQMD adopted the 2017 Clean Air Plan (2017 Plan) as an update to the 2010 Clean Air Plan. The 2017 Plan provides a regional strategy to protect public health and protect the climate. Consistent with the greenhouse gas (GHG) reduction targets adopted by the state, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050 (BAAQMD 2017b). To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors - reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) - and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants (BAAQMD 2017b).

## Air Emission Thresholds

This analysis uses BAAQMD's May 2017 CEQA Air Quality Guidelines to evaluate air quality. This update includes revisions made to the 2010 CEQA Air Quality Guidelines that address the California

Supreme Court's 2015 opinion in the *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist.*, 62 Cal. 4<sup>th</sup> 369 (BAAQMD 2017c).

Table 6 shows the significance thresholds for construction and operational-related criteria air pollutant and precursor emissions used for this analysis. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. For this analysis, the proposed project would result in a significant impact if construction or operational emissions would exceed thresholds shown in Table 6.<sup>1</sup>

**Table 6 Air Quality Thresholds of Significance**

Pollutant/Precursor	Construction Emissions (lbs/day)	Operational Emissions (lbs/day)
ROG	54	54
NO <sub>x</sub>	54	54
PM <sub>10</sub>	82 (exhaust only)	82
PM <sub>2.5</sub>	54 (exhaust only)	54

Source: BAAQMD 2017b.

In addition, a significant air quality impact would occur if the project design or project construction does not incorporate control measures recommended by the BAAQMD to control emissions during construction (listed in Table 8-1 of the BAAQMD CEQA Guidelines).

*a. Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The California Clean Air Act requires air districts to create a Clean Air Plan (CAP) that describes how the jurisdiction will meet air quality standards. These plans must be updated every three years. The BAAQMD 2017 Plan is the most recently adopted air quality plan for the district. The 2017 Plan updates the most recent Bay Area ozone plan, the 2010 CAP, pursuant to air quality planning requirements defined in the California Health & Safety Code. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors - ROGs and NO<sub>x</sub> - and reduce transport of ozone and its precursors to neighboring air basins. In addition, the CAP builds upon and enhances the District's efforts to reduce emissions of fine particulate matter and toxic air contaminants. The 2017 Plan does not include control measures that apply directly to individual development projects. Instead, the strategy includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

The 2017 CAP focuses on two paramount goals:

- Protect air quality and health and the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

<sup>1</sup> Note the thresholds for PM<sub>10</sub> and PM<sub>2.5</sub> apply to construction exhaust emissions only.

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Under BAAQMD’s methodology, a determination of consistency with the most recently adopted clean air plan (2017 Plan) should demonstrate that a project:

- Supports the primary goals of the air quality plan
- Includes applicable control measures from the air quality plan
- Does not disrupt or hinder implementation of any air quality plan control measures

Any project that would not support the 2017 Plan’s goals would not be considered consistent with the 2017 Plan. On an individual project basis, consistency with the clean air plan’s goals is demonstrated through meeting the BAAQMD quantitative thresholds. As shown in the response to checklist items b and c (see below), the project would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants and thus would not conflict with the 2017 Plan’s goal to attain air quality standards. Therefore, consistent with the City’s CEQA thresholds, the proposed project would result in a less than significant impact.

**LESS THAN SIGNIFICANT IMPACT**

*b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

**Construction Emissions**

Construction of the project would include demolition of existing structures, site preparation, grading, excavation, building construction, and other construction-related activities that have the potential to generate air pollutant emissions. California Emissions Estimator Model (CalEEMod) version 2016.3.2 was used to estimate temporary construction emissions from these activities, based on parameters that include the duration of construction activity and area of disturbance. CalEEMod defaults were used for the type and number of construction equipment for each phase of project construction. Based on the applicant’s proposed schedule, construction is anticipated to take approximately nine months. In addition, watering of exposed surfaces twice daily was included in construction modeling, as recommended by BAAQMD (BAAQMD 2017c). Table 7 shows the emissions associated with construction. Appendix A provides complete results from CalEEMod.

**Table 7 Construction Emissions (pounds/day)**

	ROG	NO <sub>x</sub>	PM <sub>10</sub> (exhaust)	PM <sub>2.5</sub> (exhaust)
2019 maximum pounds/day	2.9	39.8	7.1	3.1
2020 maximum pounds/day	10.9	22.4	1.8	1.2
Maximum pounds/day	10.9	39.8	7.1	3.1
Significance Threshold	54	54	82	54
Exceed Thresholds?	No	No	No	No

Source: CalEEMod 2016.3.2

Note: Please see Appendix A for complete modeling results. Winter emissions were used for a conservative estimate.

Table 7 shows the emissions generated during construction of the project would not exceed the BAAQMD’s daily construction thresholds for criteria pollutants. Therefore, the project’s construction emissions would not significantly affect regional air quality, and this impact would be less than significant.

## Operational Emissions

Long-term operational emissions associated with the proposed project would result from vehicle trips (mobile emissions) and the use of natural gas and electricity (energy emissions), as well as consumer products, and architectural coatings (area source emissions) upon buildout of the project.

CalEEMod was used to quantify pollutant emissions associated with the project, based on the proposed uses and the number of associated vehicle trips generated by the project. The Fehr & Peers Transportation Impact Analysis (TIA) provided daily trip generation rates, adjusted by 16 percent to comply with the West Berkeley Circulation Master Plan (WBCMP), discussed in the Transportation Section of this IS-MND (Fehr & Peers 2018). Furthermore, daily trips to the café were reduced by 70 percent below ITE rates due to pass-by trips and the trip length was reduced to 2.0 miles.

The proposed project would replace existing development, which includes an automobile care facility, storage facility,<sup>2</sup> and parking lot. Because the proposed development would replace existing uses, the operational emissions of the current development were also estimated in CalEEMod and then subtracted from the estimated emissions associated with the proposed project in order to understand the expected net change in GHG emissions associated with the project. Table 8 summarizes the estimated net increase in operational emissions from the proposed project. Appendix A provides complete results from CalEEMod.

**Table 8 Operational Emissions (pounds/day)**

	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Proposed Project Maximum Operational Emissions	5.4	21.9	9.1	2.5
Existing Operation	0.6	1.7	0.5	0.1
<b>Net Change</b>	<b>4.8</b>	<b>20.1</b>	<b>8.7</b>	<b>2.4</b>
Significance Threshold	54	54	82	54
Exceed Thresholds?	No	No	No	No

Note: Please see Appendix A for complete modeling results. Winter emissions were used for a conservative estimate.

Source: CalEEMod 2016.3.2

Table 8 shows that the emissions generated during operation of the proposed project would not exceed the BAAQMD's daily operational thresholds for criteria pollutants. Therefore, operation of the project would not significantly affect regional air quality.

### LESS THAN SIGNIFICANT IMPACT

<sup>2</sup> Because the storage facility is exclusively accessible to the automobile facility, it was modeled in CalEEMod as an enclosed parking structure without an elevator to conservatively reflect the emissions.

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- c. *Would the project 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 that exceed quantitative thresholds for ozone precursors)?*

Refer to discussion 3b.

**LESS THAN SIGNIFICANT IMPACT**

- d. *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Certain population groups are particularly sensitive to air pollution, such as children, the elderly, and people with health problems. Sensitive receptors are defined as land uses that are more likely to be used by these population groups and include health care facilities, retirement homes, schools and playground facilities, and residential areas. The sensitive receptors nearest the medical office project site include three residential units on the second floor of the Missouri Lounge, adjacent to the northeast property line at the corner of San Pablo Avenue and Parker Street; residential properties approximately 200 feet to the east; and a church approximately 100 feet to the south along San Pablo Avenue. The rear property line of the church is adjacent to the southernmost portion of the proposed surface parking lot. The sensitive receptors nearest the proposed Pardee Block parking lot include multi-family and single-family residential units located 75 and 115 feet southeast across Tenth Street, multi-family and single family residential units located approximately 140 feet south across Pardee Street, and Global Montessori International School located approximately 950 feet south.

The proposed project would not exceed BAAQMD thresholds for pollutants, but heavily congested intersections can lead to long-term mobile emissions that exceed carbon monoxide (CO) standards and lead to CO hotspots, locations where the federal or state ambient air quality standards could be exceeded because of the concentration of idling motor vehicles. Other factors contributing to a CO hotspot include the configuration of the intersection, distance to sensitive receptors, and patterns of air circulation. The BAAQMD recommends CO "hotspot" analysis for a project if the addition of traffic would increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. According to the June 2017 TIA and the 2018 TIA Addendum, no intersections affected by the project would be required to accommodate more than 44,000 vehicles per hour even during peak hours under future cumulative conditions. Therefore, no intersection-specific CO modeling is required. No substantial pollutant concentrations would be expected because of the project.

**LESS THAN SIGNIFICANT IMPACT**

- e. *Would the project create objectionable odors affecting a substantial number of people?*

Medical office and surface parking lot land uses do not typically involve activities that create objectionable odors during operation. Objectionable odors, specifically that generated by diesel exhaust, may result from the operation of diesel-fueled heavy equipment during construction of the project that can include the smells of oil or diesel fuels. Objectionable odors would be sporadic and limited primarily to the time construction equipment operates. As discussed in the project description, project construction is expected to last approximately nine months and related odor impacts would be temporary. In addition, odors emitted from construction equipment would be expected to dissipate quickly as the distance from the equipment source grows. Any odors that

would impact people off-site would be limited in duration and frequency. Therefore, this impact would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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## 4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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 Wildlife 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, or regulations, or by the California Department of Fish and Wildlife 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 checked="" type="checkbox"/>	<input 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"/>

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

The project is in an urbanized area of Berkeley. The medical office site consists of a partially paved but otherwise generally vacant lot at the medical office building site, and a fully developed and paved site consisting of several industrial structures at the Pardee Block parking lot site. There are two trees on the medical office building site with scattered, generally non-native vegetation in the unpaved areas. The project sites do not contain substantial areas of native vegetation or biological resources suitable to provide habitat for sensitive or special status species, such as riparian habitat or other sensitive natural communities. No impact would occur.

**NO IMPACT**

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Refer to discussion 4a.

**NO IMPACT**

- c. *Would the project 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?*

No federally protected wetlands or waters as defined by Section 404 of the Clean Water Act (e.g., marsh, vernal pool, coastal) occur on either project sites. As a result, no impact would occur.

**NO IMPACT**

- d. *Would the project 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?*

The project is in an urbanized area of Berkeley. It is not located in a known regional wildlife movement corridor or other sensitive biological area as indicated by the U.S. Fish and Wildlife Service Critical Habitat portal online mapping tool (accessed April 2017). However, the removal of two trees and construction adjacent to street trees along San Pablo Avenue for the medical office building may affect nesting birds protected under the Migratory Bird Treaty Act. However, according to Policy EM-31 of the City's General Plan, new development should contribute to the urban forest through preservation of existing on-site trees, whenever feasible, replacement of trees on-site, and the addition of new trees in the public right-of-way (ROW). The proposed project would include replacing the street trees and adding more trees on the project site. The replacement and addition of trees on and near the project sites would provide habitat for potential nesting birds.

With implementation of a standard condition of approval that ensure project construction activities avoid disturbance of nesting birds, the project would not substantially interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, and would not impede the use of native wildlife nursery sites. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not

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feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31. Therefore, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Coast live oak (*Quercus agrifolia*) is the only protected tree species in Berkeley. City Ordinance No. 6,905-N.S. protects coast live oaks and prohibits any pruning that would be “excessive and injurious” to the tree. The two trees that would be removed as part of project implementation are not oak trees. Therefore, no conflict with local policies or ordinances protecting biological resources including trees would occur.

**NO IMPACT**

- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project is in an urbanized area of Berkeley. No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved state, regional, or local habitat conservation plan apply to the project sites. Therefore, no impact would occur.

**NO IMPACT**

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## 5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

The proposed medical office site is undeveloped on the southern and central portions of the site and developed with a paved surface parking lot on the northwest portion of the site. The Pardee Block parking lot site is developed with seven structures that total 27,000 square feet and include a contractor’s repair shop and wooden lean-to storage shed constructed in 1943, a machine shop constructed in 1951, a welding shop constructed in 1959, and two warehouses constructed in 1962 and 1967, respectively. Historical evaluations were conducted for all structures proposed for demolition to determine their potential historical significance and relationship to the City of Berkeley’s Landmarks Preservation Ordinance. The reports concluded that none of the structures are eligible for listing on the National Register of Historic Places, California Register of Historical Resources, and the City’s Landmarks Preservation Ordinance (Appendix G).

The City of Berkeley’s Historic Resources Map (2016) does not identify historic resources on the project site, but it does show three mapped landmarks/structures of merit near the project. The Pardee Block parking lot would be located just east, across Ninth Street, from Standard Die and Specialty Company, two blocks southeast of Kawneer Manufacturing Company, and three blocks north of H.S. Heinz Company Plant, all recognized by the City as landmarks. The proposed medical office building and Pardee Block parking lot do not have identified historical resources on site as detailed in Appendix G and would not cause a substantial change in the significance of the surrounding historical resources in the City due to the location and design of the project.

Two dwelling units were located previously in the southern portion of the medical office site (2621 Tenth Street). The potential historic value of the units was assessed under a 2004 Environmental Assessment processed by the City of Berkeley Housing Department for a proposed affordable housing development that never proceeded. At that time, the City found that the development of

that project would affect no historic properties, including the two units proposed to be demolished (City of Berkeley 2004). In the 2004 report, the dwelling units were described as vacant. The homes were demolished in January 2011, before the property was leased to Urban Adamah for use as an urban farm.

There are no structures of historical merit on the project sites, so no impact to historical resources would occur.

#### **NO IMPACT**

- b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

The project would entail grading the entire 1.6-acre site of the medical office building and demolishing and grading 43,847 square feet for the Pardee Block parking lot. The depth of ground disturbance would generally be less than 4.0 feet, although trenching for utilities and limited foundation elements may extend up to several feet deeper for the medical office building. No archaeological resources are known to exist on the project sites. Nevertheless, impacts to unrecorded subsurface archaeological resources would be potentially significant unless mitigated, as site grading activities could uncover previously undisturbed resources if they are located on the site.

The City has a standard condition of approval that addresses the potential discovery of archaeological resources during demolition, grading, and/or construction. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center. With the adoption of the standard conditions of approval, the proposed project would not have a significant impact on archaeological resources.

#### **LESS THAN SIGNIFICANT IMPACT**

- c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

No paleontological resources are known to exist on the project sites. Nevertheless, as excavation for the project may exceed the depths of excavation for prior development, impacts to unrecorded subsurface paleontological resources would be potentially significant unless mitigated as site grading activities could uncover previously undisturbed resources, if they are located on the sites. However, the City has a standard condition of approval to address the potential discovery of paleontological resources during demolition, grading, and/or construction. In the event of an

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unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval. With the adoption of the standard conditions of approval, the proposed project would not have a significant impact on paleontological resources.

**LESS THAN SIGNIFICANT IMPACT**

*d. Disturb any human remains, including those interred outside of formal cemeteries?*

It is unknown whether or not any human remains may be interred on the project sites. As excavation for the project may exceed the depths of excavation for prior development, impacts to unrecorded subsurface human remains would be potentially significant unless mitigated, as site grading activities could uncover previously undisturbed resources, if they are located on the sites. The City has a standard condition of approval to address the potential discovery of human remains during demolition, grading, and/or construction. In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously. With the adoption of the standard conditions of approval, the proposed project would not have a significant impact on unknown human remains.

**LESS THAN SIGNIFICANT IMPACT**

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## 6 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a.1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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?*

The project sites are not located in an identified earthquake fault zone delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map (CGS 2003), nor are any other known fault lines located on the sites. The closest active fault is the Hayward fault, approximately 2.3 miles east. Implementation of the proposed project would not expose people or structures to potentially substantial adverse effects involving rupture of a known earthquake fault. No impact would occur.

**NO IMPACT**

- a.2. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

The project sites are susceptible to strong seismic ground shaking in the event of a major earthquake. Nearby active faults include the San Andreas Fault, the Calaveras Fault, and the Hayward Fault. These faults are capable of producing strong seismic ground shaking at the project site. However, the 2016 California Building Code (CBC), as adopted in BMC Chapter 19.28, contains requirements for structural design, including seismic design specifications. Compliance with the mandatory building code structural specifications would result in a building that resists adverse effects from seismic ground shaking. The Pardee Block parking lot project site does not propose any structures that would expose people to impacts of strong seismic ground shaking. Therefore, impacts associated with strong seismic ground shaking would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- a.3. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Liquefaction is a condition that occurs when unconsolidated, saturated soils change to a near-liquid state during ground shaking. The project sites are located in a mapped Liquefaction Zone as shown on the Earthquake Zones of Required Investigation – Oakland West Quadrangle (CGS 2003). Langan Treadwell Rollo completed a geotechnical investigation for the medical office site in 2016 (Appendix C). It found that the soils encountered at or below the groundwater depth were medium dense silty and clayey sands that could be susceptible to pore-pressure buildup, liquefaction, and strength loss during a major earthquake. However, the report also found that the potentially liquefiable layers appear discontinuous, and estimates that up to 0.75 inch of differential settlement at the ground surface may occur during an earthquake. The report concludes that the likelihood of lateral spreading and the potential for seismic densification during an earthquake is low. Moreover, the report found that the project is feasible from a geotechnical standpoint. The 2016 CBC, as adopted in BMC Chapter 19.28, contains requirements for structural design, including seismic design specifications. Compliance with the mandatory building code structural specifications would result in a building that resists adverse effects related to liquefaction, lateral spreading, and seismic densification. Implementation of the proposed project would not expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques in accordance with the requirements of the BMC. The Pardee Block

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parking lot project site is not proposed to be developed with any structures. Therefore, impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*a.4. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

Earthquakes can trigger landslides that may cause injuries and damage to structures. Landslides are typically a hazard on or near slopes or hillside areas, rather than generally level areas like the project site and vicinity. The project sites are not located in a mapped Earthquake-Induced Landslide Zone as shown on the Earthquake Zones of Required Investigation – Oakland West Quadrangle (CGS 2003). There would be no impacts associated with landslides.

**NO IMPACT**

*b. Would the project result in substantial soil erosion or the loss of topsoil?*

The development of a medical office building and surface parking lots on these flat urban sites would change the drainage patterns on the project sites. However, runoff associated with the proposed project would be directed either to landscaped areas and/or pre-manufactured storm water quality best management practices (BMPs) for infiltration and water quality purposes or directed to an impervious drainage system. As such, the alteration of the existing drainage pattern would not result in substantial erosion or siltation on-site or off-site. In accordance with BMC § 17.20.050, the City of Berkeley would require use of the applicable portions of the state storm water BMP manual for construction activity, to the maximum extent practicable, as a condition of the required grading permit.

Because the proposed project would disturb more than one acre of land surface, the applicant would be regulated under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (the Construction General Permit). One requirements of the Construction General Permit is development of a Storm Water Pollution Prevention Plan (SWPPP) that would identify the sources of sediment and other pollutants that affect the quality of storm water discharges and would describe and ensure implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water as well as non-storm water discharges. BMC §17.20.050 requires that the applicant provide evidence of submittal of a notice of intent to the State Water Resources Control Board (SWRCB) per Construction General Permit requirements as a condition of the grading permit. Compliance with the NPDES and City of Berkeley permit requirements would minimize erosion from exposed surfaces and reduce soil erosion impacts to a less than significant level.

**LESS THAN SIGNIFICANT IMPACT**

*c. Would the project be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?*

The Geotechnical Investigation found that the medical office site soil between 19 to 37 feet below ground service could be susceptible to pore-pressure buildup, liquefaction, and strength loss during a major earthquake (Langan Treadwell Rollo 2016). However, the report concludes that both the likelihood of lateral spreading and the potential for seismic densification during an earthquake is low. The 2016 CBC, as adopted in BMC Chapter 19.28, contains requirements for structural design,

including seismic design specifications. Compliance with the mandatory building code structural specifications would result in a building that resists adverse effects related to unstable soils. The proposed project would not expose people or property to major geologic hazards that cannot be mitigated by standard engineering design and seismic safety techniques. The Pardee Block parking lot project site is not proposed to be developed with any structures. Therefore, impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?*

Although expansive soils are present at the project sites, the Geotechnical Investigation concluded that the use of standard engineering design and seismic safety techniques reduce the effects of the expansive soils to less than significant levels (Langan Treadwell Rollo 2016). The report included recommendations such as moisture conditioning the expansive soil and providing non-expansive fill material. The 2016 CBC, as adopted in BMC Chapter 19.28, contains requirements for structural design, including seismic design specifications. Compliance with the mandatory building code structural specifications would result in a building that resists adverse effects related to expansive soils. Final designs prepared in compliance with the 2016 CBC would include measures to excavate the existing fill materials that are susceptible to expansion and either replace the materials with engineered fill or further evaluate the possible reuse of the materials as engineered fill. Incorporation of the recommendations of the Geotechnical Investigation into the final geotechnical report (required by 2016 CBC 1803.5.5) would ensure that the potential impacts associated with expansive soils would be less than significant. The Pardee Block parking lot project site is not proposed to be developed with any structures. Therefore, risks to life and property from expansive soils would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

A sanitary sewer system maintained by the City of Berkeley serves the project sites for the collection system and East Bay Municipal Utility District (EBMUD) provides interceptor lines to a central treatment plant. The proposed project would have access to these systems, and septic systems would neither be required nor permitted. The proposed project would therefore have no impact in this regard.

#### **NO IMPACT**

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## 7 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The accumulation of greenhouse gases (GHG) in the atmosphere regulates the earth’s temperature. Without the natural heat-trapping effect of GHGs, Earth’s surface would be about 93.2°F cooler (California Environmental Protection Agency [CalEPA] 2006). However, emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. Carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are the GHGs emitted in the greatest quantities from human activities. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion. CH<sub>4</sub> results from fossil fuel combustion and off-gassing associated with agricultural practices and landfills. Microbial processes in soil and water produce N<sub>2</sub>O, and include reactions that occur in fertilizers that contain nitrogen, fossil fuel combustion, and other chemical processes.

Scientific modeling predicts that continued GHG emissions at or above current rates would induce more extreme climate changes during the 21st century than were observed during the 20th century. According to CalEPA’s 2010 Climate Action Team Biennial Report, potential impacts of climate change in California may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (CalEPA 2010). While these potential impacts identify the possible effects of climate change at a global and potentially statewide level, in general scientific modeling tools are currently unable to predict what impacts would occur locally with a similar degree of accuracy.

### California Regulations

California Air Resources Board (CARB) is responsible for the coordination and oversight of state and local air pollution control programs in California. California has numerous regulations aimed at reducing the state’s GHG emissions. These initiatives are summarized below.

Assembly Bill (AB) 1493 (2002), California’s Advanced Clean Cars program (referred to as “Pavley”), requires CARB to develop and adopt regulations to achieve “the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles.” On June 30, 2009, the USEPA granted the waiver of Clean Air Act preemption to California for its GHG emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, now referred to as “LEV (Low Emission Vehicle) III GHG,” will cover 2017 to 2025.

Fleet average emission standards would achieve 22 percent reduction from 2009 levels by 2012 and 30 percent by 2016. The Advanced Clean Cars program coordinates the goals of the Low Emissions Vehicles, Zero Emissions Vehicles, and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when the rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels (CARB 2011).

In 2005, Executive Order (EO) S-3-05 established statewide GHG emissions reduction targets, providing that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (CalEPA 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which published the Climate Action Team Report (the "2006 CAT Report") in March 2006 (CalEPA 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These strategies could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, to name a few. In April 2015, EO B-30-15 was issued, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32 (AB 32) outlines California's major initiative for reducing GHG emissions; called the "California Global Warming Solutions Act of 2006," it was signed into law in 2006 and codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels, the same requirement as under S-3-05). It also requires CARB to prepare a Scoping Plan that outlines the main strategies for reducing GHGs to meet the 2020 deadline. AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions.

After completing a comprehensive review and update process, CARB approved a 1990 statewide GHG level and 2020 limit of 427 MMT CO<sub>2</sub>e. CARB approved the Scoping Plan on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan. Implementation activities are ongoing and CARB is currently the process of updating the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and sets the groundwork to reach post-2020 goals set forth in EO S-3-05. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the state's longer-term GHG reduction strategies with other state policy priorities, such as for water, waste, natural resources, clean energy, and transportation, and land use (CARB 2014).

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in CEQA documents. In March 2010, the California Resources Agency (Resources Agency) adopted amendments to the state CEQA Guidelines for the feasible mitigation of GHG emissions or the effects thereof. The adopted guidelines give lead agencies the discretion to

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set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

CARB Resolution 07-54 establishes 25,000 MT of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005 percent of California's total inventory of GHG emissions for 2004.

Senate Bill (SB) 375, signed in August 2008, enhances the state's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles for 2020 and 2035. In addition, SB 375 directs each of the state's 18 major Metropolitan Planning Organizations to prepare a "sustainable communities strategy" for their districts, including a growth strategy to meet these emission targets for inclusion in their regional transportation plans. On September 23, 2010, CARB adopted final regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035.

In April 2011, the governor signed SB 2X, requiring California to generate 33 percent of its electricity from renewable energy by 2020.

In September 2016, SB 32 was signed into law, codifying the 40 percent GHG emission reduction target adopted by Governor Brown in April 2015 through an executive order (B-30-15). SB 32 became effective on January 1, 2017 and requires the CARB to develop technologically feasible and cost effective regulations to achieve the targeted 40 percent GHG emission reduction. CARB adopted an second update to the Scoping Plan in November 2017 to provide a framework for achieving the 2030 target.

### **BAAQMD Clean Air Plan**

As detailed in the Air Quality section of this IS-MND, the Bay Area 2017 Clean Air Plan (2017 Plan) provides a regional strategy to protect public health and protect the climate. Consistent with the GHG reduction targets adopted by the state, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050 (BAAQMD 2017b).

### **Climate Action Plan**

Adopted in June 2009, the City of Berkeley's Climate Action Plan (CAP) (Berkeley 2009) sets a 2020 year target to achieve a 33 percent absolute reduction below year 2000 community-wide emissions and identifies actions to achieve the target with the ultimate goal of 80 percent emission reductions. The Berkeley CAP contains GHG reduction policies for transportation and land use, building energy use, and waste reduction and recycling.

### **General Plan**

The City of Berkeley also addresses GHG emissions in its General Plan, primarily in the Environmental Management Element. Policies in the General Plan that would reduce GHG emissions include developing a green building certification program and encouraging compliance with green building standards (Policy EM-4, Policy EM-5), increasing waste diversion (Policy EM-7), recycling construction and demolition material (Policy EM-8), supporting and implementing local emission reduction programs (Policy EM-19), promoting energy-efficient design techniques (Policy EM-35), and implementing energy conservation techniques (Policy EM-36).

## Methodology

The majority of individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence to climate change. Therefore, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, §15355).

CalEEMod version 2016.3.2 was used to calculate total annual project emissions that include construction and operational emissions (Appendix A). To combine short-term construction emissions with annual operational emissions, the project's construction emissions are amortized over a 30-year period, consistent with BAAQMD guidance. The analysis focuses on CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub> because these make up 98.9 percent of all GHG emissions by volume (IPCC 2007). Fluorinated gases, such as HFCs, PFCs, and SF<sub>6</sub>, were considered for the analysis. However, the project would not generate a significant amount of fluorinated gases because these compounds are primarily associated with industrial processes.

The proposed project would replace existing development, which includes an automobile care facility, storage facility<sup>3</sup>, and parking lot. Construction emissions would be directly due to the proposed project and thus are 100 percent attributed to new emissions. Because the proposed development would replace existing uses, the operational emissions of the current development were also estimated in CalEEMod and then subtracted from the estimated emissions associated with the proposed project in order to understand the expected net change in GHG emissions associated with the project.

The project's total net annual emissions were compared to BAAQMD's GHG significance thresholds, shown in Table 9 (BAAQMD 2017c). If annual emissions of operational-related GHGs exceed these levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change.

**Table 9 BAAQMD's GHG Significance Thresholds**

GHG Emission Source Category	Operational Emissions
Non-stationary Sources	Compliance with a Qualified GHG Reduction Strategy; or 1,100 MT of CO <sub>2</sub> e/year; or 4.6 MT CO <sub>2</sub> e/SP/year (residents + employees)
Stationary Sources	10,000 MT/year
Plan-Level	Compliance with a Qualified GHG Reduction Strategy; or 6.6 MT of CO <sub>2</sub> e/SP/year (residents + employees)
Notes: SP = Service Population Source: BAAQMD 2017c	

<sup>3</sup> Because the storage facility is exclusively accessible to the automobile facility, it was modeled in CalEEMod as an enclosed parking structure without an elevator to conservatively reflect the emissions.

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- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Construction Emissions**

Construction of the project would generate temporary GHG emissions primarily due to the operation of construction equipment and truck trips. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. CalEEMod was used to estimate emissions associated with the construction period, based on parameters such as the duration of construction activity, area of disturbance, and anticipated equipment used during construction.

Although construction activity is addressed in this analysis, CAPCOA does not discuss whether any of the suggested threshold approaches adequately address impacts from temporary construction activity. As stated in the CEQA and Climate Change whitepaper, “more study is needed to make this assessment or to develop separate thresholds for construction activity” (CAPCOA 2008). Additionally, the BAAQMD does not have specific quantitative thresholds for construction activity. Therefore, although discussed in this analysis, construction activity is not included in the total emissions calculations.

Based on the preliminary construction schedule, this analysis assumes an overall construction period of nine months. Table 10 shows that construction activity associated with the project would generate an estimated 255 metric tons of CO<sub>2</sub>e.

**Table 10 Estimated Construction Emissions of Greenhouse Gases**

Year	Annual Emissions (MT of CO <sub>2</sub> e)
2019	177.4
2020	249.7
Total Estimated Construction Emissions	427.1

See Appendix A for CalEEMod Results.

**Operational Emissions**

CalEEMod was used to estimate emissions from the long-term operation of the new commercial building. On-site operational emissions included energy use, area sources, solid waste, and water use.

*Energy Sources*

Operation of the proposed medical office building would consume natural gas and electricity. Operational emissions from energy use for the project were estimated using CalEEMod (see Appendix A for calculations). The default values on which CalEEMod is based include the California Energy Commission-sponsored California Commercial End Use Survey and the statewide 2016 Title 24 standards. A Preliminary Energy Analysis (PEA) of the project was conducted by Interface Engineering (August 2016, see Appendix B). Energy efficient enhancements incorporated into the building design would include features such as a variable refrigerant flow heat-recovery system, roof overhang and shading devices, and daylight harvesting. The PEA concluded that the building, as

designed, would result in a 17 percent energy saving beyond that achieved through 2016 Title 24 standards; this was accounted for in the CalEEMod modeling.

### *Area Sources*

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coatings, were calculated in CalEEMod based on standard emission rates from the USEPA, CARB, and district-supplied emission factor values (CalEEMod User's Guide 2016).

### *Solid Waste Generation*

Emissions from waste generation were calculated in CalEEMod, based on the Intergovernmental Panel on Climate Change's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CalEEMod User's Guide 2016). Waste disposal rates by land use and overall composition of municipal solid waste in California were primarily based on data provided by the California Department of Resources Recycling and Recovery (CalRecycle). The City of Berkeley is responsible for complying with AB 939, which mandates 50 percent of solid waste diverted from landfills. Between 1995 and 2010, the City diverted 76 percent of waste, meeting the City's goal of 75 percent waste diversion by 2010. The proposed project would participate in the City's waste diversion programs and would continue diverting a minimum of 75 percent of its solid waste, which was included in the CalEEMod estimations.

### *Water and Wastewater*

Emissions from water and wastewater usage calculated in CalEEMod were based on the default electricity intensity from the California Energy Commission's 2006 Refining Estimates of Water-Related Energy Use in California using the average values for Northern and Southern California (CalEEMod User's Guide 2016). The proposed building would be designed to achieve a LEED Silver (or equivalent) rating, but the exact design features are not known and thus excluded for a conservative analysis.

### **Mobile Emissions**

GHG emissions from transportation sources were based on trip generation rates from the Transportation Impact Analysis prepared by Fehr & Peers for the project, updated in June 2018 (see Appendix F). The WBCMP developed a trip generation methodology specific to development projects in the West Berkeley planning area. The methodology reduces national trip generation rates of the Institute of Transportation Engineers (ITE) *Trip Generation Manual* to better reflect local conditions. ITE trip generation rates are based on national data, often collected in suburban locations with low rates of non-auto travel. The WBCMP adjustments reflect the high density of uses, proximity to transit, and propensity to walk in West Berkeley. Based on the application of the WBCMP, the a.m. and p.m. peak hour trips generation for the project were reduced by approximately 16 percent. Furthermore, daily trips to the café were reduced by 70 percent below ITE rates due to pass-by trips (Fehr & Peers 2018) and the trip length was reduced to 2.0 miles.

For mobile sources, CalEEMod was used to quantify CO<sub>2</sub> and CH<sub>4</sub> emissions from vehicle trips to and from the project sites. Because CalEEMod does not calculate N<sub>2</sub>O emissions from mobile sources, California Climate Action Registry General Reporting Protocol (January 2009) was used to quantify direct emissions factors for mobile combustion (Appendix A). Emission rates for N<sub>2</sub>O emissions were based on CalEEMod's default vehicle fleet mix output and the emission factors found in the California Climate Action Registry General Reporting Protocol.

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**Combined Annual Operational and Mobile GHG Emissions**

Table 11 summarizes the net increase in GHG emissions associated with the proposed project.

**Table 11 Combined Annual Emissions of Greenhouse Gases**

Emission Source	Annual Emissions (MT of CO <sub>2</sub> e)	
	Proposed Project	Existing Pardee Block Buildings to be Demolished
<b>Operational</b>		
Area	<0.1	<0.1
Energy	282.2	55.3
Solid Waste	82.9	17.3
Water	24.4	3.0
<b>Mobile</b>		
CO <sub>2</sub> and CH <sub>4</sub>	827.6	104.3
N <sub>2</sub> O	33.0	4.1
<b>Project Emission Total</b>	<b>1,250.1</b>	<b>184.0</b>
<b>Net Change<sup>1</sup></b>		1,066.1
BAAQMD Threshold		1,100
Threshold Exceeded?		No

Sources: See Appendix A for calculations and for GHG emission factor assumptions for the Proposed Project and Existing Use.

<sup>1</sup> Project Emissions minus Existing Pardee Block Buildings to be Demolished

Table 11 shows the combined net increase in annual emissions from new development on the project sites would total approximately 1,066.1 metric tons of CO<sub>2</sub>e per year. This is a conservative estimate because, as discussed in the Project Description, the proposed project is designed to achieve LEED Silver status and some of the specific project features that would allow the project to attain this certification are not included in the analysis, such as: high efficiency lighting, water, and HVAC systems, efficient glazing on the glass exterior, green roof design features, and shade trees in the parking lots. Further, the existing buildings to be demolished were constructed prior to the implementation of Title 24 green building standards, which are used in the CalEEMod calculations and therefore, the calculated existing emissions represent a conservative estimate.

In addition, the applicant would be required to comply with standard conditions of approval related to transportation demand management. A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements and the following:

- a. Consistent with BMC 23E.68.080.H, and subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, to every employee.
- b. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.

- c. Transit information shall be provided in the residential lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
- d. Transportation Information Officer will gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, car sharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all residents/employees on arrival plus once a year.
- e. The food service operation, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the "Guarantee Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager.

Some traffic reduction measures that are already designed into the project include participation in the West Berkeley shuttle service and the provision of 20 fuel efficient vehicle parking spaces, plus 27 parking spaces designated for clean air/van pool/electric vehicles. Based on the information above, and with the implementation of standard conditions of approval regarding traffic reduction measures, the proposed project would be consistent with BAAQMD's GHG significance thresholds. Therefore, this impact would be less than significant.

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- b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The City of Berkeley adopted a CAP in 2009 that includes goals, policies, and implementing actions that are applicable to the project, including the following:

- The Transportation and Land Use Chapter includes policies designed to reduce vehicle miles traveled in Berkeley by making cycling, walking, public transit, and other sustainable mobility modes the mainstream and to increase vehicle fuel efficiency and the utilization of low carbon fuels.
- The Building Energy chapter includes policies that would reduce conventional energy use in existing Berkeley homes, businesses, and institutions through energy efficiency retrofits and a greater reliance on renewable energy, such as solar.
- The Waste Reduction and Recycling chapter includes policies that would eliminate solid waste at the point of production, and to maximize reuse and recycling throughout the community.

City of Berkeley General Plan Environmental Management Element contains policies and actions expected to reduce GHG emissions. As discussed in the Land Use and Planning section of this IS-MND, the proposed project would be consistent with the City's General Plan and zoning requirements assuming the rezone is granted. Table 12 summarizes the proposed project's consistency with the applicable implementation measures in the CAP and General Plan Environmental Management Element.

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**Table 12 Consistency with Applicable CAP and General Plan Strategies**

Goals, Policies, and Actions	Project Consistency
<b>City of Berkeley CAP: Applicable Sustainable Transportation &amp; Land Use Actions</b>	
<b>1. Goal: Increase density along transit corridors</b>	<b>Consistent.</b> The medical office building is located along San Pablo Avenue, which is a major transit corridor in Berkeley, and there are several existing alternative transportation opportunities for reducing project-generated vehicle trips. There are more than ten AC Transit bus stops within 0.25 mile of the project sites, with the closet stop approximately 150 feet from the project sites at the corner of Parker Street and San Pablo Avenue (serving the 72, 72M, and 802 lines). There are three BART stations within two miles of the project sites: North Berkeley (1.5 miles northeast), Ashby (1.7 miles southeast), and Downtown Berkeley (1.9 miles east).
a. Policy: Encourage the development of housing (including affordable housing) retail services, and employment centers in areas of Berkeley best served by transit	
<b>2. Goal: Increase and enhance urban green and open space, including local food production, to improve the health and quality of life for residents, protect biodiversity, conserve natural resources, and foster walking and cycling</b>	<b>Consistent.</b> The medical office building would include 2,150 square feet of public open space comprising two public plazas. One 650 square foot area would be located at the corner of Parker and Tenth Street and a 1,200 square foot plaza would be located along San Pablo Avenue, adjacent to the proposed café/retail space. In addition, although two trees would be removed from the medical office site for construction, approximately 26 trees would be planted, increasing tree cover on the site. Approximately 28 trees would be planted on the Pardee Block parking lot site.
a. Policy: Require new developments in specified areas to contribute to street level open space on-site or in the public realm.	
b. Policy: Promote tree planting, landscaping, and the creation of green and open space that is safe and attractive and that helps to restore natural processes.	
<b>3. Goal: Manage parking more effectively to minimize driving demand and to encourage and support alternatives to driving</b>	<b>Consistent.</b> The project includes a request for reduced vehicle parking spaces by providing bicycle parking spaces. In addition, there are multiple existing alternative transportation opportunities for reduced project-generated vehicle trips including nearby AC transit stops and three BART stations within two miles. The new facility operator would also provide shuttle service to one or more of the nearby BART stations.
a. Policy: Design and implement parking strategies to create disincentives for driving – especially for single-occupancy commuting – and, where possible, to build revenue for transportation services.	
<b>5. Goal: Accelerate Implementation of the City's Bicycle &amp; Pedestrian Plans</b>	<b>Consistent.</b> The proposed project would include bicycle parking spaces and pedestrian paths between the off-site parking lot and the medical office site. In addition, pedestrian access points would be established from San Pablo Avenue, Parker Street, and Tenth Street for convenient access to the medical office site.
a. Policy: Continue to expand and improve Berkeley's bicycle and pedestrian infrastructure	
<b>6. Goal: Make public transit more frequent, reliable, integrated and accessible</b>	<b>Consistent.</b> There are multiple existing alternative transportation opportunities for reduced project-generated vehicle trips including nearby AC transit stops and three BART stations within two miles. The new facility operator would also provide shuttle service to one or more of the nearby BART stations.
d. Policy: Partner with AC Transit, BART, UC Berkeley and other employers to provide subsidized transit passes and fare-free zones.	
e. Policy: Expand and integrate community shuttle bus networks.	
f. Policy: Encourage additional passenger rail service and ridership in Berkeley.	

Goals, Policies, and Actions	Project Consistency
<b>City of Berkeley CAP: Applicable Building Energy Use Actions</b>	
<p><b>1. Goal: Make green building business as usual in the new construction and remodel market</b></p> <p>a. Policy: Improve local energy and green building standards</p>	<p><b>Consistent.</b> The proposed project would be required to comply with the 2016 Title 24 standards, which are 5 percent more efficient than the 2013 standards for commercial projects. The Preliminary Energy Analysis showed that the project, as designed, would result in 17 percent energy savings beyond that achieved through 2013 Title 24 standards. Therefore, the project would result in an efficiency rating beyond even 2016 Title 24 standards. The project would be designed to achieve a Silver LEED rating as well.</p>
<b>City of Berkeley CAP: Applicable Waste Reduction and Recycling Actions</b>	
<p><b>2. Goal: Increase recycling, composting &amp; waste reduction in the commercial sector</b></p> <p>a. Policy: Enhance recycling and composting outreach and assistance to local businesses</p>	<p><b>Consistent.</b> The City of Berkeley is responsible for complying with AB 939, which mandates 50% of solid waste diverted from landfills. Between 1995 and 2010, the City diverted 76% of waste, meeting the City’s goal of 75% waste diversion by 2010. The proposed project would participate in the City’s waste diversion programs and would continue diverting a minimum of 75% of its solid waste. The project would also be subject to all applicable State and County requirements for solid waste reduction as they change in the future.</p>
<b>City of Berkeley General Plan Environmental Management Element</b>	
<p><b>Policy EM-4: Green Building Certification.</b> Develop a green building certification program.</p> <p><b>Applicable Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Encourage all private buildings to be Green Building certified.</li> <li>▪ Develop a green design assistance program.</li> <li>▪ Minimize greenhouse gases produced by new buildings especially as related to space heating efficiencies</li> </ul>	<p><b>Consistent.</b> The proposed project would be required to comply with the 2016 Title 24 standards, which are 5 percent more efficient than the 2013 standards for commercial projects. The Preliminary Energy Analysis showed that the project, as designed, would result in 17 percent energy savings beyond that achieved through 2013 Title 24 standards. Therefore, the project would result in an efficiency rating beyond even 2016 Title 24 standards. The project would be designed to achieve a Silver LEED rating as well.</p>
<p><b>Policy EM-5: “Green” Buildings.</b> Promote and encourage compliance with “green” building standards.</p> <p><b>Applicable Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Encourage, and where appropriate require, new construction and major remodel projects to be sited, designed, constructed, and operated to enhance the well-being of their occupants, and to minimize present and future impacts on the community and the natural environment. (Also see Policy EM-39.)</li> <li>▪ Encourage landscaping for water and energy efficiency. (Also see Policy EM-26.)</li> <li>▪ Encourage buildings to incorporate renewable energy and energy- and water-efficient technologies. (Also see Policies EM-38 and EM-39.)</li> <li>▪ Encourage use of recycled-content construction materials. (Also see Policy EM-6.)</li> <li>▪ Encourage efforts to improve indoor air quality and to</li> </ul>	<p><b>Consistent.</b> The proposed project would be required to comply with the 2016 Title 24 standards, which are 5 percent more efficient than the 2013 standards for commercial projects. The Preliminary Energy Analysis showed that the project, as designed, would result in 17 percent energy savings beyond that achieved through 2013 Title 24 standards. Therefore, the project would result in an efficiency rating beyond even 2016 Title 24 standards. The project would be designed to achieve a Silver LEED rating as well.</p>

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Goals, Policies, and Actions	Project Consistency
<p>provide a comfortable and healthy environment.</p> <ul style="list-style-type: none"> <li>▪ Encourage reduction of construction and demolition waste. (Also see Policy EM-6.)</li> <li>▪ Encourage construction of durable buildings.</li> </ul>	
<p><b>Policy EM-7: Reduced Wastes.</b> Continue to reduce solid and hazardous wastes.</p> <p><b>Applicable Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Achieve a 64 percent diversion of waste from landfills.</li> <li>▪ Manage wastes locally to the greatest extent feasible to minimize the export of wastes and pollution to other communities.</li> <li>▪ Encourage reduction in the use of toxic materials.</li> <li>▪ Encourage reuse, recycling, and composting.</li> <li>▪ Support programs and incentives to reduce the manufacture and use of materials that are non-recyclable or hazardous to people and the environment.</li> <li>▪ Encourage reusable bags and packaging such as reusable bottles, whether glass or plastic.</li> </ul>	<p><b>Consistent.</b> The City of Berkeley is responsible for complying with AB 939, which mandates 50 percent of solid waste diverted from landfills. Between 1995 and 2010, the City diverted 76 percent of waste, exceeding the City’s General Plan goal of 64 percent waste diversion. In addition, per AB 341, California’s goal is 75% diversion by 2020. The Alameda County goal is “Under 10 by 2020” (i.e. less than 10 percent of material sent to Alameda County landfills will be readily recyclable or compostable. The proposed project would participate in the City’s waste diversion programs and would continue diverting a minimum of 75% of its solid waste.. The project would also be subject to all applicable state and County requirements for solid waste reduction as they change in the future.</p>
<p><b>Policy EM-31 Landscaping.</b> Encourage drought-resistant, rodent-resistant, and fire-resistant plants to reduce water use, prevent erosion of soils, improve habitat, lessen fire danger, and minimize degradation of resources.</p>	<p><b>Consistent.</b> To achieve LEED Silver or equivalent rating, at least 75 percent of plants in non-turf landscaped areas would be species that require no or little summer watering once established, among other water-saving measures, according to the applicant’s Bay-Friendly Basics Landscape Checklist. In addition, the project would be required to comply with the California Water Efficient Landscape Ordinance, which reinforces landscape irrigation and water conservation best practices currently required by EBMUD Section 31 Regulations.</p>
<p><b>Policy EM-35: Energy-Efficient Design.</b> Promote high-efficiency design and technologies that provide cost-effective methods to conserve energy and use renewable energy sources.</p> <p><b>Applicable Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Promote statewide code revisions necessary to enable the use of new methods and materials to conserve resources and prevent pollution.</li> </ul>	<p><b>Consistent.</b> The proposed project would be required to comply with the 2016 Title 24 standards, which are around 5 percent more efficient than the 2013 standards for commercial projects. The Preliminary Energy Analysis showed that the project, as designed, would result in 17 percent energy savings beyond that achieved through 2013 Title 24 standards. Therefore, the project would result in an efficiency rating beyond even 2016 Title 24 standards. The project would be designed to achieve a Silver LEED rating as well.</p>
<p><b>Policy EM-36: Energy Conservation.</b> Continue to implement energy conservation requirements for residential and commercial buildings at the time of sale and at time of major improvements.</p> <p><b>Applicable Actions:</b></p> <ul style="list-style-type: none"> <li>▪ Encourage patterns of development, building designs, and construction methods that are energy-efficient and reduce pollution.</li> <li>▪ Encourage the use of lighting that is energy-efficient and non-intrusive.</li> </ul>	<p><b>Consistent.</b> The proposed project would be required to comply with all standards of Title 24 that are in effect at the time of development. The 2016 Title 24 standards are around 28 percent more efficient than the 2013 Title 24 standards, which are around 30 percent more efficient than the 2008 standards, which in turn are around 15 percent more efficient than the 2005 standards. The Preliminary Energy Analysis showed that the project, as designed, would result in 17 percent energy savings beyond that achieved through 2013 Title 24 standards. Therefore, the project would result in an efficiency rating beyond even 2016 Title 24 standards.</p>

Based on the information above, the proposed project would be consistent with the applicable CAP and General Plan policies. Therefore, this impact would be less than significant.

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## 8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. Be located on a site that is included on a list of hazardous material 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. For a project located in 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 near a private airstrip, would it 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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"/>

a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Demolition of the seven structures on the Pardee Block parking lot and construction of the proposed medical office building would require the limited use of heavy machinery and construction equipment. The operation of these vehicles and machinery requires hazardous materials including fuel, engine oil, engine coolant, and lubricants. These materials would be transported to the sites in limited quantities during construction, and could result in a spill or accidental release of small quantities. Construction of the project would be conducted in accordance with applicable federal and state laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. The project would be subject to preparation and implementation of a SWPPP that would include BMPs for handling of construction equipment and materials and would be subject to standard conditions of the City’s Toxics Management Division (TMD) requiring that a Soil and Groundwater Management Plan (SGMP) be submitted to the TMD with the project’s building permit application and be approved by TMD prior to issuance of the building permit. Adherence to these requirements would reduce the potential hazards to the public related to hazardous materials. Construction-related impacts would be less than significant.

During operation, the proposed project would involve medical uses that could involve the use, storage, disposal, or transportation of hazardous materials such as cleaning chemicals and biohazardous medical wastes. These materials would not be substantially different from medical and cleaning supplies in general and are widely used throughout the region and project area. Medical waste is a subset of wastes generated at health care facilities, such as hospitals, physicians’ offices, dental practices, blood banks, and veterinary hospitals/clinics, as well as medical research facilities and laboratories. Generally, medical waste is healthcare waste that may be contaminated by blood, body fluids, or other potentially infectious materials and is often referred to as regulated medical waste (USEPA 2017).

State environmental and health departments are the primary regulators for medical waste. Other federal agencies have regulations regarding medical waste as well, including the Centers for Disease Control, Occupational Safety and Health Administration, U.S. Food and Drug Administration, and others. In California, the California Department of Public Health, Medical Waste Management Program regulates the generation, handling, storage, treatment, and disposal of medical waste by providing oversight for the implementation of the Medical Waste Management Act (California Department of Public Health 2017). The Medical Waste Management Program permits and inspects all medical waste off-site treatment facilities and medical waste transfer stations. In addition to the treatment methods specifically allowed in the Medical Waste Management Act, there are

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alternative medical waste treatment technologies approved for use in California. Medical waste generated or used at the medical office building would be required to meet all Medical Waste Management Act regulations. Therefore, impacts related to medical waste hazards would be less than significant.

As with any commercial activities that involve the storage and use of hazardous materials, on-site activity involving hazardous substances (such as the petrochemicals, polymers, and basic inorganics described above), and the transport, storage, and handling of these substances must adhere to applicable federal, state, and local safety standards, ordinances, or regulations, including a Hazardous Materials Business Plan. Businesses that engage in the use, sale, storage, or transport of hazardous substances are monitored by various state (e.g., Department of Toxic Substance Control [DTSC]) and local (e.g., the City's TMD) entities. Potentially hazardous waste produced during operation would also be collected, stored and disposed of in accordance with applicable laws and regulations.

In summary, compliance with existing laws and regulations governing the transport, use, release and storage of hazardous materials and wastes, including the required SWPPP and Hazardous Materials Business Plan, would reduce impacts related to exposure of the public or environment to hazardous materials to less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- b. Would the project 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?*

Refer to discussion 8a.

**LESS THAN SIGNIFICANT IMPACT**

- c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The proposed medical office building site is located approximately 950 feet from Global Montessori International School. The next nearest school is Longfellow Middle School, approximately 0.5 miles to the east. Waste generated from project operation would mostly entail medical waste, and any hazardous or acutely hazardous materials, substances, or waste would be handled according to applicable federal and state regulations. Waste generated from the proposed medical office building would not impact the nearby schools. Therefore, impacts from hazardous materials on nearby schools would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- d. Would the project be located on a site included on a list of hazardous material 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?*

Langan Treadwell Rollo (Langan) conducted a Phase I Environmental Site Assessment (Phase I ESA) of the medical office building project site in July 2016 (Langan 2016, Appendix D). As part of the Phase I ESA, Langan reviewed an environmental database report prepared by Environmental Data Resources, Inc. (EDR). The EDR report contains information from the environmental databases maintained by the USEPA, state agencies, and local agencies. The medical office site is not listed on any of the regulatory databases EDR searched. In addition, inquiries were made of files held at the

City's TMD for the medical office site. These reveal no evidence of past release(s) at the medical office site. Langan also searched online database including the California DTSC's EnviroStor database and the SWRCB's GeoTracker website. No files or records associated with the medical office site were found on the EnviroStor database (Langan 2016). The medical office site is listed on GeoTracker as a "non-case information site," indicating that GeoTracker contains information related to previous Phase I and Phase II ESA's prepared for the medical office site in 2004. However, the medical office site is not identified as a cleanup site or permitted facility. A review of the information in GeoTracker did not reveal evidence or records related to contamination (SWRCB 2017). Finally, Langan observed minor oil stains in the paved parking areas on the medical office site during site reconnaissance, but determined that it represents a *de minimis* condition with no associated hazard or health concerns.

The Phase I ESA prepared by Langan included review of off-site facilities with known contamination in soil and groundwater most likely to represent potential environmental concerns for the medical office site. These included properties or locations that were nearby and/or hydraulically up-gradient of the medical office site. The review of the off-site database found that none of the nearby listings had violations. All were closed by the regulatory agency, were hydrologically cross-gradient or down-gradient, or were determined to be a significant distance (greater than 0.25 mile) from the medical office site. Therefore, no off-site locations are expected to pose an environmental risk to the medical office site. A complete copy of regulatory database information provided by EDR is included in the Phase I report (see Appendix D).

A Phase I ESA was also prepared for the Pardee Block parking lot in June 2018 (Langan 2018) Appendix D. Langan reviewed a database report prepared by EDR that indicated the Pardee Block parking lot site was listed in the EMI, HAZNET, FINDS, RCRA-SQG, and ECHO databases. Additional inquiries were made with the Berkeley Fire Department and the City's TMD. Langan also searched online regulatory databases including GeoTracker and EnviroStor, and reviewed the series of previous environmental investigations (Phase I and Phase II). During the site visit, Langan observed small quantities of hazardous substances and petroleum products at all addresses at the Pardee Block parking lot site except 1010 Carleton Street. Three aboveground storage tanks were observed at the Pardee Block parking lot site that contained used motor oil and various drums containing transmission fluid, used oil filters, and used coolant. (Langan 2018)

Based on the database search, requests made for public documentation related to the Pardee Block parking lot site, review of previous reports, and site reconnaissance, Langan concluded that petroleum hydrocarbons, metals, and VOCs in the Pardee Block are present in the subsurface (Langan 2018). Therefore, the project could create a hazard to the public or environment during site demolition, preparation, and grading.

However, with implementation of standard conditions of approval, the applicant would be required to prepare a Soil and Groundwater Management Plan (SGMP) to submit to the City for approval prior to issuance of demolition, grading or building permits. The SGMP would outline soil and groundwater handling, transportation, and disposal procedures to be used during excavation on the Pardee Block parking lot site. The SGMP would further require the construction contractor to provide details regarding how hazardous materials would be appropriately handled and disposed of during and following construction. Hazards to the public or environment would be avoided with implementation of this standard condition of approval. The impact from hazardous materials to the public or environment would therefore, be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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- 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?*

There are no private airstrips near the project sites. The closest airport to the project sites is Oakland International Airport, located approximately ten miles to the south. The project sites are located entirely outside of the airport influence zone (Alameda County, 2010). Therefore, no impact related to airport safety would occur.

**NO IMPACT**

- f. *For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area?*

Refer to discussion 8e.

**NO IMPACT**

- g. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The City has designated San Pablo Avenue and Dwight Way as Emergency Access and Evacuation Routes (City of Berkeley 2011). The proposed project would not impede emergency access on Dwight Way. While the project would involve a new curb cut and improvements to the pedestrian environment along San Pablo Avenue, as well as Parker Street and Tenth Street, these actions would not result in street closures that could impede emergency access or evacuation. The new curb cut along San Pablo Avenue is only for emergency vehicle access to the project site. Standard City practice is for the Berkeley Fire Department and Berkeley Police Department to review proposed project plans for access concerns. None have been identified to date. Therefore, the project would not involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- h. *Would the project 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?*

The project sites are in an urban area in Berkeley. The sites are near an eclectic mix of land uses including retail, restaurants, automobile services, commercial offices, light industrial, a church, and residences. According to the City's Emergency Access and Evacuation Network map, the project sites are not adjacent to or inside the hill fire hazard area. As a result, there would be no risk of exposing people or structures to a significant risk of loss, injury or death involving wild land fires.

**NO IMPACT**

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## 9 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist  
Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
h. Place structures in a 100-year flood hazard area that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring 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. Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. *Would the project violate any water quality standards or waste discharge requirements?*

Construction activities on the project sites would have the potential to cause soil erosion from exposed soil, an accidental release of hazardous materials such as vehicle fuels and lubricant, or temporary siltation from storm water runoff. Soil disturbance would occur during excavation for the proposed building foundations, demolition of the existing buildings, and grading of the project sites. However, proponents of development projects are required to comply with BMC Chapter 17.20 relating to the requirements of the City’s NPDES permit, and construction contractors are responsible for implementing and monitoring erosion and sedimentation control/drainage plans to ensure that contaminants are not released into urban runoff, in order to prevent significant adverse impacts to water quality. Construction activities that disturb one or more acres of land surface are subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by SWRCB. Compliance with the permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require development of a storm water pollution prevention plan (SWPPP), which must describe the sites, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-storm water management controls. Inspection of construction sites before and after storms is also required to identify storm water discharge from the construction activity and to identify and implement erosion controls, where necessary. In addition, the project would be subject to standard conditions of the City’s Toxics Management Division (TMD) requiring that a Soil and Groundwater Management Plan (SGMP) be submitted to the TMD with the project’s building permit application and be approved by TMD prior to issuance of the building permit.

The SGMP is required to identify procedures for soil and groundwater management, including identification of pollutants and disposal methods, and is required to comply with the hazardous materials and waste management standards required by BMC §15.12.100, the San Francisco Bay Regional Water Quality Control Board’s Order No. R2-2015-0049 C.3 and C.6, 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 project would be required to comply with all City requirements under its NPDES permit. BMC Section 17.20.070 states the following:

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- A. It is unlawful to discharge any matter into the storm drain system such that the discharge results in or contributes to a violation of any National Pollutant Discharge Elimination System (NPDES) permit issued to the discharger and administered by the State of California under authority of the U.S. Environmental Protection Agency, including the NPDES permit issued to the City of Berkeley and others (NPDES Permit No. CA0029831, on file in the office of the City Clerk) and any amendment, revision or reissuance thereof, and whether such discharge is separately considered or when combined with other discharges.
- B. Each industrial discharger, discharger associated with construction activity, or any other discharger described in any general NPDES permit regulating stormwater discharges, as may be adopted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, San Francisco Bay Region, shall submit to the appropriate agency a notice of intent to comply with said permit and undertake all other activities required by any general stormwater permit applicable to such discharges.
- C. Each discharger identified in any individual NPDES permit regulating stormwater discharges shall comply with and undertake all activities required by such permit.

BMC Section 17.20.050 has the following requirements for construction and development:

- 1. Any construction contractor performing work in the City shall provide filter materials at catch basins to retain any debris, dirt, or other pollutants generated by such work to prevent said pollutants from flowing into the city's storm drain system.
- 2. Any applicant for a building or grading permit from the City shall, as a condition of receiving such permit, sign a certification stating that the applicant has read and shall use, to the maximum extent practicable, applicable portions of the State stormwater best management practices manual for construction activity, a copy of which shall be available to the applicant where building and grading permits are obtained.
- 3. Any applicant for a building or grading permit from the City who is subject to the State NPDES construction general permit shall, as a condition of receiving such permit, provide evidence that the applicant has submitted a notice of intent to the State Water Resources Control Board as required by said permit.
- 4. The City Manager may establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants into the storm drain system.

Construction contractors are responsible for implementing and monitoring erosion and sedimentation control/drainage plans to ensure that the above requirements are being met, and that contaminants are not released into urban runoff, in order to prevent significant adverse impacts to water quality. For all the reasons stated above, the project would not violate water quality standards or otherwise substantially degrade water quality, and this impact would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- b. *Would the project 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 that would not support existing land uses or planned uses for which permits have been granted)?*

The proposed project does not include installation of new groundwater wells or use of groundwater from existing wells. Therefore, development under the proposed project would not result in a net deficit in aquifer volume or a lowering of the groundwater table. The project would not result in an exceedance of safe yield or a significant depletion of groundwater supplies. Additionally, the increase in impervious surfaces on the sites would be a nominal percentage of the overall watershed and would therefore not substantially interfere with groundwater recharge. Finally, the proposed bioretention areas would allow for infiltration of storm water runoff. Impacts related to groundwater would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c. *Would the project 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 that would result in substantial erosion or siltation on- or off-site?*

The medical office building site is not connected to an existing storm water drainage system and storm water runoff leaving the site enters City streets before being intercepted by the storm water drainage system at downstream locations. The proposed project would increase the amount of impervious surface area compared to existing conditions on the medical office building site, which currently contains about 22,900 square feet of impervious surfaces. Under the project, the medical office building site would contain about 54,100 square feet of impervious surfaces. The Pardee Block surface parking lot has about 43,800 square feet of impervious surfaces from the existing structures and development on the site. The proposed surface parking lot would reduce impervious surfaces to approximately 34,300 square feet.

Per BMC §17.20.070, the applicant would be required to comply with the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Storm Water NPDES Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008). Provision C.3 of the Municipal Regional Storm Water NPDES Permit contains requirements for new development that creates 10,000 square feet or more of impervious surface. These requirements include Low Impact Development (LID) requirements, including source control requirements and site design and storm water treatment requirements. Source control requirements include, but are not limited to, plumbing certain discharges to the sanitary sewer, installing landscaping that minimizes irrigation and runoff, and stenciling storm drain inlets. Site design and storm water treatment requirements include, but are not limited to, avoiding disturbance of natural water bodies, conserving natural areas, minimizing impervious surfaces, minimizing storm water runoff, and treating 100 percent of the amount of runoff identified in Provision C.3.d.

The runoff from the medical office site would be detained in three biotreatment areas along the western edge of the project site. These biotreatment areas total 1,644 square feet and would be sized to treat the amount of runoff specified in Provision C.3.d. The runoff would be filtered in these areas and then would flow from these areas into the City streets before eventually being intercepted by the existing storm water drainage system downstream of the medical office building site. The Pardee Block parking lot incorporates permeable pavers throughout, which provides self-treating surfaces to meet C.3 requirements. While the biofiltration system and permeable pavers

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would effectively treat excess runoff to meet the C.3 requirements of the Municipal Regional Storm Water NPDES Permit, the biotreatment areas may not be sufficient to prevent localized flooding of City streets from project-related increases in runoff. Therefore, the implementation of the proposed project would result in a potentially significant impact related to flooding and inadequate storm water drainage capacity.

### **Mitigation Measures**

The following mitigation measures would reduce this impact to a less than significant level.

#### *HYD-1 Hydrology and Hydraulic Mitigation Analysis*

The project shall not increase from pre-project to post-construction conditions peak flow and flow duration to existing gutters, and shall not raise from pre-project to post-construction the hydraulic grade line in existing storm drains at all times throughout the life of the project. The applicant shall demonstrate through a hydrology and hydraulics mitigation analysis to show how this performance standard will be achieved and used to provide the basis of design for the implementing this mitigation.

The hydrology and hydraulics mitigation analysis shall be submitted to and approved by the City of Berkeley Department of Planning and Development prior to issuance of required project permits. The analysis shall identify existing and post-construction drainage patterns, magnitudes, and durations within the project limits and also identify existing off-site discharge locations, durations, and magnitudes from the project site. The mitigation actions to meeting the performance standard may include conveyance pipeline (minimum 12-inch diameter, reinforced concrete pipe) in the right-of-way, and the pipe shall not be used to attenuate peak flows. The mitigation method shall be designed to operate in conjunction with MRP Provision C3 requirements. The applicant shall make up front payment for City staff and consultant costs related to reviewing the hydrology and hydraulics mitigation analysis..

#### *HYD-2 Storm Water Control Measures*

Discharges of any water from the project site shall be controlled at all times and shall not exceed pre-project peak flow or duration in existing storm drains and gutters throughout the project life. Applicant shall design and construct the mitigation method developed through the Hydrology and Hydraulic Mitigation Analysis performed in HYD-1 and as approved by the City. The mitigation actions to meet the performance standards may include conveyance within the right-of-way but storage within the right-of-way is not allowed. The identified method(s) shall be completely operational and any facilities located within the right-of-way shall be approved by and dedicated to the City prior to issuance of certificate of occupancy.

### **Significance After Mitigation**

Implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that the rate and amount of post-development runoff would not exceed the rate and amount of pre-development runoff. Localized flooding and exceedance of existing storm water drainage capacity would be avoided with implementation of this mitigation measure. The impact from project-related runoff would be less than significant with mitigation incorporated.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- d. *Would the project substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or offsite?*

Refer to discussion 9c.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- e. *Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Refer to discussion 9c.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- f. *Would the project otherwise substantially degrade water quality?*

Refer to discussion 9a.

**LESS THAN SIGNIFICANT IMPACT**

- g. *Would the project place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?*

The project sites are located within Flood Zone X (Federal Emergency Management Agency 2009). Zone X describes areas outside the 100-year flood limit or in the 100-year flood limit but shallow enough to not represent a special hazard. The flood potential in this area of Berkeley is relatively minimal. The project sites are not located an inundation hazards zone, as shown in Berkeley General Plan Figure 16 *Reservoir Inundation Hazards*.

**NO IMPACT**

- h. *Would the project place structures in a 100-year flood hazard area that would impede or redirect flood flows?*

The proposed project includes the development of medical offices and a surface parking lot; it would not involve the construction of housing. The project would not impede or redirect flood flows in a 100-year flood hazard area or an area subject to inundation in the event of a dam or levee failure. The project would therefore have no impact related to these hazards.

**NO IMPACT**

- i. *Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?*

Refer to discussions 9g and 9h above.

**NO IMPACT**

- j. *Would the project result in inundation by seiche, tsunami, or mudflow?*

The project sites are not near a major inland body of water, such as a large lake, that could produce a seiche. The project sites are located approximately one half mile east of San Francisco Bay, which is susceptible to tsunamis. However, the project sites are located outside of a Tsunami Inundation Area (California Emergency Management Agency 2009). The project sites are relatively flat and not

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in an area subject to mudflows or landslides. Risk of inundation by seiche, tsunami or mudflow at the project sites would be remote, and would not be increased due of project development. The project would therefore have no impact related to these hazards.

**NO IMPACT**

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# 10 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with an applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*a. Would the project physically divide an established community?*

The project sites are in an urbanized area of Berkeley and include two properties: a 1.6-acre vacant property and a 1.6-acre parcel developed with multiple commercial and light industrial buildings. The proposed project does not involve street closures, linear features, or development that would separate land uses or neighborhoods. Development of the proposed project would not physically divide an established community. There would be no impact.

**NO IMPACT**

*b. Would the project 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?*

**Berkeley General Plan**

The medical office site has two General Plan land use designations: Avenue Commercial along San Pablo Avenue (the eastern portion of the property) and Manufacturing along Tenth Street and Parker Street (the western portion of the property). The proposed Pardee Block parking lot has a land use designation of Manufacturing-Mixed Use, which is addressed in the West Berkeley Plan as Mixed Manufacturing, which provides for "a general industrial district, where both heavy and light manufacturers can function, along with "biotech" industries and office users which can recycle the upper stories of buildings."

The General Plan describes the Avenue Commercial designation as characterized by “pedestrian-oriented commercial development and multi-family residential structures,” but refers the reader to the underlying zoning district for specific uses allowed. The project would generally meet the broad definition of this designation in the General Plan, as the development would include a 750-square foot quick-service restaurant and retail space suitable for walk-in customers, a small public plaza with seating and landscaping, and a pedestrian-scale first floor façade with pedestrian access to the medical office building.

The General Plan describes the Manufacturing designation as characterized by “manufacturing and industrial uses necessary for a multi-faceted economy and job growth,” and refers the reader to the underlying zoning district for specific uses allowed. The project would generally meet the broad definition of this designation in the General Plan, as the medical office building would provide job growth in the city.

The project would be generally consistent with applicable policies of the 2002 General Plan related to environmental issues addressed by CEQA, including the following:

**Policy LU-3–Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

**Policy LU-7–Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

**Policy UD-16–Context:** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

**Policy EM-5–“Green” Buildings:** Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

As discussed in Section 1, *Aesthetics*, the proposed project would be compatible in scale to the greater neighborhood and would require approval by the City’s Design Review Committee ensure architectural sensitivity. The project proponent has indicated that the new building would be designed with a goal of LEED certification at a minimum Silver level, and would be required to meet the energy efficiency standards of the CBC (Title 24, California Code of Regulations). As discussed in Section 5, *Cultural Resources*, the project would not result in significant impacts to historic resources and would not be located adjacent to historic buildings.

**Policy UD-32–Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Shadow-sensitive areas are typically those outdoor areas associated with residential, institutional or recreational land uses. The second floor of the Missouri Lounge building (adjacent to the north boundary of the medical office building site) contains three residential units, considered shadow-sensitive land uses. Based on the shadow analysis completed for the proposed building, the entire Missouri Lounge building would be shaded by the proposed building during the afternoons (after 3:00 p.m.) in December. South-facing windows would presumably receive the most sunlight at that site. However, the Missouri Lounge building does not contain any south-facing windows. There is one window located on the west side of the building on the second floor, which is covered by a five-foot wall extension that currently limits the amount of light coming into the unit from the direction

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of the proposed project. The three residential units have windows that face Parker Street to the north that would not be affected by the proposed building and seasonal shadows. The Missouri Lounge includes an outdoor patio and storage space that would be shaded seasonally by the proposed building, but that area is not considered a shadow-sensitive area. In addition, the patio area is often shaded intentionally by umbrellas and a tent structure, as well as a six-plus foot fence bordering the subject property. The proposed building would not eliminate the efficacy of solar panels that could be placed on the roof of the Missouri Lounge building since the winter afternoon shadows cast on the building would be seasonal. The Pardee Block parking lot would require removing seven existing buildings that create shadows; no new structures are proposed there.

### **West Berkeley Plan**

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

**Land Use Goal 1:** Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promote the varied and interesting character of the area.

**Land Use Goal 2:** Channel development---both new businesses and residences and the expansion of existing businesses---to districts which are appropriate for the various existing elements of the West Berkeley land use mix.

**Land Use Goal 3:** Protect residential core neighborhoods from adverse impacts of economic growth—especially traffic and parking congestion and noise.

The proposed medical office building would provide for continued economic development as well as provide important services for the City's residents. The project is not located in a residential core neighborhood and would not result in substantially adverse traffic and parking impacts from the economic expansion. In addition, the West Berkeley Plan permits "Parking Lots (for uses located in the district)" in the Mixed Manufacturing designation.

**Land Use Goal 4:** Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.

Please see the discussion under General Plan Policy LU-3—Infill Development above.

**Environmental Policy 1.6:** Avoid the establishment of new uses which pose unmitigable environmental hazards (see Permitted and Prohibited Uses in Land Use Element).

As discussed throughout this Initial Study but in particular in Section 6, *Geology and Soils*, and Section 8, *Hazards and Hazardous Materials*, the project would not result in unmitigable environmental hazards.

**Environmental Policy 5.2:** Reduce existing traffic and adequately mitigate the impact of future traffic (see Transportation Element)

As discussed in Section 16, Transportation, impacts related to traffic would be less than significant with mitigation incorporated.

**Environmental Policy 5.6:** Avoid the establishment of new uses which would create immitigable odors in residential districts

As discussed in Section 3, Air Quality, impacts related to odors would be less than significant.

**Environmental Policy 5.7:** Institute tree planting as an anti-pollution measure (see Physical Form Element for Implementation Measures)

As shown on the proposed landscape plan, the project would increase the number of trees on the proposed medical office site substantially. Although two existing trees on the medical office plan area would be removed, approximately 26 total trees would be planted, including coast live oak trees. An additional 28 trees would be planted on the Pardee Block parking lot site.

### Berkeley Municipal Code

The project sites have three zoning designations: West Berkeley Commercial (C-W) along San Pablo Avenue (the eastern portion of the medical office building property), Mixed Use-Light Industrial (MU-LI) along Tenth Street and Parker Street (the western portion of the medical office property), and Mixed Use-Residential (MU-R) along Pardee Street, where the Pardee Block parking lot would be located. To accommodate medical office use throughout the portions of the building approved under Use Permit #ZP2016-0170 for Research and Development, the underlying zoning of approximately two thirds of the medical office site would need to be rezoned from MU-LI to C-W.

Pursuant to BMC Table 23E.64.030, medical offices over 7,500 square feet are allowed in the C-W District with a Use Permit; quick-service restaurants of less than 1,500 square feet are allowed in the C-W District with a Zoning Certificate. The proposed Pardee Block parking lot would comply with BMC Section 23E.84.030 if the Use Permit were issued as it allows construction of parking lots in the MU-R District for uses not exclusively for that district. Table 13 details how the medical office project would comply with specific applicable development standards of the BMC under the proposed C-W zoning.

**Table 13 Berkeley Municipal Code C-W District Development Standards**

BMC Section 23E.64.070-080		Existing	Proposed	Required
			Medical Office	C-W
Lot Area (sq. ft.)		68,331	68,331	
Gross Floor Area (sq. ft.)		0	60,670	
Floor Area Ratio		0	0.91	3.0
Building Height	Average (ft.)	0	42	50 max
	Maximum (ft.)	0	44	50 max
	Stories	0	3	3 max
Building Setbacks (ft.)	Front	-	5	0 min
	Rear	-	0	0 min
	Left Side	-	5	0 min
	Right Side	-	27'8"	0 min
Lot Coverage (%)		0	46.9	n/a
Usable Open Space (sq. ft.)		-	2,150	n/a

<sup>1</sup> Total Floor Area Ratio is calculated by dividing the gross floor area (61,000 square feet) by the lot area (68,331 square feet).

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Pursuant to BMC Section 23E.64.080, the project is required to provide a total of 238 parking spaces: 203 parking spaces for the medical office (one space per 300 square feet of floor area) and 35 parking spaces for the Pardee Block buildings that would remain after construction of the Pardee Block parking lot (one space per 2000 square feet of floor area). When implemented, the project would provide 238 parking spaces: 115 spaces at the proposed medical office site and 123 spaces at the Pardee Block parking lot for a total of 238 spaces.

The Pardee Block parking lot would provide the 35 parking spaces required for the approximately 24,000 square feet of Pardee Block businesses that would remain intact and operational, and the remaining 88 spaces would serve as off-site parking for the medical office employees. Patients visiting the medical offices would use the 115 proposed on-site parking spaces at the medical office site.

As discussed under Project History, the Berkeley City Council requested that the Planning Commission consider and make recommendations regarding the requested rezoning of the MU-LI portion of the medical office site to C-W, which would allow medical office uses throughout the proposed building. The Planning Commission subsequently held two public meetings in February 2018 and April 2018 and directed City staff to forward its recommendations for the proposed rezone to the City Council. The final determination on the rezone is pending as of the publication of this Initial Study.

As the medical office building site is currently zoned MU-LI, the proposed medical office use is not an allowed use on the eastern portion of the medical office property. Allowing 100 percent medical office uses in the building would result in a potentially significant impact related to Land Use and Planning unless the rezoning is approved.

### **Mitigation Measures**

The following mitigation measure would reduce Land Use and Planning impacts to a less than significant level.

#### *LU-1 Rezone*

Demolition permits shall not be issued unless and until a rezone is approved by the City of Berkeley that would change the zoning on the western portion of the medical office building site from Mixed-Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).

### **Significance After Mitigation**

Implementation of Mitigation Measures LU-1 would ensure that the proposed use of the sites would not conflict with any applicable land use plan, policy, or regulation. As proposed, the project complies with the development standards in the West Berkeley Commercial zoning district. The impact would be less than significant with mitigation incorporated.

### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- c. *Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?*

As discussed in Section 4, Biological Resources, the project sites are not located in a habitat conservation plan or natural community conservation plan area.

### **NO IMPACT**

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# 11 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*a. Would the project 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?*

The project sites and surrounding properties are part of an urbanized area with no current oil or gas extraction. According to the City’s General Plan, Berkeley has no active mineral extraction industries. No mineral resource activities would be altered or displaced by the proposed project. The project would have no impact on mineral resources.

**NO IMPACT**

*b. Would the project 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?*

Refer to discussion 11a.

**NO IMPACT**

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# 12 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Result in 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels above those existing prior to implementation of the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above those existing prior to implementation of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located in 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 near a private airstrip, would it expose people residing or working in the project area to excessive noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Environmental Setting

### Noise

Noise is unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). Because of the way the human ear works, a sound must be about 10 dBA greater than the

reference sound to be judged twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1–2 dBA changes generally are not perceived.

Noise levels typically attenuate (or drop off) at a rate of 6 dBA per doubling of distance from point sources (such as construction equipment). Noise levels may be reduced by the introduction of intervening structures. The construction style for dwelling units in California generally provides a reduction of exterior-to-interior noise levels of about 30 dBA with closed windows (Federal Highway Administration 2006).

Some land uses are more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. For example, residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, museums, cultural facilities, parks, and outdoor recreation areas are more sensitive to noise than commercial and industrial land uses. The nearest noise-sensitive receptors to the proposed medical office site are the three residential units on the second floor of the Missouri Lounge, adjacent to the northeast property line at the corner of San Pablo Avenue and Parker Street; the Covenant Worship Center, a religious institution adjacent to the southern property line; a recording studio approximately 55 feet from the western property line, on the west side of Tenth Street; single-family residences approximately 150 feet south on Carleton Street and east of the medical office site, across San Pablo Avenue; and condominiums approximately 180 feet south of the site on San Pablo Avenue. The nearest noise-sensitive receptors to the Pardee Block parking lot site beyond those mentioned above include multi-family and single-family residential units located 75 and 115 feet southeast across Tenth Street, multi-family and single family residential units located approximately 140 feet south across Pardee Street, and Global Montessori International School located approximately 950 feet to the south.

To characterize existing ambient noise levels at the project sites, Rincon Consultants collected two 15-minute noise measurements using an ANSI Type II sound level meter. The first measurement (Measurement #1) was collected on April 19, 2017. This measurement was taken during the afternoon peak hour, between 4:50 p.m. and 5:20 p.m., on the east side of the medical office building site along San Pablo Avenue. The primary source of noise during the study was automobile traffic on project-area roadways, especially San Pablo Avenue and Parker Street. The second measurement (Measurement #2) was collected on August 24, 2018. This measurement was taken during hours of operation of the existing businesses at the Pardee Block parking lot site, between 10:51 a.m. and 11:06 a.m., on the north side of the site along Carleton Street. Table 14 lists the measurement results and Figure 20 shows the noise measurement locations.

**Table 14 Noise Measurement Results**

Number	Location	Time	Result (Leq)
1	East side of medical office building site, along San Pablo Avenue	4/19/17, 4:57 p.m. to 5:12 p.m.	68.0
2	North side of Pardee Block parking lot site, along Carleton Street	8/24/18, 10:51 a.m. to 11:06 a.m.	60.9

See Appendix E for Noise Measurement Results.  
Source: Rincon Consultants 2017

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Figure 20 Noise Measurement Location



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Fig 6 Noise Measurement

## Vibration

Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas noise is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise (e.g., the rattling of windows from passing trucks). This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Typically, groundborne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB).

The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Most perceptible indoor vibration is caused by sources inside buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads.

## Regulatory Setting

The Environmental Management Element of the City's General Plan includes policies and actions to address community noise in Berkeley. Policy EM-47 of the Environmental Management Element ensures that new noise-sensitive uses, such as residences and schools, are protected from detrimental noise levels. The policy sets normally acceptable, conditionally acceptable, and unacceptable exterior noise levels that apply to the placement of new noise-sensitive receptors. Table 15 provides a summary of the City's guidelines for noise and land use compatibility.

**Table 15 City of Berkeley Noise and Land Use Compatibility Guidelines**

Land Use Category	Exterior Noise Exposure Levels (dBA Ldn)		
	Normally Acceptable <sup>1</sup>	Conditionally Acceptable <sup>2</sup>	Unacceptable <sup>3</sup>
Residential, Hotels, and Motels	<55 – 60	60 – 75	75 to >80
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	<55 – 65	65 – 80	>80
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches	<55 – 60	60 – 75	75 to >80
Office Buildings, Business Commercial, and Professional	<55 – 70	70 – 80	>80
Auditoriums, Concert Halls, Amphitheaters	–	<55 – 70	70 to >80

<sup>1</sup> Normally Acceptable: noise exposure would be acceptable for intended land use. Development may occur without requiring an evaluation of the noise environment unless the use could generate noise impacts on adjacent uses.

<sup>2</sup> Conditionally Acceptable: A specified land use may be permitted only after detailed analysis of the noise environment and the project characteristics to determine whether noise insulation or protection features are required.

<sup>3</sup> Unacceptable: Analysis and mitigation are required. New construction or development should not be undertaken unless all feasible noise mitigation options have been analyzed and appropriate mitigations incorporated.

Source: City of Berkeley 2010.

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Section 13.40, *Community Noise*, of the BMC sets the City's standards for on-site operation noise and construction noise. As shown in Table 16, Section 13.40.05, *Exterior Noise Standards*, provides the exterior noise limits not to be exceeded for more than 30 minutes in any hour in various zoning districts. If the measured ambient noise level exceeds these limits, the allowable noise exposure standard would be the existing ambient noise level.

**Table 16 City of Berkeley Exterior Noise Limits**

Zone	Time Period	$L_{50}$ <sup>1</sup> Noise Level (dBA)
R-1, R-2	7:00 a.m. – 10:00 p.m.	55
	10:00P.M – 7:00 a.m.	45
R-3 and Above	7:00 a.m. – 10:00 p.m.	60
	10:00P.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

<sup>1</sup>  $L_{50}$  is the noise level that cannot be exceeded for more than 30 minutes in any hour.  
Source: BMC §13.40.050

Section 13.40.060, *Interior Noise Standards*, of the BMC sets interior noise limits for multi-residential dwellings, as shown in Table 17. These noise limits may not be exceeded for more than five minutes in any hour and may not be exceeded by 5 dBA for more than one minute in an hour or by 10 dBA for any period of time.

**Table 17 City of Berkeley Interior Noise Limits**

Zone	Time Period	Noise Level (Leq dBA)
All	7:00 a.m. – 10:00 p.m.	45
	10:00 P.M – 7:00 a.m.	40

Source: Berkeley, Municipal Code, Section 13.40.060

Section 13.40.070, *Prohibited Acts*, of the BMC sets standards for construction noise. Construction activities are prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, 8:00 p.m. to 9:00 a.m. on weekends and holidays such that the resulting noise creates a noise disturbance across a residential or commercial property line.

Table 18 lists the City's maximum sound levels for mobile and stationary equipment that apply to construction activities when technically and economically feasible during permitted construction hours.

**Table 18 City of Berkeley Construction Noise Standards**

Equipment Type	Day/Times	Residential (R-1, R-2; dBA L <sub>max</sub> )	Multi-Family Residential (R-3; dBA L <sub>max</sub> )	Commercial/Industrial (dBA L <sub>max</sub> )
Mobile	Weekdays 7:00 a.m. to 7:00 p.m.	75	80	85
	Weekends and Holidays 9:00 a.m. to 8:00 p.m.	60	65	70
Stationary	Weekdays 7:00 a.m. to 7:00 p.m.	60	65	70
	Weekends and Holidays 9:00 a.m. to 8:00 p.m.	50	55	60

Source: BMC §13.40.070

Section 13.40.070, *Prohibited Acts*, of the BMC prohibits 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 ROW.

- a. *Would the project result in 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?*

The proposed medical office and parking areas are not noise-sensitive uses. Therefore, the proposed project would not expose people on-site to noise levels in excess of the City’s noise and land use compatibility guidelines.

The project would introduce noise sources typical of a medical office building, including parking lot activity, rooftop ventilation and heating systems, truck deliveries, and trash hauling. These noise sources and levels would be similar to those of surrounding institutional, commercial, and industrial office uses such as the church adjacent to the project sites; retail, restaurant, and automobile service businesses to the east along San Pablo Avenue; and light industrial and automobile service businesses to the south along Carleton Street. Furthermore, noise levels from these sources would not exceed existing ambient traffic noise from San Pablo Avenue, a heavily traveled arterial road, which approaches 70 dBA Leq during peak hours. Therefore, the project’s on-site operational noise would not substantially contribute to ambient noise and would have a less than significant impact.

The proposed Pardee Block parking lot would contain 123 vehicle parking spaces. Typical noise sources associated with a parking lot include tire squeal, doors slamming, car alarms, horns, and engine start-ups. However, implementation of the project would replace noise sources typical of automotive repair centers and warehouse uses with noise from a surface parking lot (average ambient noise 60.9 dBA). Peak noise generation for the parking lot would occur during operational hours of the proposed medical office building. Therefore, residential sensitive receptors near the proposed Pardee Block parking lot would not experience increased noise from parking lot activities associated with the project.

Table 19 lists noise levels associated with typical activities in parking lots 50 feet from the source and 75 and 140 feet from the source. The distances of 75 and 140 feet represent the distance between the proposed Pardee Block parking lot and the nearest residential receptors. Table 19

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shows the maximum noise level generated from a parking lot from car horns and alarms, which generate noise estimated at 66 dBA at a distance of 75 feet and 60 dBA at a distance of 140 feet, and tire squeals that generate an estimated 63 dBA at a distance of 75 feet and 57 dBA at a distance of 140 feet. However, these sources of noise are intermittent and spontaneous and would not affect overall ambient noise. More typical parking lot noises range from 33 dBA at 75 feet from people talking to 47 dBA at 75 feet from vehicles traveling on-site. While the project would increase the frequency of conversations and vehicles traveling on-site as compared to existing uses, noise associated with these sources would be lower than ambient noise along San Pablo Avenue or noise generated at the existing automotive shops (average 60.9 dBA). Parking lot noise would incrementally add to overall noise levels, but the increase would be less than 3 dBA and generally would not be perceptible. Impacts from parking lot activities would be less than significant.

**Table 19 Typical Parking Lot Noise**

Source	Level at 50 Feet (dBA)	Level at 75 Feet (dBA)	Level at 140 Feet (dBA)
Autos at 14 mph	50	47	41
Car Alarm Signal	69	66	60
Car Alarm Chirp	54	51	45
Car Horns	69	66	60
Door Slams or Radios	64	61	55
Talking	36	33	27
Tire Squeals	66	63	57

Estimates are based on actual noise measurements taken at various parking lots.

Source: Gordon Bricken and Associates 2012.

Vehicle trips associated with the project also would permanently increase ambient noise from traffic on nearby street segments. For traffic-related noise, impacts would be significant if project-generated traffic results in exposure of sensitive receptors to unacceptable noise levels.

Table 20 shows significance thresholds for increases in traffic related noise levels caused by the project.

**Table 20 Significance of Changes in Operational Roadway Noise Exposure**

Existing Noise Exposure (Ldn or Leq in dBA)	Noise Exposure Increase Threshold (Ldn or Leq in dBA)
45-50	7
50-55	5
55-60	3
60-65	2
65-75	1
75+	0

Source: Federal Transit Administration (FTA)2006.

The analysis of roadway noise is based on estimates of vehicle trip generation in the Traffic Impact Analysis (TIA) for the project (Fehr & Peers 2017) (Appendix F). As shown in Table 14, the existing peak-hour traffic noise level in the project vicinity is approximately 68 dBA Leq. Therefore, a noise exposure increase of 1 dBA or greater would result in a potentially significant traffic noise impact. Table 21 summarizes the percent changes in daily traffic volumes on nearby roadway segments and the resulting estimated increase in noise levels. The project would result in up to 162 average daily trips at the intersection of San Pablo Avenue and Parker Street, with many fewer trips at other local intersections. There would be 141 a.m. peak trips and 189 p.m. peak trips distributed on the local roadway network.

**Table 21 Projected Change in Daily Traffic**

Intersection	Existing ADT	Project ADT	Total ADT	Percent Increase in ADT	Noise Level Increase (dBA)
Sixth Street/University Avenue	7,170	68	7,238	1%	<0.4
San Pablo Avenue/University Avenue	7,096	90	7,186	1%	<0.4
Dwight Crescent/Seventh St/Dwight Way	2,404	68	2,472	3%	<0.4
Tenth Street/Dwight Way	1,667	46	1,713	3%	<0.4
San Pablo Avenue/Dwight Way	5,138	116	5,254	2%	<0.4
Seventh Street/Parker Street	2,318	68	2,386	3%	<0.4
Tenth Street/Parker Street	618	114	732	16%	<0.8
San Pablo Avenue/Parker Street	3,834	162	3,996	4%	<0.4
Seventh Street/Carleton Street	2,175	66	2,241	3%	<0.4
Tenth Street/Carleton Street	414	87	501	17%	<0.8
San Pablo Avenue/Carleton Street (west)	3,707	80	3,787	2%	<0.4
San Pablo Avenue/Carleton Street (east)	3,826	59	3,885	2%	<0.4
Seventh Street/Ashby Avenue	6,748	66	6,814	1%	<0.4
San Pablo Avenue/Ashby Avenue	6,898	80	6,978	1%	<0.4

Source: Fehr & Peers 2017.

As shown in Table 21, the percentage increase in traffic volumes would be highest at the intersections of Tenth Street and Parker Street, and Tenth Street and Carleton Street, both of which provide the main access routes to the medical office site. Traffic noise, because of the project, would not increase by more than an estimated 0.8 dBA at any roadway segment or intersection, which would not exceed the most conservative applicable noise exposure increase threshold of 1 dBA. Therefore, traffic noise impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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b. *Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

The FTA has set guidelines for evaluating human response to vibration, shown in Table 22. The FTA guidelines are based on the frequency of events as well as the receiving uses. On-site uses and surrounding uses include office and church uses (Category 3), and light industrial uses that are not noise-sensitive. Residential uses exist adjacent to the project sites (Category 2). Table 22 shows that for Category 2 land uses, vibration levels would be significant if they exceed 72 VdB for frequent events, 75 VdB for occasional events, and 80 VdB for infrequent events. For Category 3 land uses, vibration levels would be significant if they exceed 75 VdB for frequent events, 78 VdB for occasional events, or 83 VdB for infrequent events.

**Table 22 Groundborne Vibration Impact Criteria for Human Annoyance**

	Threshold Vibration Impact Level (VdB) for:		
	Frequent Events <sup>1</sup>	Occasional Events <sup>2</sup>	Infrequent Events <sup>3</sup>
<b>Category 1:</b> Buildings where vibration would interfere with interior operations	65	65	65
<b>Category 2:</b> Residences and buildings where people normally sleep	72	75	80
<b>Category 3:</b> Institutional land uses with primary daytime use	75	78	83

<sup>1</sup> "Frequent events" is defined as more than 70 vibration events of the same source per day.

<sup>2</sup> "Occasional events" is defined as between 30 and 70 vibration events of the same source per day.

<sup>3</sup> "Infrequent events" is defined fewer than 30 vibration events of the same source per day.

Source: FTA 2006

Section 13.40.070, *Prohibited Acts*, of the BMC prohibits 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, at or beyond the property boundary of the source if on private property, or at least 150 feet from the source if on a public space or public ROW. Medical office and parking lot uses do not typically generate substantial vibration. However, construction activities may cause vibration on properties in the immediate vicinity of the project sites.

Table 23 shows the estimated vibration levels at distances that correspond to the nearest vibration-sensitive receptors to construction activity: the three residential units on the second floor of the Missouri Lounge, located adjacent to the northeast property line at the corner of San Pablo Avenue and Parker Street; the Covenant Worship Center and a retail building on San Pablo Avenue, located 25 feet from a proposed surface parking lot that would be paved by vibratory rollers; a recording studio located on Tenth Street, 55 feet to the west; single-family residences located 150 feet to the south and east; and condominiums located 180 feet to the south of the proposed medical office building; multi-family and single-family residential units located 75 and 115 feet southeast, multi-family and single family residential units located approximately 140 feet south, and Global Montessori International School located approximately 950 feet south from the proposed Pardee Block parking lot.

**Table 23 Vibration Source Levels for Construction Equipment**

Equipment	Approximate VdB <sup>1</sup>			
	25 Feet	75 Feet	150 Feet	180 Feet
<b>Proposed Medical Office Building</b>				
Vibratory Roller	94	80	71	69
Large Bulldozer	87	80	74	63
Loaded Trucks	86	79	72	62
Jackhammer	79	65	55	53
Small Bulldozer	58	43	34	32
<b>Proposed Pardee Block Parking Lot</b>	<b>75 Feet</b>	<b>120 Feet</b>	<b>140 Feet</b>	<b>950 Feet</b>
Vibratory Roller	84	79	76	59
Large Bulldozer	77	72	71	52
Loaded Trucks	76	71	70	51
Jackhammer	67	64	63	44
Small Bulldozer	48	43	42	23

<sup>1</sup> FTA provides equipment vibration levels in approximate vibration levels (Lv VdB) at a distance of 25 feet. These were converted to VdB at other distances using methods provided in *Transit Noise and Vibration Assessment* (US DOT 1995).

Source: FTA 2006

As shown in Table 23, noise-sensitive receptors would experience the strongest vibration during paving activity (from vibratory rollers) and grading activity (from large bulldozers and loaded trucks). Vibration levels could reach up to 94 VdB at the three residential units atop the Missouri Lounge located north of the medical office site, the church south of the medical office site, and up to 80 VdB at the recording studio west of the medical office site from construction activities for the proposed medical office building. Vibration levels could reach up to 84 VdB during the demolition, grading, and paving phases at the residences and church adjacent to the proposed Pardee Block parking lot.

These estimates are conservative because they assume the sustained operation of vibration-generating equipment along the property lines. Under this assumption, it is expected that operation of construction equipment for the proposed medical office building along the southern property line, adjacent and 25 feet from sensitive receptors (i.e. the three residential units and church), would generate vibration in excess of the FTA's daytime threshold of 83 VdB for infrequent vibration events at institutional land uses. The use of construction equipment along the western property line, 55 feet from the recording studio, would generate vibration in excess of the FTA's daytime threshold of 78 VdB for occasional vibration events at institutional land uses. Vibration levels at residences, located 150 feet from the medical office site, would reach an estimated 71 VdB, which is below the FTA's daytime threshold of 72 VdB for frequent events. Vibration levels generated during construction activities for the proposed Pardee Block parking lot would exceed the FTA's daytime threshold of 80 VdB for infrequent events near residences.

Vibration levels would not exceed 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. The City restricts construction activity to the daytime hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on Saturdays. No construction activity is permitted on Sundays and Federal holidays.

The temporary use of vibratory rollers, large bulldozers, and loaded trucks may disturb weekday or Saturday church services and recording activities at Fantasy Studios. Therefore, the project would

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result in a potentially significant temporary vibration impact. Perceptible vibration could be minimized by use of administrative controls such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce vibration to hours with least potential to affect nearby businesses and residents. The limited construction hours would ensure that vibration impacts do not occur during evening hours and would eliminate impacts to normal residential sleep hours. Therefore, the following mitigation measure would be required.

**Mitigation Measure**

The following mitigation measure would reduce this impact to a less than significant level.

*NOI-1 Construction Vibration Reduction Measures*

Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:

- The applicant or contractor shall ensure that construction activities involving vibratory rollers, large bulldozers, or loaded trucks that create a vibration disturbance across the Project’s shared property line with the Covenant Worship Center (2622 San Pablo Avenue) do not occur during the regular posted services times at the Covenant Worship Center, currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.
- The applicant or contractor shall, to the extent technically and economically feasible, limit the use of vibratory rollers, large bulldozers, or loaded trucks within 75 feet of the nearest wall of the Covenant Worship Center, or Fantasy Studios (2600 Tenth Street) to no more than 30 vibration events per day, as defined by the Federal Transit Administration and detailed in Table 22 Groundborne Vibration Impact Criteria for Human Annoyance of the MND.
- The applicant or contractor shall, to the extent technically and economically feasible, limit the use of jackhammers within 25 feet of the nearest wall of the Covenant Worship Center, or Fantasy Studios to no more than 70 vibration events per day, as defined by the Federal Transit Administration and detailed in Table 22 Groundborne Vibration Impact Criteria for Human Annoyance of the MND.
- The applicant or contractor shall provide tenants of the three residential units atop the Missouri Lounge, the Covenant Worship Center, Fantasy Studios, and residents within a 500-foot radius of the project sites with a notification at least 24 hours prior to vibration-generating construction activities.

**Significance After Mitigation**

Implementation of Mitigation Measure NOI-1 would ensure that construction vibration impacts to nearby sensitive land uses would be reduced to the extent feasible. The impact from project-related construction vibration would be less than significant with mitigation incorporated.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- c. *Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?*

Refer to discussion 12a.

**LESS THAN SIGNIFICANT IMPACT**

- d. *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

During the anticipated nine-month construction period, the project would generate temporary noise from concrete and asphalt removal, excavation, grading, demolition, and building construction. This noise was modeled by phase of construction at the nearest noise-sensitive receptors, using reference noise levels from three sources: the FTA's *Noise and Vibration Impact Assessment* (2006), the Federal Railroad Administration's *High Speed Ground Transportation Noise and Vibration Impact Assessment Manual* (2012), and the Federal Highway Administration's *Construction Noise Handbook* (2006). For construction equipment, a standard noise attenuation rate of 6 dBA per doubling of distance was assumed from the reference distance to the distance of noise-sensitive receptors. The type of equipment utilized during each phase was based on defaults in CalEEMod used to model air quality and greenhouse gas emissions, since the applicant has not yet prepared a final list of construction equipment for the project. These defaults are listed in Appendix A worksheets, and construction noise model worksheets are included in Appendix E.

Table 24 shows the modeled noise levels at distances that correspond to noise-sensitive receptors near construction activity: the three residential units atop the Missouri Lounge adjacent to a proposed surface parking lot and 40 feet from the proposed building, Covenant Worship Center at 25 feet from a proposed on-site surface parking lot, Fantasy Studio at 55 feet, single-family residences at 150 feet, and condominiums at 180 feet from the subject property line of the proposed medical office building; multi-family and single-family residential units located 75 and 115 feet southeast, multi-family and single family residential units located approximately 140 feet south, and Global Montessori International School located approximately 950 feet south from the proposed Pardee Block parking lot. This analysis is conservative because construction equipment would not typically operate along the project boundary near sensitive receptors.

Although temporary construction noise levels would impact the three residential units atop the Missouri Lounge adjacent to the proposed medical office building site and the residential units in the vicinity of the proposed Pardee Block parking lot, existing City regulations limiting the days and duration of construction are in place to limit impacts to the extent possible. The limited construction hours would ensure that noise impacts do not occur during evening hours and would eliminate impacts to normal residential sleep hours. The existing Missouri Lounge building, including the residential units, does not contain any south-facing windows. There is one residential window located on the west side of the building on the second floor, which is already blocked by a five-foot wall extension, which would provide some level of noise reduction for the western most unit.

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**Table 24 Noise Levels from Construction Equipment**

Construction Phase	Equipment	Distance to Sensitive Receptor			
		Estimated Noise at 25 feet (dBA Leq)	Estimated Noise at 55 feet (dBA Leg)	Estimated Noise at 150 feet (dBA Leq)	Estimated Noise at 180 feet (dBA Leq)
<b>Proposed Medical Office Building</b>					
Site Preparation	Backhoe, dozer, grader	91	84.2	76	74
Grading	Backhoe, dozer, grader	91	84.2	76	74
Building Construction and Architectural Coating <sup>1</sup>	Air compressor, backhoe, crane, forklift, generator, welders	81	74.5	75	71
Paving	Backhoe, cement mixer, paver, roller	91	84.2	76	74
<b>Proposed Pardee Block Parking Lot</b>					
Demolition	Concrete/Industrial Saw, dozer, tractor/loader/backhoe	81	77	75	57
Grading	Backhoe, dozer, grader	80	76	74	58
Paving	Backhoe, cement mixer, paver, roller	77	72	71	54

<sup>1</sup> Building construction and architectural coating would occur at a greater distance from the nearest receptors than would site preparation, grading, and paving because the proposed building would be set back from the property lines.

Sources: Federal Highway Administration 2006, FTA 2006, Federal Railroad Administration 2012. See Appendix E for data sheets

As shown in Table 24, construction noise levels at the back of the church located 25 feet from the medical office site would range from an estimated 81 to 91 dBA Leq, depending on the phase of construction, 74.5 to 84.2 dBA Leq at Fantasy Studios, and would decrease to an estimated 71 to 74 dBA Leq at the condominiums located 180 feet south of the medical office site. The site preparation, grading, and paving phases of project construction for the medical office building tend to create the highest construction noise levels because of the operation of heavy equipment, although only a limited amount of equipment can operate near a given location at a particular time. In addition, construction vehicles traveling on local roadways can generate intermittent noise levels that affect adjacent receptors.

Construction noise levels for the proposed Pardee Block parking lot would range from an estimated 77 to 81 dBA Leq for the nearest multi- and single-family residences, 72 to 77 dBA Leq for the church, 71 to 75 dBA Leq for the residences located south, and 54 to 57 dBA Leq for the school, depending on phase of construction. The demolition and grading phases of project construction for the Pardee Block parking lot tend to create the highest construction noise levels due to the operation of heavy equipment. Similar to construction activities anticipated for the proposed medical office building, only a limited amount of equipment can operate near a given location at a particular time; therefore, the construction noise level estimates provided in Table 24 are conservative.

The noise-sensitive receptors near the proposed medical office building, including the three residential units atop the Missouri Lounge, church, recording studio, single-family residences, and condominiums, are located in commercial and industrial zones, where the City's thresholds for construction noise are 85 dBA from mobile equipment and 70 dBA from stationary equipment during permitted construction activity hours on weekdays, and 70 dBA from mobile equipment and 60 dBA from stationary equipment during permitted construction activity hours on weekends and holidays.

The noise-sensitive receptors in proximity to the proposed Pardee Block parking lot, including the multi- and single-family residences, church, and school are located in mixed-use residential zones. There are no specific construction noise thresholds established for mixed-use residential zones. However, the City's thresholds for construction noise in multi-family residential areas are 80 dBA from mobile equipment and 65 dBA from stationary equipment during permitted construction activity hours on weekdays, and 65 dBA from mobile equipment and 55 dBA from stationary equipment during permitted construction activity hours on weekends and holidays.

Based on the estimated construction noise levels in Table 24, construction noise would exceed:

- Weekday and weekend/holiday thresholds for mobile and stationary equipment at the residential units atop the Missouri Lounge adjacent to the proposed medical office building, and the residential buildings adjacent to the proposed Pardee Block parking lot
- Weekday and weekend/holiday thresholds for mobile and stationary equipment at Covenant Worship Center
- The weekday threshold for stationary equipment and weekend/holiday thresholds for mobile and stationary equipment at Fantasy Studios and the nearest single-family residences and condominiums

Construction noise impacts would be temporary, and construction contractors would be required to comply with BMC Section 13.40.070 requirements restricting hours of excessive noise generation, specifically that construction activities are prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, 8:00 p.m. to 9:00 a.m. on weekends, and on holidays. Nonetheless, construction noise would exceed City thresholds at noise-sensitive receptors, resulting in a potentially significant temporary increase in ambient noise levels.

### **Mitigation Measures**

The following mitigation measure would be required, consistent with Mitigation Measure NOI-3 in the West Berkeley Project EIR:

#### *NOI-2 Construction Noise Abatement*

Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:

1. The applicant or contractor shall equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
2. The applicant or contractor shall use quiet models of air compressors and other stationary noise sources where technology exists.
3. The applicant or contractor shall locate stationary noise-generating equipment as far as feasible from the nearest noise-sensitive receptors.

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4. The applicant or contractor shall prohibit unnecessary idling of internal combustion engines.
5. The applicant or contractor shall construct solid plywood fences around the construction site adjacent to operational businesses, including the Covenant Worship Center (2622 San Pablo Avenue).
6. The applicant or contractor shall ensure that construction activities that generate excessive noise that creates noise disturbance across the Project site's shared property line with the Covenant Worship Center (2622 San Pablo Avenue) do not occur during regular posted services at the Covenant Worship Center, currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.
7. The applicant or contractor shall ensure that supporting construction activities, including the loading and unloading of materials and truck movements, are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, or as stipulated in the conditions of approval if more restrictive. No construction-related activity shall occur on Sunday or any Federal Holiday without explicit permission from the City of Berkeley.
8. The applicant or contractor shall notify adjacent businesses, the Covenant Worship Center, and residents within a 500-foot radius of the project sites of the construction schedule in writing at least 7 days before beginning construction. The applicant or contractor also shall designate a "construction liaison" responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures to correct the problem. The applicant or contractor shall conspicuously post a telephone number for the liaison on-site.

**Significance After Mitigation**

Implementation of Mitigation Measure NOI-2 would avoid construction noise during posted services at the adjacent church. During the use of construction equipment, this measure would reduce associated noise to the extent feasible for all nearby sensitive receptors. The impact from construction noise would be less than significant with mitigation incorporated.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- e. *For a project located in 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?*

There are no public or private airports or airstrips in or adjacent to the project sites. The closest airport to the project sites is Oakland International Airport, located approximately 10 miles to the south. The project sites are located entirely outside of the airport influence zone (Alameda County 2010). Therefore, there would be no impact related to airport noise.

**NO IMPACT**

- 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?*

Refer to discussion 12e.

**NO IMPACT**

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# 13 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. *Would the project 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)?*

The proposed project involves the construction of 60,670 square feet for medical offices, 750 square feet for a quick service restaurant, and a 43,847 square-foot surface parking lot. The project does not include residential units that would cause a direct increase in the city’s population. While the project may provide new employment opportunities in the city of Berkeley that could contribute to population growth, this contribution would be nominal. According to Plan Bay Area (Association of Bay Area Governments [ABAG] 2017), the regional forecast (or set of projections) shows that between 2010 and 2040, the Bay Area is projected to grow from 3.4 to 4.7 million jobs. Nearly 600,000 jobs have already been added as of 2015, with an additional 700,000 anticipated by 2040 (ABAG 2017). Employment projections suggest an economy increasingly concentrated in professional services and health and education and less in direct production of goods and wholesale trading, in line with changes expected nationwide (ABAG 2017).

ABAG does not have published ratios of employee per space per sector information. Therefore, comparable information was used from the Southern California Association of Governments (SCAG). Using SCAG average employees per square feet regional calculations (Employment Density Study 2001), the proposed project would be expected to add an average of one employee per 288 square feet of low-rise office space (i.e. medical offices) and one employee per 344 square feet of “other retail” (i.e., quick service restaurant). Thus, the proposed project is expected to employ approximately 212 persons (60,670 square feet /288 square + 750 square feet /344 square feet). Based on these estimates, the project would constitute a minimal percentage of the projected regional employment growth of 700,000 jobs. Based on the anticipated land use and the location of the project in a densely populated and mostly built-out City, it is anticipated that many employees of the proposed project would be primarily drawn from existing Berkeley residents or from nearby

communities. Therefore, the project would not result in substantial direct or indirect population growth in the city of Berkeley or the region.

**LESS THAN SIGNIFICANT IMPACT**

- b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

There are no residences on the project sites. Therefore, the proposed project would not result in the displacement of existing housing or people. No impact would occur.

**NO IMPACT**

- c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Refer to discussion 13b.

**NO IMPACT**

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# 14 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:

1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 fire protection?*

The City of Berkeley Fire Department (BFD) provides fire protection, including fire suppression, paramedic ambulance service, search and rescue, fire prevention inspections/permits, public education programs, emergency preparedness planning, and other services based on community needs. The proposed project would be required to adhere to conditions of approval and codes set forth by the BFD regarding on-site fire protection measures and emergency access.

The fire station closest to the project sites is Fire Station 1, at 2442 Eighth Street, approximately 1,000 feet northwest of the sites. The sites are in the existing service area of the BFD and on-site construction would be required to comply with applicable Fire Code requirements. The proposed project would not include new residences, and therefore would not increase the permanent population requiring fire services. The project would not require new fire protection facilities to be built, as it can be adequately served by existing facilities, equipment and staff. The project also would not handle large quantities of hazardous materials that could otherwise warrant special consideration. With the continued implementation of existing practices of the City, including

compliance with the California Fire Code and the Uniform Building Code, the proposed project would not significantly affect community fire protection services and would not result in the need for construction of fire protection facilities.

**LESS THAN SIGNIFICANT IMPACT**

*a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 police protection?*

Berkeley Police Department provides police protection. The closest police station is located at 2100 Martin Luther King, Jr. Way, which is approximately 1.6 miles from the project sites. The project sites are in the Berkeley Police Department's service area. The proposed project would not include new residences and therefore, would not increase the permanent population requiring police services. There would be no need for new or expanded police protection facilities. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 schools?*

The proposed project involves the construction of a 60,670 square-foot medical office building and a 43, 847 square-foot off-site parking lot, and would not involve new residential uses. Therefore, the project would not directly increase the number of school-aged children in the area and would not result in the need for new or physically altered school facilities elsewhere. No impacts related to construction of other school facilities would occur.

**NO IMPACT**

*a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 parks?*

Refer to Section 15, *Recreation*.

**NO IMPACT**

*a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 other public facilities?*

Library services are provided by the Berkeley Public Library. The closest library branch is the West Branch of the Berkeley Public Library located at 1125 University Avenue, which is 0.8 miles away

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from the project sites. The proposed project would not directly generate population growth through additional residential units, and therefore would not result in the need for new library facilities.

Impacts to other public facilities (e.g., sewer storm drains and roadways) are discussed in Section 16 (Transportation) and Section 18 (Utilities and Service Systems) of this Initial Study. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

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# 15 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?*

The City owns and operates approximately 52 parks, comprising 230 acres of urban parks (City of Berkeley General Plan, Open Space and Recreation Element). Berkeley’s estimated population is 112,580 residents. Therefore, the ratio of public parks to residents in the city is 10 acres of parkland for every 1,000 residents. The park closest to the project sites is San Pablo Park, approximately 0.5 mile southeast of the sites. It is a 12.95-acre park that includes soccer and baseball/softball fields, tennis and basketball courts, playground areas with play equipment, picnic areas, and a recreation building/clubhouse.

The proposed project would not directly affect existing or planned parks or trails. Development of the proposed project does not include a residential component and would not add housing units to the area. The parkland ratio would remain 10 acres of parkland per 1,000 city residents after development of the proposed project.<sup>4</sup> Therefore, the project would not substantially alter citywide demand for parks. No impacts to parks or recreational facilities would occur.

**NO IMPACT**

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?*

Refer to discussion 15a.

**NO IMPACT**

<sup>4</sup> If the 198-acre Claremont Canyon Regional Reserve is included in the total amount of park space, the figure increases to over 12 acres per 1,000 residents.

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# 16 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Conflict with an applicable plan, ordinance or policy establishing a measure 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 use (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This analysis is based upon the Traffic Impact Analysis (TIA) prepared for the project by Fehr and Peers in June 2017 and amended in August 2018 (included in Appendix F). Previously, Fehr & Peers had prepared the 1050 Parker Street Transportation Impact Analysis (June 2017 TIA), which

evaluated the impacts of a project consisting of 100 percent medical office (about 60,670 square feet) on the transportation and circulation system surrounding the project site. Since the uses at the medical office site would remain the same as the scenario analyzed in the June 2017 TIA, the trip generation developed for that TIA would continue to remain valid. In addition, the overall trip distribution (direction of approach and departure) for the project would also remain the same as the ones assumed in the June 2017 TIA. However, the provision of the Pardee Block Parking Lot would change the project traffic assignment in the area surrounding the project site. Considering that the Pardee Block Parking Lot would only be used by the project employees and that about half the project peak hour trips would be site employees, it is expected that about half of the project peak hour trips would begin or end at the Pardee Block Parking Lot. The impact of this aspect of the proposed project was analyzed in the August 2018 TIA Addendum (TIA Addendum). The setting and study methodology for both the June 2017 TIA and the TIA Addendum are outlined below.

### Level of Service Methodology

Intersection operations are described using the term “Level of Service” (LOS). LOS is a qualitative description of traffic operations from the vehicle driver perspective and consists of the delay experienced by the driver at the intersection. It ranges from LOS A, with no congestion and little delay, to LOS F, with excessive congestion and delays, based on quantitative tools.

Signalized intersection operations are evaluated using the method provided in the 2010 Highway Capacity Manual (HCM). This method uses intersection characteristics to estimate average control delay and then assigns a LOS value. Control delay is defined as the delay associated with deceleration, stopping, moving up in the queue, and acceleration experienced by drivers at a signalized intersection.

Unsignalized intersection (four-way stop-controlled and side-street stop-controlled) LOS is also analyzed using the 2010 HCM. Delay is calculated for movements that are controlled by a stop sign or that must yield the ROW. This method defines operations by average control delay per vehicle (measured in seconds) for each stop-controlled movement. This incorporates delay associated with deceleration, acceleration, stopping, and moving up in the queue. For side-street stop-controlled intersections, the movement or approach with the highest delay is reported, as well as average intersection delay.

### City of Berkeley Significant Criteria

An impact is considered significant in the City of Berkeley if:

- At a signalized or all-way stop-controlled intersection operations degrade from Level of Service (LOS) D to LOS E or worse and more than a two-second increase in delay
- At a signalized or all-way stop-controlled intersection, more than a three-second increase in delay at intersections operating at LOS E without and with the project
- At a signalized or all-way stop-controlled intersection, operations degrade from LOS E to LOS F and more than a three-second increase in delay
- At a signalized or all-way stop-controlled intersection operating at LOS F without the project, a change in the volume-to-capacity (v/c) ratio of more than 0.01
- At an unsignalized intersection, the addition of project-related traffic causes:
  - The critical approach to operate at LOS F
  - The intersection meets peak hour traffic volume signal warrants

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- Minimum of 10 peak-hour vehicles added to a critical movement
- No alternative routes are available.

### **Study Intersections and Scenarios**

This analysis evaluates the impacts associated with the project on traffic operations under Pipeline and Cumulative (2040) conditions. The Pipeline scenario accounts for traffic generated by the following approved and proposed projects in the vicinity of the project sites, which are anticipated to be completed in the near future:<sup>5</sup>

- 600 Addison Street, a research and development site
- 2200 Fifth Street, a residential development
- 2100 San Pablo Avenue, a mixed-use development
- 2720 San Pablo Avenue, a mixed-use development
- 2747 San Pablo Avenue, a mixed use development
- 2748 San Pablo Avenue, a mixed use development
- 3020 San Pablo Avenue, a mixed use development
- 3100 San Pablo Avenue, a commercial and office development

Traffic forecasts for the Cumulative scenario (year 2040) were developed based on the results of the most recent (2015) Alameda County Transportation Commission (ACTC) Countywide Travel Demand Model. The Cumulative (2040) No Project analysis assumes the following roadway modifications:

- At the Seventh Street/Ashby Avenue intersection (#12), the signal equipment would be upgraded and signal timings would be coordinated with the planned signal at the Seventh Street/Anthony Street intersection, which would replace the existing signal at Seventh Street/Potter Street intersection.
- At the San Pablo Avenue/Ashby Avenue intersection (#13), a 50-foot left-turn lane would be provided on the westbound approach. Signal equipment at the intersection would also be upgraded to provide protected left-turns for the eastbound and westbound approaches.

For each scenario, Fehr & Peers evaluated existing traffic operations during typical weekday morning (a.m.) and afternoon (p.m.) peak hours at the following 14 intersections in the vicinity of the project. These intersections were selected for analysis because they are most likely to be affected by the proposed project.

1. Sixth Street/University Avenue
2. San Pablo Avenue/University Avenue
3. Seventh Street/Dwight Crescent/Dwight Way
4. Tenth Street/Dwight Way
5. San Pablo Avenue/Dwight Way
6. Seventh Street/Parker Street
7. Tenth Street/Parker Street
8. San Pablo Avenue/Parker Street

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<sup>5</sup> The land uses and trip generation associated with these projects are included in Appendix D of the traffic study.

9. Seventh Street/Carleton Street
10. Tenth Street/Carleton Street
11. San Pablo Avenue/Carleton Street (west)
12. San Pablo Avenue/Carleton Street (east)
13. Seventh Street/Ashby Avenue
14. San Pablo Avenue/Ashby Avenue

The existing a.m. and p.m. peak period (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.) intersection turning movements and the pedestrian and bicycle volumes were collected on June 2, 2015 (intersections 5, 12, and 13), February 2, 2016 (intersections 1, 2, and 3), and September 13, 2016 (intersections 3, 4, and 6 thru 11). All counts were collected on clear days with local schools in normal session. These time periods were selected because trips generated by the proposed project during these hours, in combination with background traffic, are expected to represent typical worst traffic conditions. For each study intersection, the hour with the highest traffic volume within each peak period was selected for analysis. Figures showing existing a.m. and p.m. peak hour intersection vehicle volumes and the lane configurations and controls at the study intersections, as well as existing a.m. and p.m. peak hour bicycle and pedestrian volumes can be found in the TIA (see Appendix F). The TIA appendices include detailed count sheets for the study intersections. Table 25 details existing intersection operations.

**Table 25 Existing Intersection Operations**

Intersection	Control	a.m. Peak Hour		p.m. Peak Hour	
		Delay (seconds) <sup>1</sup>	LOS <sup>2</sup>	Delay (seconds) <sup>1</sup>	LOS <sup>2</sup>
1. Sixth Street/University Avenue <sup>3</sup>	Signalized	44.1	D	51.9	D
2. San Pablo Avenue/University Avenue	Signalized	37.2	D	42.7	D
3. Seventh Street/Dwight Crescent/Dwight Way <sup>3</sup>	Signalized	28.9	C	30.7	C
4. Tenth Street/Dwight Way	Side-Street Stop	1.8 (18.6)	A (C)	2.7 (20.4)	A (C)
5. San Pablo Avenue/Dwight Way	Signalized	30.0	C	41.6	D
6. Seventh Street/Parker Street <sup>3</sup>	Signalized	4.9	A	8.7	A
7. Tenth Street/Parker Street	All-Way Stop	7.6	A	8.2	A
<b>8. San Pablo Avenue/Parker Street</b>	Side-Street Stop	1.7 (24.9)	A (C)	3.4 ( <b>51.9</b> )	<b>A (F)</b>
9. Seventh Street/Carleton Street	Side-Street Stop	1.0 (17.5)	A (C)	1.1 (27.3)	A (D)
10. Tenth Street/Carleton Street	Side-Street Stop	4.4 (10)	A (B)	5.8 (10.1)	A (B)
11. San Pablo Avenue/Carleton Street (west)	Side-Street Stop	0.9 (19.4)	A (C)	0.6 (19.9)	A (C)
12. San Pablo Avenue/Carleton Street (east)	Side-Street Stop	1.1 (19.9)	A (C)	1.5 (34.3)	A (D)
<b>13. Seventh Street/Ashby Avenue</b>	Signalized	39.1	D	<b>64.8</b>	<b>E</b>
14. San Pablo Avenue/Ashby Avenue	Signalized	40.3	D	46.3	D

<sup>1</sup> Average intersection delay and LOS based on the 2010 HCM method except where noted. Average delay is reported for signalized intersections. Average and worst-approach delays, respectively, are reported for side-street stop controlled intersections.

<sup>2</sup> Intersections operating at unacceptable levels are shown in **bold**.

<sup>3</sup> Average intersection delay and LOS based on HCM 2000 because the intersection cannot be accurately evaluated in the 2010 HCM.

Source: Fehr & Peers, 2016; 2018 TIA Addendum

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As shown in Table 25, all study intersections operate at LOS D or better during a.m. peak hour. Most study intersections operate at LOS D or better during the p.m. peak hour, except the following:

- The side-street stop controlled westbound approach at the San Pablo Avenue/Parker Street intersection (#8) operates at LOS F.
- The signalized Seventh Street/Ashby Avenue intersection (#13) operates at LOS E.

The peak hour traffic signal warrant was evaluated for the seven unsignalized study intersections. The San Pablo Avenue/Parker Street intersection (#8) meets the California MUTCD peak hour signal warrant under the existing scenario (see Appendix C of the TIA).

### **Trip Generation**

The traffic projections for the proposed project were developed using the following three steps: 1) estimating the trip generation associated with the project; 2) determining trip distribution; and 3) assigning the project traffic to the roadway system. These three steps are described below.

The West Berkeley Circulation Master Plan (WBCMP) includes a trip generation methodology specific to development projects in the West Berkeley planning area. The methodology reduces national trip generation rates of the Institute of Transportation Engineers (ITE) Trip Generation Manual to better reflect local conditions. ITE trip generation rates are based on national data, often collected in suburban locations with low rates of non-auto travel. The WBCMP adjustments reflect the high density of uses, proximity to transit, and propensity to walk in West Berkeley. Based on the application of the WBCMP, the a.m. and p.m. peak hour trips generation for the project were reduced by approximately 16 percent.

The trip generation also accounted for pass-by trips, which are defined as trips attracted to a site from adjacent roadways as an intermediate stop on the way to a final destination. Pass-by trips alter travel patterns in the immediate study area, but do not add new vehicle trips to the roadway network, and should therefore be excluded from trip generation estimates. Based on field observations by Fehr & Peers as described in the TIA, a 70 percent pass-by rate reduction was applied to the trip generation for the café after accounting for the WBCMP reduction.

In addition, the Pardee Block Parking Lot site is currently occupied by operational auto-related uses and warehouses that would be demolished. Based on observations in May 2018, these uses generate fewer than five trips during either a.m. or p.m. peak hours. Table 26 details the estimated project trip generation rates.

**Table 26 Estimated Project Trip Generation with Reductions**

Land Use	Weekday Peak Hour Totals <sup>1</sup>		Total Daily Trips
	a.m. Peak Hour	p.m. Peak Hour	
Medical Office <sup>2</sup>	144	215	2,177
Cafe <sup>4</sup>	81	31	662
<b>Subtotal</b>	<b>225</b>	<b>246</b>	<b>2,838</b>
WBCMP Reductions (-16%)	-36	-39	-454
Café pass-by (-70%)	-48	-18	-389
Demolition of Pardee Block Auto Repair shops	-5	-5	-213
<b>Net New Trips</b>	<b>136</b>	<b>184</b>	<b>1,782</b>

<sup>1</sup> AM and PM totals include both anticipated in and out trips.

<sup>2</sup> ITE *Trip Generation (9th Edition)* land use category 720 (medical-dental office)

AM Peak Hour Average Rate = 2.39 trips per KSF (79% in, 21% out)

PM Peak Hour Average Rate = 3.57 trips per KSF (28% in, 72% out)

<sup>4</sup> ITE *Trip Generation (9th Edition)* land use category 936 (coffee/donut shop without drive-through window)

AM Peak Hour Average Rate = 108.38 trips per KSF (51% in, 49% out)

PM Peak Hour Average Rate = 40.75 trips per KSF (50% in, 50% out)

Source: Table 4 of the June 2017 TIA (Fehr & Peers, 2017)

The trip distribution and assignment process estimates how the vehicle trips generated by a project sites would distribute across the roadway network. Considering that the Pardee Block Parking Lot would only be used by the project employees and that about half the project peak hour trips would be site employees, it is expected that about half of the project peak hour trips would begin or end at the Pardee Block Parking Lot. Figure 1 in the 2018 TIA Addendum shows the trip distribution for the project sites. The directions of approach and departure of project trips were based on the trip distribution documented in the West Berkeley Environmental Impact Report (EIR), modified to account for the project location, the existing travel patterns and street network serving the project sites, and the location of project driveways on Ninth, Tenth, and Parker Streets.

- a. *Would the project conflict with an applicable plan, ordinance or policy establishing a measure 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?*

Table 27 summarizes intersection operations at the intersections of San Pablo Avenue/Dwight Way and San Pablo Avenue/Parker Street in the p.m. peak hour. Tables 1, 2, and 3 in the 2018 TIA Addendum (see Appendix F) show the LOS evaluation for all other study area intersections under Existing Conditions, Existing plus Project, Pipeline plus Project and Cumulative plus Project conditions. As shown in those tables, the project would not significantly impact intersection operations at any other study area intersections under.

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Table 27 Proposed Project Study Intersection LOS Summary

Intersection	Traffic Control	Peak Hour	No Project		Plus Proposed Project		Significant Impact?
			Delay <sup>1,2</sup> (seconds)	LOS <sup>1,2</sup>	Delay <sup>1,2</sup> (seconds)	LOS <sup>1,2</sup>	
<b>Existing Conditions</b>							
5. San Pablo Ave/ Dwight Way	Signalized	PM	41.6	D	47.5	D	No
8. San Pablo Ave/ Parker Street	Side-street stop	PM	3.4 <b>(51.9)</b>	A (F)	19.5 <b>(&gt;120)</b>	C (F)	Yes
<b>Pipeline Conditions</b>							
5. San Pablo Ave/ Dwight Way	Signalized	PM	<b>64.1</b>	E	<b>74.3</b>	E	Yes
8. San Pablo Ave/ Parker Street	Side-street stop	PM	10.8 ( <b>&gt;120</b> )	B (F)	48.1 <b>(&gt;120)</b>	E (F)	Yes
<b>Cumulative (2040) Conditions</b>							
5. San Pablo Ave/ Dwight Way	Signalized	PM	<b>89.6</b> <b>(v/c=1.14)</b>	F	<b>97.1</b> <b>(v/c=1.16)</b>	F	Yes
8. San Pablo Ave/ Parker Street	Side-street stop	PM	<b>&gt;120</b> <b>(&gt;120)</b>	F (F)	<b>&gt;120 (&gt;120)</b>	F (F)	Yes

<sup>1</sup> Average intersection delay and LOS based on the 2010 HCM method. Average delay is reported for signalized intersections. Average and worst-approach delays, respectively, are reported for side-street stop controlled intersections.

<sup>2</sup> Intersections operating at unacceptable levels are shown in **bold**.

Source: Fehr & Peers, 2018 TIA Addendum

The project would increase the volume-to-capacity ratio by more than 0.01 at the San Pablo Avenue/Dwight Way intersection (#5), which would operate at LOS F during the p.m. peak hour, causing a significant impact based on City of Berkeley thresholds. In addition, the project would add more than 10 peak hour trips to the San Pablo Avenue/Parker Street intersection (#8), cause the intersection to operate at LOS F during the p.m. peak hour, and would meet the California MUTCD peak hour signal warrant under the Cumulative (2040) Plus Project scenario, causing a significant impact based on City of Berkeley thresholds. The proposed project would contribute 19 percent of the traffic generated at the San Pablo Avenue/Dwight Way intersection and 29 percent of the traffic generated at the San Pablo Avenue/Parker Street intersection.

In addition to the transportation mitigation measures detailed below, the applicant would be required to comply with standard conditions of approval related to transportation demand management and transit subsidies for employees. A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements and the following:

- f. Consistent with BMC 23E.68.080.H, and subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, to every employee.
- g. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.

- h. Transit information shall be provided in the residential lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
- i. Transportation Information Officer will gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, car sharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all residents/employees on arrival plus once a year.
- j. The food service operation, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the “Guarantee Ride Home” program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager. .

### Mitigation Measures

The following mitigation measures would be required to reduce impacts to these intersections to less than significant levels.

#### *T-1 Reimbursement Agreement to Facilitate Traffic Improvements*

A Reimbursement Agreement shall be established between the applicant and the City prior to the issuance of required building permits. The Reimbursement Agreement shall specify the improvements to be accomplished as set forth below, the timing of the improvements, the proportionate share of improvement costs, the timing of the reimbursement payments, and a mutual commitment to use best efforts to coordinate and expedite the installation of the improvements with the goal of providing them before the project receives its first certificate of occupancy. Upon completion of the traffic improvements, the City shall then reimburse the applicant the City’s pro-rata share of the traffic improvements over a multi-year period as shall be more specifically described in the Reimbursement Agreement.

- a. **Intersection Improvements.** Dedicated westbound and eastbound left-turn lanes at the San Pablo Avenue/Dwight Way intersection.
- b. **Signal Installation.** Signalization of the San Pablo Avenue/Parker Street intersection and coordinated signal timing with the adjacent intersections on San Pablo Avenue

### Significance After Mitigation

Implementation of Mitigation Measure T-1 would ensure that the necessary traffic improvements are installed to reduce project impacts to less than significant levels.

Providing 100-foot left-turn pockets on both approaches to the Dwight Way / San Pablo Avenue intersection would eliminate approximately three on-street parking spaces on the westbound approach and four on-street parking spaces on the eastbound approach. The removal of parking spaces would not be a significant residual impact under CEQA.

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Signalization and coordinated signal timing of the San Pablo Avenue/Parker Street intersection would improve operations to LOS A during the a.m. and p.m. peak hours and would reduce the impact to less than significant.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- b. *Would the project 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?*

Refer to discussion 16a.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- c. *Would the project 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?*

The closest airport to the project sites is Oakland International Airport, located approximately ten miles to the south. The project sites are located entirely outside of the airport influence zone (Alameda County, 2010). The project is consistent with the zoning designation for the sites and would not affect the airport or airport flight paths such that a change in air traffic patterns would occur. The proposed project would not result in a change in traffic levels near the airport such that a substantial safety risk occurs. No impact would occur.

**NO IMPACT**

- d. *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

The proposed project would not use or attract vehicles or equipment, such as farm equipment or tractors, that would be incompatible with the existing land uses or circulation patterns surrounding the project area. The proposed project would not change road designs or alignments and would be required to conform to traffic and safety regulations that specify adequate emergency access measures. The sites are located along existing roadways lacking significant safety hazards.

The proposed medical office site would provide on-site surface parking that site employees and visitors would access through two full-access driveways. A driveway midblock on Parker Street would provide access to and from the north and a driveway midblock on Tenth Street, opposite the driveway for the existing development across the street, would provide access to and from the west. The Pardee Block parking lot would provide parking for employees of the medical office building and employees and customers of the remaining Pardee Block commercial buildings. The Pardee Block parking lot would be accessed through two gate-operated driveways located midblock on Tenth Street and midblock on Ninth Street. All driveways would provide adequate sight distance between the vehicles exiting the driveways and pedestrians in both directions of the adjacent sidewalks. There is an existing pedestrian crossing located at the intersection of Carleton Street and Ninth Street to provide access to the sidewalk along Carleton Street on the same side as the medical office.

Trees planted adjacent to the driveways would not affect visibility of exiting vehicles because the tree canopies typically have at least six feet of canopy clearance from ground level. All driveways would be controlled by gates which would be open during typical business hours and would be closed and controlled by keycard at other times. All driveways provide space between the gates and the adjacent street for at least one automobile, minimizing the potential for blocking through traffic

on Tenth, Parker, and Ninth Streets. However, vehicles parked on either side of each driveway may block sight distance between vehicles exiting the driveway and motorists or cyclists traveling on either direction of adjacent streets, requiring mitigation.

The following mitigation measures would be required to reduce impacts to motorist and bicyclist safety to less than significant levels.

### **Mitigation Measures**

#### *T-2 Driveway Safety*

The applicant shall provide 10 feet of red curb on either side of the project driveways on Ninth, Tenth, and Parker Streets to improve sight distance between vehicles exiting the project driveways and motorists and bicyclists on Ninth, Tenth, and Parker Streets. Improvements shall occur prior to certificate of occupancy.

### **Significance After Mitigation**

Implementation of Mitigation Measure T-2 would improve the sight distance between vehicles exiting the project driveways and reduce the risk to motorists and bicyclists traveling along Tenth, Ninth, and Parker Streets. The impacts related to driveway safety would be less than significant with mitigation incorporated.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

##### *e. Would the project result in inadequate emergency access?*

The project would involve infill development that would not hinder emergency access or evacuation. San Pablo Avenue is a designated evacuation road. The medical office site would have on-site parking accessed from Parker Street and Tenth Street as well as off-site parking at the Pardee Block parking lot accessed from Tenth Street and Ninth Street. An emergency-only vehicle access driveway would be provided on San Pablo Avenue. The project parking lot layout allows fire apparatus access throughout the site. The nearest fire station to the project sites is Berkeley Fire Station #1 located at 2442 8th Street just north of Dwight Way, less than 0.5 miles northwest of the project sites. Although general traffic congestion may delay emergency vehicle response during peak commute times, it would not substantially affect response times. There would be no design features or uses that would increase hazards or restrict emergency access to the project sites or surrounding area. In addition, as is standard City practice, the Berkeley Fire Department and Berkeley Police Department would review proposed project plans for access concerns.

#### **LESS THAN SIGNIFICANT IMPACT**

##### *f. Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?*

### **Public Transit**

Public transportation that serves the project sites includes Bay Area Rapid Transit (BART) rail service, Alameda-Contra Costa Transit District (AC Transit) bus service, and the West Berkeley Shuttle. Figure 4 of the June 2017 TIA shows the transit routes in the vicinity of the project sites.

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The Downtown Berkeley and Ashby BART stations are located 1.6 and 1.8 miles from the medical office site, respectively. The West Berkeley Shuttle, which is a free shuttle service funded by the Berkeley Gateway Transportation Management Association (TMA) that provides transit connection between Ashby BART station and major employment centers in West Berkeley, has a stop at 2600 Tenth Street, which is adjacent to the west side of the medical office site. The shuttle operates two buses on weekdays from 5:30 a.m. to 10:00 a.m. and from 3:00 p.m. to 7:00 p.m. with approximately 15-minute frequency.

The nearest AC Transit bus stops to the medical office site are on San Pablo Avenue at Parker Street immediately adjacent to the medical office site and on San Pablo Avenue at Dwight, about 0.2 miles north of the medical office site. Lines 72, 72M, and 72R operate along San Pablo Avenue, stopping south of Dwight Way in the southbound direction and north of Parker Street in the northbound direction. Line 49 operates along Dwight Way, stopping just west of San Pablo Avenue in the westbound direction and east of San Pablo Avenue in the eastbound direction.

The West Berkeley Shuttle is a free shuttle, funded by the Berkeley Gateway Transportation Management Association (TMA) that provides transit connection between Ashby BART station and major employment centers in West Berkeley. The shuttle operates two buses on weekdays from 5:30 AM to 10:00 AM and from 3:00 PM to 7:00 PM with approximately 15-minute frequency. The morning and afternoon routes vary slightly, but the nearest stop for both routes is at 2600 Tenth Street, which is adjacent to the west side of the medical office site.

The proposed project would add some riders to the existing transit services. U.S. Census mode share data shows that approximately nine percent of trips generated by the project would be attributed to AC Transit and six percent would be attributed to BART (Fehr and Peers 2017). Calculations by Fehr and Peers concluded that the project would increase AC Transit ridership by about one rider per bus and BART ridership by less than one rider per train during the peak hours. This minimal increase would not have a substantial effect on AC Transit bus or BART ridership.

## **Bicycle and Pedestrian Circulation**

Figure 5 of the June 2017 TIA identifies existing and proposed bicycle facilities in the study area. In the project study area, all non-residential and most residential streets provide sidewalks. Sidewalks are provided on all streets adjacent to the project sites. Signalized intersections in the vicinity of the project sites provide curb ramps and pedestrian signal heads. Unsignalized intersections in the vicinity of the project sites provide curb ramp and marked crosswalks, with the exception of the Tenth Street/Carleton Street intersection, which only provides curb ramps. The nearest signalized crosswalk across San Pablo Avenue is at Dwight Way, about 0.2 miles north of the project sites.

Currently, bicyclists are allowed on all streets in the study area. However, there are no existing bicycle facilities along San Pablo Avenue near the project. Existing bicycle facilities near the project sites include the Ninth Street Bicycle Lane (Class II) and the Channing Way Bicycle Boulevard (Class III). A mix of bicycle lanes, bicycle boulevards, and bicycle routes connect to these two facilities and provide access east to downtown Berkeley and the UC Berkeley campus, west to the Berkeley Amtrak station and San Francisco Bay Trail, north to the North Berkeley BART station and Albany, and south to Emeryville and Oakland.

Sections 23E.64.080 and 23E.80.080 of the BMC require bicycle parking for new non-residential uses at a rate of one space per 2,000 square feet. Thus, the 60,670 square-foot medical office building would require 31 bicycle parking spaces and the remaining Pardee Block businesses (totaling 27,000 square feet) would require 14 bicycle parking spaces. In addition, the project is providing an

addition 10 percent bicycle parking spaces to allow for a reduction in vehicle parking spaces for the Pardee Block buildings. This equates to 3 additional bicycle spaces for the Pardee Block. The project would provide 46 bicycle parking spaces at the medical office site and 18 bicycle parking spaces at the Pardee Block parking lot site. Short term and long term parking are provided on both project sites. The proposed bicycle parking supply would exceed the City of Berkeley requirements.

Cyclists would use the surrounding surface streets to travel to and from the project sites. They would use either the project driveways on Parker, Ninth, and Tenth Streets, or the pedestrian access points on San Pablo Avenue, Parker, Ninth, and Tenth Streets, to access the sites and the bicycle parking. The *City of Berkeley Bicycle Master Plan Final Draft (2017)* identifies San Pablo Avenue as a future cycle track and Parker Street between Mable and Ninth Streets as a future bicycle boulevard. The proposed project would not modify San Pablo Avenue or Parker Street and would not conflict with the proposed bicycle improvements. Furthermore, the Bicycle Master Plan recommends a pedestrian hybrid beacon at the San Pablo Avenue/Parker Street intersection to improve crossing San Pablo Avenue for pedestrians and cyclists. Mitigation Measure T-2, which would signalize the San Pablo Avenue/Parker Street intersection, would also improve pedestrians and cyclists crossing of San Pablo Avenue and would not conflict with the Bicycle Master Plan.

The project would provide pedestrian access points on San Pablo Avenue, Parker, Ninth, and Tenth Streets, and provides designated paths between the pedestrian access points and the main building lobby that minimize potential conflicts between motorists and pedestrians within the project sites. In addition, the café component of the project would be along the San Pablo Avenue frontage with direct access on San Pablo Avenue.

The sidewalks adjacent to the sites are currently approximately 12 feet wide along San Pablo Avenue, and 10 feet on Parker and Tenth Streets. City of BMC §16.18.080 requires a minimum clear space of six feet on all sidewalks. The project would not modify any of the sidewalks along project frontages and the sidewalks adjacent to the project would continue to satisfy the City requirements. The nearest signalized crosswalks across San Pablo Avenue are at Dwight Way, about 0.15 miles north, and at Grayson Street, about 0.2 miles south of the medical office site. Mitigation Measure T-2 would signalize San Pablo Avenue/Parker Street intersection and provide a signal-protected crossing of San Pablo Avenue adjacent to the medical office site, improving pedestrian connections across this segment of San Pablo Avenue.

Pedestrian access for the Pardee Block Parking Lot would be provided through a gate just south of the driveway on Tenth Street. The medical office employees that park at the Pardee Block Parking Lot would use this gate and then cross two of the approaches at the Tenth Street/Carleton Street intersection to walk between the project building and the parking lot. The intersection is currently controlled by stop-signs on the Tenth Street approaches, with no controls on the Carleton Street approaches. In addition, none of the four crossings at the intersection are currently marked; however, all four crossings have adequate sight distance. The proposed project has been designed to include an all-way stop at the Tenth Street/Carleton Street intersection and would mark the intersection with crosswalk striping. This design feature would be ensured through a condition of approval requiring that the project conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the approved drawings.

The proposed project would not involve changes in traffic patterns that would impact bicycle or pedestrian routes or that would interrupt bus or shuttle service routes. Impacts to transit facilities would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

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# 17 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*a., b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is (a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or (b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 2024.1?*

California Assembly Bill 52 of 2014 (AB 52) was enacted on July 1, 2015, and establishes that “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (Public Resources Code (PRC) §21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC §21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and meets either of the following criteria:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe

AB 52 also establishes a formal consultation process for California tribes regarding tribal cultural resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

According to Appendix G of the CEQA Guidelines, an impact to tribal cultural resources from the project would be significant if the project would cause a substantial adverse change in the significance of a tribal cultural resource that meets the criteria listed in Public Resources Code Section 21074.

The City of Berkeley prepared and mailed formal notification letters in accordance with the provisions of AB 52 to one Native American tribe, the Ohlone Tribe, on June 7, 2018. The tribe’s representative, Mr. Andrew Galvan responded to the City saying that the tribe was not interested in consultation under AB 52. No tribal cultural resources have been identified on-site. However, proposed excavation of the project sites could potentially result in adverse effects of unanticipated tribal cultural resources. The City has standard conditions of approval to address the potential discovery of cultural resources during demolition, grading, and/or construction. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required. Therefore, the proposed project would not have a significant impact on tribal cultural resources.

#### **LESS THAN SIGNIFICANT IMPACT**

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# 18 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

a. *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The City's sanitary sewer lines feed into the wastewater treatment plant operated by EBMUD, which provides secondary treatment for a maximum flow of 168 million gallons per day (MGD), primary treatment for up to 320 MGD, and plant capacity for a short-term hydraulic peak of 415 MGD. On

average, the EBMUD wastewater treatment plant treats 63 MGD of wastewater (EBMUD 2017a). Therefore, on an average day the EBMUD wastewater treatment plant has a remaining secondary treatment capacity of 105 MGD and could accommodate development associated with the proposed project. The project would not require the construction of wastewater infrastructure and would have a less than significant impact.

**LESS THAN SIGNIFICANT IMPACT**

- b. Would the project 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?*

Refer to discussion 18a.

**LESS THAN SIGNIFICANT IMPACT**

- c. Would the project 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?*

As discussed in Item 9, *Hydrology and Water Quality*, the medical office site is not connected to an existing storm water drainage system and storm water runoff leaving the medical office site enters City streets before being intercepted by the storm water drainage system at downstream locations. The proposed project would increase the amount of impervious surface area compared to existing conditions on the medical office site and would include features that slow the rate of storm water runoff and improve water quality, including three biotreatment areas. The runoff would be filtered in these areas and then would flow from these areas into the City streets before eventually being intercepted by the existing storm water drainage system downstream of the medical office site. The Pardee Block parking lot incorporates permeable pavers throughout the site which would provide self-treating surfaces. While the biofiltration system would effectively treat excess runoff to meet the C.3 requirements of the Municipal Regional Storm Water NPDES Permit, the biotreatment areas may not be sufficient to prevent localized flooding of City streets from project-related increases in runoff, which in turn may require the establishment of additional storm water control measures. Implementation of Mitigation Measures HYD-1 and HYD-2 as detailed in Item 9, *Hydrology and Water Quality*, would ensure that the rate and amount of post-development runoff would not exceed the rate and amount of pre-development runoff. If mitigation measures include new stormwater infrastructure in the public right-of-way, the construction of this infrastructure shall be required to follow accepted industry practices and therefore would not be expected to cause significant environmental effects. Compliance with the City's NPDES permit and Stormwater Ordinance (Chapter 17.20 of the BMC) would further ensure that any impacts associated with new stormwater infrastructure would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

In the 2015 Urban Water Management Plan (UWMP), EBMUD updated its Drought Management Program Guidelines to incorporate new measures such as a staged system of drought rates, new ordinances and penalties, and a supersaver recognition program. With implementation of the updated Drought Management Program, EBMUD predicts that available supply would meet demand

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during both a one-year and two-year drought through the year 2040. However, EBMUD's 2015 UWMP found that, in the event of a three-year drought, the utility's water supply would be insufficient to meet demand in future years and would require supplementation beyond that already identified (EBMUD 2016). Due to water scarcity, future users of the project sites (and all EBMUD customers) should plan for shortages and both voluntary and mandatory water use reductions in times of drought. EBMUD imposes a system capacity charge on new developments to fund system maintenance and the development of new water sources. The project applicant would be required to pay this fee and undertake measures to conserve water.

The project would reduce water use relative to standard building practices by complying with the California Water Efficient Landscape Ordinance. At least 75 percent of plants in non-turf landscaped areas would be species that require no or little summer watering once established, among other water-saving measures, according to the applicant's Bay-Friendly Basics Landscape Checklist. These water conservation measures would reduce the project's burden on municipal water supply systems. The project also would be required to comply with Section 31 of EBMUD's Water Service Regulations, which describe applicable water-efficiency measures (EBMUD 2017b). Water supply impacts would be less than significant and the construction of new water treatment facilities or the expansion of existing facilities would not be required.

**LESS THAN SIGNIFICANT IMPACT**

- e. Would the project 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?*

Refer to discussion 18a.

**LESS THAN SIGNIFICANT IMPACT**

- f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Solid waste from the project sites would be disposed of at the Vasco Road Landfill, which has a maximum permitted throughput of 2,518 tons of solid waste per day and a remaining capacity of 7,379,000 cubic yards or 22 percent (CalRecycle 2018). The Vasco Road Landfill is estimated to close in 2022.

The City of Berkeley is responsible for complying with AB 939, which mandates 50 percent of solid waste diverted from landfills. Between 1995 and 2010, the City diverted 76 percent of waste, meeting the City's goal of 75 percent waste diversion by 2010. The proposed project would participate in the City's waste diversion programs and would continue diverting a minimum of 75 percent of its solid waste. The project would also be subject to all applicable State and County requirements for solid waste reduction as they change in the future. According to the CalEEMod V. 2016.3.2 air quality model, which also calculates waste generation, the project is projected to generate 164 tons of waste annually or 0.5 tons of waste on a daily basis (Appendix A). This would account for less than 0.01 percent of the daily permitted throughput for the Vasco Road Landfill. Although some increase in waste generation may occur because of the proposed development, the increase would not be significant, and adequate landfill capacity is available to serve the project. Impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

Compliance with Berkeley's Municipal Code Title 11 is required of all businesses in the city. Section 11.60.010 regulates solid waste and recycling and is consistent with the City of Berkeley's 1986 Solid Waste Management Plan, the County of Alameda Solid Waste Management Plan, and the legislative intent and findings of the State of California Solid Waste Management and Resource Recovery Act of 1972 (Government Code §66700 et seq.) Therefore, the project would comply with all applicable regulations related to solid waste and no impact would occur.

**NO IMPACT**

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## 19 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Does the project:

- |   |                          |                                     |                                     |                          |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, 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? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. 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)  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

a. *Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, 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?*

As discussed in Item 4, *Biological Resources*, the project does not have the potential to 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, or reduce the number or restrict the range of a rare or endangered plant or animal. Furthermore, the City’s standard conditions of approval would reduce project impacts to biological, cultural and tribal resources to a less than significant level.

Adverse impacts to archaeological and paleontological resources would not occur since the project sites and vicinity are completely developed and archaeological resources are not known to be present. The project sites are not known to have any association with an important example of

California's history or prehistory as discussed in Section 5, *Cultural Resources*. The Ohlone Tribe was notified of the project, per California AB 52 (*Tribal Cultural Resources*). The tribal contact person did not request consultation during the 30-day notification period.

#### **LESS THAN SIGNIFICANT IMPACT**

- 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)*

Implementation of the project would result in less than significant environmental impacts with implementation of the identified mitigation measures. Cumulative impact analyses are specifically included for traffic. Impacts would be less than significant with incorporation of identified mitigation measures T-1 and T-2. Other impacts associated with the project would generally be localized at the project sites and would not combine with other projects to cause cumulatively considerable environmental impacts. With mitigation as identified in this Initial Study, the project would not result in impacts that are individually limited, but cumulatively considerable.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, and noise impacts. As detailed in the preceding responses, the proposed project would not result, either directly or indirectly, in substantial adverse impacts related to air quality or hazards and hazardous materials.

Noise and vibration impacts would be reduced to less than significant levels with implementation of mitigation measures NOI-1 and NOI-2 to minimize the exposure of noise-sensitive receptors to construction activity noise and vibrations. Therefore, the project would not have substantial adverse effects on people after mitigation.

#### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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## List of Preparers

### **City of Berkeley**

Loyal Nawfal, Associate Planner

### **Rincon Consultants, Inc.**

Abe Leider, AICP CEP, Principal  
Sally Schifman, Senior Environmental Planner  
Hannah Mize, Sustainability Project Manager  
Lynette Leighton, Associate Environmental Planner  
Ryan Russell, Associate Environmental Planner



## PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street 2<sup>nd</sup> Floor, Berkeley, CA 94704

Phone: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420 Email: [planning@ci.berkeley.ca.us](mailto:planning@ci.berkeley.ca.us)

October 19, 2018

TO: Commenters on the 1050 Parker Street Medical Office and 2700 Tenth Off-Site Parking Lot Project Draft Initial Study-Mitigated Negative Declaration

**Subject: Response to Comments on the Draft IS-MND**

Dear Commenter,

Thank you for providing the City of Berkeley with comments on the Draft Initial Study-Mitigated Negative Declaration (IS-MND) for the proposed 1050 Parker Street Medical Office and 2700 Tenth Street Off-Site Parking Lot Project. Your participation is appreciated and considered an essential element in the planning and environmental review process.

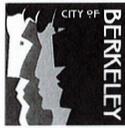
In accordance with the California Environmental Quality Act Guidelines, Section 15088, the City of Berkeley as the lead agency has reviewed and considered comments received during the public review period. A copy of your comments and the City's response to your comments are attached to this letter. The complete Final IS-MND, including responses to all comments received, is available on the City's website: [https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/1050\\_Parker.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1050_Parker.aspx)

The City of Berkeley Zoning Adjustments Board (ZAB) will conduct a public hearing to consider adoption of the IS-MND on **October 25, 2018**, at 7:00 PM at 2134 Martin Luther King, Jr. Way, 2nd Floor Council Chambers in Berkeley. The ZAB may consider the project at that time or at a date to be determined. For details and to confirm the hearing date, interested parties should check the ZAB's agenda on their website at: <http://www.cityofberkeley.info/zoningadjustmentsboard/>.

Again, thank you for providing the City with comments. If there are any questions about the responses to comments, please contact Loyal Nawfal at [lnawfal@cityofberkeley.info](mailto:lnawfal@cityofberkeley.info) or (510) 981-7424.

Sincerely,

Loyal Nawfal  
Associate Planner



**PLANNING & DEVELOPMENT**

Land Use Planning, 1947 Center Street 2<sup>nd</sup> Floor, Berkeley, CA 94704  
 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420  
 Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

**Final Mitigated Negative Declaration  
 Response to Comments on  
 Draft Initial Study-Mitigated Negative Declaration  
 1050 Parker Street Medical Office and Off-Site Parking Project**

**Subject: Response to Public Review Comment and Final Mitigated Negative Declaration**

This document has been prepared to respond to comments received on the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the 1050 Parker Street Medical Office and Off-Site Parking Project (SCH#2018092001). The Draft IS-MND found that with implementation of the mitigation measures and the City's standard conditions of approval, impacts on the environment from the proposed project were less than significant. The list of comment letters the City received is below.

**LIST OF COMMENT LETTER(S) RECEIVED**

<b>Individuals</b>		
1	Carly Barker and Stephen LaMond	September 8, 2018
2	Janet Hurwich	September 13, 2018
3	Fredic Fierstein	September 14, 2018
4	Carly Barker and Stephen LaMond	September 24, 2018
5	Mitchel Bornstein	September 25, 2018
<b>State, Local, and Regional Agencies</b>		
6	State of California Department of Transportation	October 3, 2018

None of the comments received identified new impacts or resulted in a substantial increase in the severity of impacts. Responses to the comments received do not constitute new information that warrants recirculation of the Draft IS-MND. This Response to Comments (RTC) Document provides responses to comments received and minor corrections or clarification of material in the Draft IS-MND. This RTC Document, together with the Draft IS-MND constitutes the Final IS-MND for the proposed 1050 Parker Street Medical Office and Off-Site Parking Project.

  
 Shannon Allen  
 Principal Planner

10/19/18  
 Date of Issuance of  
 Final Mitigated Negative Declaration

Attachments:  
 Comment Letter(s) Followed by Staff Responses

# Responses to Comments on the Draft IS-MND

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## 1. INTRODUCTION

### 1.1 PURPOSE OF THE RESPONSE TO COMMENTS ON THE DRAFT IS-MND

This document has been prepared to respond to comments received on the Draft Initial Study-Mitigated Negative Declaration (Draft IS-MND) prepared for the proposed 1050 Parker Street Medical Offices and Off-Site Parking Lot Project (project). The Draft IS-MND identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft IS-MND and makes revisions to the Draft IS-MND, as necessary, in response to those comments or to make clarifications to material in the Draft IS-MND. This document, together with the Draft IS-MND, constitutes the Final IS-MND for the proposed project.

### 1.2 ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft IS-MND. The Draft IS-MND was made available for public review on September 4, 2018. Copies of the Notice of Intent to Adopt the Draft IS-MND were mailed to local and state agencies as well as property owners and residential and commercial occupants within 300 feet of the project site. The Draft IS-MND and a Notice of Intent to Adopt a Mitigated Negative Declaration were posted electronically on the City's website, and a paper copy was available for public review at the City of Berkeley Planning and Development Department and at the Berkeley Main Library Reference Desk.

The 30-day Draft IS-MND public comment period began on September 4, 2018 and ended October 4, 2018. The City received six comment letters on the Draft IS-MND. Copies of written comments received during the comment period are included in Chapter 2 of this document.

### 1.3 DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

**Chapter 1: Introduction.** This chapter discusses the purpose and organization of this RTC Document and the Final IS-MND, and summarizes the environmental review process for the project.

**Chapter 2: Comments and Responses.** This chapter contains reproductions of the comment letters received on the Draft IS-MND. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.

**Chapter 3: Draft IS-MND Revisions.** Corrections to the Draft IS-MND that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft IS-MND, are contained in this chapter. Underlined text represents language that has been added to the Draft IS-MND; text with ~~strikeout~~ has been deleted from the Draft IS-MND.

## 2. COMMENTS AND RESPONSES

This chapter includes comments received during the circulation of the Draft IS-MND prepared for the 1050 Parker Street Medical Offices and Off-Site Parking Lot Project.

The Draft IS-MND was circulated for a 30-day public review period that began on September 4, 2018. The City of Berkeley received six comment letters on the Draft IS-MND. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter	Page No.
1 Carly Barker and Stephen LaMond	3
2 Janet Hurwich, Ph.D.	9
3 Fredric Fierstein	11
4 Carly Barker and Stephen LaMond	13
5 Mitchel Bornstein	16
6 Patricia Maurice, California Department of Transportation (Caltrans)	19

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate CEQA issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in Comment Letter 1).

Revisions to the Draft IS-MND necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft IS-MND, are included in the responses. Underlined text represents language that has been added to the Draft IS-MND; text with ~~strikeout~~ has been deleted from the Draft IS-MND. All revisions are then compiled in the order in which they would appear in the Draft IS-MND (by page number) in Chapter 3, Text Revisions, of this document.

Letter 1

**From:** Nawfal, Layal  
**To:** [Sally Schifman](#)  
**Subject:** FW: Project title: 1050 Parker St Medical office and off-Site Parking lot project USE PERMIT #ZP2018-0116  
**Date:** Monday, September 17, 2018 12:57:46 PM

---

FYI

Layal Nawfal  
Associate Planner  
Land Use Planning Division  
City of Berkeley  
510-981-7424  
[Lnawfal@cityofberkeley.info](mailto:Lnawfal@cityofberkeley.info)

City Holiday and Reduced Service schedule: <https://www.cityofberkeley.info/ContentDisplay.aspx?id=148>

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**From:** Stephen LaMond [mailto:[lamond\\_stephen@comcast.net](mailto:lamond_stephen@comcast.net)]  
**Sent:** Saturday, September 08, 2018 1:38 PM  
**To:** Nawfal, Layal <[LNawfal@cityofberkeley.info](mailto:LNawfal@cityofberkeley.info)>  
**Cc:** Carly Personal <[carlyjbarker@gmail.com](mailto:carlyjbarker@gmail.com)>; Stephen LaMond <[lamond\\_stephen@comcast.net](mailto:lamond_stephen@comcast.net)>  
**Subject:** Project title: 1050 Parker St Medical office and off-Site Parking lot project USE PERMIT #ZP2018-0116

Layal Nawfal:

We are writing you to request the following information be taken into consideration for the USE PERMIT #ZP2018-0116.

We are homeowners directly across the street from the proposed parking lot portion of this development (2709 10<sup>th</sup> Street, Unit, E Berkeley, CA 94710) Phone: 650-477-4043

We have the following questions/concerns etc.

Carly Barker nor myself (Stephen LaMond) residents at the above listed address are neither FOR or OPPOSED to this new construction. However we have several issues/comments to consider as well as clarify.

We thought it would be good to raise a few issues that MAY or MAY NOT be important to the Residents here.

Issues/Comments:

- Will there be loss of parking for residents of the area? TEMPORARILY or Long-term?
  - All construction should take place on the property itself, no construction equipment should be left in viable parking spaces during this construction phase given parking in

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cont.

this area is already at a premium. Any loss of parking (Temporarily or permanently is a Major concern) We have witnessed poorly planned construction sites where heavy equipment has been left on main thoroughfares (San Pablo is prime example)

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- Temporary- with constructions comes blocked off spaces and access to valuable parking. Please avoid at all costs
  - Longer term parking: what is the impact in our area? Do we gain or lose parking? Parking is an expensive commodity in this area currently.
  - What can we do/state in order to get more information and some “protection from a great loss of parking in either situation??”
  - Noise abatement: Will there be restrictive times for construction start and stop? (There is such a thing at the new development on the corner of University and 6<sup>th</sup> Street)
  - Dirt and dust abatement?
- Is this a good time to request residential parking permits for this area? In the past this was a concern and this brings it up as a major concern now.
- Intersection lacks 4 way stop at Carleton and 10<sup>th</sup> Street.
  - Several accidents have taken place there since we have moved in. Will that get worse?
  - If this is a health care facility should there be more attention to this issue?
- Is a parking lot ideal? Is the actual facility being built across from 2600 offer sufficient parking or will it be very congested? How about redesign of that parcel to accommodate more parking? More underground parking?
- San Pablo ST. Church parking where will that go once that lot is removed?
  - Sunday’s and special events will take up parking possibly in and around our complex if that parking is removed across from 2600.
  - It is nice to have more parking available on weekends vs. always struggling to find parking.
- Missouri Bar Parking may end up down our area due to lost temporary parking.
  - Unlikely but it does draw a late night crowd to our area.
  - More car break-ins occur down by the bar area on a regular basis.
  - Hopefully the B of A parking lot can pick up the bulk of the parking issues.
- Other issues include: Increased traffic flow, more handicap spaces in the area to accommodate “medical patients???” Impact on overall area?
- Crime prevention in this area? Can we beef up patrols in general?
- Can we be assured that the construction will return our roads back to the condition they were prior to the construction? It seems that when work crews start digging up our streets the City never follows up to make sure the repair and patch work is conducted professionally and doesn’t create more potholes or other assorted concerns.

Thank you

Carly Barker and Stephen LaMond

## Letter 1

**COMMENTER:** Carly Barker and Stephen LaMond

**DATE:** September 8, 2018

### Response 1.1

The commenters state concerns regarding the availability of parking during project construction and project operation, and loss of parking spaces as a result of the project.

Approval of a project construction management plan by the City of Berkeley Department of Planning and Development is required prior to issuance of grading permits. The construction management plan will include construction parking and mobilization sites and routes permitted for construction vehicles to reduce inconvenience to residents in the project area.

As stated in the *Project Description* of the Draft IS-MND, the project would provide a total of 238 vehicle parking spaces. The project is required to provide a total of 238 parking spaces, pursuant to BMC Section 23E.64.080 as noted in Section 10, *Land Use and Planning*, of the IS-MND. Therefore, the project would provide a sufficient amount of parking spaces for the project.

No changes to the IS-MND are necessary to address this comment.

### Response 1.2

The commenters ask about noise abatement. Section 12, *Noise*, of the Draft IS-MND addresses project noise generation and impacts during construction and operation. Construction activities would be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and 8:00 p.m. and 9:00 a.m. on weekends and holidays per BMC Section 13.40.070. As discussed in the Draft IS-MND, project construction would exceed City thresholds at noise-sensitive receptors. Therefore, Mitigation Measure NOI-2 contains construction noise abatement measures to be implemented during construction to reduce associated temporary construction noise to the extent feasible for nearby sensitive receptors. With implementation of Mitigation Measure NOI-2, impacts would be less than significant.

No changes to the IS-MND are necessary to address this comment.

### Response 1.3

The commenters ask about dirt and dust abatement. Section 3, *Air Quality*, of the Draft IS-MND provides analysis pertaining to air pollutants emissions during project construction and operation. The project proponent would be required to comply with all BAAQMD control measures to reduce construction emissions, including watering active construction areas at least twice daily. As discussed in the Draft IS-MND, with required adherence to existing regulations impacts would be less than significant.

No changes to the IS-MND are necessary to address this comment.

#### Response 1.4

The commenters inquire whether a residential parking permit program would be appropriate due to the proposed project. Parking permit requests are not a CEQA topic of concern, but rather a City policy decision. Please refer to Response 1.1 regarding project parking.

No changes to the IS-MND are necessary to address this comment.

#### Response 1.5

The commenters state that the intersection at Carleton Street and Tenth Street lacks a four-way stop, which the commenters opine poses an issue to public safety. The intersection at Carleton Street and Tenth Street was included as a study intersection for the project Traffic Impact Analysis (TIA; Appendix F of the IS-MND), and the analysis concluded that the existing level of service is acceptable and the project's contributions to this intersection would not result in a significant impact. The study did not determine that the project's traffic impacts warrant installation of a signal at this intersection. As discussed further in Section 16, *Transportation*, of the draft IS-MND, the project as mitigated would not include features that would result in safety hazards.

No changes to the IS-MND are necessary to address this comment.

#### Response 1.6

The commenters inquire about the appropriateness and sufficiency of parking spaces provided as part of the project. Please refer to Response 1.1 regarding project parking.

The commenters inquire about traffic congestion in the project site vicinity once the project is operational. A project Traffic Impact Analysis (TIA) was completed and included in its entirety as Appendix F of the Draft IS-MND. As stated in Section 16, *Transportation*, the project would contribute 19 percent of the traffic generated at the San Pablo Avenue/Dwight Way intersection and 29 percent of the traffic generated at the San Pablo Avenue/Parker Street intersection, and would cause a potentially significant impact at both intersections based on City of Berkeley thresholds. Therefore, the applicant would be required to comply with standard conditions of approval related to transportation demand management and transit subsidies for employees. The City Transportation Division Manager must approve a Transportation Demand Management compliance report for the project prior to occupancy. In addition, Mitigation Measure T-1 ensures necessary traffic improvements designed to reduce project impacts to less than significant levels.

The commenters inquire about a redesign of the project to accommodate underground parking. Design alternatives were not considered in analyzing the project for the Draft IS-MND. This comment will be forwarded to the City's decision makers for their consideration. The commenters will have further opportunities to comment on the project at the Zoning Adjustments Board hearing for the requested Use Permits.

No changes to the IS-MND are necessary to address this comment.

#### Response 1.7

The commenters speculate there may be parking issues associated with services and special events hosted by a church on San Pablo Avenue (assumed to be the Covenant Worship Center located at

2618 San Pablo Avenue). The project site is not an official parking lot for the Covenant Worship Center. No changes to the IS-MND are necessary to address this comment.

### Response 1.8

The commenters speculate there may be parking issues associated with patrons of the Missouri Lounge. No parking for the Missouri Lounge would be removed as part of the proposed project. This comment is noted, but does not address analytical deficiencies of the IS-MND. No changes to the IS-MND are necessary to address this comment.

### Response 1.9

The commenters inquire about increased traffic as a result of the project, and the project's potential impact on the overall area. Section 16, *Transportation*, of the Draft IS-MND addresses project traffic impacts and summarizes the findings of the TIA (Appendix F of the Draft IS-MND). Mitigation Measures T-1 and T-2, which pertain to a Reimbursement Agreement for traffic improvements to select intersections and driveway safety measures, respectively, are necessary to mitigate traffic impacts to less than significant levels.

As stated in the *Project Description* of the Draft IS-MND, the project would provide a total of 238 vehicle parking spaces. The project is required to provide a total of 238 parking spaces, pursuant to BMC Section 23E.64.080 as noted in Section 10, *Land Use and Planning*, of the IS-MND. Of the 238 vehicle parking spaces to be provided through the project, ten spaces would be ADA accessible; seven ADA accessible spaces in the medical office parking lot and three ADA accessible spaces in the Pardee Block parking lot. Therefore, the project would provide a sufficient amount of parking spaces for the project.

Regarding accessible parking spaces, the project would be required to provide the appropriate number of accessible spaces to comply with the City's Municipal Code and Americans with Disabilities Act (ADA).

The Draft IS-MND provides project impact analysis based on compatibility with existing uses and site conditions. Based on CEQA analysis, the project would have less than significant impacts with mitigation incorporated for hydrology/water quality, land use and planning, noise, and transportation. All other areas analyzed resulted in less than significant or no impacts from the project.

No changes to the IS-MND are necessary to address this comment.

### Response 1.10

The commenters ask about crime prevention in the project area. Section 14, *Public Services*, of the IS-MND provides analysis pertaining to fire and police protection needs following the implementation of the project. The introduction of a new medical office building would not result in a substantial increase in demand for these services. As discussed in the Draft IS-MND, impacts would be less than significant.

No changes to the IS-MND are necessary to address this comment.

City of Berkeley  
1050 Parker Street  
Medical Offices and Off-Site Parking Lot Project

Responses to Comments on the Draft IS-MND

### **Response 1.11**

The commenters ask about future road conditions following project implementation. The City typically requires repair of damage to streets and sidewalks in the public right of way as a result of project construction. No changes to the IS-MND are necessary to address this comment.

RECEIVED

SEP 13 2018

LAND USE PLANNING

Letter 2

Janet Hurwich Ph.D  
2608 9<sup>th</sup> Street  
Berkeley, CA 94710

Land Use Planning  
1947 Center Street 2<sup>nd</sup> Floor  
Berkeley CA 94704

To whom it may concern

Project Title: 1050 Parker Street Medical Office and Off-Site parking Lot.  
Use Permit # ZP2018-0116  
Modification Permit: ZP2016-0170

1  
As a trustee for property on 9<sup>th</sup> Street, I am writing to comment on the proposed development. The entire area is struggling with parking issues. Even though parking is included in the plan, I question whether sufficient parking will be provided for a medical building with staff, and a large number of patients coming and going throughout the day. This area cannot accommodate any more street parking, and public transit is sadly lacking. As mentioned in your 9/3/4/18 letter, traffic will also be impacted in this area, and there is no mention of the number of arrivals and departures that are expected each day.

I hope the City will take time to review these issues before allowing the project to proceed.

Sincerely,

  
Janet Hurwich, Ph.D

## Letter 2

**COMMENTER:** Janet Hurwich, Ph.D.

**DATE:** September 13, 2018

### Response 2.1

The commenter states concerns regarding the availability of parking once the project is complete and in operation. As stated in the *Project Description* of the Draft IS-MND, the project would provide a total of 238 vehicle parking spaces. The project is required to provide a total of 238 parking spaces, pursuant to BMC Section 23E.64.080 as noted in Section 10, *Land Use and Planning*, of the IS-MND. Therefore, the project would provide a sufficient amount of parking spaces for the project.

The commenter also states an opinion that project trip generation is not addressed in the Draft IS-MND. A transportation impact study for the project was conducted by Fehr and Peers at the direction of the City's Traffic Engineer. The traffic impact study is included with the Draft IS-MND as Appendix F. As discussed in Section 16, *Transportation*, of the IS-MND, the analysis completed in the traffic impact study included the number of anticipated trips generated by the project (see Table 26 in the Draft IS-MND). Impacts would be less than significant with mitigation identified in the IS-MND.

The commenter also states an opinion that public transit is sadly lacking at the project site. This opinion is acknowledged. However, it should be noted that, as discussed in the IS-MND, the medical office project site abuts San Pablo Avenue, a major transit corridor in Berkeley. There are a number of Alameda-Contra Costa (AC) Transit bus stops within 0.25 mile of the project site, with the closest one approximately 150 feet from the site at the corner of Parker Street and San Pablo Avenue (serving the 72, 72M, and 802 lines). Additional bus stops are located at the intersection of Dwight Way and San Pablo Avenue, approximately one block north of the project site. There are three Bay Area Rapid Transit (BART) stations within 2.0 miles of the project site: North Berkeley (1.5 miles northeast), Ashby (1.7 miles southeast), and Downtown Berkeley (1.9 miles east).

No changes to the IS-MND are necessary to address these comments.

Letter 3

**From:** Nawfal, Layal  
**To:** [Sally Schifman](#)  
**Subject:** FW: 2600 Tenth st.  
**Date:** Monday, September 17, 2018 12:58:22 PM

---

FYI

Layal Nawfal  
Associate Planner  
Land Use Planning Division  
City of Berkeley  
510-981-7424  
[Lnawfal@cityofberkeley.info](mailto:Lnawfal@cityofberkeley.info)

City Holiday and Reduced Service schedule: <https://www.cityofberkeley.info/ContentDisplay.aspx?id=148>

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**From:** fredric fierstein [mailto:rjf345@yahoo.com]  
**Sent:** Friday, September 14, 2018 8:43 AM  
**To:** Nawfal, Layal <LNawfal@cityofberkeley.info>  
**Subject:** 2600 Tenth st.

1 Dear Layal Nawfal ;Thank you for the planning notice for 2600 10th st. I own the building at 1025 Carleton St. We have no parking there for our 18 tenants, using street parking only. This proposal will invite more people than all the new parking proposed, and the parking proposed does not give anyone else access to parking, I suggest that the new parking be made accessible, to all the even if it is paid parking at a reasonable price. The fact that it is private parking excludes my tenants and others that will be displaced by the onslaught of people and workers using the new building at 2600 10th St. this will impact many people who work and live in that area. thank you for your concern to this matter. Sincerely Fredric Fierstein

City of Berkeley  
1050 Parker Street  
Medical Offices and Off-Site Parking Lot Project

Responses to Comments on the Draft IS-MND

## Letter 3

**COMMENTER:** Fredric Fierstein

**DATE:** September 14, 2018

### Response 3.1

The commenter states concerns that there are no on-site parking spaces for the existing tenants of the neighboring building at 1025 Carleton Street and that the project parking demand would exceed the parking spaces provided by the project. The commenter proposes that the project parking lots be made accessible to the public.

As stated in the *Project Description* of the IS-MND, the project would provide a total of 238 vehicle parking spaces. The project is required to provide a total of 238 parking spaces, pursuant to BMC Section 23E.64.080 as noted in Section 10, *Land Use and Planning*, of the IS-MND. Therefore, the project would provide a sufficient amount of parking spaces for the project. Project site plans show that project parking spaces would not encroach on the neighboring building located at 1025 Carleton Street. Nevertheless, these comments and the commenter's suggestion are acknowledged and will be forwarded to the City's decision makers for their consideration.

No changes to the IS-MND are necessary to address this comment.

Letter 4

**Lynette Leighton**

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**Subject:** FW: Project title: 1050 Parker St Medical office and off-Site Parking lot project USE PERMIT #ZP2018-0116

**From:** Stephen LaMond [[mailto:lamond\\_stephen@comcast.net](mailto:lamond_stephen@comcast.net)]

**Sent:** Monday, September 24, 2018 4:07 PM

**To:** Nawfal, Layal <[LNawfal@cityofberkeley.info](mailto:LNawfal@cityofberkeley.info)>

**Cc:** Carly Personal <[carlyjbarker@gmail.com](mailto:carlyjbarker@gmail.com)>; Stephen LaMond <[lamond\\_stephen@comcast.net](mailto:lamond_stephen@comcast.net)>; McCormick, Jacquelyn <[JMcCormick@cityofberkeley.info](mailto:JMcCormick@cityofberkeley.info)>

**Subject:** Re: Project title: 1050 Parker St Medical office and off-Site Parking lot project USE PERMIT #ZP2018-0116

Layal:

I would like to update our comments below. Given your absence for a few days I wanted to give you a chance to re-acclimate to work.

In addition to our comments and rationale below I want to highlight several areas of the Berkeley planning process that is important to our condo group and specifically to myself. It is important to note we are the only residence on the 10<sup>th</sup> street block that is directing across the street from the parking lot development and this will add additional parking concerns.

Under the land use policies of Berkeley, ***there is policy LU-4 discretionary review section A and Policy LU-5 Citizen involvement*** are important sections for us to consider and would appreciate assistance from you to make sure we have the ability to insure that we are well represented in the planning process. There is also policy LU-7 neighborhood Quality of life that could be impacted. We don't know for the better or worse. We assume for the worse when it comes to "parking." It generally, doesn't get better in Berkeley. In addition, ***LU-10 specifically states "Protect residential areas from Institutional and commercial parking impacts..."***

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What we would like to put on the table in addition to the below considerations and questions that we have are the following:

To be fair to the current residents at 2709 10<sup>th</sup> street HOA that have elderly parent visitors, kids and general parking needs and in general the benefit to our small but vocal community and to the ongoing survival of small business's that we cherish in the area we welcome new development that is well thought out and planned.

As part of this thoughtfulness we are requesting the following:

IN the surface street parking planned for 1050 Parker Street Medical office OFF-SITE parking that is directly across from our residence we request:

2

- 5-7 spots of protected/first come first serve with gate access to the off site parking. 24/7 for the residents of our complex, we know that there will always be spaces coming and going within this facility and we feel that the added addition of patients, visitors etc. to the building will take up the demand of off-street parking relegated to first come first serve. We will be losing attempts at parking close to our condominium project.

2  
cont

- At minimum, we are asking for at least 1 spot per unit in our complex.
- The spaces for residential use by 2709 10<sup>th</sup> HOA association are to be free of charge, at our own risk but with 24/7 access (gate access etc.)
- We are also asking that the planning commission/building committee request that 5-7 spaces be offered for rental to ongoing business concerns in the area for a nominal fee. There are several business' operating with larger vehicles parked in the streets year round. In some instances, some of these businesses have 3-5 van's or similar vehicles that have no parking solutions at their business's.

With that said I would like to confirm that you have received our emails and that we be involved in any follow-up necessary for this project. This will be the smoothest transition and efforts by the developer to avoid any costly or longer term studies, suits, debates etc.

Thanks

Stephen LaMond and Carly Ebenstein  
2709 10<sup>th</sup> Street, Unit E  
Berkeley, CA 94710  
650-477-4043

## Letter 4

**COMMENTER:** Carly Barker and Stephen LaMond

**DATE:** September 24, 2018

### Response 4.1

The commenters state concerns regarding the planning process and public involvement. Though public involvement is a part of the CEQA process, including the 30-day public review period for the Draft IS-MND during which the commenters provided these comments, this comment does not address analytical deficiencies of the IS-MND. The commenters will have further opportunities to comment on the project at the Zoning Adjustments Board hearing for the requested Use Permits. The commenters also state concerns regarding parking impacts, in the context of General Plan Policy LU-10, which calls for the protection of residential areas from Institutional and commercial parking impacts. Please refer to Response 1.1 regarding parking impacts.

No changes to the IS-MND are necessary to address this comment.

### Response 4.2

The commenters propose a scenario in which a select number of parking spaces in the proposed Pardee Block parking lot may be reserved for residential use and a select number of parking spaces are offered as rental parking spaces for businesses in the vicinity. This comment on and suggestion for the proposed project is acknowledged and will be forwarded to the City's decision makers, but does not address any analytical deficiencies of the IS-MND.

No changes to the IS-MND are necessary to address this comment.

Letter 5

**From:** Nawfal, Loyal  
**To:** [Sally Schiffman](#)  
**Subject:** FW: Comment on 1050 Parker Street Medical Office Project  
**Date:** Tuesday, September 25, 2018 2:35:37 PM

---

FYI

Loyal Nawfal  
Associate Planner  
Land Use Planning Division  
City of Berkeley  
510-981-7424  
[Lnawfal@cityofberkeley.info](mailto:Lnawfal@cityofberkeley.info)

City Holiday and Reduced Service schedule: <https://www.cityofberkeley.info/ContentDisplay.aspx?id=148>

**From:** Mitchel Bornstein [mailto:mitchqqq@gmail.com]  
**Sent:** Tuesday, September 25, 2018 12:18 PM  
**To:** Nawfal, Loyal <LNawfal@cityofberkeley.info>  
**Subject:** Comment on 1050 Parker Street Medical Office Project

To Land Use Planning Department of the City of Berkeley:

I would like to formally submit this comment in regards to the proposed 1050 Parker Street Medical Office and Off-Site Parking Lot Project, Use Permit #ZP2018-0116 and Modification of Use Permit #ZP2016-0170. This comment is specifically in regards to the Off-Site Parking Lot Project at the Pardee Block.

I believe that the idea of demolishing long-standing West Berkeley businesses for parking spaces is a bad idea for West Berkeley. I believe that it goes against the very nature of what makes West Berkeley amazing.

West Berkeley is known for and has thrived because of independent unique small businesses. This project would destroy (without any relocation plan) the following:

1

Mobility Systems – A 15+ year West Berkeley Business that serves handicap individuals through sales and repair of handicap accessible vehicles. It is the ONLY business in Berkeley that offers these services. It has multiple employees. (There has been a claim by Wareham that Mobility will be able to stay...This claim is false. Mobiliy's office space will not be knocked down, but all of its space for vehicles and repairs will be destroyed thus making it impossible for them to remain).

Saab Replay – A 20+ year West Berkeley Business that repairs Saab cars. It is the ONLY business in Berkeley and very well may be the only business in the East Bay that offers these services. It has multiple employees.

Berkeley Smog and Vehicle Registration Services – A 15+ year West Berkeley Business that

1  
cont.

provides smog checks and DMV registration services. It is the ONLY business in Berkeley that offers DMV registration services and while there are other smog stations, this one specializes in the older cars (such as Saabs) that are unique to Berkeley. It has multiple employees. Commercial Titan Wraps – A newer West Berkeley Business that provides high quality industrial and vehicle graphics. It is one of the only businesses in Berkeley to provide these services and the high quality of the artwork makes it a unique business. It has multiple employees.

In short, these businesses are everything that we want in West Berkeley: Small, owner-operated, employee generating, unique businesses. To destroy them for parking spaces is a terrible idea for West Berkeley.

I would like to offer two possible solutions that would allow the main portion of the project to continue, solve the parking problem and keep these excellent businesses:

2

1) Fantasy Studios at 2600 10<sup>th</sup> Street has an existing parking lot. I would propose that a multi-story garage is built on the existing parking lot at Fantasy Studios. Wareham Properties owns this property so there would be no issue getting permission. This property is also closer to the proposed new structure at 1050 Parker which would mitigate traffic and street parking issues. And most importantly, these existing businesses would be allowed to remain. Or...

2) Force Wareham to come up with a relocation plan. I have personally asked Wareham for a relocation plan to which they have responded with no help whatsoever. It can be in the form of help finding new space, re-allocating existing space to save one or more of these businesses, allowing one or more of these businesses to move into the new site or monetary compensation to help move. As of now, Wareham does not care about the existing businesses at all and it will force them to close. As part of the project, please force Wareham to have a relocation solution for all 4 of these existing businesses so that we save them in West Berkeley.

Thank you for your consideration and please feel free to contact me with any questions.

Warmest Regards,

Mitch Bornstein

Owner, Berkeley Smog Test Only and Vehicle Registration Services

1010 Carleton Street, Unit A, Berkeley, CA 94710

[Info@berkeley-smog.com](mailto:Info@berkeley-smog.com)

510-549-2355

City of Berkeley  
1050 Parker Street  
Medical Offices and Off-Site Parking Lot Project

Responses to Comments on the Draft IS-MND

## Letter 5

**COMMENTER:**

**COMMENTER:** Mitchel Bornstein

**DATE:** September 25, 2018

### **Response 5.1**

The commenter states that the project would demolish existing businesses, and opines that the loss of these businesses is unfavorable for West Berkeley. This comment does not pertain to the results of the environmental analysis in the IS-MND. However, this comment on the merits of the project is acknowledged and will be forwarded to the City's decision makers for their consideration. No changes to the IS-MND are necessary to address this comment.

### **Response 5.2**

The commenter suggests building a multi-story parking garage on the parking lot of Fantasy Studios (2600 Tenth Street) or for the project applicant to draft a relocation plan for the existing businesses. This comment does not pertain to the results of the environmental analysis in the IS-MND. Nevertheless, this comment and suggestion are acknowledged and will be forwarded to the City's decision makers for their consideration. No changes to the IS-MND are necessary to address this comment.

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 4  
 OFFICE OF TRANSIT AND COMMUNITY PLANNING  
 P.O. BOX 23660, MS-10D  
 OAKLAND, CA 94623-0660  
 PHONE (510) 286-5528  
 FAX (510) 286-5559  
 TTY 711  
 www.dot.ca.gov

Letter 6
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*Making Conservation  
 a California Way of Life*

October 3, 2018

SCH# 2018092001  
 GTS # 04-ALA-2017-00208  
 GTS I.D. 8477  
 ALA - 123 - 2.422

Layal Nawfal  
 City of Berkeley  
 1947 Center Street, Third Floor  
 Berkeley, CA 94704

**1050 Parker Street Medical Office and Off-Site Parking Lot Project– Mitigated Negative Declaration**

Dear Layal Nawfal:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. Our comments are based on the Mitigated Negative Declaration (MND).

***Project Understanding***

Modification of Use Permit #ZP2016-0170 would allow for the previously-approved 60,670 square-foot building to be used entirely for medical offices, rather than medical office and research and development. The Berkeley Municipal Code (BMC) parking requirements for medical office uses are higher than for research and development uses; as such, the proposed Pardee Block parking lot would provide the required overflow parking to meet the full parking requirements of the medical office building. Specific changes to the previously-approved building include the removal of an internal physical separation wall between the portions of the building with different underlying zoning designations, and modifications to meet accessibility requirements: accessible van, clean air/van pool, electric vehicle, and future electric vehicle parking spaces. The project is within the San Pablo Avenue (Berkeley) Priority Development Area.

The medical office building project would combine three parcels into one 68,331 square-foot parcel to allow the construction of a 60,670 square-foot, three-story building. The general configuration of the building would be an “L” shape, with each floor staggered in arrangement such that the second floor would contain a green roof along State Route (SR) 123 (San Pablo Avenue). The project would also include a 750- square-foot café/retail space located along SR 123 (San Pablo Avenue).

Loyal Nawfal, City of Berkeley  
October 3, 2018  
Page 2

Building entryways for pedestrians would be located on the ground floor along SR 123 (San Pablo Avenue) and Parker Street. Vehicular access would be provided on Parker Street and Tenth Street. On-site parking would be located under the building and on a surrounding surface lot. On-site parking accommodations would include a total of 115 automobile and 46 bicycle parking spaces.

The project would include nearly 10,000 square feet of landscaped area on the ground level, including 2,150 square feet of public open space comprising two small public plazas with seating and landscaping. A 650-square-foot plaza would be located at the corner of Parker and Tenth Street and a 1,200-square-foot plaza would be located along SR 123 (San Pablo Avenue), adjacent to the proposed café/retail space. Approximately 4,600 square feet of private open space would be provided on a second-floor terrace accessed from the third floor.

Two mechanical penthouses and an elevator penthouse would be constructed on the roof of the proposed building. The two mechanical penthouses would be 14 feet above the roof level, and the elevator penthouse would be 16 feet above the roof level.

***ADA Compliance***

1 Please update all existing sidewalk within State right-of-way on SR 123 (San Pablo Ave) to current Caltrans Standards. All pedestrian facilities shall comply with the Americans with Disabilities Act (ADA).

***Fair Share Contributions towards SR 123 and Parker Street Intersection Improvements***

2 The Lead Agency should identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified and incorporated in the Conditions of Approval. We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation, such as the bicycle and pedestrian improvement on SR 123 at the Parker Street intersection, listed in *Caltrans District 4 Bike Plan's* Appendix A (reference number: Ala-123-X06) and the *Berkeley Bicycle Plan 2017* page 5-18. See link to the Caltrans Bike Plan below. Please submit a final Staff Report to Caltrans.

[http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan\\_ProjectList.pdf](http://www.dot.ca.gov/d4/bikeplan/docs/D4BikePlan_ProjectList.pdf)

***Vehicle Trip Reduction***

3 From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as Place Type 2: Close-in Corridors where location efficiency factors, such as community design, are moderate and regional accessibility is strong. Given the project's intensification of use and increase in vehicular parking, the project should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient access to and from the project site and reduce transportation impacts associated with the project. The measures listed below will promote smart mobility and reduce regional VMT.

Loyal Nawfal, City of Berkeley  
October 3, 2018  
Page 3

3  
cont.

- Project design to encourage walking, bicycling and convenient transit access;
- Carpool and clean-fuel parking spaces conveniently located to encourage carpooling and clean-fuel vehicles;
- Lower parking ratios;
- Charging stations and designated parking spaces for electric vehicles;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Subsidize transit passes on an ongoing basis;
- Transportation and commute information kiosk;
- Outdoor areas with patios, furniture, pedestrian pathways, picnic and recreational areas;
- Showers, changing rooms and clothing lockers for bike commuters;
- Bicycle route mapping resources and bicycle parking incentives;
- Employee transportation coordinator;
- Emergency Ride Home program;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with annual Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on SR 123 and I-80 and other nearby State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

#### ***Travel Demand Analysis***

Please submit a travel demand analysis that provides VMT analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

4

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way. Project driveways, local roads and

Loyal Nawfal, City of Berkeley  
October 3, 2018  
Page 4

4  
cont.

intersections, car/bike parking, and transit facilities should be mapped.

- A VMT analysis pursuant to the Lead Agency's guidelines or, if the Lead Agency has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

5

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the state right-of-way requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating state right-of-way must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

***Lead Agency***

As the Lead Agency, the City of Berkeley is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Loyal Nawfal, City of Berkeley  
October 3, 2018  
Page 5

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at 510-286-5535 or [jannette.ramirez@dot.ca.gov](mailto:jannette.ramirez@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

## Letter 6

**COMMENTER:** Patricia Maurice, District Branch Chief, Local Development – Intergovernmental Review, Caltrans District 4

**DATE:** October 3, 2018

### Response 6.1

The commenter asks that the applicant update all existing sidewalk within State right-of-way (ROW) on SR 123 (San Pablo Avenue) to current Caltrans Standards. As stated in Section 16, *Transportation*, of the Draft IS-MND, the sidewalks adjacent to the site are currently approximately 12 feet wide along San Pablo Avenue, and 10 feet on Parker and Tenth Streets. City of Berkeley Municipal Code Section 16.18.080 requires a minimum clear space of six feet on all sidewalks. The project would not modify the sidewalks along project frontages and the sidewalks adjacent to the project would continue to satisfy the City requirements. Mitigation Measure T-2 requires the applicant to provide 10 feet of red curb on either side of the project driveways on Ninth, Tenth, and Parker Streets to improve sight distance between vehicles exiting the project driveways and motorists and bicyclists on Ninth, Tenth, and Parker Streets. Adherence to ADA requirements will be ensured by the City of Berkeley. No changes to the IS-MND are necessary to address this comment.

### Response 6.2

The commenter states that the project should estimate fair share contributions toward multimodal and regional transit improvements to mitigate cumulative impacts to regional transportation. A project traffic study was completed and is included as Appendix F and summarized in Section 16, *Transportation*, of the Draft IS-MND. Based on study results, Mitigation Measure T-1 requires that a Reimbursement Agreement be established between the project applicant and the City for the installation of a traffic signal at the intersection of San Pablo Avenue and Parker Street. Mitigation Measure T-1 would signalize San Pablo Avenue/Parker Street intersection and provide a signal-protected crossing of San Pablo Avenue adjacent to the medical office site, improving pedestrian connections across this segment of San Pablo Avenue. As described on page 123 of the Draft IS-MND, the proposed signalization of the San Pablo Avenue/Parker Street intersection is consistent with the City of Berkeley Bicycle Master Plan, which recommends installing a pedestrian hybrid beacon to improve crossing San Pablo Avenue for pedestrians and cyclists at this location. No changes to the IS-MND are necessary to address this comment.

### Response 6.3

The commenter states an opinion that given the project's intensification of use, the project should include a Transportation Demand Management (TDM) Program to reduce vehicle miles traveled (VMT) and greenhouse gas emissions. The commenter offers a list of measures intended to promote smart mobility and reduce regional VMT. The commenter recommends that the Transportation Demand Management program should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. The commenter also recommends that if the project does not achieve the VMT reduction goals, "next steps" should be determined in order to achieve those targets. The commenter states that reducing parking supply can encourage active

forms of transportation, reduce regional VMT, and lessen future transportation impacts on SR 123 (San Pablo Avenue) and I-80 and other nearby State facilities. The commenter states that recommended smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals. This information is acknowledged.

As discussed in the Draft IS-MND in Section 16, *Transportation*, the project would increase the volume-to-capacity ratio by more than 0.01 at the San Pablo Avenue/Dwight Way intersection (#5), which would operate at LOS F during the P.M. peak hour, causing a significant impact based on City of Berkeley thresholds. In addition, the project would add more than 10 peak hour trips to the San Pablo Avenue/Parker Street intersection (#8), cause the intersection to operate at LOS F during the P.M. peak hour, and would meet the California MUTCD peak hour signal warrant under the Cumulative (2040) Plus Project scenario, causing a significant impact based on City of Berkeley thresholds. The proposed project would contribute 19 percent of the traffic generated at the San Pablo Avenue/Dwight Way intersection and 29 percent of the traffic generated at the San Pablo Avenue/Parker Street intersection. As described on page 119, implementation of Mitigation Measure T-1 would ensure that the necessary traffic improvements, including intersection improvements at the San Pablo Avenue/Dwight Way intersection and signalization of the San Pablo Avenue/Parker Street intersection, are installed to reduce project impacts to less than significant levels.

As the mitigation measures summarized above would reduce impacts to below significance thresholds, no further mitigation is required. However, the City of Berkeley would enforce a standard condition of approval requiring the project to develop and implement a Transportation Demand Management program to encourage reduced VMT, under which the building management company or future employer would 1) provide ways to inform building tenants, employees, and visitors of transit opportunities in the vicinity of the project site, 2) be required to maintain a membership with a West Berkeley Shuttle program, 3) cover the cost of employee car share participation, 4) provide secure, on-site bicycle parking opportunities, 5) encourage enrollment by employees in the Alameda County Guaranteed Ride Home program, including participating in the "Guaranteed Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency 6) provide annual transit pass subsidies to each residential unit, and 7) reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation. No changes to the IS-MND are necessary to address this comment.

## **Response 6.4**

The commenter asks that the applicant submit a travel demand analysis that provides a VMT analysis of the proposed project. The commenter states that with the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. The commenter lists a series of details that the travel demand analysis should include. The commenter further states that the project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases, and

that access to pedestrians, bicycle, and transit facilities must be maintained. This information is acknowledged.

While the state's Office of Planning and Research draft guidelines embrace VMT as the new transportation metric, such a standard has not been formally adopted as of the date of the draft IS-MND. Therefore, the obligations under Senate Bill (SB) 743 for analyzing transportation impacts by a methodology other than levels of service (LOS) are not yet requirements for projects under CEQA review. The City of Berkeley has not independently adopted CEQA criteria requiring VMT analysis as part of a project's transportation impacts analysis. As described on page 104 of the draft IS-MND, the Level of Service (LOS) methodology utilized in the transportation impact study was conducted by Fehr and Peers at the direction of the City's Traffic Engineer. The City has full authority to adopt unique and relevant CEQA thresholds of significance. Therefore, the City is not required to conduct VMT analysis for the Project.

However, the project incorporates a number of smart growth features which would reduce VMT, including reduced vehicular parking. Bicycle use would be encouraged through the inclusion of bicycle storage and shower facilities, including changing rooms and lockers on the ground floor for employees, and an onsite bicycle repair station. The project includes approximately 18 short-term and 28 long-term bicycle parking spaces; more than required by zoning standards. In addition, the project would provide pedestrian access points on San Pablo Avenue, Parker Street, and Tenth Street, and provide designated paths between the pedestrian access points and the main building lobby that minimize potential conflicts between motorists and pedestrians within the project site. Public transportation that serves the project site includes Bay Area Rapid Transit (BART) rail service, Alameda-Contra Costa Transit District (AC Transit) bus service, and the West Berkeley Shuttle. The proposed project would add some riders to the existing transit services. U.S. Census mode share data shows that approximately nine percent of trips generated by the project would be attributed to AC Transit and six percent would be attributed to BART (Fehr and Peers 2017). Calculations by Fehr and Peers concluded that the project would increase AC Transit ridership by about one rider per bus and BART ridership by less than one rider per train during the peak hours. This minimal increase would not have a substantial effect on AC Transit bus or BART ridership. Furthermore, the City of Berkeley will enforce the standard condition of approval requiring the project incorporate a Transportation Demand Management program as described in Response 4.3 above.

The commenter does not specify what kind of secondary impacts might occur as a result of the mitigation measures identified for the project. However, no secondary impacts to bicycle or pedestrian facilities were identified in the project traffic study. The sidewalks adjacent to the site are currently approximately 12 feet wide along San Pablo Avenue, and 10 feet on Parker and Tenth Streets. City of Berkeley Municipal Code Section 16.18.080 requires a minimum clear space of six feet on all sidewalks. The project would not modify any of the sidewalks along project frontages and the sidewalks adjacent to the project would continue to satisfy the City requirements.

Mitigation Measure T-2, which would signalize the San Pablo Avenue/Parker Street intersection and provide a signal-protected crossing of San Pablo Avenue adjacent to the project site, would also improve pedestrians and cyclists crossing of San Pablo Avenue and would not conflict with the Bicycle Master Plan. As described on Page 121 of the IS-MND, the proposed project would not involve changes in traffic patterns that would impact bicycle or pedestrian routes or that would interrupt bus or shuttle service routes. Impacts to transit facilities would be less than significant and no changes to the IS-MND are necessary to address this comment.

### **Response 6.5**

The commenter states that any work or traffic control that encroaches onto the State right-of-way requires an Encroachment Permit to be issued by Caltrans and that traffic-related mitigation measures should be incorporated into the construction plans prior the encroachment permit process. This information is acknowledged. Plans for construction, including any need for encroachment into Caltrans right-of-way, will be developed based on applicable standards and will be reviewed and approved by the appropriate jurisdiction (City of Berkeley and/or Caltrans). No changes to the IS-MND are necessary to address this comment.

### 3 DRAFT IS-MND TEXT REVISIONS

Chapter 3 presents specific administrative changes to the text of the Draft IS-MND that are being made to correct minor errors or omissions or clarify information presented in the Draft IS-MND. No revisions to the Draft IS-MND were determined necessary based on review of all comments received during the public review period. Where minor revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft IS-MND is shown in ~~strikeout~~. Page numbers correspond to the page numbers of the Draft IS-MND.

#### 3.1 DRAFT IS-MND TEXT REVISIONS

- Page 61, Section 7, response 7.a contains the following administrative change:
  3. Transit information shall be provided in the ~~residential~~-lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
  4. Transportation Information Officer will gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, car sharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all ~~residents~~/employees on arrival plus once a year.
- Pages 75 and 76, Section 9, response 9.c contain the following administrative change in the third paragraph:

The runoff from the medical office site would be detained in three biotreatment areas along the western edge of the project site. These biotreatment areas total 1,644 square feet and would be sized to treat the amount of runoff specified in Provision C.3.d. The runoff would be filtered in these areas and then would flow from these areas into the City streets before eventually being intercepted by the existing storm water drainage system downstream of the medical office building site. The Pardee Block parking lot incorporates permeable ~~pavers~~ durable surface throughout, which provides self-treating surfaces to meet C.3 requirements. While the biofiltration system and permeable ~~pavers~~ durable surface would effectively treat excess runoff to meet the C.3 requirements of the Municipal Regional Storm Water NPDES Permit, the biotreatment areas may not be sufficient to prevent localized flooding of City streets from project-related increases in runoff. Therefore, the implementation of the proposed project would result in a potentially significant impact related to flooding and inadequate storm water drainage capacity.

- Page 89, Section 12, the following sentence was added to the end of the second paragraph of the page to clarify noise sensitive receptors:

Some land uses are more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. For example, residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, museums, cultural facilities, parks, and outdoor

recreation areas are more sensitive to noise than commercial and industrial land uses. The nearest noise-sensitive receptors to the proposed medical office site are the three residential units on the second floor of the Missouri Lounge, adjacent to the northeast property line at the corner of San Pablo Avenue and Parker Street; the Covenant Worship Center, a religious institution adjacent to the southern property line; a recording studio approximately 55 feet from the western property line, on the west side of Tenth Street; single-family residences approximately 150 feet south on Carleton Street and east of the medical office site, across San Pablo Avenue; and condominiums approximately 180 feet south of the site on San Pablo Avenue. The nearest noise-sensitive receptors to the Pardee Block parking lot site beyond those mentioned above include multi-family and single-family residential units located 75 and 115 feet southeast across Tenth Street, multi-family and single family residential units located approximately 140 feet south across Pardee Street, and Global Montessori International School located approximately 950 feet to the south. The Montessori International School is located outside of the area of impact, and is noted as the school nearest to the project site.

- Page 89, Section 12, the source to Table 14 was updated:

**Table 1 Noise Measurement Results**

Number	Location	Time	Result (Leq)
1	East side of medical office building site, along San Pablo Avenue	4/19/17, 4:57 p.m. to 5:12 p.m.	68.0
2	North side of Pardee Block parking lot site, along Carleton Street	8/24/18, 10:51 a.m. to 11:06 a.m.	60.9

See Appendix E for Noise Measurement Results.  
Source: Rincon Consultants 2017; updated 2018

- Page 101, Section 12, response 12.d contains the following administrative change in the second paragraph:

The noise-sensitive receptors in proximity to the proposed Pardee Block parking lot, including the multi- and single-family residences, ~~church, and school~~ are located in mixed-use residential zones. There are no specific construction noise thresholds established for mixed-use residential zones. However, the City's thresholds for construction noise in multi-family residential areas are 80 dBA from mobile equipment and 65 dBA from stationary equipment during permitted construction activity hours on weekdays, and 65 dBA from mobile equipment and 55 dBA from stationary equipment during permitted construction activity hours on weekends and holidays.

- Page 118 and 119, Section 16, response 16.a contain the following administrative change:  
f.a. Consistent with BMC 23E.68.080.H, and subject to the review and oversight of the Transportation Division Manager, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, to every employee.

- ~~g.b.~~ A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
- ~~h.c.~~ Transit information shall be provided in the ~~residential~~ lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
- ~~i.d.~~ Transportation Information Officer will gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, car sharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all ~~residents~~/employees on arrival plus once a year.
- ~~j.e.~~ The food service operation, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the “Guarantee Ride Home” program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager.

- Page 119, Section 16, Mitigation Measure T-1(a) was included as follows:

#### ***T-1 Reimbursement Agreement to Facilitate Traffic Improvements***

A Reimbursement Agreement shall be established between the applicant and the City prior to the issuance of required building permits. The Reimbursement Agreement shall specify the improvements to be accomplished as set forth below, the timing of the improvements, the proportionate share of improvement costs, the timing of the reimbursement payments, and a mutual commitment to use best efforts to coordinate and expedite the installation of the improvements with the goal of providing them before the project receives its first certificate of occupancy. Upon completion of the traffic improvements, the City shall then reimburse the applicant the City’s pro-rata share of the traffic improvements over a multi-year period as shall be more specifically described in the Reimbursement Agreement.

- a. **Intersection Improvements.** Dedicated westbound and eastbound left-turn lanes at the San Pablo Avenue/Dwight Way intersection, as determined necessary by the City Engineer.

- Page 123, Section 16, response 16.f contains the following administrative changes in the third and fourth paragraphs of the page:

The sidewalks adjacent to the sites are currently approximately 12 feet wide along San Pablo Avenue, and 10 feet on Parker and Tenth Streets. City of BMC §16.18.080 requires a minimum clear space of six feet on all sidewalks. The project would not modify any of the sidewalks along project frontages and the sidewalks adjacent to the project would continue to satisfy the City requirements. The nearest signalized crosswalks across San Pablo Avenue are at Dwight Way, about 0.15 miles north, and at Grayson Street, about 0.2 miles south of the medical office site. Mitigation Measure ~~T-2~~ T-1 would signalize San Pablo Avenue/Parker Street intersection and provide a signal-protected

crossing of San Pablo Avenue adjacent to the medical office site, improving pedestrian connections across this segment of San Pablo Avenue.

Pedestrian access for the Pardee Block Parking Lot would be provided through a gate just south of the driveway on Tenth Street and a man-gate on Carleton Street. The medical office employees that park at the Pardee Block Parking Lot would use this gate and then cross two of the approaches at the Tenth Street/Carleton Street intersection to walk between the project building and the parking lot. The intersection is currently controlled by stop-signs on the Tenth Street approaches, with no controls on the Carleton Street approaches. In addition, none of the four crossings at the intersection are currently marked; however, all four crossings have adequate sight distance. The proposed project has been designed to include an all-way stop at the Tenth Street/Carleton Street intersection and would mark the intersection with crosswalk striping. This design feature would be ensured through a condition of approval requiring that the project conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the approved drawings.

# Addendum to the Responses to Comments on the Draft Initial Study-Mitigated Negative Declaration

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This document has been prepared as an addendum to the response to comments received on the Draft Initial Study-Mitigated Negative Declaration (Draft IS-MND) prepared for the proposed 1050 Parker Street Medical Offices and Off-Site Parking Lot Project (project).

The 30-day Draft IS-MND public comment period began on September 4, 2018 and ended October 4, 2018. The City initially received six comment letters on the Draft IS-MND. An additional letter from East Bay Municipal Utility District (EBMUD), dated September 27, 2018, but received after the close of the public review period on October 18, 2018, was accepted as part of the Draft IS-MND public comment record. Review of the letter and the Lead Agency response to EBMUD comments are provided below as an addendum to the Response to Comments (RTC) Document. This Addendum to the RTC Document, together with the Draft IS-MND and original RTC Document, constitutes the Final IS-MND for the proposed project.

Listed below is one letter that received after the public review period closed. A reproduction of the comment letter and a written response for each CEQA-related comment received is provided beginning on page 2. Each response is keyed to the corresponding comment. The other six comment letters received by the Lead Agency were addressed in the original RTC Document.

Letter No. and Commenter	Page No.
7 David J. Rehnstrom, East Bay Municipal Utility District	2

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The comment letter and responses follow. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 7.1, for example, indicates that the response is for the first issue raised in Comment Letter 7).



RECEIVED

OCT 18 2018

LAND USE PLANNING

September 27, 2018

Layal Nawfal, Associate Planner  
City of Berkeley Planning and Development Department  
1947 Center Street  
Berkeley, CA 94704

Re: Notice of Intent to Adopt an Initial Study and Mitigated Negative Declaration –  
1050 Parker Street Medical Office and Off-Site Parking Lot Project, Berkeley

Dear Ms. Nawfal:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Initial Study and Mitigated Negative Declaration (MND) for the 1050 Parker Street Medical Office and Off-Site Parking Lot Project located in the City of Berkeley (City). EBMUD has the following comments.

**WATER SERVICE**

EBMUD's Central Pressure Zone, with a service elevation range between 0 and 100 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the proposed development. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

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

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has

1

Loyal Nawfal, Associate Planner  
 September 27, 2018  
 Page 2

1  
 cont.

been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## WASTEWATER SERVICE

2

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

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

To ensure that the proposed project contributes to these legally required I/I reductions, the City should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the City to require the following mitigation measures for the proposed project: (1) replace or rehabilitate any existing sanitary sewer

Loyal Nawfal, Associate Planner  
September 27, 2018  
Page 3

2  
cont.

collection systems, including sewer lateral lines, to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

3

### WATER CONSERVATION

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

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

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KKN:dks  
sb18\_168

cc: 2600 Tenth Street, LLC  
Attention: Christopher Barlow  
1120 Nye Street, Suite 400  
San Rafael, CA 94901

City of Berkeley

**1050 Parker Street Medical Offices and Off-Site Parking Lot Project**

Addendum to the Responses to Comments on the Draft Initial Study-Mitigated Negative Declaration

## Letter 7

**COMMENTER:** David Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utility District (EBMUD)

**DATE:** September 27, 2018, received October 18, 2018

### Response 7.1

The commenter states the EBMUD's Aqueduct Pressure Zone will provide water service to the proposed project. The commenter adds that off-site pipeline improvements may be required to meet fire flow requirements set by the local fire department. This information is noted. These potential improvements would include upgrades to existing infrastructure in established utility corridors, and would not result in additional environmental impacts beyond those described in the Draft IS-MND.

The commenter further states that the project sponsor should contact the EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the project. Furthermore, the commenter states that EBMUD will not install piping or services until the applicant provides soil and groundwater quality data indicating that soil and groundwater are not contaminated, or remediation plans if contamination is present. This information is acknowledged.

As discussed in Section 18, *Utilities and Service Systems*, of the Draft IS-MND, it is anticipated that the increase in demand for domestic water will not be significant, and adequate water supplies and facilities are available to serve the project. EBMUD imposes a system capacity charge on new developments to fund system maintenance and the development of new water sources. Per the project conditions of approval, the applicant would be required to undertake measures to conserve water through water efficient landscaping. Furthermore, it is not anticipated that excavation at the project site would disturb contaminated soils or groundwater. However, standard conditions of the City's Toxics Management District would require preparation of a Soil and Groundwater Management Plan (SGMP) including identification of any pollutants and disposal methods. Compliance with these conditions would ensure that the applicant remediates contamination, if present, prior to the installation of water piping or services.

No changes to the IS-MND are necessary to address this comment.

### Response 7.2

The commenter anticipates that EBMUD's Main Wastewater Treatment Plan (MWWTP) and interceptor system will have adequate dry weather capacity to accommodate and treat wastewater flows from the project. However, the commenter notes that the East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow that enters the system through cracks and misconnections in both public and private sewer lines. To ensure the project contributes to legally required infiltration and inflow reductions, the commenter states that the project should be required to comply with EBMUD's Regional Private Sewer Lateral Ordinance and implement mitigation measures. EBMUD's ordinance establishes regulations for the inspection, testing, repair, replacement, and ongoing maintenance of Private Sewer Laterals. This comment is noted.

City of Berkeley

**1050 Parker Street Medical Offices and Off-Site Parking Lot Project**

Addendum to the Responses to Comments on the Draft Initial Study-Mitigated Negative Declaration

As described on Page 53 of the Draft IS-MND, the project site would have access to the sanitary sewer system maintained by the City of Berkeley for the collection system, and by the EBMUD for interceptor lines. The project will be required to comply with all City requirements under its NPDES permit, as discussed on Page 75 of the draft IS-MND. In addition, the proposed project would be required to comply with the City of Berkeley's Private Sewer Lateral Ordinance (City of Berkeley Municipal Code Chapter 17.24). Similar to the EBMUD's ordinance, the City of Berkeley's ordinance would also require the project to upgrade or verify the condition of private sewer laterals in order to obtain a compliance certificate prior to issuance of a building permit.

No changes to the IS-MND are necessary to address this comment.

**Response 7.3**

The commenter requests that the project be subject to a condition of approval to comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance." This comment does not identify an analytical deficiency of the Draft IS-MND; however, the City will consider this comment when preparing the conditions of approval. The commenter adds that EBMUD will not provide water service unless all applicable water-efficiency measures in Section 31 of EBMUD's Water Service Regulations are installed. This comment is noted.

As discussed in Section 18, *Utilities and Service Systems*, of the Draft IS-MND, the project would reduce water use relative to standard building practices by complying with the California Water Efficient Landscape Ordinance. At least 75 percent of plants in non-turf landscaped areas would be species that require no or little summer watering once established, among other water-saving measures, according to the applicant's Bay-Friendly Basics Landscape Checklist. These water conservation measures would reduce the project's burden on municipal water supply and wastewater systems. The project also would be required to comply with Section 31 of EBMUD's Water Service Regulations. Water supply impacts would be less than significant and the construction of new water treatment facilities or the expansion of existing facilities would not be required.

No changes to the IS-MND are necessary to address this comment.

## **Mitigation Monitoring and Reporting Program**

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This Mitigation Monitoring and Reporting Program (MMRP) was formulated based upon the findings of the Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the 1050 Parker Street Project (Use Permits #ZP2018-0116 and #ZP2018-0117). The MMRP, which is provided in the following table, lists mitigation measures required and recommended in the IS-MND for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies mitigation measures that were identified in the Final IS-MND. The second column, entitled "Action Required," refers to the monitoring action that must be taken to ensure the mitigation measure's implementation. The third column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, "Responsible Agency," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The "Compliance Verification" column is where the Responsible Agency verifies that the measures have been implemented. These mitigation measures include any minor revisions made as a result of the Response to Comments Document.

City of Berkeley  
**1050 Parker Street Project**  
**Use Permits #ZP2018-0116 and #ZP2018-0117**

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<b>HYDROLOGY AND WATER QUALITY</b>						
<b>HYD-1: Hydrology and Hydraulic Mitigation Analysis</b>						
<p>The project shall not increase from pre-project to post-construction conditions peak flow and flow duration to existing gutters, and shall not raise from pre-project to post-construction the hydraulic grade line in existing storm drains at all times throughout the life of the project. The applicant shall demonstrate through a hydrology and hydraulics mitigation analysis to show how this performance standard will be achieved and used to provide the basis of design for the implementing this mitigation.</p> <p>The hydrology and hydraulics mitigation analysis shall be submitted to and approved by the City of Berkeley Department of Planning and Development prior to issuance of required project permits. The analysis shall identify existing and post-construction drainage patterns, magnitudes, and durations within the project limits and also identify existing off-site discharge locations, durations, and magnitudes from the project site. The mitigation actions to meeting the performance standard may include conveyance pipeline (minimum 12-inch diameter, reinforced concrete pipe) in the right-of-way, and the pipe shall not be used to attenuate peak flows. The mitigation method shall be designed to operate in conjunction with MRP Provision C3 requirements. The applicant shall make up front payment for City staff and consultant costs related to reviewing the hydrology and hydraulics mitigation analysis.</p>	<p>Conduct a hydrology and hydraulics mitigation analysis</p>	<p>Prior to the issuance of required project permits</p>	<p>City of Berkeley Department of Planning and Development</p>			
<b>HYD-2: Storm Water Control Measures</b>						
<p>Discharges of any water from the project site shall be controlled at all times and shall not exceed pre-project peak flow or duration in existing storm drains and gutters throughout the project life. Applicant shall design and construct the mitigation method developed through the Hydrology and Hydraulic Mitigation Analysis performed in HYD-1 and as approved by the City. The mitigation actions to meet the performance standards may include conveyance within the right-of-way but storage within the right-of-way is not allowed. The identified method(s) shall be</p>	<p>Develop and install stormwater control measures</p>	<p>During construction activities</p>	<p>City of Berkeley Department of Planning and Development</p>			
	<p>Verify installation of all stormwater control measures</p>	<p>Prior to occupancy clearance</p>	<p>City of Berkeley Department of Planning and Development</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
completely operational and any facilities located within the right-of-way shall be approved by and dedicated to the City prior to issuance of certificate of occupancy.						
<b>LAND USE AND PLANNING</b>						
<b>LU-1: Rezone</b>						
Demolition permits shall not be issued unless and until a rezone is approved by the City of Berkeley that would change the zoning on the western portion of the medical office building site from Mixed-Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).	Rezone a portion of the project site	Prior to issuance of demolition permits	City of Berkeley Department of Planning and Development			
<b>NOISE</b>						
<b>NOI-1: Construction Vibration Reduction Measures</b>						
<p>Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:</p> <ul style="list-style-type: none"> <li>▪ The applicant or contractor shall ensure that construction activities involving vibratory rollers, large bulldozers, or loaded trucks that create a vibration disturbance across the Project’s shared property line with the Covenant Worship Center (2622 San Pablo Avenue) do not occur during the regular posted services times at the Covenant Worship Center, currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.</li> <li>▪ The applicant or contractor shall, to the extent technically and economically feasible, limit the use of vibratory rollers, large bulldozers, or loaded trucks within 75 feet of the nearest wall of the Covenant Worship Center, or Fantasy Studios (2600 Tenth Street) to no more than 30 vibration events per day, as defined by the Federal Transit Administration and detailed in Table 22 Groundborne Vibration Impact Criteria for Human Annoyance of the MND.</li> <li>▪ The applicant or contractor shall, to the extent technically and economically feasible, limit the use of jackhammers within 25 feet of the nearest wall of the Covenant Worship Center, or Fantasy Studios to no more than 70 vibration events per day, as defined by the Federal Transit</li> </ul>	Create a construction management plan subject to review and approval by the City	Prior to the issuance of grading permits	City of Berkeley Department of Planning and Development			

City of Berkeley  
**1050 Parker Street Project**  
**Use Permits #ZP2018-0116 and #ZP2018-0117**

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<p>Administration and detailed in Table 22 Groundborne Vibration Impact Criteria for Human Annoyance of the MND.</p> <ul style="list-style-type: none"> <li>▪ The applicant or contractor shall provide tenants of the three residential units atop the Missouri Lounge, the Covenant Worship Center, Fantasy Studios, and residents within a 500-foot radius of the project sites with a notification at least 24 hours prior to vibration-generating construction activities.</li> </ul>						
<b>NOI-2: Construction Noise Abatement</b>						
<p>Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:</p> <ol style="list-style-type: none"> <li>1. The applicant or contractor shall equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.</li> <li>2. The applicant or contractor shall use quiet models of air compressors and other stationary noise sources where technology exists.</li> <li>3. The applicant or contractor shall locate stationary noise-generating equipment as far as feasible from the nearest noise-sensitive receptors.</li> <li>4. The applicant or contractor shall prohibit unnecessary idling of internal combustion engines.</li> <li>5. The applicant or contractor shall construct solid plywood fences around the construction site adjacent to operational businesses, including the Covenant Worship Center (2622 San Pablo Avenue).</li> <li>6. The applicant or contractor shall ensure that construction activities that generate excessive noise that creates noise disturbance across the Project site’s shared property line with the Covenant Worship Center (2622 San Pablo Avenue) do not occur during regular posted services at the Covenant Worship Center, currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.</li> <li>7. The applicant or contractor shall ensure that supporting construction activities, including the loading and unloading of materials and truck movements, are limited to the hours of</li> </ol>	<p>Create a construction management plan subject to review and approval by the City</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Berkeley Department of Planning and Development</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<p>7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, or as stipulated in the conditions of approval if more restrictive. No construction-related activity shall occur on Sunday or any Federal Holiday without explicit permission from the City of Berkeley.</p> <p>8. The applicant or contractor shall notify adjacent businesses, the Covenant Worship Center, and residents within a 500-foot radius of the project sites of the construction schedule in writing at least 7 days before beginning construction. The applicant or contractor also shall designate a “construction liaison” responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures to correct the problem. The applicant or contractor shall conspicuously post a telephone number for the liaison on-site.</p>						

**TRANSPORTATION**

**T-1: Reimbursement Agreement to Facilitate Traffic Improvements**

<p>A Reimbursement Agreement shall be established between the applicant and the City prior to the issuance of required project permits. The Reimbursement Agreement shall specify the improvements to be accomplished as set forth below, the timing of the improvements, the proportionate share of improvement costs, the timing of the reimbursement payments, and a mutual commitment to use best efforts to coordinate and expedite the installation of the improvements with the goal of providing them before the project receives its first certificate of occupancy. Upon completion of the traffic improvements, the City shall then reimburse the applicant the City’s pro-rata share of the traffic improvements over a multi-year period as shall be more specifically described in the Reimbursement Agreement.</p> <p><b>a. Intersection Improvements.</b> Dedicated westbound and eastbound left-turn lanes at the San Pablo Avenue/Dwight Way intersection, as determined necessary by the City Engineer.</p> <p><b>b. Signal Installation.</b> Signalization of the San Pablo</p>	<p>Create a construction management plan subject to review and approval by the City</p>	<p>Prior to the issuance of grading permits</p>	<p>City of Berkeley Department of Public Works, Transportation Division</p>
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City of Berkeley  
**1050 Parker Street Project**  
**Use Permits #ZP2018-0116 and #ZP2018-0117**

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
Avenue/Parker Street intersection and coordinated signal timing with the adjacent intersections on San Pablo Avenue.						
<b>T-2: Driveway Safety</b>						
The applicant shall provide 10 feet of red curb on either side of the project driveways on Tenth and Parker Streets to improve sight distance between vehicles exiting the project driveways and motorists and bicyclists on Tenth and Parker Streets. Improvements shall occur prior to certificate of occupancy.	Provide 10 feet of red curb on either side of the project driveways on Tenth and Parker Streets	Prior to occupancy clearance	City of Berkeley Department of Public Works, Transportation Division			

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Planning Commission

1                   **FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

2   **April 18, 2018**

3    The meeting was called to order at 7:05 p.m.

4    **Location:** North Berkeley Senior Center, Berkeley, CA

5    **Commissioners Present:** Steve Martinot, Benjamin Beach, Robb William Kapla, Christine  
6    Schildt, Jeff Vincent, Ryan Lau (Rob Wrenn's substitute), Prakash Pinto, Benjamin Fong, Mary  
7    Kay Lacey.

8    **Commissioners Absent:** Rob Wrenn (excused).

9    **Staff Present:** Alex Amoroso, Alene Pearson, Sydney Stephenson, and Alisa Shen.

10   **ORDER OF AGENDA:** No changes.

11   **CONSENT CALENDAR:** None.

12   **PUBLIC COMMENT PERIOD:** 3 speakers, including a member from Ohlone tribe regarding the  
13   1900 4th Street development proposal.

14   **PLANNING STAFF REPORT:** The next meeting is on May 16<sup>th</sup>. Staff gave a brief introduction  
15   to the Council Joint Subcommittee on the Implementation of State Housing Laws that met last  
16   night (April 17<sup>th</sup>).

17   **COMMUNICATIONS IN PACKET:**

- 18       • 2018-04-18 C. Susanna - Commentary on Parcels at 1050 Parker St. and 2621 Tenth St.  
19

20   **LATE COMMUNICATIONS** (Received after the Packet deadline): None.

21   **LATE COMMUNICATIONS** (Received and distributed at the meeting):

- 22       • 2018-04-18 Elizabeth Shaughnessy, Berkeley Class School rezone  
23       • 2018-04-18 Jana Olson, Proposed rezoning of 1050 Parker Street from MULI to CW

24   **CHAIR REPORT:** The Chair encouraged the public to look at the Joint Subcommittee agenda  
25   packet for more information on the new State Housing laws.

26   **COMMITTEE REPORT:** No report.

27 **7. APPROVAL OF MINUTES:**

28 Motion/Second/Carried (CS/RK) to approve the Planning Commission Meeting Minutes from  
29 March 21, 2018. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Vincent, Lau, Pinto, Fong.  
30 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

31  
32 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** Staff reported  
33 on a possibility of a public hearing on urban agriculture referrals and cannabis nurseries at the  
34 next Planning Commission (PC) meeting.

35 **AGENDA ITEMS**

36 **9. Action: Public Hearing: 1050 Parker Street Parcels Rezone and General**  
37 **Plan Amendment**

38 This item was previously presented at the February 21, 2018 PC meeting and was re-noticed  
39 because the referral required additional action: 1) re-designation and rezone of parcels from  
40 MULI to C-W; and 2) text amendment to the C-W to allow a maximum height of 50’ for the  
41 three parcels. Staff reported that there is a letter attached from Kaiser regarding their interest  
42 in the site.

43 Public Comments: 5 speakers.

44 The Commission discussed this item and made the following motions:

- 45 Motion/Second/Carried (RK/CS) to close the public hearing. Ayes: Lacey, Beach, Martinot,  
46 Schildt, Kapla, Vincent, Lau, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-  
47 0)
- 48
- 49 Motion/Second/Carried (PP/RK) to recommend the following considerations to the Council:
- 50 1) The Commission does not have sufficient and current environmental review (CEQA)  
51 information for the revise 1050 Parker project to make/recommend the CEQA related  
52 findings for the rezone/re-designation actions.
  - 53 2) The PC is aware of changes to the project and the need for additional use permits (modified  
54 uses allowed for the project and new Pardee Street parking), along with the requisite CEQA  
55 analysis.
  - 56 3) The use of the rezoned/re-designated parcels should be limited to Medical Office and Use  
57 – this could be added to the text amendment language, though concern is expressed about  
58 “spot zoning.”
  - 59 4) Relocation of the displaced (from the Pardee Street parcels) auto repair and other  
60 industrial/repair type businesses should be part of the project approval. Relocation  
61 assistance could only result from Zoning Adjustment Board recommendation. This should  
62 be done at the expense of the developer of the 1050 Parker Street project (Wareham).
  - 63 5) Any rezone/re-designation policy analysis should include a listing of all related policies and  
64 goals from the West Berkeley Plan. The current analysis is limited.
  - 65 6) Creative parking solutions, such as free patient and/or staff parking, committed on the street  
66 spots, modified parking ratios should be considered for the project. The purpose of this  
67 recommendation is to reduce parking and traffic impacts to the surrounding neighborhood.

68 Ayes: Lacey, Beach, Schildt, Kapla, Vincent, Lau, Pinto, Fong. Noes: None. Abstain: Martinot.  
69 Absent: None. (8-0-1-0)  
70

71 **10. Discussion: Adeline Corridor Project Update**

72 Staff presented an update on the Adeline Corridor Project, including the background of the  
73 project, work completed to-date, and the next steps and future community engagement.

74 Public Comments: 4 speakers.

75 The Commission asked staff questions about the project’s process and status. The PC  
76 asked how the input from the small group meetings (of African Americans and  
77 underrepresented groups) are going to be funneled down and prioritized. It is important to let  
78 the community know how the City is prioritizing the trade-offs. The Commission also  
79 cautioned about narrowing the scope, and instead allowing the community members to make  
80 the choices to limit and to understand the trade-offs. The PC also requested that the  
81 outcome of the small group meetings be presented at the next update for this project.  
82 Community members of Latino and Asian ethnicities should be involved in the community  
83 outreach as well.

84 **The meeting was adjourned at 9:54 pm**

85 **Commissioners in attendance: 9 of 9**

86 **Members in the public in attendance: 16**

87 **Public Speakers: 12 speakers**

88 **Length of the meeting: 2 hour and 49 minutes**



Planning and Development Department  
Land Use Planning Division

Planning Commission  
April 18, 2018, Item 9

## STAFF REPORT

DATE: April 18, 2018

TO: Members of the Planning Commission

FROM: Alex Amoroso, Principal Planner

SUBJECT: Public Hearing to Consider:

1. General Plan Re-designation and Zoning Map Amendment of a Portion of the Property Known as the "1050 Parker Street Project" from Manufacturing to Commercial - Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.
2. A Text Amendment to the C-W Chapter related to Assessor Parcel Numbers (APN) 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03.

---

### Recommendation

Conduct a public hearing, take public comment and consider a recommendation to the City Council regarding two actions:

1. City Council request to consider parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, be re-designated from Manufacturing Mixed Use to Avenue Commercial and be rezoned from Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).
2. A Text Amendment to the C-W Chapter to allow a maximum height of 50 feet for the following three parcels: Assessor Parcel Numbers (APN) 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03.

### Introduction

On December 19, 2017, the City Council referred this matter to the Planning Commission for consideration with an expected return to Council by March 28, 2018.

The Commission opened a Public Hearing on February 7, 2018, took public testimony and asked staff and the applicant to respond to questions and provide information. The Commission then continued the Public Hearing to a date certain of March 21, 2018.

On March 21, 2018, staff requested that the Commission close the Public Hearing and not take action on the re-designation and rezone. The reason for this staff request was that the proposed project at 1050 Parker was changing, and additional Planning Commission actions would be necessary to implement the original intent of the Council referral.

At the February 7, 2018 meeting, the Planning Commission asked several questions regarding the proposed actions and the development proposal. Staff provides responses to Commission questions in the Discussion section of this report. Attachment 1 is the February 7, 2018 staff report and attachments, which includes a detailed project description and background information. Attachment 2 is an Assessor Parcel Map showing the three parcels in question.

Wareham Development, the project proponent, has worked with the City to respond to a couple of the Commission requests; City staff responds to others in this report. Having evaluated the intent of the Council referral from December 12, 2017, and the changes to the proposed development, staff offers the following discussion of the project changes and necessary actions to comply with the intent of the original Council referral.

### **Discussion**

This discussion addresses the following:

- Describes the proposed project with changes that affect potential Commission actions.
- Describes modifications to the three involved parcels for the General Plan re-designation, rezone (APNs 054-1763-001-03 and 054-1763-010-00 only) and text amendment for height exception (APNs 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03).
- Responds to Commission questions from February 7, 2018.

### Project Description and Necessary Modifications:

The 1050 Parker Street Project received Zoning Adjustments Board (ZAB) authorization to build an 80,000 square feet building, allowing for approximately half the building in Medical Office use and the other half in Research and Development (R&D) use, along with a small café space on the ground level. The Medical Office and R&D uses would be separated based on the existing zoning district (C-W and MU-LI) lines which run through the site.

Kaiser Medical has expressed interest in leasing the entire building as Medical Office Use (see Attachment 3 Kaiser letter). Current negotiations between Kaiser and Wareham, and the Council's interest in bringing medical services into the community, precipitate the Council referral for changes to parcel designations. Changes to the underlying GP and zoning designations result in a set of other unanticipated changes necessary to make the project compliant with City regulations. City actions would include:

- Authorize additional parking to support the 100 percent Medical Office use. This action would occur through ZAB modification of the Use Permit.
- Align all three parcels in the project to allow for Medical Office use – allowed in the C-W, but not in the MU-LI. This is addressed by the GP re-designation and rezone of two parcels from MU-LI to C-W.
- Allow a height of 50 feet maximum on the three parcels, to accommodate the overall height of the proposed structure. The C-W allows 50 feet maximum height only if the project is mixed use with a residential component. The proposed C-W text Amendment is drafted to address this specific situation: the particular parcels for this site, project configuration and use. The City has authorized similar allowances in other districts, for example 23E.80.045.F. The draft text amendment language to fulfill the need for a height exception follows:

23E.64.070.F The Building Height Limitation for the 1050 Parker Street Project site, Assessor Parcel Numbers (APN) 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03, is 50 feet.

Commission Questions:

At the February 7, 2018, meeting, the Commission identified a set of questions for staff response. The questions with staff response follow:

1. Would staff recommend in favor of a variance for height exception if the entire building (potential 100% Medical Office Uses project) was developed on the existing C-W zoned parcel, fronting San Pablo Avenue.

Response: No. Staff does not believe that variance findings can be made since there is nothing unusual related to the project site or area compared to the surrounding parcels.

2. Would staff recommend in favor of a Use Variance to allow for Medical Office Uses on these specific parcels under the existing MU-LI designation?

Response: No. Staff does not believe the findings can be made to support a use variance. However, staff has drafted a text amendment to allow for the use to exist under specific conditions.

3. Could staff develop a Medical Office Use “overlay” to accommodate this use in the MU-LI under certain circumstances?

Response: Yes. A zoning overlay for Medical Office Use could be prepared. However, such an overlay would not meet the time constraints applicable to this project. A district overlay would require broader CEQA analysis to measure potential impacts over a larger geography that would need to be identified through a process taking 12 to 18 months at a minimum. A more constrained – project based – CEQA analysis can address issues specific to this project.

4. Could conditions be applied to the rezone action to limit the use of the rezoned/re-designated parcels use?

Response: Yes. The Commission could recommend conditions for the Council to consider. The conditions would probably require a direct nexus between the project impacts to be legally viable.

The Planning Commission role is to consider and potentially recommend action to the City Council regarding the requested General Plan re-designation and zoning map and text amendments according to BMC Chapters 22.04.02 and 23A.20, and California Government Code sections 65353 *et seq* and 65853 *et seq*.

Staff identifies the following action options for the Commission:

- Recommend findings in support of the rezone/re-designation (see findings drafted by staff below).
- Recommend against the rezone/re-designation by making one or more findings in the negative for each action.
- Make a recommendation (or not) to adopt the C-W text amendment to allow 50 feet in height.
- Make no recommendation to the City Council. The Commission could make no recommendation, but forward comments or concerns as part of a motion.

To recommend in favor of a re-designation and rezoning, the Commission must consider and find in the positive (vote yes) on the two sets of findings (Attachment 4). Staff has drafted statements in response to the findings to support the re-designation and rezoning of the parcels.

Should the Commission wish to recommend against the proposal, any motion would need to state that the Commission could not make one or more of the noted findings for the rezone and re-designation.

The C-W text amendment can be considered through separate action once a recommendation is made for the rezone/re-designation of parcels.

### **Conclusion and Next Steps**

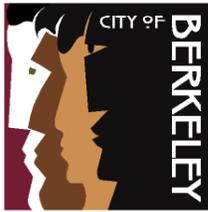
Staff recommends that the Commission open the Public Hearing; consider public testimony; and:

- Make a recommendation to the City Council regarding the re-designation and rezone of the two parcels based on the findings. The findings may be amended based on the public testimony and Commission deliberations
- Make a recommendation regarding the C-W text amendment – draft amendment language provided in the Discussion section of this report.

**Attachments:**

1. 2/7/2018 PC Staff Report and Attachments
2. Parcel Map of 1050 Parker and 2621 Tenth Street
3. City Council staff report re: medical office in MU-LI, January 24, 2017
4. GP Re-designation and Rezone Draft Findings
5. Public Hearing Notice





Planning and Development Department  
Land Use Planning Division

Item 11  
February 7, 2018

## STAFF REPORT

DATE: February 7, 2018

TO: Members of the Planning Commission

FROM: Alex Amoroso, Principal Planner

SUBJECT: Public Hearing Regarding the General Plan Re-designation and Zoning Map Amendment of a Portion of the Property Known as the "1050 Parker Street Project" from Manufacturing to Commercial - Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00

---

### Recommendation

Conduct a public hearing and make a recommendation to the City Council that parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, be re-designated from Manufacturing Mixed Use to Avenue Commercial and be rezoned from Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).

### Background

On December 19, 2017, the City Council referred this matter to the Planning Commission (Attachment 1). The subject parcels are part of a 1.6-acre site that has frontage on San Pablo Avenue, Tenth Street, and Parker Street. The three lots are proposed to be combined for the development known as 1050 Parker Street, which was approved by the Zoning Adjustments Board on December 14, 2017, pursuant to Use Permit ZP#2016-0170). The approved development would be a single three-story building that would provide about 20,000 square feet of new floor area on one parcel in the C-W zoned area and about 40,000 square feet on two parcels in the MU-LI zoned area. All of the parcels would be merged before a building permit is issued.

The project was approved to provide medical office use in the C-W zoned area and research and development in the MU-LI zoned area (Attachment 2). Those uses are mutually exclusive under the existing zoning so the project is designed to provide a physical separation of uses to the extent necessary along the existing zoning boundary, which runs north-south through the middle of the block bounded by San Pablo Avenue on the east and Tenth Street on the west. While the applicant received approval of a conforming development based on this use restriction, the pending request would allow

City Council Referral  
Redesignation and Rezoning of "1050 Parker"

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February 7, 2018

the medical office use to occupy the entirety of the site under a new Use Permit pursuant to the new zoning boundary.

As background, in 2016 the Planning Commission considered related issues including creating a new definition (Medical Office Building) and allowing Medical Office Buildings and Medical Practitioner Offices in the MU-LI District. The Commission concluded that allowing such uses throughout the MU-LI could overwhelm other industrial uses in the district. However, some Commissioners stated that they would consider re-designation/rezone of particular parcels on a case by case basis, if requested. Attachment 3 is the City Council staff report regarding the Planning Commission's prior statements and recommendations on this subject.

### **Discussion**

The City Council has referred this action to the Planning Commission for consideration, with an expected return to Council by March 28, 2018. The Planning Commission is therefore requested to conduct a Public Hearing at this meeting (Public Hearing Notice Attachment 4).

The proposed rezone of the two parcels from MU-LI to C-W would change the allowable uses and development regulations. A broad range of different uses would be allowed; however, the approved R&D use at 1050 Parker would no longer be allowed in the C-W District. Because there is no building permit or business license for that use, the ZAB-authorized project would not be vested and that component of the approved Use Permit would be null and void. Therefore, a new Use Permit will be required for the redesignated project.

The Planning Commission role is to consider and recommend action to the City Council regarding the requested map amendments according to BMC Chapters 22.04.02 and 23A.20, and California Government Code sections 65353 *et seq* and 65853 *et seq*. To recommend in favor of a redesignation and rezoning, the Commission must consider the following two sets of findings. Staff has drafted statements in response to the findings to support the redesignation and rezoning of the parcels.

#### *General Plan Redesignation Findings:*

1. The proposed amendment is in the public interest.
  - The amendment serves the public interest through changing diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.
  - The amendment is consistent with the General Plan and West Berkeley Plan (WBP) by increasing land available for higher paying jobs in the Office/Medical sectors, and focusing development along the San Pablo Avenue corridor where the medical office use would be appropriate. The General Plan also supports

City Council Referral  
Redesignation and Rezoning of "1050 Parker"

Item 11  
February 7, 2018

economic development and a diversity of jobs along and adjacent to commercial corridors.

3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.
  - The amendment would support the public health, safety and welfare of the City by bringing potential new mix of uses to the parcels, including healthcare services and job providers, to the community.
4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
  - The amendment is being processed in accordance with Chapter 22.04.020 of the Municipal Code. The amendment was submitted to the Planning Commission for consideration; a Public Hearing was set for February 7, 2018, with at least fourteen day notice given according to the applicable procedures. The potential impacts of the 1050 Parker Street proposed development have been evaluated and reduced to a level of "less than significant" as determined by the Zoning Adjustments Board (ZAB) adoption of the Initial Study-Mitigated Negative Declaration (IS-MND) for Use Permit #ZP2016-0170. The CEQA evaluation assessed and proposed sufficient mitigation measures to address use of the entirety of the site for Medical Practitioners Use as a worst-case scenario for impacts such as traffic and greenhouse gas emissions. Conditions and mitigation measures were adopted and a Notice of Determination was filed.

*Rezoning Findings:*

1. The proposed rezoning is in the public interest.
  - The amendment serves the public interest through increasing the number and diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.
2. The proposed rezone is compatible with adjacent zoning districts.
  - The purpose of the rezone is to allow for Medical Practitioners to occupy the entire development at 1050 Parker Street. The immediately adjacent C-W District allows for Medical Practitioners and this rezone would allow for that compatible use to continue onto the parcels in question. There are three other parcels on this block that are designated MU-LI that would remain unchanged.
3. The proposed rezone allows uses which would be compatible with adjacent districts uses.
  - The adjacent MU-LI District allows for medical related uses including laboratories. The C-W District allows for Medical Practitioners, who might use the services of the adjacent laboratory uses. The proposed rezone adjusts the boundary to allow these adjacent uses to occupy these parcels.

City Council Referral  
Redesignation and Rezoning of "1050 Parker"

Item 11  
February 7, 2018

4. The potential effects of the proposed rezone will not be detrimental to the public health, safety or welfare.
  - The property is currently vacant with a planned development which has been reviewed and approved by the ZAB. That approval includes mitigations for any known potential environmental impacts as described above, so it follows that there will be no detrimental impacts to the public health, safety or welfare.

#### **Conclusion and Next Steps**

Staff recommends that the Commission open the Public Hearing; consider public testimony; and make a recommendation to the City Council regarding the re-designation and rezone of the two parcels based on the findings listed above. The findings may be amended based on the public testimony and Commission deliberations. A draft resolution for Council consideration is attached and may be modified based on Commission feedback and recommendations (Attachment 5).

#### **Recommended Action:**

The Planning Commission recommends to the City Council the rezoning and General Plan re-designation of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, from General Plan designation Manufacturing Mixed Use to Avenue Commercial and be rezoned from Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).

#### **Attachments:**

1. City Council Referral, December 19, 2017
2. Parcel Map, 1050 Parker and 2621 Tenth Street
3. City Council staff report re: medical office in MU-LI, January 24, 2017
4. Public Hearing Notice (with map)
5. Council Resolution (draft)



Office of the Mayor

CONSENT CALENDAR  
December 19, 2017

To: Members of the City Council

From: Mayor Jesse Arreguin

Subject: Referral to Planning Commission: Reclassification of 1050 Parker Street/2621 Tenth Street

RECOMMENDATION

Pursuant to Berkeley Municipal Code Section 23A.20.020.B.1: Refer to the Planning Commission the reclassification of the existing MULI zoned portion of 1050 Parker Street/2621 Tenth Street (APN 054 176300103) to C-W West Berkeley Commercial District. Request that the Planning Commission submit its recommendation to the City Council on the reclassification request by March 27, 2018.

BACKGROUND

Berkeley Municipal Code Section 23A.20.020.B.1 states:

***A reclassification may be initiated by resolution of the Planning Commission or the City Council which describes the present District classification of the affected property or properties, the proposed District classification and refers to an attached map that illustrates the affected property or properties.***

The parcel located at 1050 Parker Street/2621 Tenth Street is split between two zoning districts: C-W (West Berkeley Commercial District) and MULI (Mixed-Use Light Industrial). Roughly half of the parcel is in the C-W district which allows a more expansive list of commercial uses.

Currently there is a land use application to construct a 61,000 square foot commercial building on the parcel. Kaiser Permanente has expressed a strong interest in leasing the entire building for medical offices to serve the Berkeley community. The split zoning prohibits the use of the entire property for Medical Practitioner Offices, since this use is prohibited in the MULI zone.

Reclassifying this parcel to C-W will allow the property to be used for a variety of commercial uses, including Medical Practitioner Office uses. This would be consistent with the West Berkeley Plan, adopted in 1993, which encourages medical and health care uses in West Berkeley, including in the MULI district. However, the zoning code explicitly prohibits Medical uses in the MULI.

**Page 2 of 7**

FISCAL IMPACTS OF RECOMMENDATION

Increased tax revenue and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

CONTACT PERSON

Mayor Jesse Arreguin

510-981-7100

Attachment:

1. Map
2. Letter from Chris Barlow, Wareham Development
3. Plans for proposed building at 1050 Parker Street

**WAREHAM DEVELOPMENT : ZAENTZ CENTER CAMPUS**  
2600 Tenth Street / 1050 Parker - 2621 Tenth Street / Pardee Block





November 27, 2017

By Golden State Overnight and Electronic Mail

Mayor Jessie Arreguin  
Mayor's Office  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

**Re: 1050 Parker Street / 2621 Tenth Street, Berkeley CA**

Dear Mayor Arreguin:

1050 Parker Street / 2621 Tenth Street is a vacant site located at the corner of Parker Street and San Pablo Avenue in West Berkeley.

The 68,331 square foot site comprises three parcels, two of which are adjacent to Tenth Street (total of 45,174 square feet) and zoned Mixed Use – Light Industrial (MU-LI) and one (23,157 square feet) adjacent to San Pablo Avenue which is zoned Commercial West Berkeley (CW).

The attached graphic shows the site outlined in yellow and also shows the adjacent parcels at 2600 Tenth Street and the Pardee Block which complete the Wareham Development Zaentz Center Campus.

A new commercial building with 61,000 square feet of gross floor area is currently in the entitlement process with the City and will be heard before the Zoning Adjustment Board on December 14, 2017. A graphic showing the building design is enclosed.

The new building will include a café located on San Pablo Avenue and pocket parks on San Pablo Avenue and the corner of Tenth and Parker Streets. The Zaentz Center Campus is served by the West Berkeley Shuttle which provides a reliable GPS tracked shuttle connection to the Ashby BART station.

This new building will straddle the zoning boundary between the CW and MU-LI portions of the site. These two zoning districts have different approved uses and therefore the uses within the different sections of the building will be different and consistent with the underlying zoning.

The uses within the building above the MU-LI parcels will most likely be Research and Development laboratories with associated support functions, while the uses above the CW parcel will most likely be Medical Office. "Medical Practitioners" is an approved use in CW but is specifically prohibited in MU-LI.

The property owner has had initial discussions with Kaiser Permanente regarding the possibility of Kaiser occupying the full building for medical office uses. Kaiser Permanente has expressed a strong interest in exploring the possibility of being located in the new building subject to the appropriate zoning for medical office use being in place.

The West Berkeley plan is very clear on the benefits to the residents of West Berkeley of health care and other social services (West Berkeley Plan : Housing and Social Services IV : Social Services Issues Goals and Policies, Goal 2).

Page 5 of 7

We feel that the specific location of this site on a major transit corridor (San Pablo Avenue) coupled with the broader amenities supporting the Zaentz Center campus, such as the West Berkeley Shuttle, provide a unique opportunity to develop a medical office center at the site that will provide major benefits to those residing and working in West Berkeley.

The purpose of this letter is, therefore, to request that the City initiate the necessary process for the re-zoning of the MU-LI portions of the site to CW to allow for the new building to be 100% used as Medical Offices.

We understand that this process will take some time and therefore we will continue with the entitlements and approvals for the existing project with the understanding that the conversion of the use to 100% Medical Office in the future may require modifications to the approvals.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Barlow", with a long horizontal flourish extending to the right.

Chris Barlow  
Wareham Development

cc Rich Robbins  
John Gooding

Page 6 of 7

Item 10 Attachment 1  
Planning Commission  
February 7, 2018



**VIEW OF SOUTHWEST CORNER** 1  
NOT TO SCALE



**VIEW OF NORTHWEST CORNER** 2  
NOT TO SCALE



**VIEW OF NORTHEAST CORNER** 3  
NOT TO SCALE



**VIEW OF SOUTHEAST CORNER** 4  
NOT TO SCALE



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**1050 PARKER ST.  
BERKELEY, CA**

1050 Parker Street  
Berkeley, CA

owner:  
2880 TENTH STREET, LLC  
1120 NINE STREET, SUITE 400  
SAN RAFAEL, CA 94901  
415.457.4664

architect:  
GOULD EVANS  
55 BRADY STREET  
SAN FRANCISCO, CA 94103  
415.553.1415  
www.gouldevans.com

civil engineer:  
NEER & WRIGHT  
2850 COLLIER CANYON ROAD  
LIVERMORE, CA 94551  
925.245.8788

landscape architect:  
STUDIO FIVE DESIGN  
25 SAN ANSELMO AVENUE  
SAN ANSELMO, CA 94960  
415.524.8517

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Number	Revision Description	Date
1	Revision #1	12/20/16
4	Revision #2	02/27/17
5	Revision #4	06/29/17

Project No: 1116-0040  
Date: 06/29/2017  
Sheet:

AERIAL VIEWS

**A1.6**

ZONING APPLICATION

Page 7 of 7

Item 10 Attachment 1  
 Planning Commission  
 February 7, 2018



**AERIAL VIEW FROM SAN PABLO AVENUE**

**1**

NOT TO SCALE



**PERSPECTIVE FROM SAN PABLO AVENUE**

**2**

NOT TO SCALE



**PERSPECTIVE FROM NORTHEAST**

**3**

NOT TO SCALE



**PERSPECTIVE FROM SOUTHEAST**

**4**

NOT TO SCALE



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**1050 PARKER ST.  
 BERKELEY, CA**

**1050 Parker Street  
 Berkeley, CA**

owner:  
 2880 TENTH STREET, LLC  
 1100 WYE STREET, SUITE 400  
 SAN RAFAEL, CA 94901  
 415.467.4944

architect:  
 GOULD EVANS  
 95 BRADY STREET  
 SAN FRANCISCO, CA 94103  
 415.503.1411  
 www.gouldevans.com

civil engineer:  
 NIER & WRIGHT  
 2850 COLLIER CANYON ROAD  
 LIVERMORE, CA 94551  
 925.245.8788

landscape architect:  
 STUDIO FIVE DESIGN  
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5	Revision #4	06/29/17

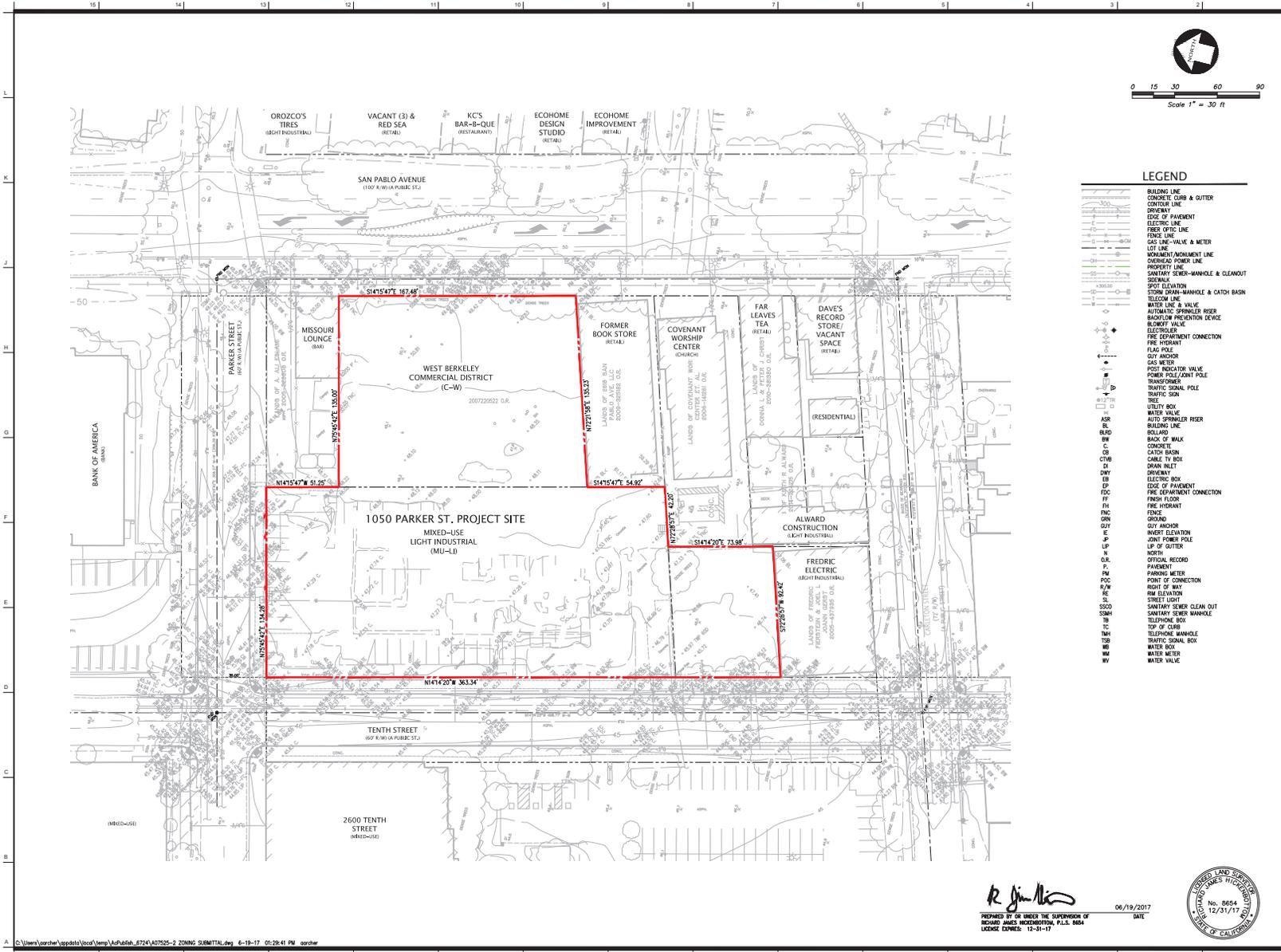
Project No: 1116-0040  
 Date: 06/29/2017  
 Sheet:

SAN PABLO FRONTAGE

**A1.7**

ZONING APPLICATION

1 of 1



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**1050 PARKER ST.  
BERKELEY, CA**

1050 Parker Street  
Berkeley, CA

owner:  
2600 Tenth Street, LLC  
1120 New Street, Suite 400  
San Rafael, CA 94901  
415.447.4004

architect:  
Gould Evans  
98 Brann Street  
San Francisco, CA 94103  
415.503.1411  
www.gouldevans.com

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**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2100 Collier Center Road • Phone (925) 245-8788  
Livermore, California 94551 Fax (925) 245-8786

Number	Revision Description	Date
1	Zoning Submission	06/28/2016
2	Revision #1	09/13/2016
3	Revision #2	12/05/2016
4	Revision #3	02/27/2017
5	Revision #4	06/29/2017

Project No: A07525-2  
Date: 06/29/2017  
Sheet:

EXISTING CONDITIONS  
PLAN

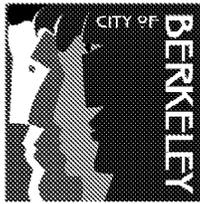
**C1.0**

ZONING APPLICATION

*R Jimenez*  
06/19/2017  
DATE



PREPARED BY SR UNDER THE SUPERVISION OF  
RICHARD JAMES WOODMONT, P.L.S. 8654  
LICENSE EXPIRES: 12-31-17



Office of the City Manager

ACTION CALENDAR

January 24, 2017

*(Continued from December 13, 2016)*

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Carol Johnson, Director, Planning and Development

Subject: Referral Response: Planning Commission Response to Council Referral to Allow Medical Office Use in the Mixed Use-Light Industrial District

RECOMMENDATION

1. Affirm the Planning Commission's recommendation to not allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI) by taking no action;
- OR--
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapters 23E.80 and 23F.04 to allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI).

FISCAL IMPACTS OF RECOMMENDATION

The possible future action would have unknown fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral that originally appeared on the agenda of the December 16, 2014 Council meeting and was sponsored by Councilmember Moore. This item has no referral tracking number because the Planning Commission was already in the process of discussing it prior to implementation of the referral ranking system.

On December 16, 2014, the City Council requested that the Planning Commission consider amending the Berkeley Zoning Ordinance Chapter 23E.80, Mixed Use-Light Industrial District Provisions, to allow Medical Office use. The stated intent of the referral was to align permitted uses in the Mixed Use-Light Industrial (MU-LI) District with the West Berkeley Plan, which identifies "Offices – General, medical, and professional" as an appropriate use for the MU-LI District.

The Planning Commission (PC) considered this referral at meetings on July 1, 2015; February 17, 2016; April 20, 2016; and May 18, 2016, with the last as a Public Hearing. This report describes the Planning Commission deliberation regarding the referral, resulting in their recommendation against the change. At the May 18<sup>th</sup> Planning Commission Public Hearing, staff presented draft Zoning Ordinance (ZO) language to: (1) create a new definition for Medical Office Building (MOB), and (2) permit MOB in the MU-LI. These two actions are necessary to fulfill the Council referral.

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Referral Response: Medical Office Use in the Mixed Use-Light Industrial District      ACTION CALENDAR  
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The Planning Commission discussed whether Medical Practitioner Office and Mental Health Practitioners Uses (two Medical Office uses defined in the ZO) are compatible uses for the MU-LI District. They considered amending the MU-LI ZO Chapter to allow Medical Office uses.

The majority of public comments heard at the Planning Commission meetings urged the Planning Commission to recommend against Medical Office use in the MU-LI District. Public concerns include rising rents in West Berkeley due to high cost uses and the potential displacement of light manufacturing businesses.

The Planning Commission acknowledged the need for Medical Office uses, along with acute care centers and other community health support, in the face of announced plans for the closure of the Alta Bates Medical Center in Berkeley. However, the Commission identified the following concerns with the proposal outlined in the Council referral:

- **Possible displacing of the existing light manufacturing and artist/craft businesses clustered in West Berkeley.** Medical Office uses can afford higher leasing rates than manufacturing and warehousing industry uses. The Planning Commission was concerned that allowing Medical Office use in MU-LI District would promote conversion of space, increase rents, and eventually push out existing and new manufacturing and artist/craft businesses clustered in West Berkeley. The average leasing rate for manufacturing and warehousing spaces is around \$10 per square foot per year compared to Medical Office uses, which can support leasing rates of between \$30 and \$50 per square foot.<sup>1</sup>
- **Incompatibility of Medical Office Uses with the West Berkeley Plan.** The Planning Commission questioned the compatibility of medical offices with other MU-LI District uses. In addition, they questioned the validity of the use in the West Berkeley Plan area. The Planning Commission did not agree that a mention of the Medical Office use in the West Berkeley Plan was a sufficient reason to permit MOB's in the District. The MU-LI District goals and purposes are to encourage and protect light manufacturing businesses, which are often less competitive against other businesses that can afford higher lease rate, and require larger building spaces.
- **Unassessed Environmental Impacts.** The Planning Commission questioned viability of using the West Berkeley Plan Environmental Impact Report (EIR) that is more than 20 years old, without separate environmental review of the Medical Office use proposal.

#### BACKGROUND

On July 1, 2015, staff provided the Planning Commission background information regarding Medical Office uses in the MU-LI District. In May 2016, staff presented draft Zoning Ordinance amendments to allow Medical Office Use in the MU-LI and adding a

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<sup>1</sup>Cornish & Carey Commercial, Q1 2014 Quarterly Report; CoStar; City of Berkeley, Office of Economic Development analysis.

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Referral Response: Medical Office Use in the Mixed Use-Light Industrial District      ACTION CALENDAR  
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new definition for MOB (Attachment 1). The proposed changes to the MU-LI District would allow Medical Office uses within a MOB, which would agglomerate Medical Office uses within one building. The draft amendment included:

- **Different size threshold with different discretionary levels of review.** The proposed changes would prohibit Medical Office uses under 10,000 square feet in size, but allow them in spaces larger than 10,000 square feet. This is intended to address both the Planning Commission and the public concerns about potential displacement of light manufacturing space with individual Medical Offices.
- **Parking requirement for Medical Office uses.** The proposed parking standard (1 parking space per 300 square feet of gross floor area) would remain the same as Medical Office parking standards in other Zoning Districts where the use is allowed.
- **Definition for Medical Office Building.** The new term Medical Office Building defines a place (larger than 10,000 square feet) where individual Medical Office uses, currently defined in the Zoning Ordinance, might co-locate.

*Alternative to the Referral:*

Members of the community expressed the need for Medical Office uses and other similar resources in the City. However, they expressed equal concern with those uses being focused on West Berkeley without broader, citywide evaluation. As part of the community discussion, some West Berkeley sites were identified as potential MOB locations.

Some Planning Commissioners pointed out that potential MOB sites exist in the MU-LI District, located adjacent to the West Berkeley Commercial (C-W) District. The Commission further opined that these sites may be feasible for Medical Office uses, since they are directly adjacent to major corridors and commercial land. At least one Commissioner suggested rezoning individual parcels based on criteria such as adjacency to the C-W District might be a better approach to allow medical uses instead of amending the MU-LI District Chapter in total.

*Final Planning Commission Motion:*

The Commission recommended that the MU-LI not be amended to include Medical Office use, or MOB, without further clarification from the Council. The May 18<sup>th</sup> Planning Commission meeting minutes state the motion that was unanimously adopted by the Planning Commission (Attachment 2).

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental sustainability effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City Council directed the Planning Commission consider amending the MU-LI District regulations to allow medical office uses. However, possible displacement of the existing light manufacturing and artist/craft businesses clustered in West Berkeley,

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incompatibility of medical office uses with the West Berkeley, and unassessed environmental impacts were raised during deliberation, even with staff recommendations of having medical office uses only within established MOBs.

ALTERNATIVE ACTIONS CONSIDERED

The Planning Commission held a Public Hearing and considered the proposed changes to the MU-LI district to allow Medical Use, as well as the new definition for Medical Office Building. The draft Zoning Ordinance amendments are provided as Attachment 1.

CONTACT PERSON

Carol Johnson, Director, Planning and Development, 510-981-7401  
Alex Amoroso, Principal Planner, Planning and Development, 510-981-7520

Attachments:

- 1: Ordinance
- 2: Final Meeting Minutes from the Planning Commission meeting on May 18, 2016
- 3: Staff Report from the Planning Commission meeting on May 18, 2016
- 4: Original Referral Report from December 16, 2014

ORDINANCE NO. -N.S.

MU-LI MIXED USE-LIGHT INDUSTRIAL DISTRICT PROVISIONS; AMENDING  
 BERKELEY MUNICIPAL CODE CHAPTERS 23E.80 AND 23F.04

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code, Office Uses subsection of Table 23E.80.030 is amended to read as follows:

Office Uses				
Business Support Services	AUP			AUP up to 3,000 sq. ft. Use cannot exceed 3,000 sq. ft. See definition in Sub-title 23F for permitted uses.
Medical Office Building with Medical Practitioners, including Holistic Health Office and Mental Health Practitioners	AUP; Prohibited if under 10,000	UP(PH)	UP(PH)	See Section 23E.08.060 for Medical Practitioners in Medical Office Buildings; See Section 23E.08.080 for parking requirements
All office uses (other than offices ancillary to a permitted use)	AUP	UP(PH)	UP(PH)	Includes publishing without printing.

Section 2. That Berkeley Municipal Code Section 23E.80.060 is amended to read as follows:

**Section 23E.80.060 Use Limitations**

- A. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.80.030 and the limitations set forth in Section 23E.80.030.D.
- B. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.80.030.
- C. Incidental Retail Sales shall meet the following:

1. Signs for Incidental Retail Sales use shall be of such a size and character as to clearly indicate that the retail use is not the Primary Use of the site;
  2. Retail Sales floor area shall not exceed 10% of total Gross Floor Area; and
  3. No outdoor sales or food service is allowed.
- D. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20 in addition to the requirements of this District.
- E. No manufacturing or wholesale trade use may be established or expanded within 150 feet of a residential use in an R-District or in the MU-R District except as set forth herein:
1. If the use would require a Zoning Certificate in other locations of the MU-LI District, an Administrative Use Permit is required;
  2. If the use would require an Administrative Use Permit in other locations of the MU-LI District, a Use Permit is required.
- F. Pharmaceutical Manufacturing and Commercial Physical or Biological Laboratories using Class 2 Organisms are prohibited within 500 feet of a Residential or Mixed Use-Residential District.
- G. ~~Medical Individual Practitioner Offices would require a Zoning Certificate if the proposed use space is under 10,000 square feet and when located within an established Medical Office Building.~~
- H. For purposes of the Noise Ordinance, Chapter 13.40, the MU-LI District shall be considered an Industry District.
- I. Notwithstanding any other provision of this Ordinance, an existing use may be modified or intensified without a Use Permit if no provision of this chapter requires a Use Permit and if the Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards.

Section 3. That Berkeley Municipal Code Table 23E.80.080 is amended to read as follows:

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
<u>Medical Practitioner Offices</u>	<u>One per 300 sq. ft. of floor area</u>
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

Section 4. That Berkeley Municipal Code Section 23F.04.010 is amended to add the following definition:

**Medical Office Building:** A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



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 Planning Commission Meeting Minutes from May 18, 2016  
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- 30 • 2016-05-06 – Karen Rice, Commissioner, Medical Cannabis Commission, Downs, David.
- 31 "Emeryville and San Leandro to Legalize Medical Marijuana." East Bay Express, 30 Mar.
- 32 2016.
- 33 • 2016-05-06 – Karen Rice, Commissioner, Medical Cannabis Commission, Voynovskaya,
- 34 Nastia. "Will Oakland's Legal Weed Industry Leave People of Color Behind?" East Bay
- 35 Express, 30 Mar. 2016.
- 36 • 2016-05-09 – Karen Rice, Commissioner, Medical Cannabis Commission, "GW
- 37 Pharmaceuticals Receives Orphan Drug Designation from FDA for Cannabidiol for the
- 38 Treatment of Tuberous Sclerosis Complex." The New York Times, 11 May 2016.
- 39 • 2016-05-09 – Karen Rice, Commissioner, Medical Cannabis Commission, Pollack, Andrew.
- 40 "Marijuana-Based Drug Found to Reduce Epileptic Seizures." The New York Times, 14 Mar.
- 41 2016.
- 42 • 2016-05-09 – Karen Rice, Commissioner, Medical Cannabis Commission, Abrams, Rachel.
- 43 "The Rabbis Are Here to Inspect the (Legal) Weed." The New York Times, 06 May 2016.
- 44 • 2016-05-18 – Staff, Planning Commission Projects: Completed and Active, January 2015 to
- 45 May 2016.

46 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 47 • 2016-05-14 – Bianca Blesching, West Berkeley resident, Re: Planning Commission May 18-
- 48 M zone visit/expansion – Item 10
- 49 • 2016-05-16 – Deborah Matthew, Commissioner, Planning Commission, 2013 Health Report
- 50 (Executive Summary) – Item 9

51 **LATE COMMUNICATIONS** (Received and distributed at the meeting):

- 52 • 2016-05-18 – Ed Moore, Lack of Housing Mitigation Fee regarding the 170-unit housing
- 53 development at 1500 San Pablo Ave., approved by ZAB last Thursday
- 54 • 2016-05-18 – Rick Auerbach, WEBAIC, Maps of available sites in MU-LI District – Item 9
- 55 • 2016-05-18 – Rick Auerbach, WEBAIC, Map of MM District
- 56 • 2016-05-18 – Karen Rice, Commissioner, Medical Cannabis Commission, Important Facts –
- 57 Part IV: Medical Cannabis is Going Mainstream: Berkeley Should Ready Itself By Allowing
- 58 Cultivation Beyond the M District – Item 10
- 59 • 2016-05-18 – Gene Poschman, Commissioner, Planning Commission, the Control, Regulate
- 60 and Tax Adult Use of Marijuana Act – Item 10

61 **CHAIR REPORT:** Chair Matthews introduced new Commissioner Robb Kapla. He is a deputy  
 62 City Attorney for the City of San Francisco. He has a background in Environmental Law and  
 63 advocacy with Sierra Club and other groups.

64 **COMMITTEE REPORT:** Commissioner Novosel publicized that there is a very important  
 65 Adeline Corridor Planning Process community workshop on Saturday 5/21 at 10 AM. It will be  
 66 held at the South Berkeley Senior Center.

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Planning Commission Meeting Minutes from May 18, 2016  
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67 Commissioner Bartlett announced that Governor Brown has proposed a Statewide legislation to  
68 allow new market-rate housing development with onsite affordable housing to be approved “as  
69 of right.”

70 **7. APPROVAL OF MINUTES:**

71 Motion/Second/Carried (KC/TZ) to approve the Planning Commission Meeting Minutes from  
72 March 20, 2016 with a minor change. Ayes: Matthews, Bartlett, Chapple, Davis, Novosel,  
73 Poschman, Trevino. Noes: None. Abstain: Kapla. Absent: Davis, Murphy. (6-0-1-2)  
74

75 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

76 **AGENDA ITEMS**

77 **9. Public Hearing:** *ZO Changes to Allow Medical Use in the Mixed Use-Light*  
78 *Manufacturing (MU-LI) District and Add a Definition*

79 Motion/Second/Carried (DM/GP) to reopen the public hearing. Ayes: Matthews, Bartlett, Chapple,  
80 Kapla, Poschman, Trevino. Noes: None. Abstain: None. Absent: Davis, Murphy, Novosel. (6-0-0-  
81 3)

82 Commissioner Novosel recused himself from the Medical Offices consideration due to a conflict  
83 of interest.

84 Assistant Planner Kelly Cha explained that staff re-noticed the public hearing and included a  
85 new definition of Medical Office Building (MOB). Staff report addressed the Commission’s  
86 requests, including modifying MOB definition to align with the existing medical office uses  
87 (Medical Practitioner Office and Mental Health Practitioner); clarifying the intent of the Council  
88 referral; providing parking requirements regulations for the same use in other Districts; and the  
89 2013 City of Berkeley Health Report.

90 Public Speakers: 3

91 Motion/Second/Carried (GP/BB) to close the public hearing. Ayes: Matthews, Bartlett, Chapple,  
92 Kapla, Poschman, Trevino. Noes: None. Abstain: None. Absent: Davis, Murphy, Novosel. (6-0-0-  
93 3)

94  
95 Motion/Second/Carried (GP/KC) to affirm that the Commission considered but could not support  
96 recommendations to forward to the Council because the Council referral was too broad. Ayes:  
97 Matthews, Bartlett, Chapple, Poschman, Trevino. Noes: None. Abstain: Kapla. Absent: Davis,  
98 Murphy, Novosel. (5-0-1-3)

99

100 **10. Discussion/Direction:** *ZO Changes to Allow Cannabis Cultivation Outside M*  
101 *District*

102 Senior Planner Elizabeth Greene introduced this continuation of the discussion to consider  
103 allowing cultivation of medical cannabis beyond M District. Greene explained that limited site  
104 availability in M District led to a Council referral to consider expanding medical cannabis  
105 cultivation to other manufacturing districts. The staff report addresses several requests from the  
106 Commission: Manufacturing Districts' vacancy rates, size of properties in Manufacturing  
107 Districts, clarifications between medical cannabis versus recreational cannabis, the possibility of  
108 overlay districts for medical cannabis, and consistency with General Plan and West Berkeley  
109 Plan. Greene also included how other medical cannabis businesses are considered in other  
110 Manufacturing Districts, and experience of other jurisdictions with medical cannabis cultivation  
111 businesses.

112  
113 The Commission showed some interest in expanding cannabis cultivation to MM District, and in  
114 apportioning the total square footage allowed for cannabis cultivation into different districts. One  
115 Commissioner stated that the MU-LI District should not be considered as one of the expansion  
116 possibilities. The Commission also discussed the possibility of requiring community benefits with  
117 licensing new businesses.

118 Public Speakers: 10

119 **11. Information/Discussion:** *Council Referral regarding increasing the Number of*  
120 *Medical Cannabis Dispensaries from Four to Six*

121 Senior Planner Elizabeth Greene explained that staff is here to introduce the City Council  
122 referral to consider amending Zoning Ordinance to increase the number of allowed Medical  
123 Cannabis Dispensaries from 4 to 6. The public hearing for this item is scheduled for 6/15/16.  
124 The Commission discussed this item briefly. The Commission expressed concerns over medical  
125 cannabis switching to recreational if voters approve the Statewide ballot measure in November  
126 2016.

127 Public Speakers: 9

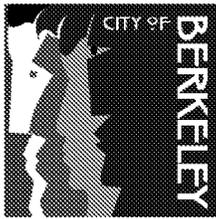
128 **The meeting was adjourned at 9:46 pm**

129 **Commissioners in attendance: 7 of 9**

130 **Members in the public in attendance: 33**

131 **Public Speakers: 23**

132 **Length of the meeting: 2 hours 41 minutes**



Planning and Development Department  
Land Use Planning Division

**STAFF REPORT**

DATE: May 18, 2016  
TO: Members of the Planning Commission  
FROM: Kelly Cha, Assistant Planner  
Alex Amoroso, Principal Planner  
SUBJECT: Public Hearing: Allowing Medical Uses in the MU-LI District

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**Recommendation**

1. Continue a Public Hearing on the draft Zoning Ordinance amendments, allowing Medical Office Use in Chapter 23E.80 (Mixed Use-Light Manufacturing District Provisions), and consider a new definition of Medical Office Building added to Chapter 23F.04 (Definitions).
2. Make a recommendation to the City Council regarding the draft Zoning Ordinance amendments.

**Introduction/Background**

At the Planning Commission meeting on April 20, 2016, the Commission that Staff re-notice the public hearing and include a new definition of Medical Office Building (MOB). Attachment 2 is the revised public hearing notice with a definition of MOB. The Commission asked Staff to provide additional information for their discussion and consideration, which is detailed in the Discussion section of this report.

**Discussion**

The Commission requested additional information, which is responded to by staff in the bullets below.

- Clarify the intent of the referral  
Staff anticipates applications in the near future for MOBs, though none has been submitted to date. The intent of the referral (Attachment 1) is as stated: to align the MU-LI zoning, which prohibits Medical Office Use, with the West Berkeley Plan MU-LI suggested use list, which includes Medical Office Use.
- Provide the 2013 City of Berkeley Health Status Report

Align the West Berkeley Plan and Zoning Ordinance: Medical Uses in the MU-LI

Item 9  
 May 18, 2016

The Commission acknowledged that the medical service discussion is a very important. The City of Berkeley 2013 Health Status Report provides pertinent information about the City, so it is included as Links 1 (Executive Summary) and 2 (Full Report) at the end of this report. However, it does not change the nature or intent of this referral.

- Refine the Definition of Medical Office Building  
 Staff modified the proposed definition of MOB, so it better aligns with other existing related definitions in the Zoning Ordinance (ZO). See the staff recommendation and draft ZO language for clarification.
- Identify Medical Office Parking Requirements for Other Districts  
 The table below compares the proposed parking requirement in this draft ZO amendment with the requirements in other Zoning Districts where Medical Practitioner Office(s) and Mental Health Practitioner(s) are allowed. As shown below, the majority these districts allow these uses with the same parking ratio proposed by staff.

Zoning District	Parking requirement
C-NS	1 per 300 sq. ft. of floor area
C-SA	1 per 300 sq. ft. of floor area
C-T	No off-street parking
C-SO	1 per 300 sq. ft. of floor area
C-W	1 per 300 sq. ft. of floor area
MU-R	1 per 300 sq. ft. of floor area

In addition, MU-LI District has no set minimum parking requirement other than the uses listed in Table 23E.80.080. Instead, the Zoning Officer determines appropriate minimum parking requirement for each use, including other offices uses allowed in MU-LI District.

Staff Recommendation

As shown in Attachment 3, the initial staff recommendation to amend the MU-LI District zoning regulations has not changed: allow Medical Practitioner Office and Mental Health Practitioner uses in the MU-LI. The proposed levels of discretion and threshold size related minimums remain, as does the requirement for public notification/hearing. As proposed, the draft zoning amendments would require that Medical Practitioner Office and Mental Health Practitioner uses be in a space of no less than 10,000 square feet. The expectation is that this will push these uses together in larger floor areas, creating the need for MOB. It consolidates the uses in the MU-LI, rather than allowing them to happen in a more spread out manner. This should reduce potential conflicts with immediately adjacent businesses, which might contain other uses.

Align the West Berkeley Plan and Zoning Ordinance: Medical Uses in the MU-LI

Item 9  
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The definition of MOB is modified to avoid confusion and align it with existing definitions:

**Medical Office Building:** *A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).*

An additional Use Permit would be required if the proposed change of use affects "protected space" as regulated Sections 23E.80.045 and 23E.80.090, which are provided in Attachment 4.

#### Environmental Review

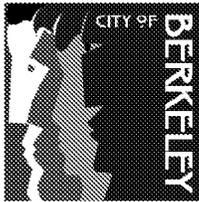
The West Berkeley Plan identifies Medical Offices as a use to be permitted in the Mixed Use Manufacturing District. However, the MU-LI District does not include this use. Since the West Berkeley Plan anticipated Medical Office use in the Plan area, there is no need for additional environmental assessment to modify the MU-LI District Zoning Ordinance language to allow Medical Office uses. New projects will require project-level environmental assessments, as most of the West Berkeley Plan area is designated as Environmental Management Area.

#### **Attachments**

1. Council Referral: West Berkeley Medical Use, December 16, 2014
2. Public Hearing Notice for the Public Hearing on May 18, 2016
3. Proposed Zoning Ordinance Amendments to Chapters 23E.80 and 23F.04
4. Zoning Ordinance Sections 23E.80.045 and 23E.80.090

#### **Additional Information**

1. 2013 Health Report – Executive Summary:  
[http://www.ci.berkeley.ca.us/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Public\\_Health/BerkeleyHealthSummary\\_online\\_FINAL.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/BerkeleyHealthSummary_online_FINAL.pdf)
2. 2013 Health Report – Full Report:  
[http://www.ci.berkeley.ca.us/uploadedFiles/Health\\_Human\\_Services/Level\\_3\\_-\\_Public\\_Health/BerkeleyHealthReport\\_online\\_FINALv2.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/BerkeleyHealthReport_online_FINALv2.pdf)
3. Staff Report from the Planning Commission meeting on April 20, 2016 (Item 9):  
[http://www.ci.berkeley.ca.us/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2016-04-20\\_Item%209\\_Medical%20Use%20in%20West%20Berkeley-Combined\(2\).pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-04-20_Item%209_Medical%20Use%20in%20West%20Berkeley-Combined(2).pdf)
4. Staff Report from the Planning Commission meeting on Feb. 17, 2016 (Item 11):  
[http://www.ci.berkeley.ca.us/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2016-02-17\\_Item11\\_COMBINED\\_West\\_Berk\\_Medical\\_Uses.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-02-17_Item11_COMBINED_West_Berk_Medical_Uses.pdf)
5. Staff Report from the Planning Commission meeting on July 1, 2015 (Item 10):  
[http://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2015-07-01\\_Item%2010\\_West%20Berkeley%20Medical%20Uses-Combined.pdf](http://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-07-01_Item%2010_West%20Berkeley%20Medical%20Uses-Combined.pdf)
6. West Berkeley Plan: <http://www.cityofberkeley.info/ContentDisplay.aspx?id=406>



CITY COUNCIL

**Darryl Moore**  
Councilmember District 2

CONSENT CALENDAR  
December 16, 2014

To: Honorable Mayor and Members of the City Council  
From: Councilmember Darryl Moore, District 2  
Subject: Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses

RECOMMENDATION

Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.

BACKGROUND

When the West Berkeley Plan was adopted in 1993, the zoning code was revised to reflect the goals and policies outlined in the plan. Since the revisions were made to an existing zoning ordinance, all of the goals and policies of the West Berkeley Plan were not necessarily translated appropriately into the revisions to the zoning code. One such omission pertains to medical uses in the Mixed Use/Light Industrial (MULI) zoning districts. The West Berkeley Plan encourages medical and healthcare uses in West Berkeley, including in the MULI zoning districts, but the zoning code explicitly prohibits "Medical Practitioners, including Holistic Health and Mental Health Practitioners" in the MULI.

The City Council should refer the matter to the Planning Commission to develop revision language to the zoning ordinance to reconcile the code with the intent of the West Berkeley Plan to encourage medical and healthcare uses.

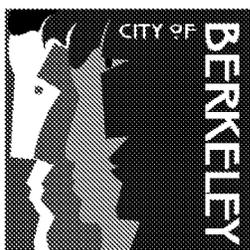
FISCAL IMPACTS OF RECOMMENDATION

Staff time to make the appropriate revisions.

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120





# PLANNING COMMISSION

## NOTICE OF PUBLIC HEARING

### MAY 18, 2016

#### Amendments to the Mixed Use Light Industrial (MU-LI) District, Chapter 23E.80, to Allow Medical Uses; and to the Definitions, Chapter 23F.04, to add a new definition for Medical Office Building

The Planning Commission, of the City of Berkeley, will hold a Public Hearing on the above matter, on **Wednesday, May 18, 2016**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley, California (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** Amend Chapter 23E.80, Mixed Use Light Industrial (MU-LI) District, to allow Medical Uses in the district, as well as Chapter 23F.04, Definitions, to add a new definition for Medical Office Building. See Attached draft Zoning Ordinance language for specific details.

**LOCATION:** Mixed Use Light Industrial (MU-LI) District

**ENVIRONMENTAL REVIEW STATUS:** As indicated in the West Berkeley Plan, Medical Uses are identified as a use considered when the Plan was adopted. The proposed amendment to the MU-LI District will permit Medical Uses, already considered by the West Berkeley Plan, so no additional environmental review is required to allow the use. The zoning amendment will align the Zoning Ordinance with the West Berkeley Plan. Individual Medical Use projects will require project-level environmental assessments.

#### **PUBLIC COMMENT & FURTHER INFORMATION**

Comments may be made verbally at the Public Hearing, and in writing before the hearing. Those wishing to speak at the hearing must submit a speaker card. Written comments or questions concerning this project should be directed to:

Alex Amoroso	E-mail: <a href="mailto:aamoroso@CityofBerkeley.info">aamoroso@CityofBerkeley.info</a>
Planning Commission Secretary	Telephone: (510) 981-7520
City of Berkeley	
Land Use Planning Division	
2120 Milvia Street, 2 <sup>nd</sup> Floor	
Berkeley, CA 94704	

To assure distribution to Commission members prior to the meeting, ***correspondence must be received by 12:00 noon, seven (7) days before the meeting.*** For items with more than ten (10) pages, fifteen (15) copies must be submitted to the Secretary by this deadline. For any item submitted less than seven (7) days before the meeting, fifteen (15) copies must be submitted to the Secretary prior to the meeting date.

**COMMUNICATION ACCESS**

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: [www.ci.berkeley.ca.us](http://www.ci.berkeley.ca.us).

**FURTHER INFORMATION**

Questions should be directed to Alex Amoroso, at 981-7520, or [aamoroso@CityofBerkeley.info](mailto:aamoroso@CityofBerkeley.info).

**Chapter 23E.80**

**MU-LI Mixed Use-Light Industrial District Provisions**

**Sections Affected:**

- 23E.80.030 Uses Permitted
- 23E.80.060 Use Limitations
- 23E.80.080 Off-Street Parking and Loading Requirements

**Section 23E.80.030 Uses Permitted**

A. The following table sets forth the Permit required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP) or a Use Permit approved after public hearing (UP(PH)), or is Prohibited.

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
<b>Office Uses</b>				
Business Support Services	AUP			AUP up to 3,000 sq. ft. Use cannot exceed 3,000 sq. ft. See definition in Subtitle 23F for permitted uses.
Medical Practitioner Office and Mental Health Practitioner	AUP; Prohibited if under 10,000	UP(PH)	UP(PH)	See Section 23E.80.060 for Medical Practitioners in Medical Office

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
				Buildings: See Section 23E.80.080 for parking requirements
All office uses (other than offices ancillary to a permitted use)	AUP	UP(PH)	UP(PH)	Includes publishing without printing.
<b>Legend:</b>				
ZC -- Zoning Certificate		UP(PH) -- Use Permit, public hearing required		
AUP -- Administrative Use Permit		Prohibited -- Use not permitted		

- B. Any use not listed that is compatible with the purposes of the MU-LI District shall be permitted subject to securing an Administrative Use Permit. Any use that is not compatible with the purposes of the MU-LI District shall be prohibited.
- C. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading under Table 23E.80.030, except for storage, wholesale, and specified manufacturing, uses that are allowed with a Zoning Certificate.
- D. The initial establishment or change of use of floor area of an existing non-residential building, or portion of building, shall be subject to the permit requirements as listed in the legend of Table 23E.80.030.
- E. Live/Work uses may only be established pursuant to the findings set forth in Section 23E.80.090.G and shall meet the following requirements:
  - 1. The specific activity a live/work resident will engage in must be stated;
  - 2. At least one occupant must be engaged in an art or craft listed in the definition of Art/Craft Studio in Sub-title 23F or which requires space not typically available in a conventional residential setting;
  - 3. The total floor area of a Live/Work Unit shall be at least 1,000 square feet.
- F. An Outdoor Recreation Sub-zone may be designated by the Council, upon recommendation of the Commission. In an Outdoor Recreation Sub-zone, parks and outdoor recreational uses may be permitted, subject to obtaining a Use Permit.

1. Properties designated as an Outdoor Recreation Sub-zone shall include all of the following:
  - a. Be designated specifically for outdoor recreational use in the West Berkeley Plan;
  - b. Be owned or under acquisition by a public agency which is subject to this Ordinance;
  - c. Be at least five contiguous acres in area;
  - d. Not be primarily used for a conforming use as designated in the West Berkeley Plan; and
  - e. Be at least 1,000 feet from any other Outdoor Recreation Sub-zone.
2. The initial designation of an Outdoor Recreation Sub-zone shall expire five years from the designation date. In order to permit outdoor recreational uses after that date, the Council must renew the Outdoor Recreation Sub-zone designation. (Ord. 7358-NS §§ 3, 4, 2014; Ord. 7323-NS § 7, 2014; Ord. 7205-NS § 6, 2011; Ord. 7194-NS § 6, 2011; Ord. 7167-NS § 14, 2011; Ord. 7155-NS § 20, 2010; Ord. 7125-NS § 1, 2009; Ord. 6923-NS § 1 (part), 2006; Ord. 6738-NS § 1 (part), 2003; Ord. 6688-NS § 1, 2002; Ord. 6671-NS § 7, 2001; Ord. 6644-NS § 3, 2001; Ord. 6509-NS § 2 (part), 1999; Ord. 6478-NS § 4 (part), 1999)

#### **Section 23E.80.060 Use Limitations**

- A. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.80.030 and the limitations set forth in Section 23E.80.030.D.
- B. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.80.030.
- C. Incidental Retail Sales shall meet the following:
  1. Signs for Incidental Retail Sales use shall be of such a size and character as to clearly indicate that the retail use is not the Primary Use of the site;
  2. Retail Sales floor area shall not exceed 10% of total Gross Floor Area; and
  3. No outdoor sales or food service is allowed.
- D. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20 in addition to the requirements of this District.
- E. No manufacturing or wholesale trade use may be established or expanded within 150 feet of a residential use in an R-District or in the MU-R District except as set forth herein:
  1. If the use would require a Zoning Certificate in other locations of the MU-LI District, an Administrative Use Permit is required;
  2. If the use would require an Administrative Use Permit in other locations of the MU-LI District, a Use Permit is required.
- F. Pharmaceutical Manufacturing and Commercial Physical or Biological Laboratories using Class 2 Organisms are prohibited within 500 feet of a Residential or Mixed Use-Residential District.

G. Medical Practitioners Offices would require a Zoning Certificate if the proposed use space is under 10,000 square feet and located within an established Medical Office Building.

- H. For purposes of the Noise Ordinance, Chapter 13.40, the MU-LI District shall be considered an Industry District.
- I. Notwithstanding any other provision of this Ordinance, an existing use may be modified or intensified without a Use Permit if no provision of this chapter requires a Use Permit and if the Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards. (Ord. 7358-NS § 6, 2014; Ord. 7167-NS § 16, 2011; Ord. 6688-NS § 2 (part), 2002; Ord. 6478-NS § 4 (part), 1999)

**Section 23E.80.080 Off-Street Parking and Loading Requirements**

- A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
<u>Medical Practitioner Office and Mental Health Practitioner</u>	<u>One per 300 sq. ft. of floor area</u>
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

- B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other

uses.

- C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section 23E.28.070.
- D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section 23E.28.030 are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.
- E. Subject to the finding in Section 23E.80.090.H, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.
- F. Notwithstanding the requirements of Section 23E.28.080 (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
- G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter 23E.32. All uses which have one or more loading spaces shall retain at least one such space.
- H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter 23E.32. (Ord. 6856-NS § 23 (part), 2005; Ord. 6478-NS § 4 (part), 1999)

**Chapter 23F.04**

**DEFINITIONS**

**Sections:**

**23F.04.010 Definitions**

**Section 23F.04.010 Definitions**

For the purposes of this chapter certain terms used herein are defined as follows:

Medical Office Building: A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).

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Chapter 23E.80

MU-LI Mixed Use-Light Industrial District Provisions

Sections Affected:

- 23E.80.030 Uses Permitted
- 23E.80.060 Use Limitations
- 23E.80.080 Off-Street Parking and Loading Requirements

Section 23E.80.030 Uses Permitted

A. The following table sets forth the Permit required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP) or a Use Permit approved after public hearing (UP(PH)), or is Prohibited.

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
<b>Office Uses</b>				
Business Support Services	AUP			AUP up to 3,000 sq. ft. Use cannot exceed 3,000 sq. ft. See definition in Subtitle 23F for permitted uses.
<u>Medical Practitioner Office and Mental Health Practitioner</u>	<u>AUP Prohibited if under 10,000</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	<u>See Section 23E.80.060 for Medical Practitioners in Medical Office Buildings; See Section 23E.80.080 for parking requirements</u>

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Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
All office uses (other than offices ancillary to a permitted use)	AUP	UP(PH)	UP(PH)	Includes publishing without printing.
<b>Legend:</b>				
ZC -- Zoning Certificate		UP(PH) -- Use Permit, public hearing required		
AUP -- Administrative Use Permit		Prohibited -- Use not permitted		

- B. Any use not listed that is compatible with the purposes of the MU-LI District shall be permitted subject to securing an Administrative Use Permit. Any use that is not compatible with the purposes of the MU-LI District shall be prohibited.
- C. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading under Table 23E.80.030, except for storage, wholesale, and specified manufacturing, uses that are allowed with a Zoning Certificate.
- D. The initial establishment or change of use of floor area of an existing non-residential building, or portion of building, shall be subject to the permit requirements as listed in the legend of Table 23E.80.030.
- E. Live/Work uses may only be established pursuant to the findings set forth in Section 23E.80.090.G and shall meet the following requirements:
  - 1. The specific activity a live/work resident will engage in must be stated;
  - 2. At least one occupant must be engaged in an art or craft listed in the definition of Art/Craft Studio in Sub-title 23F or which requires space not typically available in a conventional residential setting;
  - 3. The total floor area of a Live/Work Unit shall be at least 1,000 square feet.
- F. An Outdoor Recreation Sub-zone may be designated by the Council, upon recommendation of the Commission. In an Outdoor Recreation Sub-zone, parks and outdoor recreational uses may be permitted, subject to obtaining a Use Permit.
  - 1. Properties designated as an Outdoor Recreation Sub-zone shall include all of the following:

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- a. Be designated specifically for outdoor recreational use in the West Berkeley Plan;
  - b. Be owned or under acquisition by a public agency which is subject to this Ordinance;
  - c. Be at least five contiguous acres in area;
  - d. Not be primarily used for a conforming use as designated in the West Berkeley Plan; and
  - e. Be at least 1,000 feet from any other Outdoor Recreation Sub-zone.
2. The initial designation of an Outdoor Recreation Sub-zone shall expire five years from the designation date. In order to permit outdoor recreational uses after that date, the Council must renew the Outdoor Recreation Sub-zone designation. (Ord. 7358-NS §§ 3, 4, 2014; Ord. 7323-NS § 7, 2014; Ord. 7205-NS § 6, 2011; Ord. 7194-NS § 6, 2011; Ord. 7167-NS § 14, 2011; Ord. 7155-NS § 20, 2010; Ord. 7125-NS § 1, 2009; Ord. 6923-NS § 1 (part), 2006; Ord. 6738-NS § 1 (part), 2003; Ord. 6688-NS § 1, 2002; Ord. 6671-NS § 7, 2001; Ord. 6644-NS § 3, 2001; Ord. 6509-NS § 2 (part), 1999; Ord. 6478-NS § 4 (part), 1999)

**Section 23E.80.060 Use Limitations**

- A. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.80.030 and the limitations set forth in Section 23E.80.030.D.
- B. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.80.030.
- C. Incidental Retail Sales shall meet the following:
  1. Signs for Incidental Retail Sales use shall be of such a size and character as to clearly indicate that the retail use is not the Primary Use of the site;
  2. Retail Sales floor area shall not exceed 10% of total Gross Floor Area; and
  3. No outdoor sales or food service is allowed.
- D. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20 in addition to the requirements of this District.
- E. No manufacturing or wholesale trade use may be established or expanded within 150 feet of a residential use in an R-District or in the MU-R District except as set forth herein:
  1. If the use would require a Zoning Certificate in other locations of the MU-LI District, an Administrative Use Permit is required;

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2. If the use would require an Administrative Use Permit in other locations of the MU-LI District, a Use Permit is required.

F. Pharmaceutical Manufacturing and Commercial Physical or Biological Laboratories using Class 2 Organisms are prohibited within 500 feet of a Residential or Mixed Use-Residential District.

G. Medical Practitioners Offices would require a Zoning Certificate if the proposed use space is under 10,000 square feet and located within an established Medical Office Building.

GH. For purposes of the Noise Ordinance, Chapter 13.40, the MU-LI District shall be considered an Industry District.

HI. Notwithstanding any other provision of this Ordinance, an existing use may be modified or intensified without a Use Permit if no provision of this chapter requires a Use Permit and if the Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards. (Ord. 7358-NS § 6, 2014; Ord. 7167-NS § 16, 2011; Ord. 6688-NS § 2 (part), 2002; Ord. 6478-NS § 4 (part), 1999)

**Section 23E.80.080 Off-Street Parking and Loading Requirements**

A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
<u>Medical Practitioner Office and Mental Health Practitioner</u>	<u>One per 300 sq. ft. of floor area</u>

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Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

- B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other uses.
- C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section 23E.28.070.
- D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section 23E.28.030 are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.
- E. Subject to the finding in Section 23E.80.090.H, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.
- F. Notwithstanding the requirements of Section 23E.28.080 (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
- G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter 23E.32. All uses which have one or more loading spaces shall retain at least one such space.
- H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter 23E.32. (Ord. 6856-NS § 23 (part), 2005; Ord. 6478-NS § 4 (part), 1999)

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Chapter 23F.04

DEFINITIONS

Sections:

23F.04.010 Definitions

Section 23F.04.010 Definitions

For the purposes of this chapter certain terms used herein are defined as follows:

Medical Office Building: A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).

**23E.80.045 Special Provisions: Changes of Use/Removal of Floor Area Used for Material Recovery Enterprise, Manufacturing, Wholesale Trade or Warehousing**

A. Notwithstanding the provisions of Section 23E.80.030, no floor area in a building in which at least 33% of the floor area is used for any aspect of a Material Recovery Enterprise, manufacturing, warehousing or wholesale trade may be changed to uses other than Material Recovery Enterprise manufacturing, warehousing or wholesale trade without a Use Permit, except as otherwise provided in this Section.

1. The following uses may be established within protected Manufacturing, Material Recovery Enterprise, Wholesale Trade and/or Warehousing space, subject to the permit levels in Section 23E.80.030: Warehouse-based Non-store Retail, Art/Craft Studio, and Contractor use. The issuance of a Use Permit for Warehouse-based Non-store Retail, Art/Craft Studio, and Contractor uses under this subdivision shall not result in the removal or elimination of any protections for the prior use in Section 23E.80.045.

2. For the period of August 1, 2011, through July 31, 2016, space established prior to January 1, 2010, as protected, Warehouse and Wholesale Trade use may be changed to Research and Development (R&D) use as set forth below; provided, that issuance of a permit for R&D use under this subdivision shall not result in the removal or elimination of any protection for the prior use established through this subdivision and such protections shall remain if the R&D use ceases. As of August 1, 2016, there shall be no numerical limit on the number of gross square feet of protected Warehouse and Wholesale space that may be converted to R&D use within the MM (BMC 23E.76) and MU-LI (BMC 23E.80) zoning districts.

- i. A combined total of 270,000 gross square feet of protected Warehouse and Wholesale space may be converted to R&D use within the MM (BMC 23E.76) and MU-LI (BMC 23E.80) zoning districts.
- ii. No more than 150,000 gross square feet of this space may have been occupied on or after August 1, 2011, whether or not the use was legally established.
- iii. The Zoning Officer may approve an Administrative Use Permit for a change of use of up to 20,000 gross square feet from protected Warehouse and/or Wholesale Trade to Research and Development (R&D).
- iv. The Board may approve a Use Permit for a change of use over 20,000 gross square feet of protected Warehouse and/or Wholesale Trade to Research and Development (R&D).
- v. Planning staff will report to the City Council once a cumulative total of 50,000 square feet in the MM and MU-LI districts of protected Warehousing and/or Wholesale Trade have been converted to Research and Development Use (or at the end of one year, whichever occurs first), with additional reports to be provided in the same increments thereafter. The reports are to include the gross square footage of building space converted and the number and type of jobs

expected to be created. No later than April 15, 2016, the City Manager shall provide a cumulative report to the City Council and schedule an action item for the Council's consideration so that it can provide direction as to what, if any, modifications it wishes to make to this Section.

B. Except as provided herein and in Paragraphs D and F of this section, no more than 25% of the space used for Material Recovery Enterprise, manufacturing, warehousing or wholesale trade in a building shall be removed and/or changed to another use, except as authorized by a Use Permit. No Use Permit under this subdivision may be issued absent the appropriate finding under Section 23E.80.090.D.

C. The Zoning Officer may issue an Administrative Use Permit to change the use of less than 20,000 square feet of floor area used for Material Recovery Enterprise, manufacturing, warehousing, or wholesale trade as long as the area converted is less than 25% of the space used for those purposes.

D. On a property consisting of a lot (or group of abutting and confronting lots) under one ownership containing more than one building, more than 25% of the use of a particular building or portion of building may be changed from Material Recovery Enterprise, manufacturing, warehousing, or wholesale, provided that for the property as a whole no more than a cumulative total of 25% of the floor area used for Material Recovery Enterprise, manufacturing, wholesale trade or warehousing is changed to another use.

E. As used in this Section, space used for manufacturing, warehousing or wholesale trade means space which is being used, or was previously used for the manufacture, assembly, processing, repair, testing (including prototype manufacturing), storage, display (other than in retail stores) or distribution of goods, unless the manufacturing, wholesale trade, or warehousing use is or was demonstrably ancillary to another use. For purposes of this section, use of the space shall be the use as of January 1, 1996 (or if vacant on that date, the most recent previous use).

F. Pursuant to the amendment to the West Berkeley Plan concerning 2929 Seventh Street, also known as the Langendorf Building, space used or last previously used for manufacturing, warehousing or wholesale trade in that building may be changed to other permitted uses provided that not less than 30,000 square feet of floor area is maintained for manufacturing, warehousing or wholesale trade uses. Retail Sales, Office Uses and Food and Alcohol Service Uses otherwise prohibited in this District, but permitted in the C-W District, may be permitted at this property, with a Use Permit, provided that the total floor area of such uses on the property in both this District and the C-W District does not exceed 10,000 square feet.

G. The limitations of this section on changes of use shall be cumulative. (Ord. 7358-NS § 5, 2014; Ord. 7194-NS § 7, 2011; Ord. 7167-NS § 15, 2011; Ord. 7125-NS § 5, 2009; Ord. 6509-NS § 3 (part), 1999; Ord. 6478-NS § 4 (part), 1999)

#### **23E.80.090 Findings**

A. In order to approve any Use Permit under this chapter the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the

following paragraphs of this section to the extent applicable:

B. A proposed use or structure must:

1. Be consistent with the purposes of the District;
2. Be compatible with the surrounding uses and buildings;
3. Be consistent with the adopted West Berkeley Plan;
4. Be unlikely, under reasonably foreseeable circumstances, to either induce a substantial change of use in buildings in the District from manufacturing, wholesale trade or warehousing uses;
5. Be designed in such a manner to be supportive of the light industrial character of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows and signs; and all other externally visible aspects of the design of the building and site. If the building and/or site is split between the MU-LI District and the West Berkeley Commercial District that there are clear and appropriate distinctions in all design aspects between the portions of the building and site within the MU-LI District and the portions within the West Berkeley Commercial District;
6. Be able to meet any applicable performance standards as described in Section 23E.80.070.D.

C. In order to approve a Use Permit under Section 23E.80.040, the Zoning Officer or Board must find that the space formerly occupied by the protected use has been replaced with a comparable space in the West Berkeley Plan area, which is reserved for use by any protected use in the same category:

1. For purposes of this section, such replacement space shall not qualify for exemption under Section 23E.80.040.I or by reason of having been established after July 6, 1989;
2. In considering whether a project will be detrimental, consideration shall be limited to the potential detriment associated with the new use and dislocation of any specific previous occupant or use shall not be a basis for finding detriment.

D. Except as permitted under ~~23E.80.045~~, subdivisions A.1 or A.2, in order to approve a Use Permit under Section ~~23E.80.045~~ to change the use of or remove more than 25% of the floor area of a building currently or most recently used for manufacturing, wholesale trade or warehousing, the Zoning Officer or Board must find:

1. Any necessary Use Permits that have been approved to provide comparable quality replacement manufacturing, wholesale trade and/or warehousing space in Berkeley at a comparable rent and that such replacement space will be available before the demolition or change of use of the space; or
2. As a result of lawful business and building activities, there are exceptional physical circumstances

(exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the District which make it financially infeasible to reuse the building for any of the range of manufacturing, wholesale trade or warehouse uses permitted in the District. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings; and

3. Appropriate mitigation has been made for loss of the manufacturing, warehousing or wholesale trade space in excess of 25% of that space through providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

E. In order to approve a Use Permit for division of space under Section 23E.80.050.D, the Zoning Officer or Board must find that the conversion would not create or contribute to a shortage of industrial spaces in West Berkeley for spaces of the size being converted and either:

1. The conversion can be reasonably expected to better serve the purposes of the District than leaving the space intact; or
2. The conversion would create spaces which could cross-subsidize larger industrial spaces.

F. In order to approve a Permit to establish or expand a Food Service Establishment, the Zoning Officer or Board must find that the establishment of the food service use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area. In order to approve an Administrative Use Permit for a Food Service Establishment less than 5,000 square feet under Section 23E.80.030, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.

G. In order to approve a Use Permit to establish or modify a Live/Work Unit, the Zoning Officer or Board must make the findings required in Chapter 23E.20, as well as the following:

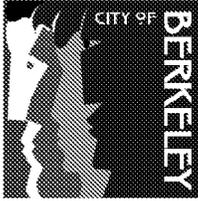
1. The applicants have made adequate provisions to insure that within the Live/Work Units, occupants of the Live/Work Units will only engage in the occupations listed in the definitions of Art/Craft Studios; and
2. Development of such Live/Work Units is not incompatible with adjacent and nearby industrial uses; and
3. The applicants have made adequate provisions to insure that occupant of each unit of the Live/Work space will be notified in writing that the unit is in the MU-LI District and that light manufacturing is the primary activity in the District, including a requirement that each occupant indicates that he or she has read and understood this information by means of a rider to a lease or a covenant to a deed, as appropriate.

H. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking under Section

23E.80.080.E, the Zoning Officer or Board must find that the substitution will not lead to an undue shortage of automobile parking spaces and that it can be reasonably expected that there will be demand for the bicycle and/or motorcycle parking spaces.

I. In order to approve a Permit for the establishment or expansion of a child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings:

1. Development of the school, child care center, large family day care or recreational facility to be used by children is not, in the particular circumstances of the project, incompatible with adjacent and nearby uses, including industrial uses;
2. An appropriate risk analysis or risk assessment, as defined by the City, has been made and has shown that there is not significant risk to children in the use from other activities near the site;
3. The applicants have made adequate provisions to ensure that all parents of students or children in the school, child care center, large family day care or recreational facility to be used by children will be notified in writing (on a form approved by the City) that the school is in the West Berkeley Plan MU-LI District, and that light manufacturing is a permitted activity in the District and that Primary Production Manufacturing or Construction Products Manufacturing may be permitted uses in adjacent districts, including a requirement that each parent will indicate that they have read and understood this information by means of a written statement returned to the school or child care center and available for review. (Ord. 7194-NS § 8, 2011; Ord. 7167-NS §§ 20 – 22, 2011; Ord. 6478-NS § 4 (part), 1999)



CITY COUNCIL

**Darryl Moore**  
Councilmember District 2

CONSENT CALENDAR  
December 16, 2014

To: Honorable Mayor and Members of the City Council  
From: Councilmember Darryl Moore, District 2  
Subject: Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses

RECOMMENDATION

Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan’s goals of encouraging medical uses in West Berkeley.

BACKGROUND

When the West Berkeley Plan was adopted in 1993, the zoning code was revised to reflect the goals and policies outlined in the plan. Since the revisions were made to an existing zoning ordinance, all of the goals and policies of the West Berkeley Plan were not necessarily translated appropriately into the revisions to the zoning code. One such omission pertains to medical uses in the Mixed Use/Light Industrial (MULI) zoning districts. The West Berkeley Plan encourages medical and healthcare uses in West Berkeley, including in the MULI zoning districts, but the zoning code explicitly prohibits “Medical Practitioners, including Holistic Health and Mental Health Practitioners” in the MULI.

The City Council should refer the matter to the Planning Commission to develop revision language to the zoning ordinance to reconcile the code with the intent of the West Berkeley Plan to encourage medical and healthcare uses.

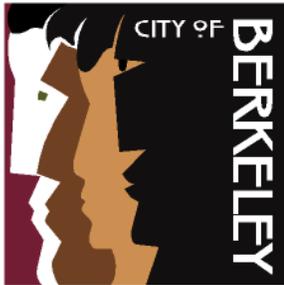
FISCAL IMPACTS OF RECOMMENDATION

Staff time to make the appropriate revisions.

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120





# PLANNING COMMISSION

## Notice of Public Hearing

---

February 7, 2018

**Amendments to the City of Berkeley Zoning Map and General Plan Map:  
parcels located at 1050 Parker Street and 2621 Tenth Street,  
Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Sections 23A.20.030 and 22.04.020, on **Wednesday, February 7, 2018**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** The City Council proposes a rezoning and general plan amendment for two parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 and shown on the attached map.

The subject parcels are part of a 1.6-acre site that is proposed to be combined for the development known as 1050 Parker Street, which was approved by the Zoning Adjustments Board on December 14, 2017, pursuant to Use Permit ZP#2016-0170. The approved development would be a single three-story building that would provide about 20,000 square feet of new floor area in the C-W zoned area and about 40,000 square feet in the MU-LI zoned area.

The proposed rezoning would change the parcels from the Mixed Use Light Industrial (MU-LI) District Chapter 23E.80 to the West Berkeley Commercial (C-W) District Chapter 23E.64. The proposed General Plan amendment would change the parcels from Manufacturing Mixed Use to Avenue Commercial. Rezoning and re-designating the parcel would allow for the entire 1050 Parker Street project to be used for Medical Office Use. Medical Office Use is allowed in the C-W, but prohibited in the MU-LI.

**LOCATION:** The two parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

**ENVIRONMENTAL REVIEW STATUS:** The proposed rezone and re-designation of the noted parcel would allow for Medical Office use throughout the project site. This use is evaluated in the 1050 Parker Street project Environmental Impact Report (EIR). Mitigations for the 1050 Parker Street project are identified that will bring any impacts to a level of insignificance, therefore the potential impacts of proposed rezone and re-designation can also be considered mitigated.

**PUBLIC COMMENT & FURTHER INFORMATION:** Comments may be made verbally at the Public Hearing and in writing before the hearing. Written comments or questions concerning this project should be directed to:

Alex Amoroso  
Planning Commission Secretary  
City of Berkeley, Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
E-mail: [aamoroso@cityofberkeley.info](mailto:aamoroso@cityofberkeley.info)  
Phone: 510/981-7520

To assure distribution to Commission members prior to the meeting, ***correspondence must be received by 12:00 noon, seven (7) days before the meeting.*** For items with more than ten (10) pages, fifteen (15) copies must be submitted to the Secretary by this deadline. For any item submitted less than seven (7) days before the meeting, fifteen (15) copies must be submitted to the Secretary prior to the meeting date.

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Ella Callow- Disability Services Specialist  
Email: [ecallow@cityofberkeley.info](mailto:ecallow@cityofberkeley.info)  
Phone: 510/981-6418  
TTY: 510/981-6347



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

AMEND THE BERKELEY GENERAL PLAN TO RE-DESIGNATE AND REZONE PARCELS WITH ASSESSOR PARCEL NUMBERS (APN) 054-1763-001-03 and 054-1763-010-00 FROM LIGHT INDUSTRIAL TO AVENUE COMMERCIAL GENERAL PLAN DESIGNATIONS AND FROM MIXED USE LIGHT INDUSTRIAL (MU-LI) TO WEST BERKELEY COMMERCIAL (C-W) ZONING DISTRICT

WHEREAS, the City Council of the City of Berkeley has the authority to approve zoning ordinance amendments and re-designate parcels from one General Plan land use designation to another in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the zoning amendment and General Plan re-designation of the noted parcels was prepared based on a request from a property owner that wishes to modify and unify the allowable uses within a building that has been approved to be built across General Plan and zoning district boundaries; and

WHEREAS, the Planning Commission held a duly noticed public hearing and took public testimony on February 7, 2018, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and

WHEREAS, on February 7, 2018, the Planning Commission voted to recommend that the City Council adopt a General Plan re-designation and rezone of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00; and

WHEREAS, on ##/##/##, the City Council held a duly noticed public hearing to consider the General Plan re-designation and rezone of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00; and

WHEREAS, the amendment is consistent with the General Plan and West Berkeley Plan (WBP) by increasing land available for employment and community services in the Office/Medical business sectors, and increasing development potential along the San Pablo Avenue corridor where the medical office use would be appropriate. The General Plan also supports economic development and a diversity of jobs along and adjacent to commercial corridors; and

WHEREAS, the amendment serves the public interest through a diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation; and

WHEREAS, the amendment would support the public health, safety and welfare of the City by bringing a potential new mix of uses to the parcels, including healthcare services and job providers; and

WHEREAS, the potential impacts of the proposed development of the "1050 Parker Street" property have been evaluated and reduced to a level of "less than significant" as determined by the Zoning Adjustments Board (ZAB) through its adoption of the Initial

Study-Mitigated Negative Declaration (IS-MND) and conditions of approval for Use Permit #ZP2016-0170. The CEQA evaluation assessed and proposed sufficient mitigation measures to address use of the entirety of the site for Medical Practitioners Use as a worst-case scenario for impacts such as traffic and greenhouse gas emissions. Conditions and mitigation measures were adopted and a Notice of Determination was filed on ###/###/###; and

WHEREAS, the zoning amendment serves the public interest through increasing the number and diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation; and

WHEREAS, the purpose of the rezone is to allow for Medical Practitioners to occupy the entire development at "1050 Parker Street." The immediately adjacent C-W District allows for Medical Practitioners and this rezone would allow for that compatible use to extend across the entire site and building, on the parcels in question; and

WHEREAS, the adjacent MU-LI District allows for medical-related uses including laboratories. The C-W District allows for Medical Practitioners, who might use the services of the adjacent laboratory uses. The proposed rezone adjusts the boundary to allow these adjacent uses to occupy these parcels; and

WHEREAS, there will be no detrimental impacts to the public health, safety or welfare, as the property is currently vacant with a planned development which has been reviewed and approved by the ZAB. That approval includes mitigations for any known potential environmental impacts as described above; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the General Plan is hereby amended, as shown in Exhibit A, and the zoning map is amended as shown in Exhibit B.

Attachments:

EXHIBIT A: Map of General Plan amendment of two parcels from Light Industrial to Avenue Commercial, Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

EXHIBIT B: Map of zoning district amendment from Mixed Use – Light Industrial (MU-LI) to West Berkeley Commercial (C-W), Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

ASSESSOR'S MAP 54

Code Area No. 13-000

Map showing subdivisions of the Lands of  
Hepsibeth D. Nettie C. and Rebecca Carleton. <BK. 9 Pg. 60>

MAP OF  
Byron Jackson Iron Works' Residence  
Amended Map of Residence BYRON JACKSON IRON  
Lots & Factory Sites. WORKS PROPERTY.  
<BK. 22 Pg. 79> <BK. 24 Pg. 84>

1780 Scale: 1" = 40'

Map showing subdivisions of the Lands of  
T. and E. Hardwick. <BK. 6 Pg. 17>

1763

1779

1784

Parker St

7-16-58 E.L.  
9-20-07 ZC

St

1764

LOT. 21  
T. & E. HARDWICK  
R. CARLETON

R. CARLETON  
B. J. I. W.  
(P)

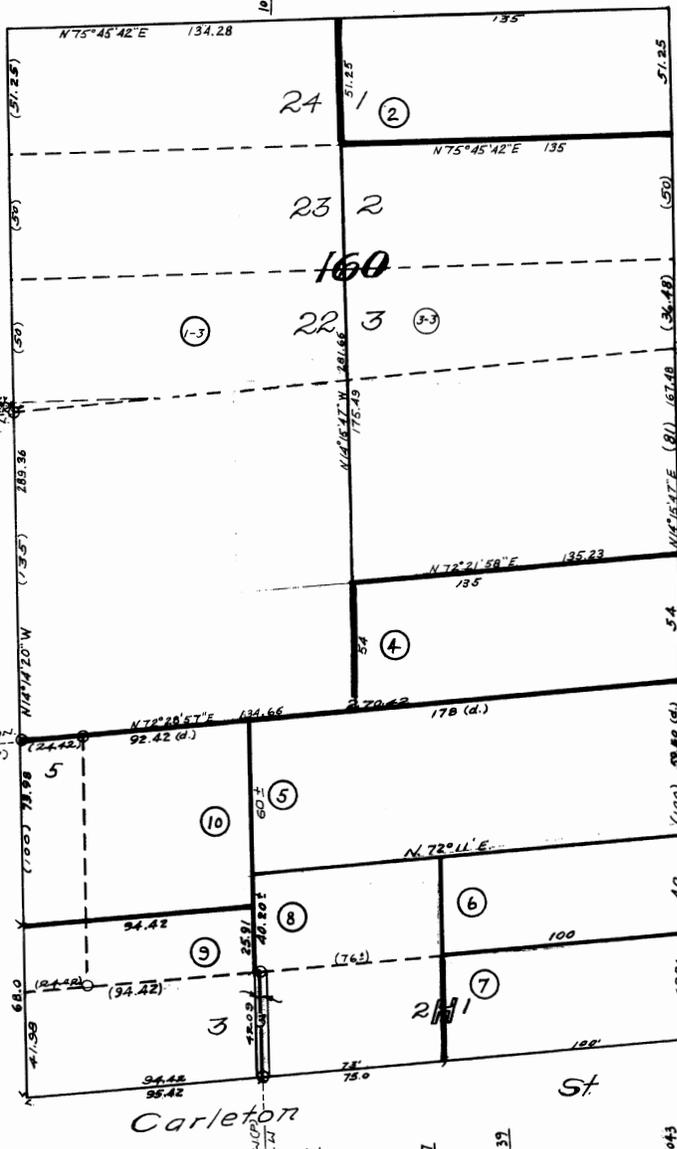
2621  
2627

2621

2630  
2632  
2634

1745

1744



Avenue

San Pablo

1785

Carleton St.

1786

2600

2608

2612

2618

2622

2626

2630

2632

2634





Kaiser Permanente Medical Center  
901 Nevin Avenue  
Richmond, California 94801-3195  
Phone: (510) 307-1500

Jeff Collins  
Senior Vice President and Area Manager

Judith J. Park  
Physician-in-Chief

David P. Leighton  
Chief Operating Officer

March 20, 2018

By Electronic Mail: [aamoroso@cityofberkeley.info](mailto:aamoroso@cityofberkeley.info)

Mr. Alex Amoroso  
Secretary  
City of Berkeley  
Planning Commission  
Land Use Planning Division  
1947 Center Street  
Berkeley, CA 94704

**RE: 1050 Parker Street / 2621 Tenth Street, Berkeley**

Dear Mr. Amoroso:

Kaiser Permanente is interested in establishing a medical office building in Berkeley that will employ over 200 people and bring services closer to our many members who live in the city.

The new building that is being planned by Wareham Development at the vacant site at 1050 Parker Street / 2621 Tenth Street meets Kaiser Permanente's location requirements. The site's location on San Pablo Avenue, with the immediate proximity to public transportation and the West Berkeley Shuttle connection to BART, are particularly attractive since it provides our staff and members with the opportunity to access the building without the need for an automobile journey.

Our real estate team is currently discussing terms with Wareham for a long term lease for the whole building, however, the current City of Berkeley zoning does not allow medical office use in the entire building. Zoning would have to be changed to Commercial West Berkeley (CW) to allow Kaiser Permanente's use of the whole building.

Our initial projections are that the medical services to be provided from 2621 Tenth Street would include primary care and associated specialties.

I hope that this information is of use and ask that you share this letter with members of the Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff A. Collins".

Jeff A. Collins  
Senior Vice President and Area Manager  
Oakland, CA. 94612



1050 Parker Project: Proposed Findings for GP Re-designation and Rezone, Planning Commission 4/18/2018

*General Plan Re-designation Findings:*

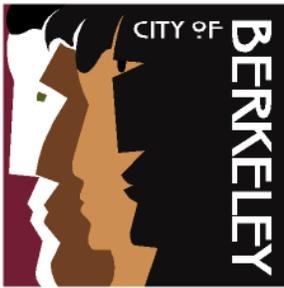
1. The proposed amendment is in the public interest.
  - The amendment serves the public interest through changing diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.
  - The amendment is consistent with the General Plan and West Berkeley Plan (WBP) by increasing land available for higher paying jobs in the Office/Medical sectors, and focusing development along the San Pablo Avenue corridor where the medical office use would be appropriate. The General Plan also supports economic development and a diversity of jobs along and adjacent to commercial corridors.
3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.
  - The amendment would support the public health, safety and welfare of the City by bringing potential new mix of uses to the parcels, including healthcare services and job providers, to the community.
4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
  - The amendment is being processed in accordance with Chapter 22.04.020 of the Municipal Code. The amendment was submitted to the Planning Commission for consideration; a Public Hearing was set for February 7, 2018, with at least fourteen day notice given according to the applicable procedures. The potential impacts of the 1050 Parker Street proposed development have been evaluated and reduced to a level of "less than significant" as determined by the Zoning Adjustments Board (ZAB) adoption of the Initial Study-Mitigated Negative Declaration (IS-MND) for Use Permit #ZP2016-0170. The CEQA evaluation assessed and proposed sufficient mitigation measures to address use of the entirety of the site for Medical Practitioners Use as a worst-case scenario for impacts such as traffic and greenhouse gas emissions. Conditions and mitigation measures were adopted and a Notice of Determination was filed.

*Rezoning Findings:*

1. The proposed rezoning is in the public interest.
  - The amendment serves the public interest through increasing the number and diversity of well-paying jobs in West Berkeley and along a major transit corridor.

It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.

2. The proposed rezone is compatible with adjacent zoning districts.
  - The purpose of the rezone is to allow for Medical Practitioners to occupy the entire development at 1050 Parker Street. The immediately adjacent C-W District allows for Medical Practitioners and this rezone would allow for that compatible use to continue onto the parcels in question. There are three other parcels on this block that are designated MU-LI that would remain unchanged.
3. The proposed rezone allows uses which would be compatible with adjacent districts uses.
  - The adjacent MU-LI District allows for medical related uses including laboratories. The C-W District allows for Medical Practitioners, who might use the services of the adjacent laboratory uses. The proposed rezone adjusts the boundary to allow these adjacent uses to occupy these parcels.
4. The potential effects of the proposed rezone will not to be detrimental to the public health, safety or welfare.
  - The property is currently vacant with a planned development which has been reviewed and approved by the ZAB. That approval includes mitigations for any known potential environmental impacts as described above, so it follows that there will be no detrimental impacts to the public health, safety or welfare.



# PLANNING COMMISSION

## Notice of Public Hearing

---

April 18, 2018

- 1. Amendments to the City of Berkeley Zoning Map and General Plan Map:  
Parcels located at 1050 Parker Street and 2621 Tenth Street,  
Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00**
- 2. Add new text to the West Berkeley Commercial (C-W) District specific to the 3 parcels  
that contain the proposed 1050 Parker Street Project to allow for 50 feet maximum  
height and 3 stories.**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Sections 23A.20.030 and 22.04.020, on **Wednesday, April 18, 2018**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** The City Council proposes a rezoning and general plan amendment for two parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 and shown on the attached map. In addition, a text amendment to the C-W District 23E.64 would allow a maximum 50 feet in height and three (3) stories for Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 and 054-1763-003-03.

The subject parcels are part of a 1.6-acre site that is proposed to be combined for the development known as 1050 Parker Street, which was approved by the Zoning Adjustments Board on December 14, 2017, pursuant to Use Permit ZP#2016-0170. The approved development would be a single three-story building that would provide about 20,000 square feet of new floor area in the C-W zoned area and about 40,000 square feet in the MU-LI zoned area.

The proposed rezoning would change the parcels from the Mixed Use Light Industrial (MU-LI) District Chapter 23E.80 to the West Berkeley Commercial (C-W) District Chapter 23E.64. The proposed General Plan amendment would change the parcels from Manufacturing Mixed Use to Avenue Commercial. Rezoning and re-designating the parcel would allow for the entire 1050 Parker Street project to be used for Medical Office Use. Medical Office Use is allowed in the C-W, but prohibited in the MU-LI.

**LOCATION:** The three parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 054-1763-010-00 and 054-1763-003-03

**ENVIRONMENTAL REVIEW STATUS:** The proposed rezone and re-designation of the noted parcel would allow for Medical Office use throughout the project site. This use is evaluated in the 1050 Parker Street project Environmental Impact Report (EIR). Mitigations for the 1050 Parker Street project are identified that will bring any impacts to a level of insignificance, therefore the potential impacts of proposed rezone and re-designation can also be considered mitigated.

Rezone and GP and text amendment- 1050 Parker Street Project  
Page 2 of 2

NOTICE OF PUBLIC HEARING  
Planning Commission: April 18, 2018

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**PUBLIC COMMENT & FURTHER INFORMATION:** Comments may be made verbally at the Public Hearing and in writing before the hearing. Written comments or questions concerning this project should be directed to:

Alex Amoroso  
Planning Commission Secretary  
City of Berkeley, Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
E-mail: [aamoroso@cityofberkeley.info](mailto:aamoroso@cityofberkeley.info)  
Phone: 510/981-7520

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Ella Callow- Disability Services Specialist  
Email: [ecallow@cityofberkeley.info](mailto:ecallow@cityofberkeley.info)  
Phone: 510/981-6418  
TTY: 510/981-6347

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phoenix • san francisco • tampa

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**1050 PARKER ST.  
BERKELEY, CA**

**1050 Parker Street  
Berkeley, CA**

Owner:  
2808 Tenth Street, LLC  
1100 Nye Street, Suite 400  
San Rafael, CA 94901  
415.457.4664  
Architect:  
Gould Evans  
55 Brady Street  
San Francisco, CA 94103  
415.563.4111  
www.gould-evans.com

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**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2814 Colton Canyon Road Phone (916) 246-8788  
Livermore, California 94551 Fax (916) 246-8786

Number	Revision Description	Date
1	Zoning Submission	06/28/2016
2	Revision #1	06/18/2016
3	Revision #2	12/05/2016
4	Revision #3	02/27/2017
5	Revision #4	06/28/2017

Project No: A07525-2  
Date: 06/28/2017  
Sheet:

**EXISTING CONDITIONS  
PLAN**

**C1.0**

**ZONING APPLICATION**



Scale 1" = 30 Ft

**LEGEND**

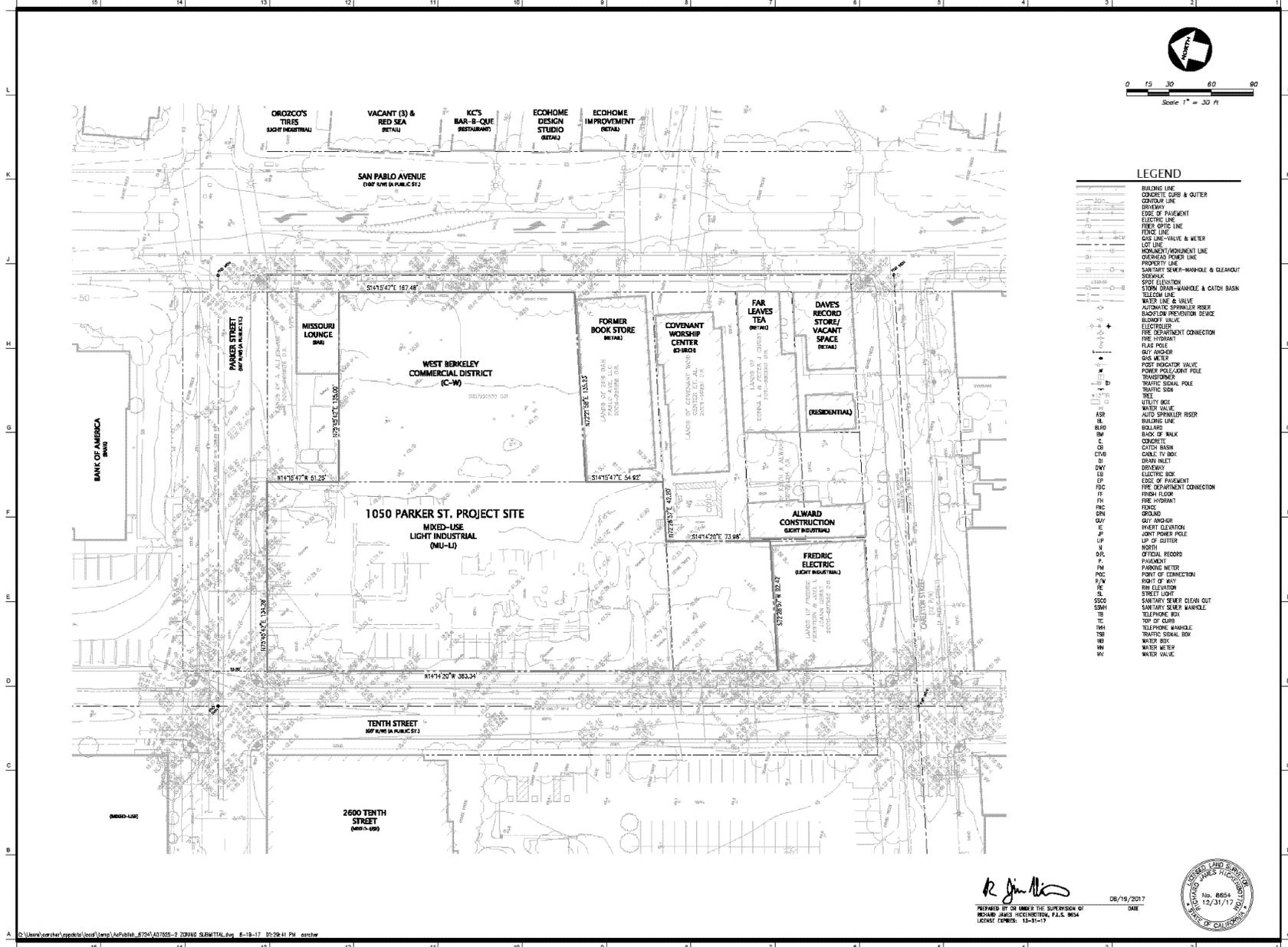
- BUILDING LINE
- CONCRETE CURB & GUTTER
- CONTOUR LINE
- DRAINAGE
- EDGE OF PAVEMENT
- ELECTRIC LINE
- FIBER OPTIC LINE
- FENCE LINE
- GAS LINE - VALVE & METER
- LOT LINE
- MONUMENT/ADJUNCTION LINE
- OVERHEAD POWER LINE
- PROPERTY LINE
- SANITARY SEWER - MANHOLE & CLEANOUT
- SEWER
- SPOT ELEVATION
- STORM DRAIN - MANHOLE & CATCH BASIN
- TELECOM LINE
- WATER LINE & VALVE
- AUTOMATIC SPRINKLER RISER
- BACKFLOW PREVENTION DEVICE
- BURNER VALVE
- ELECTRICAL
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- FLAG POLE
- GUY ANCHOR
- ONE METER
- POST INDICATOR VALVE
- POWER POLE/Joint POLE
- TRANSFORMER
- TRAFFIC SIGNAL POLE
- TRAFFIC SIGN
- TREE
- UTILITY BOX
- WATER VALVE
- AUTO SPRINKLER RISER
- BUILDING LINE
- ISLAND
- BACK OF WALK
- CONCRETE
- CATCH BASIN
- CANAL TV BOX
- DRAIN INLET
- DRAINAGE
- ELECTRIC BOX
- EDGE OF PAVEMENT
- FIRE DEPARTMENT CONNECTION
- FRESH FLOOR
- FIRE HYDRANT
- FENCE
- GROUND
- GUY ANCHOR
- JOINT ELEVATION
- JOINT POWER POLE
- LIP OF GUTTER
- NORTH
- OFFICIAL RECORD
- PAVEMENT
- PARKING METER
- PORT OF CONNECTION
- RIGHT OF WAY
- RIM ELEVATION
- STREET LIGHT
- SSAO
- SANITARY SEWER CLEAN OUT
- SSAO
- SANITARY SEWER MANHOLE
- TELEPHONE BOX
- TOP OF CURB
- TELEPHONE MANHOLE
- TRAFFIC SIGNAL BOX
- WATER BOX
- WATER W/SE
- WATER VALVE

*R. Jimenez*

06/19/2017



PREPARED BY OR UNDER THE SUPERVISION OF  
RICHARD JAMES HICKENBOTTOM, P.E., M.S.E.  
LICENSE NUMBER: 13-91-17



**NOTICE OF PUBLIC HEARING  
CITY COUNCIL – CITY OF BERKELEY**

**1050 PARKER STREET / 2621 TENTH STREET  
GENERAL PLAN / WEST BERKELEY PLAN REDESIGNATION,  
ZONING MAP AMENDMENT AND ZONING TEXT AMENDMENT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Berkeley will conduct a public hearing regarding the following proposed actions:

1. Adopt a resolution adopting findings under the California Environmental Quality Act, an Initial Study / Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Program relating to a project known as “1050 Parker”; and
2. Adopt a resolution pursuant to BMC Sections 22.04.020 and California Government Code section 65358:
  - a. Amending the General Plan land use designation for a portion of the site from Manufacturing to Avenue Commercial (APNs 054-1763-001-03 and 054-1763-010-00); and
  - b. Amending the West Berkeley Plan land use designation for a portion of the site from Mixed Use / Light Industrial to General Commercial (APNs 054-1763-001-03 and 054-1763-010-00); and
3. Introduce an ordinance pursuant to BMC Sections 23A.20.010 and 23A.20.020 and California Government Code section 65853:
  - a. Rezoning a portion of the site from Mixed Use – Light Industrial (MU-LI) to West Berkeley Commercial (C-W) (APNs 054-1763-001-03 and 054-1763-010-00); and
  - b. Amending the C-W District development standards to allow for a 4-story / 50-foot tall building on the subject property (APNs 054-1763-001-03, 054-1763-010-00, and 054-1763-003-03).

The hearing will be held on **TUESDAY, DECEMBER 4, 2018 at 6:00 p.m.** in the School District Board Room, 1231 Addison Street. A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **Wednesday, November 21, 2018.**

For further information, please contact:

- Timothy Burroughs, Director, Planning & Development Department, (510) 981-7437
- Steven Buckley, Land Use Planning Manager, (510) 981-7411

- Loyal Nawfal, Project Planner, (510) 981-7424

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 Councilmembers 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](mailto:clerk@cityofberkeley.info) for further information.

**Published:** The Berkeley Voice - November 23, 2018  
Pursuant to Berkeley Municipal Code Section 23A.20.030.B.1

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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 November 21, 2018.

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Mark Numainville, City Clerk

