

FINAL

**CITY OF BERKELEY  
DRAFT SOUTHSIDE PLAN  
ENVIRONMENTAL IMPACT REPORT  
RESPONSE TO COMMENTS DOCUMENT**

STATE CLEARINGHOUSE #2004112021

LSA

January 2011

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**CITY OF BERKELEY  
DRAFT SOUTHSIDE PLAN  
ENVIRONMENTAL IMPACT REPORT  
RESPONSE TO COMMENTS DOCUMENT**

STATE CLEARINGHOUSE #2004112021

Submitted to the:

City of Berkeley  
2118 Milvia Street  
Berkeley, CA 94704

Prepared by:

LSA Associates, Inc.  
2215 Fifth Street  
Berkeley, CA 94710  
(510) 540-7331

LSA

January 2011

## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
	A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT.....	1
	B. ENVIRONMENTAL REVIEW PROCESS .....	1
	C. DOCUMENT ORGANIZATION .....	2
II.	LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS .....	3
	A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES.....	3
	B. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT EIR.....	3
III.	COMMENTS AND RESPONSES .....	5
	A. STATE, LOCAL AND REGIONAL AGENCIES .....	11
	B. ORGANIZATIONS.....	39
	C. INDIVIDUALS .....	67
	D. PUBLIC HEARINGS .....	163
IV.	DRAFT EIR TEXT REVISIONS .....	207
V.	REPORT PREPARATION .....	251
	A. REPORT PREPARERS.....	251
	B. CITY CONTACTS.....	251
	C. REFERENCES .....	252

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## I. INTRODUCTION

### A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments on the Draft Environmental Impact Report (Draft EIR - SCH #2004112021) prepared for the Draft Southside Plan, Discussion Draft of December 2001, as amended by the Planning Commission in July 2003 (Draft Plan or proposed project) and further amended in 2010, as well as the accompanying redevelopment program activities and private sector buildout of the Project Area that would be facilitated by adoption of the Draft Plan. The Draft EIR identifies the likely environmental consequences associated with the implementation 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 EIR and makes revisions to the Draft EIR, as necessary, in response to these comments or to amplify and clarify material in the Draft EIR. This RTC document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

### B. ENVIRONMENTAL REVIEW PROCESS

According to 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 EIR.

The Draft EIR for the proposed project was made available for public review on April 1, 2008, and distributed to local and State responsible and trustee agencies, interested stakeholder and community groups, and community members. The public was notified of the availability of the Draft EIR through advertisements in the *Daily Californian* and through an announcement posted by the City of Berkeley Clerk's Office. The Draft EIR was made available for public review at the Main Library, the South Berkeley Branch Library, the Permit Service Center (Zoning Counter) at 2120 Milvia Street, First Floor, and on the Planning Department website: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=17998>.

The CEQA-mandated 45-day comment period was scheduled to end on May 15, 2008; the Planning Commission extended this comment period to 90 days, ending on June 30, 2008. The City of Berkeley also conducted two public review sessions during the comment period on April 23, 2008, and June 25, 2008. The public had the opportunity to submit both verbal and written comments at these meetings; 43 comments were received during the public meeting. The City received a total of five comment letters from State, regional and local agencies during this period. Three comment letters were received from community organizations, and eight were received from individuals.

The Final EIR will be presented to the Planning Commission at a public hearing in early 2011, at which time the Commission may certify the Final EIR as a full disclosure of the potential environmental effects of the proposed project.

## C. DOCUMENT ORGANIZATION

This Response to Comments document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this Response to Comments document.
- *Chapter II: List of Commenting Agencies and Individuals.* This chapter contains a list of all agencies, organizations, and persons who submitted written comments on the Draft EIR during the review period.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the review period is provided. Each response is keyed to the preceding comments.
- *Chapter IV: Draft EIR Text Revisions.* Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to clarify any errors, omissions, or misinterpretation, are contained in this chapter. Text in underline represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR. As mentioned previously, this document is an amendment to the Draft EIR; the Final EIR consists of this amendment and the March 2008 Draft EIR.
- *Chapter V: Report Preparation.* This chapter identifies the authors of this Response to Comments Document, and references used to prepare this document.

## II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

This chapter presents a list of each letter received during the review period and describes the organization of the letters and comments that are included in Chapter III of this document.

### A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each letter received on the Draft EIR. The written comments are grouped by the affiliation of the commentor, as follows: (A) State, local and regional agencies; (B) organizations; (C) individuals; and (D) Public Hearings.

The comment letters are numbered consecutively following the A, B, C, and D designation. The letters are annotated in the margin according to the following code:

State, Local and Regional Agencies:	A1-#
Organizations (14 comments received):	B1-#
Individuals (206 comments received):	C1-#
Public Meetings (public meetings held April 23, 2008, and June 25 2008; 43 comments received):	D1-#

The number following the letter refers to the letter number and the number following the hyphen refers to the comment number within that letter, where applicable.

### B. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following written comment letters were submitted to the County during the public review period.

Comment Letter	Comment Received From	Date of Letter
<b>A. State, Local and Regional Agencies</b>		
A1	California Governor's Office of Planning and Research Terry Roberts, Director	May 8, 2008
A2	City of Berkeley, Public Works Commission Thomas Francis, Chair	May 20, 2008
A3	City of Berkeley Kara Vuicich, Associate Planner, Transportation Division	June 25, 2008
A4	AC Transit Nancy Skowbo, Deputy General Manager, Service Department	June 30, 2008
A5	Alameda County Congestion Management Agency Diane Stark, Senior Transportation Planner	June 30, 2008

II. LIST OF COMMENTING AGENCIES, ORGANIZATIONS AND INDIVIDUALS

Comment Letter	Comment Received From	Date of Letter
A6	City of Berkeley, Public Works Department Farid Javandel, Secretary to the Transportation Commission	June 20, 2008
<b>B. Organizations</b>		
B1	Berkeley Architectural Heritage Association Carrie Olson, President	June 21, 2008
B2	Dwight-Hillside Neighborhood Association Joan Barnett, President	June 23, 2008
B3	Telegraph Property and Business Management Corporation Roland Peterson, Executive Director	June 26, 2008
<b>C. Individuals</b>		
C1	Linda J. Burden	June 26, 2008
C2	Arnell J. Hinkle	June 29, 2008
C3	Robia S. Chang	June 30, 2008
C4	John S. English	June 30, 2008
C5	Sharon Hudson	June 2008
C6	Doug Buckwald	(no date)
C7	Bob Viener	June 26, 2008
C8	Michael Walensky	June 27, 2008
<b>D. Planning Commission Hearings</b>		
D1	Planning Commission Hearing	April 23, 2008
D2	Planning Commission Hearing	June 25, 2008

### **III. COMMENTS AND RESPONSES**

Written responses to each comment letter received on the Draft EIR are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: (A) State, local and regional agencies; (B) organizations; (C) individuals; and (D) and public hearings.

The reader should note that where text within an individual letter is not enumerated, it does not raise environmental issues and does not relate to the adequacy of the information or analysis within the Draft EIR; therefore, no response is required.

Many of the comments received on the Draft EIR focused on the circulation pattern alternatives, the potential Bus Rapid Transit (BRT) project and on the development potential of the Draft Southside Plan. In order to consolidate responses to questions and comments related to these topics, and to address these concerns comprehensively, the following two Master Responses have been prepared.

#### **MASTER RESPONSE 1 Southside Plan Circulation**

Two primary questions have developed related to the Draft EIR's analysis of the Southside Plan circulation: the analysis of the six proposed circulation options in the Southside Plan (summarized in the Draft EIR and described fully in Appendix C: Berkeley Southside Final Transportation Study prepared by Fehr and Peers Transportation Consultants and included in the Public Review Draft EIR Technical Appendices published with the Draft EIR in March 2008) and how the potential BRT project was integrated into the analysis.

#### **Circulation Options**

In terms of the circulation options, the Southside Plan recommends consideration of a variety of circulation patterns. Some of these circulation options conflict with others; a contraflow bus lane on Bancroft, for example, would not be necessary if Bancroft was converted to a two-way street. In order for these options to be evaluated in the Draft EIR, the various circulation options were collected into six different alternatives (see page 119 and 255 of the Draft EIR). Each alternative was then analyzed for impacts and any necessary mitigation measures that would be required; see pages 59 through 62 of Appendix C of the Draft EIR.

All EIRs are required by the CEQA process to have an Alternatives section, where alternatives are compared to the proposed project. Because many of the circulation options were in conflict, they could not all be included in the proposed project for purpose of the Draft EIR analysis. The Planning Commission chose a particular circulation option (Alternative 2 – two-way Bancroft and Durant) for the purpose of the Draft EIR analysis. This selection was originally made in April 2007 and was reaffirmed by the Planning Commission in July 2007. This selection was not an endorsement of any

particular circulation pattern through the Southside, but was made in order to develop a proposed project for the purpose of the Draft EIR Alternatives analysis.

The Southside Plan will continue to have all of the transportation options listed in the document. All of these options will continue to be open to consideration by policy makers once the Southside Plan is adopted. In the future, if a circulation pattern other than Alternative 2 is chosen, further environmental study could be necessary to determine whether the new circulation pattern would create significantly different impacts on the Southside than those analyzed in the Draft EIR.

### **The BRT Project and Southside Draft EIR Analysis**

The Southside Plan Draft EIR and the BRT Draft EIR analyses were conducted separately from one another. This was done for two reasons: 1) the BRT decision took longer than anticipated, and 2) the BRT analysis was a regional analysis focused on the impacts of BRT while the Southside EIR is a fine-grained analysis focused on the impacts of proposed land use and roadway circulation changes in the Southside. The impacts of the four BRT options identified in AC Transit's BRT Draft EIS/Draft EIR were considered in that document.

The status of the BRT project through Berkeley is uncertain. Currently, it appears that the dedicated lane options considered in the BRT Draft EIS/Draft EIR will not be implemented. If a BRT option is considered for implementation that is significantly different than existing circulation patterns or options considered in the BRT environmental analysis, then future environmental study could be necessary to determine whether the Southside would experience different impacts than already studied in the Draft EIR.

## **MASTER RESPONSE 2 Development Potential**

### **Non-University Development Projections**

The Southside Plan Draft EIR projected development figures were developed by City staff. Since most zoning districts in the Southside do not have a maximum Floor Area Ratio (FAR)<sup>1</sup>, staff developed a matrix to calculate the effective FAR for commercial and residential uses based on development standards and parking requirements in each zoning district. These FAR figures were applied to the 24 sites that had been identified as the most likely to redevelop by the Draft EIR horizon date of 2020 (Tier 1 sites).

Based on comments related to the development potential shown in the Draft EIR, staff reconsidered the matrix used in the Southside Plan Draft EIR. It was determined that the matrix attached to the Draft EIR (Appendix E, Attachment 2), was not the one that was used to calculate the development potential in the Draft EIR. The matrix that was used had been revised to incorporate public comments

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<sup>1</sup> Floor Area Ratio is a ratio of floor area to lot size: e.g., .5 FAR = 2,500 square-foot building on a 5,000 square-foot lot. FAR is used as a measure of the "intensity" of development. The higher the FAR the more intense the level of development (i.e., more building area, more people, etc.).

received in May 2005; changes between it and the matrix attached to the Draft EIR are underlined (see Figure A).

In reviewing the revised matrix, staff noted other concerns. Staff found that some of the assumptions used in the matrix were incorrect in regard to the permitted number of commercial stories in the CT district, how parking would affect development potential, the application of the density bonus and other factors. The matrix included in the Draft EIR (Appendix E, Attachment 2) is hereby replaced with Figure B, below.

The FAR figures that were developed with this new matrix were applied to the 24 Tier 1 sites. The new development potential figures, along with those studied in the Draft EIR, are shown below. Similar to the original figures, development is assumed to be equivalent to 75 percent of the development potential of each Tier 1 site, and the residential figures include a 35 percent density bonus.

**Table 1: Revised Development Potential in the Southside Area**

Land Use Category	Net Change (square feet)	
	DEIR	2009 Revision*
University Residential	0	0
Non-University Residential	377,700	462,700
<b>Total Residential</b>	<b>377,700</b>	<b>462,700</b>
University Non-Residential	450,000	450,000
Non-University Non-Residential	188,290	107,100
<b>Total Non-Residential</b>	<b>638,290</b>	<b>557,100</b>

\* 2009 figures are rounded to the nearest hundred.

The revised residential figures increased by 85,000 square feet, or 106 dwelling units, from the Draft EIR figures. The revised non-residential figures decreased 81,190 square feet from the Draft EIR figures.

### University Residential Projections

Staff believes the assumption of zero UC residential development in the Southside is appropriate, given the information available when the Draft EIR was prepared. The Anna Head site was mentioned in the Southside Plan as a potential site for student housing, and has been considered a potential site for many years, going back at least to 1990, when the 1990-2005 LRDP was written. There was no clear indication that the site would develop before the Southside Draft EIR horizon date of 2020. The 2020 LRDP does not list specific sites for potential housing, and increased the Housing Zone well beyond the Southside area. Any projections of University housing development on that or any other specific sites would have been speculative.

### University Non-Residential Projections

The figure for UC non-residential development was taken from the 2020 LRDP. The 2020 LRDP calculated the maximum net additional academic and support area (in gross square feet) to be 400,000 square feet in the Adjacent Blocks South and 50,000 square feet in the Southside. These two land zones do not exactly match the boundaries of the Southside, as they include the Clark Kerr campus

and Memorial Stadium and do not include the northwestern-most block of the Southside (bounded by Ellsworth, Fulton, Bancroft and Durant). The boundaries, however, include most of the Southside, and staff believes that it is an acceptable figure to use to anticipate potential UC development in the Southside.

### **Environmental Impacts of Changes**

Based on the revised Development Potential figures in Table 1, residential development is proposed to be 462,700 square feet, and non-residential development is proposed to be 557,096 square feet: a total development increase of 3,832 square feet over the figure studied in the Draft EIR. This translates into an increase of 106 housing units (2 percent of the 2020 total projected Southside residential development) and a decrease of 270 jobs (4 percent of the 2020 total projected Southside non-commercial development) from what was analyzed in the Draft EIR. These changes have been reviewed for environmental impacts, with the following findings:

Transportation and Circulation: The new development figures would result in 54 more PM peak hour trips entering the Southside area than previously assumed. This additional traffic represents about 1 percent of the total PM peak hour traffic (4,900 vehicles) that are expected to enter the Southside area in Year 2030. The City as Lead Agency has determined that this is not a significant change to the Draft EIR assumptions and impact assessment, and no further analysis is necessary.

Air Quality: The change in the projected development will not appreciably change the conclusion in the Draft EIR that the project's impact on air quality is significant and unavoidable.

Noise: The additional development potential, including the additional traffic mentioned above, will not result in a significant change or create impacts that cannot be addressed by the mitigation measures already recommended in the Draft EIR. No further analysis is necessary.

Public Facilities and Services: (Police, Fire and Emergency Response, Natural Disaster-Related Fire Hazards, School Services, Library Services, Parks and Recreation). The additional development potential will not result in a significant change or create impacts that cannot be addressed by the mitigation measures already recommended in the Draft EIR. No further analysis is necessary.

Utilities and Infrastructure (Wastewater, Storm Drainage System, Water Supply, Solid Waste, Natural Gas and Electricity, Telecommunications, Streets and Sidewalks): The additional development potential will not result in a significant change or create impacts that cannot be addressed by the mitigation measures already recommended in the Draft EIR. No further analysis is necessary.

Paleontological and Cultural Resources: The additional development potential will not result in a significant change or create impacts that cannot be addressed by the mitigation measures already recommended in the Draft EIR. No further analysis is necessary.

**Figure A: Comparison of May 9, 2005 Matrix Included with the Draft EIR and the May 23, 2005 Matrix used to Calculate Development Potential of Southside Plan (Underlined Numbers)**

	C-1	C-SA	C-T.N. of Dwight Way = all in CFH	C-T.S. of Dwight Way = all in CFH	C-T(S)	R-2	R-2A	R-3	R-4	R-5	R-S	R-SMU	Variable identified by capital letter for convenient reference
Base stories allowed in District (see comment on base stories, below.)	3	3	3	3	3	3	3	3	3	4	3	4	A = base stories allowed in District
Max FAR (if provided for in zoning district)	3	4	3.5	3.5	3.5								B Provided to test - does the max stories control, or does the FAR control?
Stories of commercial allowed by ordinance (Greatest number that can be approved)	3	3	2	2	2	0	0	0	6	6	13	4	C Provided for reference/information (Not part of calculation)
Commercial stories assumed	.5	.5/34	N. of Dwight Way = 1.0/ .67	S. of Dwight Way = .5/34	1.0/ .67	0	0	0	.5	.5	0	.5	D Where it is assumed .5 floor of commercial, this is based on an assumption that an area equal to one-half the lot area is devoted to parking, and the remaining one-half (on average) is commercial. Second number used for parcels adjacent to R zone
Parking Assumed	.5 (Not in CFH) / .165 (in CFH)	.50 Not in CFH	0/ .165 (in CFH)	.165 (in CFH)	0 (All in CFH)	.5 (not in CFH) / .165 (in CFH)	.5 (not in CFH) / .165 (in CFH)	.5 (not in CFH) / .165 (in CFH)	.5 (not in CFH) / .165 (in CFH)	.5 (not in CFH) / .165 (in CFH)	.5 (not in CFH) / .165 (in CFH)	.5 (not in CFH) / .165 (in CFH)	E Parking is assumed, on average, to occupy 1/2 the lot area where parking is required. 0 is assumed where parking is not provided (C-T.N. of Dwight, and C-T(S))
Residential stories assumed	2 (Not in CFH) / 2.34 (in CFH)	2/2.16 (Not in CFH)	2.5/ 1.68	2.33/ 2.5 (in CFH)	2/ 1.34 (All in CFH)	3 2.5 (Not in CFH) / 2.84 (in CFH)	3 2.5 (Not in CFH) / 2.84 (in CFH)	3 2.5 (Not in CFH) / 2.84 (in CFH)	3.5 2 (Not in CFH) / 2.34 (in CFH)	3.5 3 (Not in CFH) / 3.34 (in CFH)	4 2.5 (in CFH) / 2.83 (in CFH)	3 (in CFH) / 3.33 (in CFH)	F = A + (D + E)
Coverage for max. stories	1	0.4	0.67	0.67	0.67	0.35	0.35	0.4	0.35	0.4	0.6	1.0	G
Effective Residential FAR prior to application of State Density Bonus	2/2.34	.81/.86 (Not in CFH)	1.7/1.1	1.34/ 1.45	1.34/ .9	4 .87/.99	4 .87/.99	4.2 .87/.99	4.3 7/.82	4.4 1.2/ 1.34	2.4/2.73 1.5/1.7	3/3.33	H = F x G (latter number if in Car-free zone, where applicable), in the case of C-SA.
State Density Bonus assumed at 35% increase over base project Effective Residential FAR with assumed use of State density bonus	2.7/3.18	1.1/ 1.16	2.26/4.6 2 2.3/ 1.5	1.8/ 1.65	1.8/1.2	4.42 1.2/1.35 1.42	4.62 1.2/1.35 1.12	4.66 .92/ 1.12	4.9 1.62/1.8	3.24 2.0/ 2.3	4/ 4.5	I = H x 1.35	
Effective Residential FAR with assumed use of State density bonus	4	0.8	2	1.67	1.67	4.06	4.06	4.2	4.23	4.4	2.4	4.0	J = I x G
Effective Commercial FAR	.5	0.2	.67/ .45	.34/ .23	0.67/ .45	0	0	0	.18	.2	0	.5	J = D x G

[Note: A larger version of this Table is available for review at the city of Berkeley Planning Department, 2118 Milvia Street, Berkeley, CA 94704.]

Source: City of Berkeley, 2010.

**Figure B: Master Response 2 – Revised Development Potential**

	C-T (N of Dwight)	C-T (S of Dwight)	C-T (S)	R-3	R-4	R-S	R-SMU	Variable
Base stories allowed in district	4	4	4	3	3	3	4	A = Base stories allowed in District (regardless of use)
Max FAR (if provided for in zoning district)	3.5	3.5	N/A	N/A	N/A	N/A	N/A	B = Provided to test – does the max stories control, or does the FAR control?
Stories of commercial allowed by ordinance	1-2	1-2	1-2	0	6; 0 (in H overlay)	1	4	C = Provided for reference/information (not part of calculation)
Commercial stories, assumed	1.085	.75	1.085	0 (with or without H overlay)	.5; 0 (in H overlay)	0	.835	D = Ground floor commercial equals full floor (1) minus assumed parking. In CT, staff assumed an additional .25 floor of commercial (on average) on the 2 <sup>nd</sup> floor.
Parking, assumed	.165	.5	.165	.5 (with or without H overlay)	.5 (with or without H overlay)	.5; .165 (in CFH overlay)	.165	E = Parking is assumed, on average, to occupy ½ the lot area where parking is required. Where parking is not required (C-T (N of Dwight), C-T(S), R-SMU, and R-S within the Car-Free parking overlay district) assume .165 (1/3 of the required (.5) parking).
Residential stories, assumed	2.75	2.75	2.75	2.5	2; 2.5 (in H overlay)	2.5; 2.835 ( in CF H overlay)	3	F= A – (D+E)  Second number included for overlay districts.
Coverage for maximum stories	.875; .67 (adj to residential)	.875; .67 (adj to residential)	.875; .67 (adj to residential)	.4	.4	.6	.45	G = Maximum lot for interior lots is used (found under development standards section of relevant district).  For CT adj to residential, used .67 (2/3 coverage) to account for additional setbacks.
Effective residential FAR prior to application of State density bonus	2.4; 1.8 (adj to residential)	2.4; 1.8 (adj to residential)	2.4; 1.8 (adj to residential)	1.0	.8; 1.0 (in H overlay)	1.5; 1.7 (in CF overlay)	1.35	H = F x G
Effective residential FAR after application of State density bonus @35 percent increase over base project	3.24; 2.43 (adj to res)	Same	3.24; 2.43 (adj to res)	1.35	1.08; 1.35 (in H overlay)	2.025; 2.3 (in CF overlay)	1.8	I = H x 1.35
Effective commercial FAR	.95; .73 (adj to res)	.66; .5 (adj to res)	.95; .73 (adj to res)	0	.2; 0 (in H overlay)	0	.375	J = D x G

Notes:

Calculations assume that sites will be developed at least to the maximum base potential.

“Residential uses” for the purpose of this matrix, includes libraries, nursing homes, hotels, and religious assembly – basically anything that is not a commercial use other than commercial uses related to housing.

Source: City of Berkeley, 2010.

## A. STATE, LOCAL AND REGIONAL AGENCIES

Letter  
AI



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

May 8, 2008

RECEIVED  
MAY 16 2008  
LAND USE PLANNING

Alex Amoroso  
City of Berkeley  
2118 Milvia Street  
Berkeley, CA 94704

Subject: Berkeley Draft Southside Plan  
SCH#: 2004112021

Dear Alex Amoroso:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 7, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

1

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2004112021  
**Project Title** Berkeley Draft Southside Plan  
**Lead Agency** Berkeley, City of

**Type** EIR Draft EIR  
**Description** The Draft Southside Plan is intended to guide development in the Southside area until the year 2020. It identifies the City's key land use, housing, transportation, economic development, community character, and public safety policies for managing change, and outlines design guidelines and zoning changes for the Southside neighborhood. The Plan serves as a long-range statement of policies for the development and preservation of the area, and is a statement of community priorities and values to be used to guide public decision-making in future years.

**Lead Agency Contact**

**Name** Alex Amoroso  
**Agency** City of Berkeley  
**Phone** (510) 981-7520  
**email**  
**Address** 2118 Milvia Street  
**City** Berkeley **State** CA **Zip** 94704  
**Fax**

**Project Location**

**County** Alameda  
**City** Berkeley  
**Region**  
**Cross Streets** Dwight Way / Bancroft Way / Prospect Street / Fulton Street  
**Parcel No.** Various  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** 13, 24, 123  
**Airports** N/A  
**Railways** UPRR  
**Waterways** San Francisco Bay  
**Schools** Various  
**Land Use** Residential, Commercial, Institutional, Parking, Recreational  
Z: Residential Multi-Family (R-4) within the Hillside Overlay (R-4H); Telegraph Avenue Commercial (C-T); General Commercial (C-1)  
GP: Avenue Commercial, High Density Residential, Open Space

**Project Issues** Archaeologic-Historic; Cumulative Effects; Economics/Jobs; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Traffic/Circulation; Air Quality

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

**Date Received** 03/24/2008 **Start of Review** 03/24/2008 **End of Review** 05/07/2008

**COMMENTOR A1**  
**California Governor's Office of Planning and Research**  
**Terry Roberts, Director**  
**May 8, 2008**

A1-1: This letter acknowledges that the State Clearinghouse review requirements have been complied with for this Draft EIR. No further response is required.

Public Works Commission – City of Berkeley  
1947 Center Street, 4<sup>th</sup> Floor  
Berkeley, CA 94704

Elizabeth Greene  
City of Berkeley Planning Department  
2120 Milvia Street, Suite 300  
Berkeley, CA 94704

May 20, 2008

Dear Ms. Greene:

Re: Draft Southside Plan EIR

The City of Berkeley Public Works Commission has received the Draft Southside Plan EIR. We have examined the DEIR and have the following comments:

**Comment # 1:**

Statement appearing on page 227: “The City’s 1994 Storm Water Drainage Master Plan shows the system is currently operating at capacity.”

*It is the understanding of the Berkeley Public Works Commission that City storm sewers within this area may be undersized and hence do not have the ability to adequately convey flood flows. There may have been changes within the drainage basin since 1994 that have increased runoff (particularly within portions of the basin that lie within University property / grounds). The system in place is potentially undersized and can not adequately operate during heavy rainfall events that meet or exceed conditions for which the system was designed. In some locations the system may be sufficiently deteriorated that it will no longer operate under original design conditions. There is considerable evidence that such events occur with greater frequency due to climate changes and changes in runoff characteristics (such as impervious surfaces) since the system evaluations were done in 1994.*

1

**Comment # 2:**

Statement appearing on page 227: “Because the Southside area is almost fully built-out and the majority of development would occur on existing, urbanized parcels, implementation of the Draft Southside Plan would not significantly increase impervious surface coverage in the Southside Area.”

*The “threshold of significance” as defined by the Consultant needs to be better explained and/or justified. The Commission views that any increase in impervious surface area is ‘significant’, particularly in that if an increase in impervious area were to occur in multiple locations within the drainage basin, there could justifiably be a cumulative impact.*

2

*In light of comment #1 (above), any increase in impervious surface coverage could lead to increased flooding. Small increases in impervious area, particularly when combined with other increases within the Southside area, could therefore be considered "significant"*

2  
cont.

**Comment # 3:**

Statement appearing on page 227: "...any project in the Southside area which would substantially increase impervious surface area in the Southside area would be required to pay a fair share of improvements to the storm sewer system necessary to accommodate the increased flow from development...As a result, implementation of the proposed project would have less-than-significant impacts to storm water and storm drainage systems."

*In order to address the need to convey additional surface runoff, the City would need to install additional sewer capacity. Such projects are large in scale (e.g., replacement of trunk sewer systems and/or installation of parallel trunk sewer system). The costs of these improvements would be several million dollars, due to their scale. Further, such sewer projects potentially have significant construction and environmental "hurdles." The City's ability to finance such large scale replacement(s) is limited, in light of their high costs. At this time, funds for these capital improvements are not available.*

3

*Thus, the Public Works Commission views that storm water impacts are significant and would be costly/ complicated to mitigate.*

**Comment #4:**

Statement appearing on page 229: "The implementation of the Draft Southside Plan would not result in potentially significant impacts to utilities and infrastructure."

*Based on our review as detailed in comments 1, 2, and 3, the Public Works Commission believes the impacts may be deemed significant. The "threshold of significance" as established by the EIR consultant should be revisited.*

4

**Comment #5:**

The evaluation of wastewater beginning on page 226 focuses on the treatment capacity of EBMUD facilities to handle an estimated additional load of 180,000 gpd.

*Regarding the impact on the City of Berkeley's sanitary sewer collection system, the analysis seems to rely on the fact that certain improvements have previously been made in the area under the City's Infiltration/Inflow (I/I) Program. It further refers to a \$200,000/year contribution under the LRDP for general improvements to both the sanitary and storm sewer systems. Neither of these specifically addresses the impacts of the level of development under the Plan. Until a focused evaluation is performed for both the localized and downstream effects of each project, it cannot be assumed that these impacts are insignificant.*

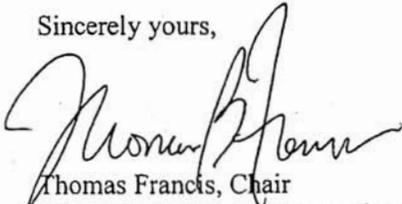
5

As you can see, the first four comments regarding the City's Storm Water Drainage system reflect the fact that, even in the absence of the projected development for the Southside Plan Area, the City's Storm Water Drainage system is already under capacity. Any additional development that increases the amount of impervious surfaces within the City will result in potentially significant impacts. These conditions need to be addressed in the Final EIR. If additional information is required by you or LSA, please contact Jeff Egeberg, Secretary to the Public Works Commission.

6

Thank you.

Sincerely yours,



Thomas Francis, Chair  
City of Berkeley, Public Works Commission

**COMMENTOR A2**  
**City of Berkeley, Public Works Commission**  
**Thomas Francis, Chair**  
**May 20, 2008**

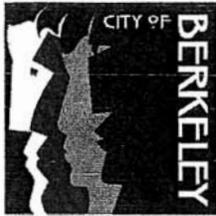
A2-1: This response addresses a comment regarding the potential impact that specific development and redevelopment projects may have on the Southside Area's storm-water drainage infrastructure. As noted previously, this program EIR addresses the Draft Southside Plan in general terms, but cannot yet address specific future projects or their timing, nor can it evaluate their potential impacts that could occur within the Southside Area. As described in the Draft EIR, subsequent activities and specific redevelopment projects proposed in the Southside Area, should the Draft Southside Plan be approved, would be evaluated on an individual basis to determine the appropriate level of necessary environmental documentation. Depending on the scope of these future redevelopment activities or development projects, additional environmental analyses may be required, and would be completed in conformance with CEQA and this Program EIR.

When rainfall intensity exceeds design storm conditions, or where portions of the storm drainage system may be deteriorated, the system may become overloaded and flooding could occur. Any increases in runoff from a project site could potentially exacerbate this situation. To avoid this possibility, projects will be designed to incorporate mitigating measures to compensate for any increase in impervious surfaces, such that there is no net increase in runoff from the site, per standard requirements of the City. Implementation of the policies and strategies of the Draft Southside Plan would not in and of itself create adverse physical impacts to the storm-water infrastructure. Rather, adoption of the Draft Southside Plan would allow for protection and improvement of water quality by improving the citywide sewer system, as stated in General Plan policy EM-24 and noted on page 215 of the Draft EIR. Therefore, adoption of the Draft Southside Plan would not result in a significant impact to storm-water infrastructure, and no revisions to the Draft EIR are necessary.

A2-2: The criteria of significance used to assess the significance of potential impacts that may result from implementation of the Draft Plan were created from input provided by the City during the initial stages of the EIR process. As noted in the Initial Study, on page 227, and elsewhere throughout the Draft EIR, the Southside area is almost fully built-out with existing development and contains only one vacant site. As a result, any new development that may result from implementation of the Draft Plan would replace existing impervious surfaces and, therefore, not contribute new impervious cover within the Southside area. Only new development at the one vacant site would potentially contribute additional storm-water runoff to the City's existing storm-water collection system. As noted in the Draft EIR, any specific development project taking place at this site would require additional environmental review to assess its potential environmental impacts, including impacts to the area's hydrology, storm-water runoff

and storm-water infrastructure and would be required to meet the new NPDES permit requirements.

- A2-3: There is only one possible site that could substantially increase surface runoff: the vacant lot at 2501 Haste Street. As stated above, the City will evaluate and assess new projects as they are proposed and will require appropriate mitigations or changes to individual projects to ensure that potential adverse effects to the stormwater runoff and stormwater infrastructure will be addressed, as necessary. Implementation of the policies and strategies of the Draft Southside Plan would not in and of itself create adverse physical impacts to the stormwater infrastructure.
- A2-4: The comment is noted. See responses to comments A2-1, A2-2, and A2-3 above.
- A2-5: An Infiltration/Inflow (I/I) and sewer capacity evaluation would be required by the City of Berkeley and the East Bay Municipal Utility District for each individual project as it is proposed. As noted in the comment, localized and downstream effects on the sanitary sewer collection system would be identified for each project, as necessary, and significant impacts mitigated per the requirements of the City of Berkeley's Private Sewer Lateral (PSL) Replacement ordinance.
- A2-6: See response to comment A2-3 above.



Public Works Department  
Transportation Division

## Memorandum

**To:** Elizabeth Greene, Senior Planner, Planning and Development  
**From:** Kara Vuicich, Associate Planner, Transportation Division  
**Date:** June 25, 2008  
**Subject:** **Comments on Berkeley Draft Southside Plan EIR**

---

I am submitting the following comments on the Berkeley Draft Southside Plan EIR on behalf of Matt Nichols, Principal Transportation Planner.

p. 92 In the second full paragraph, the document should cite the Public Review Draft of the Pedestrian Master Plan for collision statistics, *not* the BAPS report. | 1

p. 92 (3) Existing Bicycle Facilities: 6.03% of the city's employed residents commute by bicycle, *not* 15%. | 2

p. 92 The description of Class II bicycle lanes should read: "These facilities are typically five to six feet wide (or 1.5 meters)." | 3

p. 95 The text may also want to mention the bicycle contraflow lane at Hillegass and Dwight. | 4

p. 95 Change the following sentence in the Bicycle Boulevards description: "these facilities are identified with street logs" to "these facilities are identified with pavement legends." | 5

p. 95 Third paragraph, change second sentence to read: "...and Bancroft Way to Class II with enhancements, also known as Shared Roadways, referred to as Class 2.5 in the City's Bicycle Plan." | 6

p. 95 Fourth paragraph, the UC Bike plan has been completed, and the proposed improvements within the City right-of-way should be listed. | 7

p. 97 Route 40/40L has been replaced by the 1/1R. | 8

Transportation Division Southside Plan DEIR Comments

p. 97 Fourth paragraph, cars park in pull-outs, not bulb-outs on Telegraph Ave.	9
p. 97 End of paragraph four, buses block the travel lane not so much because of their width (the parking lane is 8 ft wide), but because they do not or are unable to pull in all the way to the curb.	10
p. 97 There is a formatting error for the date in footnote #3.	11
p. 98 First paragraph (BART), last sentence should not editorialize and should read: "...and parking in downtown is generally metered on-street or provided in structures."	12
p.98 University Parking – there is some public parking available during the day on campus. See <a href="http://pt.berkeley.edu/parking/public-visitors/#ParkingLots">http://pt.berkeley.edu/parking/public-visitors/#ParkingLots</a> for details.	13
p. 99 Second paragraph, need to verify the occupancy information for the Underhill parking lot; it seems incorrect.	14
p. 99 Non-University Off-Street Parking: include # of spaces available, provide data on occupancy, mention merchant validation program.	15
p. 100 Lettering and numbering seem to be off (last two paragraphs).	16
p. 117 Impacts and Mitigation Measures (numbering seems off, should be #3?)	17
p. 118 First full paragraph, reference UC LRDP monitoring program in the last sentence.	18
p. 133 e. (1) Have the adequacy of pedestrian signal times been evaluated as part of pedestrian operations?	19
p. 134 Mitigation Measure TRANS-7, the City of Berkeley requires a six-foot sidewalk width, or six feet of clearance on sidewalks (BMC Ch. 16.18).	20
p. 134 Mitigation Measure TRANS-8, should also be consistent with the City's Draft Pedestrian Master Plan.	21
p. 134 Mitigation Measure TRANS-9, should also include reference to the Draft Pedestrian Master Plan.	22
p. 135 Mitigation Measure TRANS-10, use full terminology for "sharrows" which is "shared roadway markings". Installations of sharrows should be consistent with MUTCD guidelines.	23
p. 139 Instead of "proposed project" use the term "preferred alternative". The EIR document needs to be very clear that Alternative 2 was studied as the preferred alternative for the purposes of the DEIR only and has no bearing on the final circulation alternative or policies that may be adopted as part of the final plan. Readers of the EIR need to clearly understand that the City may select any of the circulation alternatives for the final plan.	24

**COMMENTOR A3**  
**City of Berkeley, Public Works Department**  
**Kara Vuicich, Associate Planner, Transportation Division**  
**June 25, 2008**

A3-1: In response to this comment, page 92 of the Draft EIR is revised as follows:

These complaints, voiced during the planning process, were oriented primarily to the one-way street segments (i.e., Bancroft Way and Durant Avenue) rather than the two-way roadways. ~~The City of Berkeley Bicycle and Pedestrian Task Force Evaluation and Recommendations Report found that six of the ten highest pedestrian accident locations were in the Southside—four on Bancroft Way and two on Telegraph Avenue.~~

The Draft Berkeley Pedestrian Master Plan only presents signalized intersection collision rates and not those at unsignalized intersections, which make up the majority of Southside area intersections.

A3-2: In response to this comment, page 92 of the Draft EIR is revised as follows:

...with about ~~45~~ 6.03 percent of the City's employed residents regularly commuting to work by bicycle,...

A3-3: In response to this comment, page 92 of the Draft EIR is revised as follows:

These facilities are typically ~~4~~ 5 to 6 feet wide (or 1.5 meters).

A3-4: In response to this comment, the second paragraph on page 95 of the Draft EIR is revised as follows:

...are designated by the City of Berkeley as Bicycle Boulevards. The Bicycle Boulevard along Hillegass Avenue at Dwight Way is a contraflow bike lane that directs bicycle traffic westbound against eastbound Dwight Way traffic to continue on the Hillegass Avenue Bicycle Boulevard. Bicycle Boulevards ~~which~~ are roadways that have been modified to enhance bicycle safety and convenience.

A3-5: In response to this comment, the Bicycle Boulevard description on page 95 of the Draft EIR is revised as follows:

Where there are no bicycle lanes, these facilities are identified with ~~street logs~~ pavement legends.

A3-6: In response to this comment, the third paragraph on page 95 of the Draft EIR is revised as follows:

...and Bancroft Way to Class 2.5 bikeways II with enhancements, also known as Shared Roadways, referred to as Class 2.5 in the City's Bicycle Plan.

A3-7: In response to this comment, the fourth paragraph on page 95 of the Draft EIR is revised as follows:

~~As of December 2007, the University is completing a~~ completed the UC Berkeley Bicycle Plan, which includes proposed improvements to the bicycle network on campus and at the interface between the campus and the City's street network. These improvements include:

- Bancroft Way from Piedmont Avenue to Fulton – Install Class 2.5 bike Lane
- Bancroft Way/College Avenue Intersection – Install rolled curb to allow easier and more direct bike passage
- College Avenue from Bancroft Way to Channing Way – Implement bike boulevard or other upgrades to connect to bike boulevard on Channing Way
- Bancroft Way/Dana Street Intersection – Dana Street becomes two way or add contra flow bicycle lane; install a signal or stop sign at Bancroft and Dana
- Bancroft Way/Ellsworth Street Intersections – Install signal with bicycle loops and left-turn bike pocket

A3-8: In response to this comment, the fourth paragraph on page 97 of the Draft EIR is revised as follows:

Therefore the stops that AC Transit Route ~~40/40L~~ 1/1R makes Telegraph Avenue at Haste Street and...

A3-9: In response to this comment, the fourth paragraph on page 97 of the Draft EIR is revised as follows:

Cars park in ~~bulb-outs~~ pull-outs on Telegraph Avenue...

A3-10: In response to this comment, the fourth paragraph on page 97 of the Draft EIR is revised as follows:

There are bus pull-outs in the parking lane; however AC-Transit buses are typically 8.5 feet wide. Their width combined with the fact that drivers don't pull in results in ~~so the buses partially blocking the travel lane. even when pulled into the parking lane.~~

A3-11: In response to this comment, the footnote on page 97 of the Draft EIR is revised as follows:

Alameda Contra Costa Transit District and the U.S. Department of Transportation/Federal Transit Administration, 2007. *AC Transit East Bay Bus*

*Rapid Transit Project in Alameda County Draft Environment Impact  
Statement/Environmental Impact Report. May.*

A3-12: In response to this comment, the first paragraph on page 98 of the Draft EIR is revised as follows:

...and parking downtown is generally metered on-street or provided in structures, ~~and may be difficult to find.~~

A3-13: The comment is correct that there are some University-parking facilities during the day. In response to this comment, page 99 of the Draft EIR is revised as follows:

...Most University-operated parking facilities are open to the public for a fee during nights and weekends, with some facilities open during the day to the public.

A3-14: Based on field observations, non-university off-street parking was fully utilized during the midday hours. Fehr and Peers conducted observations in the Fall of 2004 when UC Berkeley was in session from 11 a.m. to 2 p.m.

A3-15: Based on field observations (conducted in the Fall of 2004), non-university off-street parking is fully utilized.

A3-16: The (9) preceding the last paragraph on page 100 of the Draft EIR is erroneous and has been deleted. The first numbered subsection under Section IV.C.1.d begins on page 108 of the Draft EIR.

A3-17: The EIR preparers believe this comment to be incorrect. The Impacts and Mitigation Measures is subsection IV.C.2 of the Draft EIR.

A3-18: In response to this comment, the following sentence is added to the end of the first full paragraph on page 188 of the Draft EIR:

The UC Berkeley LRDP monitoring program can be used as a guide by the City to develop its own monitoring program for traffic conditions and accident data.

A3-19: Individual pedestrian crossing times were not evaluated as part of this study. The analysis did assume minimum pedestrian crossing times based on the *Manual for Uniform Traffic Control Devices (MUTCD)* standards when evaluating intersection operations.

A3-20: In response to this comment, Mitigation Measure TRANS-7 on page 134 of the Draft EIR is revised as follows:

The City shall require all new development to design the vehicle access points to new development sites as driveways. A ~~5~~ 6-foot sidewalk width, or 6 feet of

clearance on sidewalks, shall be maintained across each new driveway that is in line with the primary walking corridor along the street. (LTS)

A3-21: In response to this comment, Mitigation Measure TRANS-8 on page 134 of the Draft EIR is revised as follows:

At all signalized intersections and mid-block locations within the Southside area the City shall install limit lines five feet in advance of the crosswalks and install “Turning Traffic Must Yield to Pedestrians” signage consistent with the *California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA’s MUTCD 2003 Edition, as amended for use in California)*. (LTS)

A3-22: Mitigation Measure TRANS-9 is consistent with the Draft Berkeley Pedestrian Master Plan (page 6-3, section 6.2.2.1).

A3-23: In response to this comment, Mitigation Measure TRANS-10 on page 135 of the Draft EIR is revised as follows:

The City shall install Class II bike lanes on Bancroft Way between Dana Street and Fulton Street and on Durant Avenue west of College Avenue. The City shall install ~~sharrows~~ shared roadway markings on Bancroft Way west of Fulton Street and east of Dana Street as well as on Durant Avenue east of College Avenue. The ~~sharrows~~ shared roadway markings shall be located 11 feet from the face of curb to highlight the preferred bicycle travel path to avoid open vehicle doors. (LTS)

A3-24: As noted in this section as well as Section V. Alternatives and elsewhere throughout the EIR, Alternative 2 was selected as part of the proposed project for the purposes of evaluating one set of circumstances against the other alternatives available, including the other circulation alternatives discussed at length both within the text of the Draft EIR and presented in the appendices, most notably Appendix D. The use of the term “proposed project” is correct in this regard, and the Draft EIR makes clear that Circulation Alternative 2 was used for this purpose and its inclusion as such does not affect or prejudice the final circulation alternative or policies that may be adopted as part of the final Plan. The breadth of discussion included throughout these sections of the Draft EIR provides multiple opportunities for readers to understand how Circulation Alternative 2 was included and used for comparison purposes only, and how the other Circulation Alternatives may also be considered for final adoption of the Plan.



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4716 - Fax. 510/891-7157

**Nancy Skowbo**  
Deputy General Manager - Service Development

June 30, 2008

Ms. Elizabeth Greene  
Planning and Development Department  
City of Berkeley  
2120 Milvia Street, Suite 300  
Berkeley, CA 94704

**Subject: City of Berkeley Draft Southside Plan Environmental Impact Report**

Dear Ms. Greene:

Thank you for the opportunity to comment on the City of Berkeley's Draft Southside Plan Environmental Impact Report (EIR). The Southside is an area which presents both great opportunities and great challenges for AC Transit, as it does for the City.

**Overall Comment:** AC Transit understands the idea that the Southside Plan and the Bus Rapid Transit project proceed on parallel tracks. There are concerns that the Southside Plan could be further delayed - understandable concerns for a Plan which was formally initiated in 1997.

However, the Southside Plan and its Environmental Impact Report should not be misunderstood or misused. It should be abundantly clear in the EIR - as it is not in the current Draft - that the EIR has simply chosen not to engage with certain issues being considered in the Bus Rapid Transit (BRT) EIR. It must be made abundantly clear in the EIR that this decision to elide certain issues is not a decision against BRT or any elements thereof. However, some of the impacts and mitigations in the Circulation Element discuss impacts on and by buses, which is inconsistent with an approach that removes transit from the analysis. Either there should be a thorough analysis of impacts on transit or these impacts should be completely removed.

**Project Description—The Southside Plan:** The draft Southside Plan - which was prepared in 2000 - covers a proposed area plan for the area of Berkeley immediately south of the University of California. The plan covers multiple policy areas, but particularly focuses on land use regulation and transportation. The plan area is bounded roughly by Fulton Street on the west, Prospect Street on the east, Bancroft Way on the north and Dwight Way on the south. The plan area covers some 28 city blocks, comprising 185 acres or approximately .3 square miles.

Ms. Elizabeth Greene  
June 30, 2008  
Page 2

Some 55 acres in the Southside are owned by the University of California. As a state agency, University development on University-owned property is governed by its own Long Range Development Plan (LRDP) rather than the city's General Plan and zoning. Although the City and University agreed in 1997 to develop a plan jointly, the University subsequently withdrew from the process, leaving the Southside Plan as a City plan.

**Transit on the Southside:** Berkeley's Southside has one of the highest levels of transit service in the AC Transit district. Seven AC Transit routes serve the area:

- One Rapid to Downtown Berkeley, Oakland and San Leandro (1R),
- One trunk line to West Berkeley, Oakland and Alameda (51),
- One limited stop service to West Berkeley and Albany Village (52L),
- One Transbay route to San Francisco (F),
- One "allnighter" route to Downtown Berkeley and Alameda (851),
- Two local routes (1 and 7).

All of these routes use part or all of Bancroft Way and Durant Avenue between Fulton Street and Piedmont Avenue. Impacts on Bancroft and Durant are thus of critical importance to AC Transit.

At peak, there are 25 one way AC Transit bus trips per hour in each direction through the Southside. With operation of the full BRT, this number would rise to 30 or more trips per hour per direction. The Southside is also served by the University's "BEAR Transit."

The Southside would be served by the proposed Bus Rapid Transit line. The BRT would provide service to Downtown Berkeley, Alta Bates Hospital, Pill Hill, Downtown Oakland, East Oakland and San Leandro. The BRT could serve almost 50,000 trips per day, making it the second busiest bus line in the Bay Area. The Metropolitan Transportation Commission (MTC) has included the BRT in its "Resolution 3434" Regional Transit Expansion Program.

**The Southside Plan EIR's Circulation Proposal:** The Southside Plan EIR notes, on p. 23 and elsewhere, that the Planning Commission selected "Alternative Two" from among six proposed circulation alternatives (the alternatives are listed and described in Appendix C on p. 49-53). Alternative Two makes Bancroft and Durant two way streets, each with one travel lane in each direction. Other alternatives would - in addition to making Bancroft and Durant two-way streets -- make Dana and Ellsworth two way streets, restrict traffic in the vicinity of Telegraph & Bancroft, and restrict traffic on Telegraph between Bancroft and Haste. None of the Alternatives make any reference to dedicated, restricted, or managed bus lanes on any roadway. For clarity, we suggest including a table showing which changes are included in which alternative.

Ms. Elizabeth Greene  
June 30, 2008  
Page 3

**Rationale for Choosing Alternative Two:** The rationale for choosing Alternative Two is not clearly stated in the EIR. Appendix D of the EIR is "City of Berkeley Staff Report Detailing Selection of Circulation Alternative #2." However, the report is largely devoted to explaining the process by which Alternative Two was chosen, relative advantages and disadvantages of the various alternatives, and advantages of two way streets, without providing an overall evaluative rationale for Alternative 2.

3

The report argues (Appendix D., p. 15) that two way streets are better for transit because they improve transit access for pedestrians. However, it makes no effort to weigh this advantage against the disadvantage which slowed travel times and increased congestion can cause for transit passengers. Nor does it make any effort to distinguish between different types of one-way street situations. A closely spaced couplet of fairly similar streets (e.g. Bancroft and Durant) functions quite differently than do a more widely spaced couplet of quite different streets (e.g. Telegraph and Dana).

**The Plan's Circulation Proposal and Transit**

Unanalyzed Delay to Existing Bus Routes: Changes in circulation on the Southside are important both for their effects on existing transit as well as the BRT. Of the seven routes now serving the Southside, at least five would continue to operate even after the implementation of the BRT.

AC Transit welcomes the fact that the EIR recognizes delay to transit as an environmental impact. The Plan would cause a significant impact if it were to "Cause a substantial delay in transit service ..." (p.118). However, the EIR does not quantify how much delay would constitute a significant impact - an issue which AC Transit would be pleased to work with the City to further define. In addition, the data which the EIR includes to assess impacts on cars is not adequate to determine whether the Plan would in fact cause a substantial delay in transit service. The EIR reports delays at intersections with poor Levels of Service (LOS). However, buses travel along corridors, largely the Bancroft-Durant corridor in the Southside. To quantify delay over the corridor as a whole, delay at every intersection must be included, even if those intersections are currently operating at high Levels of Service. Intersection delays that are individually minor can cumulate to substantial delays.

4

In addition, buses in mixed flow lanes are generally more impacted by congestion than cars, because buses must pull into and out of curbside bus stops. This condition is particularly serious on roadways which have only one travel lane in each direction. An analysis of delay to non-BRT buses should be conducted.

5

Ms. Elizabeth Greene  
June 30, 2008  
Page 4

Impact of Relocating Bus Stops from Durant to Bancroft: Impact TRANS 11 on p. 135 discusses, among other topics, the relocation of bus stops from Durant Avenue to Bancroft Way when the streets are made two way. This reference is premature for several reasons. While there would certainly be good arguments to relocate service from Durant to Bancroft, no decision has been made and the issue has not been discussed with AC Transit. Moreover, if dedicated bus lanes were created, local buses might operate in those lanes rather than mixed flow lanes. The reference should be removed until a final service plan is developed.

6

Impact TRANS 12 - "The conversion of Bancroft Way and Durant Avenue to two-way streets will result in bus encroachment into opposing lanes of traffic at intersecting streets, thereby slowing bus travel" (p. 136) - This projected impact would only occur if there were buses traveling in mixed flow lanes on streets with one travel lane in each direction. But the EIR seeks to be neutral or silent on the possibility of dedicated transit lanes, which could eliminate this Impact for some or all buses. Therefore, it cannot now be known if - and to what extent - this Impact would occur. This Impact should be removed until final decisions are made about dedicated transit lanes.

7

According to the EIR (pp. 139 & 143) Alternative Two requires the elimination of the series of policies from the Southside Plan itself. The EIR reproduces these policies, in strikeout type. These policies support the development of BRT and call for consideration of various alternative alignments. AC Transit is concerned about this proposal to retroactively change the Southside Plan. The alternative alignments noted in the language struck on p. 143 might arguably be appropriate for removal, on the grounds that they have been superseded by Alternative 2. However, the policies for Telegraph on p. 138 would not be appropriate for removal on that basis. Those policies would only be superseded if the EIR intended to allow changes only on the streets explicitly identified in Alternative 2 - Bancroft & Durant. But such an approach would contradict the EIR's neutrality towards BRT.

8

Effect on Bus Rapid Transit: The City has furnished a table, sent to the Planning Commission and Transportation Commission, entitled "Compatibility of Southside EIR and BRT EIR/EIS options." The chart, prepared by Andrew Tang of Cambridge Systematics, is stated to be "based on cursory assessment. Results should be confirmed by engineering, traffic evaluation." The chart indicates that almost all Southside BRT options analyzed in the EIR are compatible with almost all Southside Plan circulation options.

9

However, some combinations of BRT options and Southside Plan circulation options would produce unusual roadway configurations. If both directions of the BRT transitway were placed on Bancroft, that would only leave room for a single westbound mixed flow (auto) travel lane. Durant could be converted to a standard two way street. The EIR should disclose the potential for this outcome, as it may not be widely understood.

Ms. Elizabeth Greene  
June 30, 2008  
Page 5

AC Transit is relying on the information from Cambridge Systematics in responding to the EIR. The District is also relying on the City's statements that the Plan EIR is not intended to make any decisions - explicit or implicit - about BRT alignments in the Southside.

10

**Conclusion:** The Southside Plan EIR raises many complex issues about transit (and development). As the Final EIR is drafted, it should reflect Berkeley's best traditions of analytical understanding of and philosophical support for transit. We look forward to working with the City on it. If you have any questions about this letter, please contact Nathan Landau in the Long Range Planning unit at 891-4792.

Yours Truly,



Nancy Skowbo  
Deputy General Manager for Service Development

Cc: Tina Spencer  
Cory Lavigne  
Jim Cunradi  
Nathan Landau  
Puja Sarna

**COMMENTOR A4**

**AC Transit**

**Nancy Skowbo, Deputy General Manager - Service Department**

**June 30, 2008**

A4-1: The purpose of the Draft EIR is to disclose environmental impacts with the Southside Plan. The Draft EIR does not take any position regarding the BRT nor should it since the BRT is a separate and independent project. The impact identified that is transit related (Impact TRANS-12) is applicable because it recognizes the conversion of one-way to two way streets needs to accommodate buses.

A4-2: The circulation alternatives included a variety of one-way to two-way conversions illustrated on pages 49-53. For reference, the following table presents the circulation changes under each alternative.

<b>Circulation Change</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>	<b>Alternative 4</b>	<b>Alternative 5</b>	<b>Alternative 6</b>
Ellsworth and Dana to two-way	x		x			x
Durant and Bancroft to two-way		x	x		x	x
Telegraph restricted north of Durant					x	
Telegraph restricted north of Haste						x

None of the circulation alternatives included changes to bus routes, bicycle lanes, or delivery routes. Any changes made to these would be up to the individual users. For example, AC Transit, at their discretion, could shift bus stops from Durant to Bancroft. FedEx or UPS could alter delivery routes to take advantage of the changes in circulation patterns.

A4-3: As noted in Appendix D of the Draft EIR, the Southside subcommittee recommended the use of Circulation Alternative 2 based upon its review of the six circulation alternatives; Circulation Alternative 2 was selected by the Planning Commission as the alternative to be used as the basis for comparing other circulation alternatives. This alternative, as noted on page 5 of Appendix D, was recommended because it provided a “significantly more balanced distribution of traffic between the east-west streets in the network.”

Page 15 of the Appendix D report indicates that two-way streets will result in slower vehicles. This is mentioned in reference to the benefits of two-way streets to pedestrians (slower traffic is a safer environment for pedestrians) and the effects on the

neighborhood of conversion to two-way streets (could result in cut-through traffic). While the impact of two-way streets on transit speeds is not specifically called out, it can be inferred that reductions in vehicle speeds will affect transit riders as well as those in private vehicles.

A4-4: Based on the analysis conducted in the Draft EIR, it was determined that delay along the corridors would not be significantly increased by converting from one-way to two-way streets. Delays at intersections remained the same after converting from one-way to two-way streets and intersections that experienced increased delay could be mitigated. Travel times along corridors were taken into account when re-routing the traffic presented on page 119 of the Draft EIR. As traffic was shifted, overall characteristics of travel time along the corridor did not change much. There could be impacts to travel times as noted in Impacts TRANS-12 and TRANS-13 with mitigations to minimize those impacts.

A4-5: See response to comment A4-4.

A4-6: Impact TRANS-11 addressed impacts from double parking on two-way streets and associated mitigation focused on Policy T-F5. Whether AC Transit maintains or shifts bus routes is an independent decision from the Southside Plan.

A4-7: Impact TRANS-12 does not draw conclusions of appropriateness of dedicated transit lanes. The purposed Impact TRANS-12 was to identify existing bus routes and associated turning movements impacted if streets are converted from one-way to two-way.

A4-8: The Draft Southside Plan has many policies in the Transportation Element which relate to different circulation scenarios. In many cases, these policies conflict with each other. The strike-out text was included in the Draft EIR to demonstrate the Southside policies which would not apply in a Circulation Alternative 2 scenario, and which were not considered as part of the analysis.

The Planning Commission has made it clear that Circulation Alternative 2 was chosen solely for the purposes of developing a viable alternative for purposes of comparison to other options in the required Alternatives portion of the Draft EIR. All of the policies mentioned in the Draft Southside Plan will continue to be included in the Southside Plan to allow flexibility in consideration of a final circulation pattern for the Southside. Once a circulation pattern is decided, the Plan would be amended to reflect the chosen pattern; until that time, all of the options will remain in the Plan.

A4-9: The AC Transit BRT proposal is an independent project conducted independently of the Southside Plan. The purpose of the table referred to in the comment was to illustrate that BRT is compatible with any Southside Plan circulation proposal.

A4-10: The commenter is correct that the Draft EIR is not intended to make decisions on the BRT. Decisions with respect to BRT are independent to the Southside Plan and are to be made in consultation with AC Transit and the City.



ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185  
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

June 30, 2008

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- Executive Director**  
Dennis R. Fay

Ms. Elizabeth Greene  
Planning and Development Department  
2120 Milvia Street  
Berkeley, CA 94704

SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the City of Berkeley Draft Southside Plan

Dear Ms. Greene:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Draft Southside Plan of the City of Berkeley. The Draft Southside Plan is intended to guide development in the Southside area until the year 2020. It identifies the City's key land use, housing, transportation, economic development, community character, and public safety policies for managing change, and outlines design guidelines and zoning changes for the Southside neighborhood. The Plan serves as a long-range statement of policies for the development and preservation of the area, and is a statement of community priorities and values to be used to guide public decision-making in future years.

The ACCMA respectfully submits the following comments:

- *Criteria of Significance:* From page 117, 2a, third paragraph, first sentence, delete the following references to ACCMA's standards of significance in the DEIR text, as indicated in strike-outs, and add the text highlighted in bold:
    - The Draft Southside Plan would have a significant impact on transportation and circulation if it would
      - Cause, either individually or cumulatively, an exceedance of a level of service standard ~~established by the ACCMA for the CMP-designated roadway system~~. For the purposes of this EIR, an exceedance of **level of service ACCMA** standards is measured as follows:
        - (1) on CMP designated roadway segments that are projected to meet the ~~CMP level of service~~ standard in the future,
        - (2) on CMP-designated roadway segments that are projected to exceed the ~~CMP level of service~~ standard in the future...
- The ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the Congestion Management Program (CMP). Professional judgment should be applied to determine the significance of project impacts (Please see chapter 6 of 2007 CMP for more information).

- Page 118: Congestion Management Program Analysis, Standard of Significance:

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Berkeley

Ms. Elisabeth Green  
June 30, 2008  
Page 2

- One of the proposed standards of significance is the project adding at least five percent to the future peak-hour traffic volume. What is the basis for this? Considering the fact that I-80 is one of the most congested freeways in the Bay Area and carries significant volume of traffic, 5% of the traffic volume on this freeway would be too high a standard for projects to meet, and therefore may be inappropriate. Please explain.
- Several road segments are projected to operate at LOS F with and without the project in 2010 and 2025. The project will impact these roadways between one and two percent of increased traffic. When roadways on the CMP network are found to be LOS F during the bi-annual LOS Monitoring process, the City will be responsible for developing deficiency plans to correct deficiencies if they are not found to be statutorily exempt. Since CMP roadways are projected to operate at LOS F and the project will contribute to the LOS F conditions, the City should consider collecting a fair share portion from the project sponsor for correcting future deficiencies on CMP roadways in the project vicinity and holding it in escrow until it is needed.

2  
cont.  
  
3

Thank you for the opportunity to comment on this DEIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,



Diane Stark  
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2008

## COMMENTOR A5

Alameda County Congestion Management Agency

Diane Stark, Senior Transportation Planner

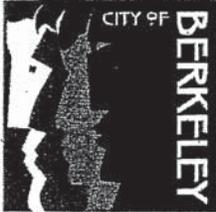
June 30, 2008

A5-1: In response to this comment, the criteria of significance on page 117 of the Draft EIR is revised as follows:

- Cause, either individually or cumulatively, an exceedance of a level of service standard ~~established by the ACCMA for the CMP designated roadway system.~~ For the purposes of this EIR, an exceedance of ~~ACCMA standards~~ of a level of service standard is measured as follows:
- (1) on CMP designated roadway segments that are projected to meet the ~~CMP level of service~~ level of service standard in the future without the project (2025), the impact would be significant if the project causes the segment to exceed the standard and adds at least 5 percent to the future peak hour traffic volume;
- (2) on CMP-designated roadway segments that are projected to exceed the ~~CMP level of service~~ level of service standard in the future without the project (2025), the impact would be significant if the project adds at least 5 percent to the future peak hour traffic volume.

A5-2: According to Fehr and Peers' traffic engineers, traffic fluctuates 3 percent to 5 percent on any given day. A traffic increase above 5 percent would be noticeable to a driver, and thus was used, for purposes of this Draft EIR, as a criterion of significance to determine a level of impact for the project (see Draft EIR page 11). Additionally, the 5 percent threshold was based on the UC Berkeley 2020 LRDP Draft EIR that also used a 5 percent increase threshold. There have been recent studies in Oakland (MacArthur BART EIR; Oak Knoll Project) that use a 3 percent threshold. Tables IV.C-8 and IV.C-9 of the Draft EIR show roadways operating at LOS E or F would increase traffic by 3 percent or less, thus still not triggering a significant impact with the lower 3 percent threshold.

A5-3: The comment is noted and appreciated.



Public Works Department  
Transportation Division

DATE: June 20, 2008

TO: Elizabeth Greene, Senior Planner  
Jordan Harrison, Secretary to the Planning Commission

FROM: Farid Javandel, Secretary to the Transportation Commission *FJ*

RE: **Recommendations re Southside Plan EIR**

Background:

At its regular June 19 meeting, the Transportation Commission (TC) reviewed the June 17, 2008 memo from Elizabeth Greene, Senior Planner, entitled "Southside Plan EIR process and its relationship to circulation alternatives and the BRT EIR process", in which she articulates "how the Southside DEIR could proceed in light of circulation options discussed in the Plan, the DEIR and the Appendices, and in light of the BRT DEIS/R process" and "a series of next steps for the Planning Commission to consider in regards to the Southside Plan process."

Following discussion, the TC took the following action:

The Motion:

It was motioned/seconded/carried unanimously (Wrenn/ Syed) that the TC recommends that the City proceed with the Southside Plan Option A without a specific transportation circulation alternative given that Alternative 5 from the South Side Plan DEIR will be reviewed by staff in the current Bus Rapid Transit planning process.

The TC continues to oppose any circulation alternative that limits auto traffic and buses to a single shared lane in either direction on Bancroft and/or Durant;

The TC also recommends adding the following language to both the Southside Plan and the DEIR: the EIR should be certified as complete, relevant and unbiased, and that although it selects Alternative 2 as the "preferred alternative" for analysis, all alternatives have been evaluated and remain viable alternatives for consideration in conjunction with other potential projects, such as Bus Rapid Transit (BRT), which were not included in this EIR

Ayes: Syed, McCaughrin, Haselsteiner, Greenhut, Alfsen, Gravelle, Wrenn, Smulka

Absent: Bruzzone

Rationale:

This recommendation is supportive of Option A proposed by Planning Staff for "Possible Action related to Southside Plan Transportation Alternatives."

1947 Center Street, 3rd Floor, Berkeley, California, 94704  
Telephone: 510.981.7010 TTY: 510.981.7075 Fax: 510.981.7060  
E-mail: transportation@ci.berkeley.ca.us

TC Recommendations re Southside Plan EIR

Members of the Transportation Commission are concerned that if buses and cars share a single lane in each direction, as would occur if Alternative 2 were implemented without provision of dedicated lanes for buses, that it will degrade bus service by increasing bus travel time and reducing service reliability. This would not be consistent with the draft Southside Plan's emphasis, clearly stated in policies TB-2 and TB-3, on reducing transit travel time through the Southside.

2

With existing one-way circulation, there are currently three westbound lanes on Bancroft through the Southside and three eastbound lanes on Durant. If buses and other motor vehicles were to share a single lane in each direction on both streets, it would affect not only the proposed BRT service, but would also affect service on all other routes that currently use Bancroft and Durant in the Southside, including the heavily-used 51 route.

3

Transportation Commissioners have expressed a preference for Alternative 5, one of the options in the Southside Plan, over Alternative 2. Alternative 5 retains motor vehicle access to all parking structures on Bancroft and reroutes only through (auto) traffic. Commissioners have stated that Alternative 5, with its restriction on through traffic on Bancroft, is preferable as a two-way circulation option because, if Bancroft is eliminated as a through route, the volume of traffic on Bancroft would be substantially reduced, thus reducing the likelihood that two-way circulation would degrade bus service. This is based on the assumption that higher volumes of motor vehicle traffic are more likely to slow down buses than lower volumes of traffic.

4

Fehr and Peers' 1996 Southside of Campus Circulation Study found that about 40% of the traffic entering the Southside had a local destination, while 60% was traveling through the area. If traffic through the area via Bancroft is blocked by restrictions near Telegraph, then presumably the volume of traffic on Bancroft will drop, which would improve conditions for the remaining traffic, including buses. Buses would not be subject to the restrictions on through traffic and would continue to be able to travel the length of Bancroft.

5

**Letter A6**

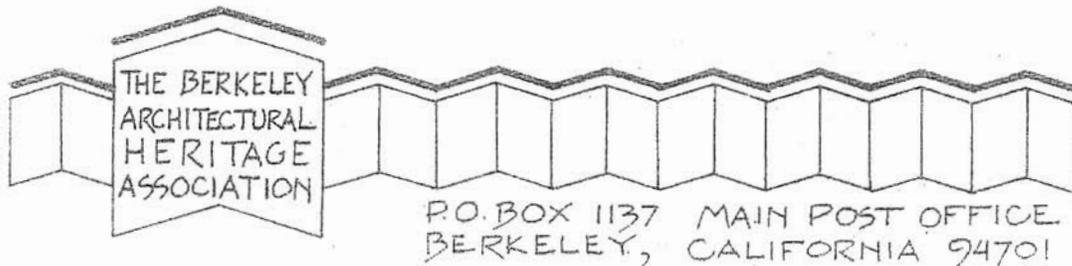
**City of Berkeley, Public Works Department**

**Farid Javandel, Secretary to the Transportation Commission**

**June 20, 2008**

- A6-1: The comment is noted that the Transportation Commission (TC) made a motion that the TC recommends that the City proceed with the Southside Plan Option A without a specific transportation circulation alternative. Additionally, the TC recommends that “the EIR should be certified as complete, relevant and unbiased, and that although it selects Alternative 2 as the “preferred alternative” for analysis, all alternatives have been evaluated and remain viable alternatives for consideration in conjunction with other potential projects, such as Bus Rapid Transit (BRT), which were not included in this EIR”.
- A6-2: The comment is noted that members of the TC are concerned that if buses and cars share a single lane in each direction, as would occur if Alternative 2 were implemented without provision of dedicated lanes for buses, that it will degrade bus service by increasing bus travel time and reducing service reliability.
- A6-3: In this comment the TC notes that if buses and other motor vehicles were to share a single lane in each direction on Bancroft and Durant that it would affect not only the proposed BRT service, but would also affect service on all other routes that currently use Bancroft and Durant in the Southside including Bus Route 51.
- A6-4: In this comment, the TC expresses a preference for circulation Alternative 5 (which restricts through traffic on Bancroft) over Alternative 2.
- A6-5: This comment provides additional reasons why the TC prefers circulation Alternative 5 as they presume that by blocking through traffic on Bancroft, the volume of traffic on Bancroft will drop which would improve conditions for buses.

## **B. ORGANIZATIONS**



Ms. Elizabeth Greene  
Planning and Development Department  
City of Berkeley  
2118 Milvia Street  
Berkeley, CA 94704

June 21, 2008

Re: **Comments on Draft EIR for Southside Plan**

Dear Ms. Greene:

The Berkeley Architectural Heritage Association (BAHA) has the following comments on the Draft Southside Plan Environmental Impact Report. (The page references below are to the Draft EIR's main volume unless otherwise specified.) We appreciate the extended period that was granted for commenting on this important document.

The Southside plan area contains especially numerous and significant features of Berkeley's vital built heritage. This makes it especially unfortunate that so much of the Draft EIR's discussion of historic resources is inaccurate or inadequate. It appears that within the overall environmental analysis, historic resources have gotten rather short shrift.

**"Architectural Cultural Resources," Etc.**

In some places like page 239's first paragraph, the Draft EIR refers to "architectural cultural resources" or "historical architectural resources." Those terms are awkward and inadequate and should be replaced by either "historic resources" or "historical resources."

1

Page 247's last paragraph contains the wording "historical resources (i.e. [that is], City of Berkeley Landmark status; eligibility for listing in the California or National registers)." That language could be read as defining "historical resources" much more narrowly than pertinent CEQA Guidelines Section 15064.5 does. The words within parentheses should be deleted.

2

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### **Still-Unrecognized Historic Properties—and Districts**

Though page 238's last regular paragraph does acknowledge that the ensuing pages summarize just "known" cultural resources, the Draft EIR fails to adequately address the full implications of that admission.

(Page 233's third paragraph even omits the adjective "known" when it claims that "The following section...summarizes the cultural resources in the Southside area.")

With its unusually rich architectural and social history, the Southside has many historic resources that haven't yet been officially identified as such. Some examples are the Chandler Apartments at Telegraph and Dwight, the Vedanta church at 2455 Bowditch, and the house at 2232 Haste (where world-renowned David Brower grew up). As page 119 of the Draft Southside Plan itself says:

Official designation and recognition of the neighborhood's architecturally and historically significant structures is incomplete....

Additional landmarks and structures of merit can and should be designated. Among these might be a number of the pre-1951 buildings shown by Map CC-1.

Proposed Policy CC-D1 says, "Preserve and maintain architecturally and historically important buildings in the area, including both landmarked and non-landmarked structures whenever feasible."

The EIR should seriously address (albeit necessarily in relatively general terms) potential impacts on historic resources that haven't yet been specifically identified.

And it should address much more than just impacts on individual buildings. It should consider how buildings may work together so as to comprise distinctive clusters and even potential historic districts. In its very first sentence (Section 3.24.010.A) Berkeley's Landmarks Preservation Ordinance speaks of special "structures, sites and *areas*." Areas or districts are in fact one major type of historic resource. Yet this point is hardly at all acknowledged, let alone followed up on, by the Draft EIR.

The Southside does indeed contain various locales that might be designated as historic districts. For instance, think about the distinctive clusters of Colonial Revival or Victorian houses along Atherton and Fulton Streets. Important clues are provided by the Draft Southside Plan's own Appendix B, entitled "Small Townscape Units."

### **"Cultural Resources" Tabulation**

The Draft EIR attempts to list resources by means of its Appendix H's Table 1, "Cultural Resources within the Southside Project Area." This table badly needs a new title—perhaps "Identified Historic Resources As of June 2008 in the Southside Plan Area." And it should have

3

4

5

a prominent note explaining that additional historic properties, and historic areas, will be identified in future.

**5**  
**cont.**

In its specifics the table is rife with error and inconsistency:

- The properties at 2105 Bancroft, 2126 Bancroft, 2215 College, 2241 College, 2243 College, 2251 College, 2601 Dana, 2609 Dana, 2612 Dana, 2425 Hillside Avenue, and 19 Hillside Court *aren't* inside the Southside Plan area. Nor are 2120 Dwight, 2422 Hillside Avenue, 2434 Hillside Avenue, and 2444 Hillside Avenue (though these ones do directly adjoin the plan area's boundary).
- The table is very inconsistent about properties on the north side of Bancroft. Indeed the Draft EIR in general is unclear about them. Maps such as Figure III-2 depict a plan-area boundary slightly north of Bancroft and page 17's fifth paragraph says that "The Southside area is bounded by Dwight Way to the south, Bancroft Way to the north, Prospect Street to the east, and Fulton Street to the west, and includes the properties fronting these streets." But what are the "fronting properties" on Bancroft's campus side? The table does list two historic resources on that side of Bancroft: the First Unitarian Church/UC Dance Studio at 2401 Bancroft and International House at Bancroft and Piedmont. But it omits Edwards Stadium, Harmon Gym/Haas Pavilion (which is a City-designated landmark), Sproul Plaza (which was recorded by the 1977–1979 State Historic Resources Inventory), and Hearst Gymnasium—all of which also adjoin or are close to Bancroft's north side.
- The table should reflect this year's landmarking of the Cambridge Apartments at 2500 Durant.
- For the Gayley House, which in reality is at 2328 Piedmont Avenue, the table incorrectly says "2378." The State evidently has made the same mistake, which is reflected in an April 7, 2008, printout of the Berkeley section of the California Historical Resources Inventory (HRI) database.
- For what the above-mentioned HRI printout lists as "2432 Telegraph Avenue," the Draft EIR's Table 1 says "2441 Haste Street." Though the building in fact has both addresses, the citation difference is confusing.
- Similarly, for what the HRI printout calls "2599 Telegraph Avenue," Table 1 says "2597 Telegraph Avenue."
- There are several cases where Table 1 itself confusingly has *two* listings for what in fact is a single property. One of them involves the landmarked property that the table lists as both "2501 Telegraph" and "2502 Dwight" (the HRI printout shows only "2501 Telegraph"). For the landmarked Casa Bonita Apartments the table lists both "2605 Haste" and, quite incorrectly, "2608 Haste" (the HRI printout has just "2605 Haste"). For the Thorsen House the table lists both "2806 Bancroft" and "2307 Piedmont" (the HRI printout shows just "2307 Piedmont").

**6**

- Another case seems to involve the table's "2437 Dwight" and "2441 Dwight" (the HRI printout says just "2441 Dwight"). And why does Table 1 show different years of construction (1869 vs. 1880) for those two addresses?
- Table 1's "2606 Dwight" and "2501 Hillegass" present a special and complex situation involving *two* landmarkings, by the LPC, of property owned by the ABSW (American Baptist Seminary of the West). Landmarking #203 (at 2600–2606 Dwight Way) included Hobart Hall and its two adjoining arcades, which mostly were built in 1919–1921. Subsequent landmarking #211 (which apparently included the addresses 2501–2521 Hillegass) covered various *other* ABSW structures, built at different times ranging from 1949 to 1964, *as well as* Hobart Hall and its adjoining arcades—and thus it seems to have subsumed within itself the earlier designation. (The HRI printout as such lists only Hobart Hall, at "2600 Dwight.")
- The table lists both a "Rose Berteaux Cottage" at 2350 Bowditch and a "Rose and William Berteaux House" at 2612 Channing. (The HRI printout shows just "W & R Berteaux House" at the Channing address.) But there's just a single cottage and the special situation involving it needs explaining. The cottage was landmarked while it was at 2612 Channing—but the building *per se* was subsequently moved to 2350 Bowditch.
- The B. Carrington house was designated as a structure of merit while it was located at 2323 Bowditch, but the house itself was later moved to somewhere *outside* the plan area. This special situation also needs explaining.
- The table should note that at 2501 Haste, the Berkeley Inn building has been demolished. (The lot has been vacant for many years.)
- Though the table dates People's Park as "1968," the park in fact was first created in 1969. (The HRI printout makes the same mistake.)
- For each property, Table 1's "NR Code" column shows just a single code. For some of them this practice appears to be misleading. In the above-mentioned recent HRI printout some properties have *more than one* code—generally, it seems, with the most recent rating given first. It appears that at least for some purposes, several properties may well be *more* historic (that is, have an NR code with a lower first numeral) than what Table 1 now indicates. Judging by the HRI printout, these properties seem to include 2126 Bancroft, 2300 Bancroft, 2400 Dana, 2308 Durant, 2301 Telegraph, 2328 Telegraph, and 2539 Telegraph.
- Instead of Table 1's 4S code, the HRI printout shows new code 7N ("Needs to be reevaluated") for several properties: 2400 Bancroft, 2434 Bancroft, 2728 Channing, 2732 Channing, 2732 Durant, and 2411 Telegraph.
- Though Table 1 doesn't indicate any NR code for 2597 Telegraph, the HRI printout shows the same property (which it calls "2599 Telegraph") with code 3S.

- For both 2132 Dwight and 2150 Dwight the HRI printout shows code 6Y (evidently assigned in 1998) instead of the 6Y2 shown by Table 1. As this seems to mean that these two properties may not be historic resources, should they or shouldn't they be listed in the table?
- If Table 1 should list properties rated 6Y, why doesn't it list 2511 Regent Street? And why doesn't it list the approximately 14 Southside properties, not otherwise classified, that were examined during AC Transit's environmental review for proposed Bus Rapid Transit and for which the recent HRI printout shows code 6Y?
- Trinity United Methodist Church's original sanctuary building may well have been rated with code 2S2 and, at least if so, should be listed in Table 1. The building is located at the northwest corner of Dana and Durant but shares the address "2362 Bancroft" with other structures owned by the church.
- "Durant St" should be changed to "Durant Ave."

6  
cont.

Because of problems described above, many of the Table 1-based figures in page 239's first paragraph obviously need revising.

7

In that same paragraph as well as in Appendix H's Table 2, the name "California Inventory of Historic Resources" evidently should be changed to "California Historical Resources Inventory."

### Impacts on Historic Resources in General

BAHA is quite unconvinced by the Draft EIR's conclusion that there would be no significant impacts on historic resources.

8

For some parts of the area, the Draft Southside Plan proposes considerable loosening of certain basic zoning standards. And regarding the whole Southside, the drastic post-2003 amendments to the State Density Bonus Law may mean that development potential is much greater than was envisioned back when the Plan was being crafted.

In the Draft EIR page 247's last paragraph and page 248's third paragraph seem to assume that development would likely occur on the particular "opportunity" sites that are listed in the Draft Plan's Appendix A—and most of which don't contain plausibly historic resources. But as experience strongly suggests, development may get proposed on sites that Appendix A doesn't list at all. For instance, the City Council has approved a massive project at 2126 Durant, contingent on moving the historic Blood House away from that site. A big development has been proposed that would include 2509 Haste, from which the Woolley House would be moved away. Merely relocating a historic structure usually constitutes a significant impact.

9

Even in cases where no historic building would be demolished or moved away, historic resources could be impacted by overscaled or otherwise incompatible new construction *adjoining* them.

Although page 249’s first full paragraph tries to address this matter, one thing it fails to say is that the concern may necessitate doing EIRs on specific future development projects.

**9**  
**cont.**

**Aesthetic Impacts**

The Draft EIR doesn’t analyze in any depth whatever the vital topic of “aesthetics.” It just dismisses the whole subject by the conclusionary single paragraph at the bottom of page 2. BAHA finds this very unconvincing.

Having design review, and supposed design guidelines, doesn’t guarantee safety from aesthetic damage. This is glaringly demonstrated by some recent projects in Berkeley that had undergone such review.

**10**

Incompatible projects could downgrade notable view corridors, which are actually more numerous than the ones that the Draft Southside Plan’s Map CC-4 happens to depict. And this concern involves more than just views from *within* the Southside plan area. For instance, part of the visual effect of large-scale development in the Southside would be felt by the historic Panoramic Hill neighborhood that looks down over it from the east.

**Piedmont Avenue**

The Draft EIR’s pages 9 and 132–133 propose re-striping Piedmont Avenue’s roadway so as to accommodate two moving lanes in each direction, and banning curb parking during at least PM peak time, apparently from Bancroft to a point 100 feet south of Durant. This is presented as mitigation measures for potential traffic congestion. But the Draft EIR fails to consider at all whether these measures themselves could adversely affect the unique and sensitive character of Piedmont Avenue, which is a State Historic Landmark. This concern should be seriously addressed.

**11**

**Anna Head Complex**

For the Anna Head complex, which of course is owned by the University, page 249’s last paragraph may assume that LPC design review will have more effect than it actually can. The paragraph may well be right in recognizing that continued office occupancy will help preserve this very special complex’s historic form. However, its statement that the Draft Southside Plan’s Policy LU-F7 “encourages retaining the use of the Anna Head Complex as office space” seems somewhat inaccurate. The policy actually says, “In efforts to seek the best re-use option for the Anna Head complex, office use *may* continue as *a* use in the Anna Head buildings [*italics employed here for emphasis*].” This wording provides leeway for possibly also including some compatible non-office use, such as living quarters for visiting scholars.

**12**

**LPO and Design Review**

Page 242’s paragraph about the Landmarks Preservation Ordinance says that the ordinance was drafted “as an attempt to prevent or delay the demolition of historically significant architecture while alternatives to the demolition were sought.” But the LPO’s goals obviously were, and are, much broader than that.

13

The last sentence of page 248’s first paragraph mistakenly says that “[i]f the LPC elects to suspend action on a permitting decision (alteration, new construction, or demolition), the suspension may not exceed one year for projects involving listed Landmarks and historic districts, and 180 days for Structures of Merit.” In fact as the ordinance’s Section 3.24.240.B makes clear, the provision and time limits for suspension by the LPC are only about permits to “demolish”—not about proposed alterations or new construction.

14

Near the bottom of page 248 is the quite inaccurate statement that “for properties listed in the State Historic Inventory (HRI), the LPC member sitting on the [City’s] DRC acts as a liaison to make advisory comments to the DRC regarding historic resource implications of project design.” The LPC member’s role isn’t at all limited to properties so listed. And the LPC member doesn’t just “advise” the DRC: he or she is a full voting member of the DRC on any matter that comes before it.

15

In page 249’s first line the words “or not listed” should be changed to “and not listed.”

16

Page 245’s first paragraph says that for UC projects outside the campus core, both the City’s Planning Commission and its LPC are given the chance to review and comment on the proposals “prior to internal review” by UC’s own Design Review Committee. Unfortunately that seems to be, at best, an overstatement.

17

**Berkeley and Southside History**

The “Cultural Setting” section on pages 235–238 contains many inaccurate or misleading statements. To be more specific:

- Near the bottom of page 235, “Treaty of Hidalgo” should instead be “Treaty of Guadalupe Hidalgo.”
- In page 236’s first full paragraph the first sentence says, “Residential development began in Berkeley after the installation of telegraph lines along Telegraph and Claremont Avenues.” But that’s quite misleading. Some residential development had already begun, at least in Ocean View. And the telegraph lines per se didn’t especially stimulate further development.
- The same paragraph’s second sentence says that “University of California lands were purchased in the early 1860’s.” But it would be more accurate to say, “By 1860 the College of California had begun to purchase what is now the University’s central campus.”

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- The paragraph’s third sentence very incorrectly says that “[t]he University, founded in 1855 as the College of California, was located in Oakland until 1866.” In fact the College wasn’t converted into the University until 1868 and the University’s classes continued to be held in Oakland till 1873.

**21**
- The paragraph’s fourth sentence claims that “[t]he town was known as Ocean View until local members of the community chose the name of an English philosopher [Berkeley] for the new college town.” But it seems unlikely that the name “Ocean View” ever referred to the *whole* of the future town—whereas the portion near the bay continued to be called Ocean View till much later than the sentence implies. The name “Berkeley” was chosen by the College of California’s Board of Trustees, most of whom weren’t “local members of the community.” And George Berkeley himself is best described as Anglo-Irish rather than English.

**22**
- Page 236’s second full paragraph seems to say that in the late 1870s “[r]etail businesses were concentrated on San Pablo Avenue and lower University Avenue.” This is quite misleading. By then, there was also some notable retailing on Shattuck and/or Telegraph Avenues.

**23**
- Page 236’s confusing paragraph about train service should distinguish more clearly between statements about the mainline tracks through West Berkeley and statements about the branch line along Shattuck. The branch line actually began service to the Downtown area in 1876 (and was extended northward therefrom in 1878).

**24**
- That same paragraph’s statement that “Shattuck Avenue between University Avenue and Dwight Way became Berkeley’s downtown and [only?] commercial district” is misleading. Downtown didn’t quickly develop commercially all the way from University to Dwight; for a long time there were quite distinct clusters around the branch line’s Addison or Center Street station and around its Dwight station. And of course these weren’t Berkeley’s only commercial locales.

**25**
- Also misleading is page 237’s statement, in the first full paragraph, that “military barracks were built on campus grounds” during World War II. It does appear that a number of such structures were moved onto the campus at the war’s end, but these “tempos” were used for academic or office purposes instead of as housing.

**26**
- Page 237’s third full paragraph says that “[i]n the 1860s, the Southside area was part of the Berkeley Property Tract and the College Homestead Tract....” For accuracy, this should be reworded as follows: “In the mid-1860s what is now the Southside plan area roughly coincided with the College Homestead Tract and the Berkeley Property Tract....”

**27**
- The initial sentences of page 237’s next two paragraphs utterly confuse with each other the two tracts’ respective boundaries.

**28**
- Within page 237’s paragraph about the College Homestead Tract, the statement that “[a] hotel, with a restaurant and small store, and several houses were located at the intersection of Bancroft Way and Telegraph Avenue” could be read as implying that that’s all the vicinity

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had till *long after* the mid-1870s. The statement should be changed to say, instead, “A commercial cluster developed at and near the intersection of Bancroft Way and Telegraph Avenue.” In the paragraph’s final sentence (which is about the situation by 1910), “a few stores” should be changed to “many commercial establishments.”

**29**  
**cont.**

- In page 238’s first full paragraph, the claim that “after World War II...Telegraph Avenue, previously a neighborhood shopping district, began [!] catering to students and professors” is obviously overstated.
- In page 238’s second full paragraph, the first sentence should be reworded as follows: “In the 1950s the University *began* a program to acquire *the majority of* 10 square blocks [italics used here for emphasis]....” (For comparison see the relevant statement in the middle of the Draft Southside Plan’s page 112.)
- In that same paragraph of the Draft EIR, the statement that “[s]ince the 1970s, development within the Southside area has been limited to individual projects and seismic upgrades” has become obsolete. That description obviously doesn’t match UC’s massive, multi-block Underhill Area Projects.
- The third sentence of page 238’s fourth full paragraph very erroneously says that “[i]n 1923, the railroad terminal was converted into a commercial area, known as Shattuck Square.” The land on which the “Shattuck Square” commercial project was built in the 1920s had in fact previously contained, for quite some years, a small park or plaza (which itself had replaced a rail siding or sidings). The railroad station itself, which was located between Center and Addison Streets, actually survived till the late 1930s—when it was demolished to make room for the “Berkeley Square” commercial development.

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### Looking Ahead

We hope that these comments will be helpful, in the preparation of a Final EIR that fully assesses potential impacts on the Southside and its historic resources. BAHA will be following closely and with great interest as planning proceeds for this very special neighborhood.

Sincerely,



Carrie Olson,  
President

**COMMENTOR B1**

**The Berkeley Architectural Heritage Association**

**Carrie Olson, President**

**June 21, 2008**

B1-1 The Draft EIR cultural resources section intentionally avoids the use of the terms “historic resources” or “historical resources” to describe buildings or structures categorized as cultural resources in the Plan area. This was done to reduce the potential for readers to confuse architectural resources that were identified during background research (which may or may not qualify as historical resources) with those resources that meet the statutory definition of historical resources as described at Public Resource Code § 21084.1.

B1-2 In response to this comment, the paragraph in question on page 247 is revised as follows:

**Demolition or Substantial Alteration.** The Draft Plan contains 83 opportunity sites that could potentially support more intensive uses to achieve the Draft Plan’s objectives. If development envisioned by the Draft Plan involves buildings or structures that meet, or have the potential to meet, criteria for consideration as historical resources (i.e., ~~City of Berkeley Landmark status; eligibility for listing in the California or National registers~~), the Draft Plan may result in a significant impact to cultural resources.

B1-3 The comment is noted, and the City concurs that the Southside has many historic resources (structures, sites, areas and districts) that may be officially identified as such in the future. As noted in the comment, the Draft EIR identifies and evaluates potential adverse effects associated with the implementation of the Draft Southside Plan on those historic resources meeting the requirements of Section 15064.5 of the *CEQA Guidelines* and that were known at the time of the preparation of the Draft EIR. As stated in the Draft EIR, on pages 247 to 250, potential adverse impacts to historical resources would be reduced to a less-than-significant level due to the City’s formal regulatory structure in place for designation and protection of cultural resources (and especially historical architectural resources) in Berkeley and the Southside area; the existing policies that protect cultural resources in the General Plan and the proposed policies in the Draft Plan; and that additional assessment under CEQA for individual projects may be required should the City determine that there is a potential for significant adverse effects to known or potential cultural resources.

B1-4 The comment is noted. See response to comment B1-3.

B1-5 The City concurs with the commenter. The title of Table 1 in Appendix H of the Draft EIR has been revised, and a statement regarding the likelihood that additional historical

architectural resources will be identified in the Plan area in the future was added to the Draft EIR text. The paragraph in question on page 239 is revised as follows:

Architectural Cultural Resources. Known cultural resources in the Southside area consist of 101 historical architectural resources. Of the 101 architectural resources, 41 are designated by the City as landmarks, six are designated as structures of merit, and four are listed in the California Inventory of Historic Resources (California Inventory). Of the 41 landmarks, seven are also listed on the National Register of Historic Places (National Register) and the California Register of Historical Resources, and five are listed in the California Inventory. Of the six National Register properties, two are California Historical Landmarks, and one is a National Historic Landmark. The remaining properties not listed in other inventories are included in the state Historic Resource Inventory. Table 1 in Appendix H of this EIR provides the location, year built, local and state designation status, National Register status<sup>2</sup>, and referral source of each resource. Table 2 in Appendix H provides the meaning of the status codes used in Table 1. It should be noted that this summary reflects known cultural resources as of 2008 that were identified through a review of existing documentation. It is likely that additional cultural resources will be identified as historical resource surveys are undertaken in previously un-surveyed portions of the Southside area.

B1-6 The City concurs with the commenter. Table 1 has been revised accordingly and is included in Chapter IV of this Response to Comments document.

The Draft EIR addresses numerous sources of documentation on historical architectural resources in the Southside Plan area. Some are maintained by local authorities, such as the City of Berkeley Landmarks Program, and some are generated by state and federal organizations, such as the Historic Properties Directory maintained by the Office of Historic Preservation. The analysis attempted to reconcile differences in addresses that appeared to apply to the same property. However, this was not always possible, and in the interests of including all possible listings, some addresses were kept in Table 1 that may, upon a property-by-property review, have proved to be redundant (i.e., applied to the same property). As discussed by Bass, Herson, and Bogdan (*CEQA Deskbook* [1999], page 59):

Although the legally required contents of a Program EIR are the same as those of a Project EIR, in practice *there are considerable differences in the level of detail*. Because of the general nature of the programs being evaluated, Program EIRs are typically more conceptual and abstract. Courts have indicated that a Program EIR may contain *a more general discussion of impacts*, alternatives, and mitigation measures. [*emphasis added*]

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<sup>2</sup> The table provides the National Register status code, which is an alpha-numeric code assigned by the California Office of Historic Preservation (OHP). The codes indicate eligibility or potential eligibility of the resource for listing in the National Register of Historic Places. A detailed description of these codes is available in the OHP publication *How to Read an Historical Resources Directory*, Technical Assistance Series #8. California Department of Parks and Recreation, Sacramento, 1997. Although OHP has recently issued new California Historical Resource Status Codes to be used in assigning new status codes, the old National Register codes have not yet been converted to the new system.

In light of the guidance discussed above, the Draft EIR analysis was intended to capture the widest array of resources listed in the various archival sources, despite potential incongruencies. The possibility of occasional address errors as reported in official inventories, or the lack of concordance between City of Berkeley landmark addresses and those listed in the Historic Properties Directory, was considered to be offset by the advantages of providing the most inclusive summary of recorded architectural resources in the Southside Plan area. An approach that erred on the side of including more listings was deemed more appropriate for this program level of analysis.

B1-7 In response to this comment, the first paragraph on page 239 of the Draft EIR has been revised to reflect the new figures in Table 1 of Appendix H. The same paragraph, as well as Table 2 of Appendix H of the Draft EIR, are revised to replace “California Inventory of Historic Resources” to “California Historic Resources Inventory.”

B1-8 The EIR preparers believe this comment to be incorrect. The fact that development potential would be increased does not impact historic resources. Rather, changes in development standards might change the incentives that already exist to develop vacant parcels or redevelop underutilized parcels. But they do not affect existing protections for landmarks – the Landmark Preservation Ordinance (LPO), the Design Review Committee and all relevant General Plan policies – which will still apply to any new development proposed in the Southside area. In addition, the Southside Plan’s design guidelines address building massing, height, design and facades of new non-residential buildings and call for consideration of existing development patterns, materials, heights and massing in the surrounding area. These new guidelines and policies strengthen the existing planning review process and provide a satisfactory system for avoiding or minimizing inappropriate or insensitive infill development.

In terms of possible growth, the post-2003 State Density Bonus law was taken into consideration when calculating the development potential for the Southside Plan. The potential development of each of the 24 Tier 1 sites (the sites deemed most likely to be redeveloped) was increased by 35 percent to reflect the maximum density bonus possible under the current State Density Bonus law.

B1-9 The paragraph in question on page 249 is revised as follows:

The Draft Plan contains policies that actively promote new construction and alteration of existing buildings in a manner that respects historically and architecturally sensitive properties and their surroundings. Draft Plan policies call for: (1) adopting and applying design guidelines to retain and enhance architectural character and ensure that alterations are historically sensitive (*CC-A1*; *CC-B1*; *CC-C1*; *CC-D3*; *CC-D3(a)*); (2) ensuring high quality architectural design for new construction (*LU-F6*; *LU-F6(a)*; *LU-F6(b)*); (3) specifically addressing potential impacts from new construction to nearby landmarks and historically significant buildings (*LU-F12*; *LU-F12(a)*; *LU-F14*; *LU-F16*); (4) reducing the potential for abrupt transitions in building heights between high density areas and outlying neighborhoods (*ED-E2(b)*); and (5) discouraging paint schemes that are inappropriate to historical buildings and similar surrounding buildings (*CC-*

*D3(c)*). In addition to matters of design, the Draft Plan contains educational policies to encourage public recognition and enjoyment of historical architectural resources, and to foster an appreciation of their delicate and nonrenewable nature (*CC-D3(a)*; *CC-D3(b)*; *ED-A1(a)(8)*; *ED-A1(a)(9)*; *ED-A3*; *ED-C2*; *ED-C2(c)*). These Draft Plan policies contain a basic framework of design guidance and public education that, when combined with the City's thorough planning review, provide a satisfactory system for avoiding or minimizing inappropriate or insensitive in-fill development. In addition to the policies described above, subsequent CEQA review will be conducted for those projects proposed under the Draft Plan.

- B1-10 The comment concerns inclusion of Aesthetics as an issue topic not addressed in the EIR, as well as the potential for incompatible projects to adversely affect view corridors. Further, the commenter questions the application and use of design review and design guidelines to control or influence project development.

The topic of aesthetics was considered and evaluated in the Initial Study Checklist (included in Appendix A of the EIR), and the City determined that the proposed project would have a less than significant adverse effect on aesthetic resources. Implementation of Policy UD-31 in the General Plan would protect scenic vistas from adverse effects of cumulative development by discouraging individual projects from blocking views and requiring new development to enhance vistas. Additionally, implementation of Draft Plan policies CC-A1, CC-A2, CC-A3, CC-D1 and CC-F5 and application of the Southside Design Guidelines address compatibility of new development and the enhancement of the physical setting. As noted in Section I.C.2.a, (page 2 of the Draft EIR), concerns regarding potential aesthetic impacts of project-level development were raised during the scoping period for the EIR. This EIR is a program-level document that does not include or endorse any particular development project, and as such does not include project-level impact considerations. As stated in this section, any potential development projects proposed within the Southside Area would require separate environmental review as well as conformance with the Draft Plan's detailed Design Guideline policies. The EIR acknowledges that these policies and guidelines are formally in place and describes how they shall be applied by the City to proposed projects to reduce potential adverse aesthetic impacts to a less-than-significant level. When specific development projects are identified and undergo project-level environmental review, the potential impacts related to aesthetics from that project will be considered at that time.

- B1-11 In response to this comment, page 248 of the Draft EIR is revised to add the following paragraph as the third full paragraph on the page:

To reduce a significant cumulative impact at the intersection of Bancroft Way/Piedmont Avenue (Impact TRANS-3) and Durant Avenue/Piedmont Avenue (Impact TRANS-4), this Draft EIR recommends Mitigation Measures TRANS 3 and TRANS 4 to accommodate two lanes of traffic in each direction along Piedmont Avenue by re-striping the road. To accommodate two lanes of traffic during the PM peak period, parking also would have to be prohibited along Piedmont Avenue between Bancroft Way and 100 feet south of Durant

Avenue. Parking would also be prohibited north of Bancroft Way and the existing north-bound bus zone at the corner of Bancroft Way and Piedmont Avenue would be relocated to the north side of the intersection. Piedmont Avenue is a California Historical Landmark (see Table 1 in Appendix H of the Draft EIR) between Gayley Road and Dwight Way. While the restriping and removal of parking for 100 feet for the PM peak hour would result in some changes to the pavement, traffic patterns, signage and curb at the Durant Avenue/Piedmont Avenue intersection, these changes would be minor and would not diminish the character-defining features that convey and justify the significance of Piedmont Avenue and adjacent resources. Implementation of the proposed mitigation measure would result in a less-than-significant impact.

- B1-12 As noted in the last paragraph on page 249 of the Draft EIR, the Anna Head complex is a University-owned property which is exempt from the City's LPO processes. As such, the City is unable to direct future uses of this complex and is able only to promote future uses consistent with its recent use and supportive of the complex's historic form. In response to this comment and to clarify the precise language of Draft Southside Plan Policy LU-F7 (Anna Head), page 249 of the Draft EIR has been revised as follows:

The Draft Plan also contains Policy LU-F7 (Anna Head) that ~~encourages suggests office use may continue as a retaining the use of the~~ Anna Head Complex ~~as office space~~, which is consistent with its recent use.

- B1-13 The comment is noted regarding the goals of the City's Landmarks Preservation Ordinance.

- B1-14 The information regarding suspension of demolitions is correct. Action on proposed exterior alterations and new construction may also be suspended, but the time limits are different from those for demolitions: no more than 180 days for projects involving landmarks or historic districts, and no more than 90 days for projects involving structures of merit.

In response to this comment, page 248 of the Draft EIR is revised as follows:

If the LPC elects to suspend action on a permitting decision (~~alteration, new construction or demolition~~), involving a demolition, the suspension may not exceed one year for projects involving listed Landmarks and historic districts, and 180 days for Structures of Merit. If the LPC elects to suspend action on a permitting decision involving exterior alterations or new construction, the suspension may not exceed 180 days for projects involving listed Landmarks and historic districts, and 90 days for Structures of Merit.

- B1-15 In response to this comment, page 248 of the Draft EIR is revised as follows:

The Design Review Committee (DRC) membership includes one of the Landmarks Preservation Commissioners, ~~so that for properties listed in the State Historic Resources Inventory (HRI), t~~ The LPC member, as a full voting member

~~of sitting on the DRC, provides guidance and expertise acts as a liaison to make advisory comments to the DRC regarding historic resource implications of project design.~~

B1-16 In response to this comment, the first line of page 249 has been revised as follows:

For properties over 40 years of age that are not initiated for designation, ~~or~~ and not listed in the HRI, the LPC provides advisory comments...

B1-17 The comment is noted regarding Planning Commission and LPC review and comment on University development proposals.

B1-18 The City concurs with the commenter. The paragraph in question on page 235 is revised as follows:

**Historic Period.** In 1820, Luis Maria Peralta was granted Rancho San Antonio for his service to the Spanish government. His 43,000-acre rancho was comprised of the area that was to become the Cities of Berkeley, Albany, Oakland, Alameda, and a part of San Leandro and Piedmont. The Peralta land grant was confirmed after Mexico's independence from Spain in 1822, and honored by the Treaty of Guadalupe Hidalgo in 1848 when California became part of the United States. Peralta's son Jose Domingo received the northern portion of the rancho lands, which included lands that became Berkeley and Albany. Peralta's cattle and under-developed lands were a prime target for squatters. His cattle were poached and slaughtered, and trees were removed by squatters and by people traveling to and from the gold fields. Domingo sold off small parcels of land that were used for farming and homesteads.<sup>3</sup>

B1-19 The City concurs with the commenter. The paragraph in question on page 236 is revised as follows:

~~Early Residential development occurred in Ocean View, which was the name of the town until the community chose to adopt the name of an English philosopher. Residential areas continued to expand, and new technologies spread through the burgeoning town, as indicated by after the installation of the installation of telegraph lines along Telegraph and Claremont Avenues in 1861.<sup>4</sup> University of California lands were purchased in the early 1860s. The University, founded in 1855 as the College of California, was located in Oakland until 1866.<sup>5</sup> The town was known as Ocean View until local members of the community chose the name of an English philosopher for the new college town.~~ The western section of Berkeley continued to be called Ocean View until 1878, when the city incorporated.

<sup>3</sup> Hoover, Mildred B., Hero E. Rensch, Ethel G. Rensch and William N. Abeloe, 1990, pp. 21-22. *Historic Spots in California*. Stanford University Press, Stanford, California. Revised by Douglas E. Kyle.

<sup>4</sup> Ibid, pp. 18-19.

<sup>5</sup> UC Regents, 2004. *Brief History of the University*. Website: [www.berkeley.edu/about/history](http://www.berkeley.edu/about/history).

- B1-20 The City concurs with the commenter. The paragraph in question on page 236 is revised as follows. [Note that this paragraph reflects the revisions made as a result of comment B1-19 (above).]

Early residential development occurred in Ocean View, which was the name of the town until the community chose to adopt the name of an English philosopher. Residential areas continued to expand, and new technologies spread through the burgeoning town, as indicated by the installation of telegraph lines along Telegraph and Claremont Avenues in 1861.<sup>6</sup> By 1860, the College of California had begun to purchase what is now the University's central campus. ~~University of California lands were purchased in the early 1860s.~~ The University, founded in 1855 as the College of California, was located in Oakland until 1866.<sup>7</sup> The western section of Berkeley continued to be called Ocean View until 1878, when the city incorporated.

- B1-21 The paragraph in question on page 236 is revised as follows. [Note that this paragraph reflects the revisions made as a result of comments B1-19 and B1-20 (above).]

Early residential development occurred in Ocean View, which was the name of the town until the community chose to adopt the name of an English philosopher. Residential areas continued to expand, and new technologies spread through the burgeoning town, as indicated by the installation of telegraph lines along Telegraph and Claremont Avenues in 1861.<sup>8</sup> By 1860, the College of California had begun to purchase what is now the University's central campus. The institution that would become the University in 1878 was founded in 1855 as the College of California, and held classes in ~~was located in Oakland until 1866 until 1873.~~<sup>9</sup> The western section of Berkeley continued to be called Ocean View until 1878, when the city incorporated.

- B1-22 The paragraph in question on page 236 is revised as follows. [Note that this paragraph reflects the revisions made as a result of comments B1-19, B1-20, and B1-21 (above).]

Early residential development occurred in Ocean View, which was the name of the western portion of the town that would eventually be named, as a whole, Berkeley, after the noted Anglo-Irish philosopher. The name was chosen by the College of California's Board of Trustees. ~~until the community chose to adopt the name of an English philosopher.~~ Residential areas continued to expand, and new technologies spread through the burgeoning town, as indicated by the installation of telegraph lines along Telegraph and Claremont Avenues in 1861.<sup>10</sup> By 1860, the mentioned College of California had begun to purchase what

<sup>6</sup> Ibid, pp. 18-19.

<sup>7</sup> UC Regents, 2004. *Brief History of the University*. Website: [www.berkeley.edu/about/history](http://www.berkeley.edu/about/history).

<sup>8</sup> Ibid, pp. 18-19.

<sup>9</sup> UC Regents, 2004. *Brief History of the University*. Website: [www.berkeley.edu/about/history](http://www.berkeley.edu/about/history).

<sup>10</sup> Ibid, pp. 18-19.

is now the University's central campus. The institution that would become the University in 1878 was founded in 1855 as the College of California, and held classes in Oakland until 1873.<sup>11</sup> The western section of Berkeley continued to be called Ocean View even after ~~until~~ 1878, when the city incorporated.

B1-23 The paragraph in question on page 236 is revised as follows:

In the late 1870s, businesses in Berkeley included mills, plants, and retail businesses. Farming continued in outlying areas. Retail businesses were concentrated on San Pablo Avenue and lower University Avenue, although notable retail operations were also located on Shattuck and Telegraph avenues. Students, professors, and professional workers lived in the community that developed around the campus.<sup>12</sup>

B1-24 The paragraph in question on page 236 is revised as follows:

Train service led to additional development, as the Southern Pacific Railroad mainline was extended along San Francisco Bay through western Berkeley in 1877. The railroad provided the means for the transport of industrial and agricultural goods, but regular passenger service was not available until decades later. Local businessmen gave Southern Pacific a right of way, land for a rail yard and station, and \$20,000 to provide local service. A branch line began service to downtown Berkeley along Shattuck Avenue in 1876, and extended north of downtown Bby 1878. ~~the line ran from Oakland along Shattuck Avenue to north Berkeley.~~ Shattuck Avenue between University Avenue and Dwight Way became Berkeley's downtown and commercial district. Farms that formerly marked the land alongside the rail line gave way to residences and businesses.<sup>13</sup>

B1-25 The paragraph in question on page 236 is revised as follows:

Train service led to additional development, as the Southern Pacific Railroad mainline was extended along San Francisco Bay through western Berkeley in 1877. The railroad provided the means for the transport of industrial and agricultural goods, but regular passenger service was not available until decades later. Local businessmen gave Southern Pacific a right of way, land for a rail yard and station, and \$20,000 to provide local service. A branch line began service to downtown Berkeley along Shattuck Avenue in 1876, and extended north of downtown by 1878. Shattuck Avenue between University Avenue and Dwight Way became the center of Berkeley's downtown ~~and commercial~~ district, as commercial enterprises initially clustered around the branch line's stations. The downtown was not the only area of commerce, however; commercial locales

<sup>11</sup> UC Regents, 2004. *Brief History of the University*. Website: [www.berkeley.edu/about/history](http://www.berkeley.edu/about/history).

<sup>12</sup> Wollenberg, Charles, 2002. *Berkeley, A City in History*, p. 5. Website: [www.berkeleypubliclibrary.org/bpl/system/Chapter2.html](http://www.berkeleypubliclibrary.org/bpl/system/Chapter2.html).

<sup>13</sup> Ibid, pp. 4-5.

existed in other parts of the city, as well. Farms that formerly marked the land alongside the rail line gave way to residences and businesses.<sup>14</sup>

B1-26 The paragraph in question on page 237 is revised as follows:

Berkeley's population changed little during the 1930s, but increased from 85,000 to 115,000 during the 1940s. Much of the population increase was due to military personnel stationed in and around Berkeley during World War II. Navy and Army officers were trained on the University campus, while ~~military barracks housing for war workers was built on a portion of the Gill Tract owned by the University, were built on campus grounds~~ and several fraternity houses housed naval trainees. World War II also drew shipyard workers by the thousands in search of available wartime jobs. Large firms such as Kaiser recruited workers to move to the Bay Area.<sup>15</sup>

B1-27 The paragraph in question on page 237 is revised as follows:

**Southside Area Specific History.** In the ~~mid-~~1860s, what is now the Southside plan area was roughly coincided with the College Homestead Tract and part of the Berkeley Property Tract and the College Homestead Tract owned by the College of California. Each tract is briefly described below.

B1-28 The paragraphs in question on page 237 are revised as follows:

The ~~College Homestead Tract Berkeley Property Tract~~ is bounded by College and Shattuck Avenues, and Allston and Dwight ways. Subdivided in 1865 as a residential neighborhood, the ~~College Homestead Tract Berkeley Property Tract~~ contained large homes on large lots. Frederick Law Olmsted, who designed Central Park in New York City, was commissioned by the College to design the campus and the neighborhood southeast of the campus. By 1910, the neighborhood was fully developed. From the 1920s to 1940s, new construction, which included the International House, changed the character of the neighborhood. Piedmont Avenue became known as "Fraternity Row."<sup>16</sup>

The Berkeley Property Tract ~~College Homestead Tract~~ is bounded by College and Prospect Avenues, Gayley Road, and Dwight Way. Subdivided in 1866 as a mixed-use residential and commercial area, the Berkeley Property Tract ~~College Homestead Tract~~ was laid out in a grid plan to generate income from the sale of lots. Haste Street and Durant Avenue were not cut until after the 1860s, resulting in lots larger than today's lots. By 1873, campus buildings were built and occupied. A neighborhood developed north of Bancroft Way in an area that today contains the Student Union, Sproul Hall, Zellerbach Hall, and the Sports Complex. A hotel, with a restaurant and small store, and several houses were

<sup>14</sup> Ibid, pp. 4-5.

<sup>15</sup> Ibid., pp. 3-4.

<sup>16</sup> Cerny, Susan Dinkelspiel, op. cit., pp. 165-170.

located at the intersection of Bancroft Way and Telegraph Avenue. By 1910, the Berkeley Property Tract ~~College Homestead Tract~~ was a fully developed neighborhood with a few stores on Telegraph Avenue.<sup>17</sup>

- B1-29 The paragraph in question on page 237 is revised as follows. [Note that this paragraph reflects the revisions made as a result of comment B1-28 (above).]

The Berkeley Property Tract is bounded by College and Prospect Avenues, Gayley Road, and Dwight Way. Subdivided in 1866 as a mixed-use residential and commercial area, the Berkeley Property Tract College Homestead Tract was laid out in a grid plan to generate income from the sale of lots. Haste Street and Durant Avenue were not cut until after the 1860s, resulting in lots larger than today's lots. By 1873, campus buildings were built and occupied. A neighborhood developed north of Bancroft Way in an area that today contains the Student Union, Sproul Hall, Zellerbach Hall, and the Sports Complex. A commercial cluster developed ~~hotel, with a restaurant and small store, and several houses were located at~~ and near the intersection of Bancroft Way and Telegraph Avenue. By 1910, the Berkeley Property Tract was a fully developed neighborhood with a few stores on Telegraph Avenue.<sup>18</sup>

- B1-30 The paragraph in question on page 238 is revised as follows:

Housing demands increased after World War II with the increase in student population. Single-family dwellings adjacent to the campus were either divided into multi-family units or replaced with poorly constructed apartment buildings. Telegraph Avenue, previously a neighborhood shopping district, began to more actively cater ~~began catering~~ to students and professors as University enrollment increased.<sup>19</sup>

- B1-31 The paragraph in question on page 238 is revised as follows:

In the 1950s, U-C: Berkeley began a program to acquire the majority of ~~purchased approximately~~ 10 square blocks north of Dwight Way to Bancroft. Existing buildings were replaced with three residence hall complexes, parking lots, pre-fabricated buildings, and the Berkeley Art Museum. A lively social atmosphere, characterized by cafés, bookstores, and theaters, developed in the area in the 1960s. In the early 1970s, the widening of Telegraph Avenue sidewalks brought street artists to the area, and Southside traffic on major streets increased after street barriers were placed in surrounding areas to control circulation. Since the 1970s, development within the Southside area has been limited to individual projects and seismic upgrades.<sup>20</sup>

<sup>17</sup> Ibid, pp. 165-167.

<sup>18</sup> Ibid, pp. 165-167.

<sup>19</sup> Wollenberg, op. cit., p. 3.

<sup>20</sup> City of Berkeley, op. cit., pp. 113-115.

B1-32 The paragraph in question on page 238 is revised as follows:

In the 1950s, U.C. Berkeley purchased approximately 10 square blocks north of Dwight Way to Bancroft. Existing buildings were replaced with three residence hall complexes, parking lots, pre-fabricated buildings, and the Berkeley Art Museum. A lively social atmosphere, characterized by cafés, bookstores, and theaters, developed in the area in the 1960s. In the early 1970s, the widening of Telegraph Avenue sidewalks brought street artists to the area, and Southside traffic on major streets increased after street barriers were placed in surrounding areas to control circulation. Since the 1970s, development within the Southside area has been mostly limited to individual projects and seismic upgrades.<sup>21</sup>

B1-33 The paragraph in question on page 238 is revised as follows:

Shattuck Avenue between University Avenue and Dwight Way became Berkeley's downtown and commercial district in the late 1800s. The Southern Pacific Railroad ran along Shattuck from Oakland to north Berkeley. In the 1920s, 1923, the railroad terminal was converted into a commercial area, known as Shattuck Square, was developed on an area that previously contained a small park or plaza. A station associated with the railroad stood between Center and Addison streets until the late 1930s, when it was demolished for commercial development. From 1966 to 1971, BART was constructed below Shattuck Avenue, and two early 1900 skyscrapers were demolished. Despite these episodes of redevelopment, Shattuck Avenue has retained many of its turn-of-the-century and 1920-era buildings.<sup>22</sup>

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<sup>21</sup> City of Berkeley, op. cit., pp. 113-115.

<sup>22</sup> City of Berkeley, 1994, pp. 14-15. *Downtown Berkeley Design Guidelines*. Adopted by the Planning Commission as Amendments to the Design Review Guidelines October 26, 1994, Berkeley, California.

*DWIGHT-HILLSIDE  
NEIGHBORHOOD ASSOCIATION*

RECEIVED  
JUN 26 2008  
LAND USE PLANNING

DATE: June 23, 2008

TO: Planning Commission  
City of Berkeley

FROM: Joan Barnett,  President

RE: Southside Plan Draft EIR March 2008

Members of the Dwight/Hillside Neighborhood Association were gratified to see that a unanimous decision by the Planning Commission made in 1993 at long last will be honored and incorporated into the General Plan. This decision, made at our request, was to change zoning of the area above College Avenue between Dwight Way and Bancroft from R4-H to R3-H to reflect what is actually there, and because of our concerns for the environmental sensitivity of this area which is adjacent to the Hayward Fault, for the most part in the Alquist Priolo Special Study Zone and wholly in a designated high-risk fire area.

However, several points in the 2008 DEIR, whether intentional or by oversight, raise some serious concerns:

- 1. The "H" overly for this new R-3 zone does not appear on the DEIR map. We feel the "H" designation is essential for the exact and express purposes stated for the "H" overly in the present zoning ordinance. 1
- 2. **Table IV.A-4 Comparison of Existing and Proposed Southside Area Zoning Districts** (page 62). The current R-4 side set back for this area is 4-12 ft. The proposed new R-3 set back is shown as only 4-6 ft. Every other proposed side set back in the plan has a minimum of 4-10 ft. The side set back for the new proposed R-3 zone should be consistent with the rest of the plan and with the express purposed of the "H" overlay. There appears to be no logical reason for this inconsistency. 2
- 3. In the same **Table IV.A-4**, the acceptable **Uses for Proposed R-3 Residential Medium Density** area includes "offices" as an acceptable use. This is in stark contradiction to the zoning in other R-3 districts. The initial impetus for our 1993 request for a zoning change was to prohibit any future change of use from residential to office in this area. This remains a major concern for this at-risk area that faces continual pressure being wedged between the concentration of professional schools of the University of California main campus and the Clark-Kerr campus. Future offices and/or expansion should not be allowed in this designated residential area. 3

We must insist that the above addition and contradictions be resolved in the final Southside Plan.

**COMMENTOR B2**

**Dwight-Hillside Neighborhood Association**

**John Barnett, President**

**June 23, 2008**

- B2-1: The comment is duly noted and the EIR authors appreciate the correction. The H overlay should have been included on the map and will be added to the portions of the R-3 and R-S districts that are east of College Avenue.
- B2-2: The setbacks in the proposed R-3 district are the same as the current R-3 setbacks. The R-3 district has the same side yard setbacks as the R-4, R-S and R-SMU districts for the first three floors; greater side yard setbacks in the other districts are permitted for floors above the 3rd story. The R-3 district does not give development standards for buildings over three stories as these are not permitted in the R-3 district except as part of an affordable housing density bonus through the State.
- B2-3: The comment is duly noted. The R-3 district, as shown in the current Zoning Code and in the Draft Southside Plan, does not permit office uses. The information in Table IV.A-4 in the Draft EIR is corrected to remove “offices” from the Uses under the Current R-3—Residential Medium Density column.



**Telegraph** 2509 Haste Street

**Property & Business** Berkeley, CA 94704

**Management** 510-486-2366

**Corporation** Fax 510-486-2367

Letter  
B3

**RECEIVED**

JUL 02 2008

**LAND USE PLANNING**

June 26, 2008

City of Berkeley Planning Department  
2120 Milvia Street  
Berkeley, CA 94704

Dear Planning Department:

Re: Comments to Draft EIR for the Southside Plan

The Telegraph Business Improvement District wishes to comment on the analysis contained within the Draft Environmental Impact Report for the draft Southside Plan. We wish to focus most of our attention to the inadequacies of the transportation element of the Plan itself and the deficiencies of the analysis in the draft EIR.

We believe that the deficiencies of the draft EIR are comprised primarily of two problems—internal contradictions within the document itself and unrealistic, perhaps utopian, mitigations that singly or collectively are highly unlikely to be implemented.

Here are some examples of internal contradictions within the draft EIR, transportation element:

- Impact TRANS-9 (page 134) states that the pedestrian facilities are in disrepair and require upgrade to be ADA compliant. However, in the statement of current conditions, it states “Generally, sidewalks in the Southside area are in good condition, and meet the minimum ADA requirement...” (page 92)
- The description of emergency access (page 137) concludes with “Implementation of the Southside Plan would not result in inadequate emergency access through the Southside area.” However, Impact TRANS-12 and Impact TRANS-11 both show that implementation of the Plan will result in slowing bus travel and blocking of a travel lane, respectively (pages 135-136). If buses are slowed and a lane is blocked, certainly emergency access is reduced.
- Mitigation Measure TRANS-7 (page 134) calls for creation of clear driveways with all new development. Yet this contradicts the multiple calls for car-free housing in the housing element of the Plan.
- On page 81 of the draft EIR, there is this statement, “Instead, the transportation system changes explored in the Draft Plan would improve pedestrian, transit, and vehicular access to and through the area with a focused intent to support the housing and population planned for and anticipated by the Draft Plan.” Nothing could be further from the truth! Objective T-G of the Southside Plan, quoted on

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page 116, and Objective T-I, quoted on page 117, both call for a quantified reduction in vehicle trips.

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cont.

Southside Plan Policy T-D2, quoted on page 115, calls to “*consider* (italics mine) conversion of Bancroft and Durant to two-way streets with a restriction...” Subsequent pages then proceed to analyze this as the assumed plan, rather than merely a consideration that could just as easily be rejected upon that consideration. The document does say that this is the alternative that the Planning Commission requested to have analyzed. Nonetheless, beginning on page 120, the draft EIR lists fourteen (14) impacts (listed as Impact TRANS-1 through 14) that would require mitigations. Eighteen pages of analysis, impacts, and mitigations are required to make these impacts palatable. These mitigations can be delineated along these lines:

- Doable, but questionable whether the city will spend the money and implement Impact TRANS #'s 1, 2, 3, 4, 5, 6, 8, 9, 10.
- Conflict with other parts of the document—Objective T-F (page 116) calls for improvement in parking, yet this impact reduces parking-- Impact TRANS 10.
- Naïve and utopian—Mitigation Measure TRANS-8 suggests that painting limit lines on the pavement will positively influence encroachment on to sidewalks. This is nonsense, as the encroachment is as a result of the narrowness of the streets, the limited amounts of on-street parking, and bicyclists’ frequent disregard of state law. In fact, on this last point, the draft EIR almost suggests excusing violations of state law by bicyclists by its phrase “travelway that bicycles are *intended* (italics mine) to use.” State law requires bicyclists to obey right-of-way and travel in the same direction as vehicular traffic laws, but these laws are rarely, if ever, enforced of bicyclists in Berkeley.
- Laws currently exist that address these issues, so if the city was genuinely interested in alleviating these matters, it could have already done so. Specifically these are Mitigations TRANS-11, 13, and 14, or to put it another way, these are not mitigations at all.

5

Furthermore, as Mitigation Measures TRANS-1 and 6 show, city policies can have the diametrically opposite result of what was intended. The changes to the intersection noted here were made in recent years to address presumed concerns of that neighborhood.

6

We question the validity of the statement near the top of page 120, “Since parking in the Southside is generally at or near capacity, it is reasonable to assume that new vehicle trips would only be generated if new parking spaces are provided.” Parking is generally only at capacity on football game days. City staff have shown us that the public Telegraph Channing Garage is only full on game days, even when usage is evaluated on an hourly basis. Filling parking to capacity is primarily a function of the popularity of events and uses in a given area. Should the policies of the Southside Plan that may have a negative impact on the vibrancy of the Telegraph commercial district be implemented, no amount of available parking will have any effect on vehicle trips.

7

Despite the numerous problems that conversion of Bancroft and Durant to two-way streets creates and the utopian, unrealistic set of mitigations proposed, the draft EIR

8

proceeds with a set of proposed revised policies (see page 139, continued on pp. 148-150). It makes sense to revise much of the language in this element, but it is nonsensical to retain the untenable recommendation to convert Bancroft and Durant. As the draft EIR clearly demonstrates a willingness to recommend changes to the language of the draft Southside Plan, it should remain consistent and recommend the deletion of original Policy T-D2. The draft EIR certainly could allow for such as it makes a similar recommendation in deleting Policy T-D1 (see page 149).

8  
cont.

The conclusions that the draft EIR reaches confirm that the objections that we have stated should be fully addressed. The draft EIR states “The No Development alternative would technically be the environmentally superior alternative in that it would avoid each of the significant impacts that would result from the implementation of the Draft Southside Plan.” (page 264) Therefore, as I have stated and concluded, the best option for the city, the commercial district, and the environment is to eliminate the proposed changes noted above.

9

Lastly, the draft EIR, by its own admission, is incomplete in the matter of transportation. At the bottom of page 255, it states “The Planning Commission chose Circulation Alternative #2 (conversion of Bancroft Way and Durant Avenue to two-way traffic) as the preferred circulation alternative for purposes of evaluating potential impacts.... However, because one alternative was selected and is evaluated in detail throughout the remainder of this EIR as part of the proposed project, the other circulation alternatives are not further considered or evaluated here.” I have repeatedly argued that the preferred alternative is Alternative 0, the “base case.” The conclusion reached and noted in the preceding paragraph shows that it is the superior alternative, despite the lack of thorough analysis. Furthermore, as a first-hand witness and attendee to many Planning Commission meetings, I heard it repeatedly said that all of the alternatives would be evaluated.

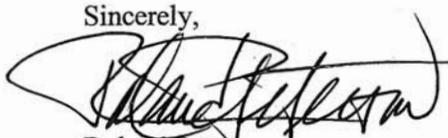
10

However, in the meeting of the Planning Commission of June 25, 2008 and in the June 17, 2008 memorandum from Elizabeth Greene to the Planning and Transportation Commissions, the other transportation alternatives were analyzed, but that analysis was included in an appendix separate from the main draft EIR. Given the aforementioned quotation from the draft EIR and the separate document, this seems sloppy at best and disingenuous at worst.

We believe the transportation element in the Southside Plan remains hereby deficient and the draft EIR is deficient, internally inconsistent, and somewhat detached from reality in its analysis.

11

Sincerely,



Roland Peterson  
Executive Director

**COMMENTOR B3**

**Telegraph Property and Business Management Corporation**

**Roland Peterson**

**June 26, 2008**

- B3-1: As stated on page 92 of the Draft EIR, the sidewalks are “generally” in good condition, however, there are some locations where the sidewalks are not in good conditions and the situation is expected to continue, thus the Mitigation Measure TRANS-9 was recommended.
- B3-2: The slower bus travel refers to buses having to slow down to make right-turns onto two-way streets due to turning buses encroaching into opposing lanes of traffic. Mitigation Measure TRANS-12 was recommended to mitigate buses slowing down to make the right turn by setting appropriate vehicle limit line location and it is expected that emergency vehicles would also make use of this recommendation. While there are locations where double parking could cause congestion by blocking a lane, emergency services will have multiple routes to access the hillside.
- B3-3: Mitigation Measure TRANS-7 is not in contradiction with car-free housing as some locations will provide driveway access. This mitigation measure is applicable for locations where driveways are being proposed.
- B3-4: This is consistent with both Objective T-G and T-I of the Draft Plan, since both call for reducing automobile traffic, which improves circulation for both transit vehicles and automobiles.
- B3-5: Circulation Alternative 2 was chosen for evaluation in the Draft EIR (see the discussion regarding the choosing of this alternative from among the six that were evaluated starting on page 23 of the Draft EIR.) See also Master Response 1 – Southside Plan Circulation. The Draft EIR contains a discussion of policy analysis concerning circulation issues in Section IV.C, Transportation and Circulation, starting on page 139. The comment correctly notes that Mitigation Measures 1, 2, 3, 4, 5, 6, 8, 9, and 10 are feasible. Mitigation Measure TRANS -10 does not call for removal of parking spaces, therefore, this mitigation measure is not in conflict with Objective T-F, which calls for improvements in parking.

Advance limit lines, recommended in Mitigation Measure TRANS -8, at signalized intersections have shown to be effective in stopping traffic from encroaching onto the crosswalk. Thus, limit lines have been recommended in the *Manual for Uniform Traffic Control Devices (MUTCD)*.

The comment is correct that there are currently laws that exist for regulating parking and loading. The mitigations listed in the EIR are intended to disclose to decision

makers that the impacts will continue to occur unless the mitigation measures are followed.

- B3-6: The Draft EIR evaluated traffic and circulation impacts associated with implementation of the Draft Southside Plan and identified feasible mitigation measures to reduce those impacts, as appropriate. The commenter appears to be inferring that removing the stop sign at the Parker Street/Warring Street intersection (as recommended in mitigation measures TRANS-1 and TRANS-6 to reduce significant existing and cumulative traffic impacts) would somehow be a reversal of City policy. However, there is no City policy that requires a stop sign at that location. The intended consequences of the stated mitigation measures is to reduce traffic impacts associated with additional traffic related to implementation of the Draft Southside Plan to a less-than-significant level.
- B3-7: Field investigations were conducted where observations of parking characteristics were recorded. The Draft EIR considered both on-street and off-street parking. It was determined that parking spaces are fully utilized and require drivers to make multiple passes searching for a parking space. The UC Berkeley 2020 LRDP Draft EIR also presents that parking during the weekday afternoon is near capacity.
- B3-8: Policy T-D2 is already recommended for deletion, as shown on page 149 of the Draft EIR.
- B3-9: Because the No Development alternative would also stymie any additional economic growth within the Southside area and would not achieve any of the objectives of the Draft Plan, this alternative was concluded to be infeasible. See also response to comment C4-108.
- B3-10: Circulation Alternative 2 was selected by the Southside subcommittee and approved for use as part of the proposed project by the Planning Commission, as noted throughout the Draft EIR. The other Circulation Alternatives were sufficiently evaluated in the Draft EIR (including its appendices) according to the requirements of Section 15126.6 of the *CEQA Guidelines*. When taken in context, the last sentence on page 255 of the Draft EIR is correct: the alternatives were evaluated at length and attached in Appendix C, but only Circulation Alternative 2 was included for significant discussion and comparison as part of the proposed project, per the decision of the Planning Commission.
- B3-11: The comment is noted.

## C. INDIVIDUALS

Letter  
C1

Linda J. Burden, M.D.  
2520 Ellsworth  
Berkeley, CA 94704  
Phone & Fax (510) 843-3508  
BurdenL@hotmail.com

RECEIVED  
JUN 30 2008  
LAND USE PLANNING

June 26, 2008

Elizabeth Greene, Planning and Development Department  
2120 Milvia St.  
Berkeley, CA 94704

Dear Ms. Green,

Re: Draft Southside Environmental Impact Report **REJECT the DEIR. Significant detrimental land use impacts to the Le Conte neighborhood WILL occur if the current Southside Plan is adopted.**

The Le Conte neighborhood is one of the densest areas in Berkeley and has one of the highest crime rates in the city. Due to the excessive population from the concentration of apartment building in an area zoned R-2A, noise levels in the Le Conte area bordering Dwight Avenue are already intolerable. Parking is impossible.

1

1. As diagrammed on page 27, figure III-4 of the DEIR, the plan boundary West of Telegraph running to Shattuck between Dwight and Blake, is a straight line running through the middle of the block. The boundary needs to take into account local land use, and based on that use, to jog in and out as it does east of Telegraph. This is actually a reason to reject the current Draft Southside Plan and require that it be corrected. Additionally, it leads to the incorrect findings of the DEIR.
2. That boundary as drawn, gives several parcels located on interior lots between Dwight and Blake, i.e., not touching Dwight Way, higher density zoning than the rest of the immediate neighborhood south of Dwight, which is currently R2-A. As a result, developers may try to replace current housing with denser projects, resulting in land use (including density), parking, and noise impacts, as well as detriment to the neighborhood. This is already happening at 2516 Ellsworth. This is why the DEIR is incorrect in stating no significant impacts on land use, density, housing, and noise.

2

These potential higher-density projects would be immediately adjacent to an R-2A neighborhood, one of the purposes of which is "to permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood." ( 23D.32.020.D) The allowed density of these projects would be detrimental to the immediately adjacent lower density structures.

3

There are already over-built, over-sized, non-conforming apartment houses in what is now the R2-A area. At the corner of Ellsworth and Blake are two large apartment buildings; one 49 units building houses 100-150 people; the other 55 units with 110- 165 tenants. The neighborhood wants less density, not more. Lower density was clearly the city's intent when it downzoned our area to prevent further dense construction like those apartments. So, the DEIR is incorrect in stating that there are no significant land use issues, even though the Draft Plan allows denser projects on these interior parcels.

Property owners are being allowed to replace small units with extremely large ones with no increased requirements for parking or regard to how the units will be used. For example, on my block a small house with two studio apartments currently housing 2-4 people has been granted an AUP to expand to two units; one with 5 bedrooms, 2 baths; the other, with 7 bedrooms and 3 baths. South Campus is already overcrowded and does not have sufficient parking, but only one parking space per unit is required.

4

Please protect the neighborhoods from even higher density.

1. Reject the DEIR.
2. Downzone the interior parcels along busy corridors that do not connect to the main arterial.
3. Honor Measure L: no new development until the affected tracts have the park space required by law.

5

Sincerely,

Linda Burden

**COMMENTOR C1**

**Linda J. Burden**

**June 26, 2008**

C1-1: The statements in this comment are noted, although they do not appear to pertain specifically to the Draft EIR and instead to the commenter’s perception of existing conditions within the Le Conte neighborhood.

C1-2: The boundary follows the existing R-4 zoning boundary line. The uses on either side of the boundary are a mixture of residential uses, consisting primarily of multiple units either built as apartments or converted single-family homes. Some single-family homes (which are used as single-family homes) are still in the area, but they are infrequent. Where the use does change significantly is on the south side of Dwight Way, west of Fulton Street. This area is consistently mixed use, with ground floor commercial uses. The Southside Plan took these commercial uses into account and designated that area South Area Commercial (C-SA).

C1-3: The Southside Plan proposes downzoning the area along the R-2A boundary from R-4 to R-3. Below is a table detailing the three zoning districts:

<b>District</b>	<b>Base height</b>	<b>Extra height with use permits?</b>	<b>1<sup>st</sup> floor lot coverage?</b>	<b>Uses (permitted by right or with use permit)</b>
<b>R-2A</b>	28 feet	No	45 percent-50 percent	Residential (single family, duplex or multi family)
<b>R-3</b>	35 feet	No	45 percent - 50 percent	Same as R-2A, plus group living and hospitals
<b>R-4</b>	35 feet	Yes, up to 65’	45 percent - 50 percent	Same as R-3, plus offices and incidental stores and shops

While the R-3 district allows for building heights seven feet taller than the R-2A, it reduces the building heights that are currently permitted in the R-4 district and also prohibits the commercial uses permitted in the R-4. This downzoning will not increase land use, housing/density (see response to comment C1-2), or noise (see response to comment C1-1) impacts, and therefore is not considered to have a significant effect on the surrounding area or the environment in general.

C1-4: This comment is noted, although it does not appear to pertain specifically to the Draft EIR and instead to the City’s issuance of an Administrative Use Permit (AUP) within the Southside Area.

C1-5: This comment contains three points: 1) Reject the Draft EIR, 2) Downzone the interior parcels along busy corridors that do not connect to the main arterial, and 3) Honor Measure L. The first of these points is noted. The second point is also noted, although it

does not appear to pertain specifically to the Draft EIR and instead to the Draft Southside Plan itself.

With regard to Measure L and its implementation in the City, implementation of the Draft Southside Plan would not create additional burdens on existing park facilities but instead includes a policy (Policy LU-B1) requiring that the City consider opportunities to provide additional open space as a part of potential development projects. Measure L states in Section 2 “(a) that wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) That all undedicated or unimproved open space controlled by the City (including land held by the City in trust) shall be retained and funded by the Berkeley City Council to enable public recreational use of those lands. (c) That those census tracts containing less than (sic) the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreation facilities.” Measure L does not require that development in areas not meeting the minimum standard cease until park space is acquired. As discussed on pages 204-205 of the Draft EIR, the Draft Southside Plan would serve to implement General Plan Policies OS-4, OS-6, and OS-12 to facilitate the creation of additional parks, open space, and recreational areas within the Southside area. Due to the fully built-out nature of the Southside area and the lack of available potential park or open space sites within the Southside area, the City has been unable to meet the requirements of Measure L to date. The City continues to prioritize the acquisition, development, and maintenance of additional park space, in accordance with Measure L, and will continue to do so as potential sites for additional parks and open space become available.

June 29, 2008

Ms. Elizabeth Greene,  
Planning and Development Department  
2120 Milvia St.  
Berkeley, CA 94704

Re: Draft Southside Environmental Impact Report

Dear Ms. Green,

Please accept this letter as my comments on the Draft Southside Environmental Impact Report (SEIR). Contrary to what is stated in the report, there ARE significant land use, population, employment, housing and noise impacts in the proposed SEIR. Specifically:

A. As diagrammed on page 27, figure III-4 of the SEIR, the plan boundary West of Telegraph running to Shattuck between Dwight and Blake, is a straight line running through the middle of the block. It appears that someone took a ruler and just drew a straight line, ignoring any local land issues. This is completely inappropriate. The boundary needs to take into account local land use, and based on that use, to jog in and out as it does east of Telegraph. This is actually a reason to reject the current Draft Southside Plan and require that it be corrected. Additionally, it leads to the incorrect findings of the SEIR.

1

B. That boundary as drawn, gives several parcels located on interior lots between Dwight and Blake, i.e., not touching Dwight Way, higher density zoning than the rest of the immediate neighborhood south of Dwight, which is currently R2-A. As a result, developers may try to replace current housing with denser projects, resulting in land use (including density), parking, and noise impacts, as well as detriment to the neighborhood. This is already happening at 2516 Ellsworth. This is why the SEIR is incorrect in stating no significant impacts on land use, density, housing, and noise.

2

These potential higher-density projects would be immediately adjacent to an R-2A neighborhood, one of the purposes of which is "to permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood." (23D.32.020.D) The allowed density of these projects would be detrimental to the immediately adjacent lower density structures.

C. The SEIR does not include sufficient open space or parks for such a high density area. Even though voters approved an assessment to create neighborhood parks/open space, the Southside is woefully deficient in such green spaces.

3

Based upon the above, I believe that the draft SEIR is seriously deficient, and should be rejected. If you have any questions about my displeasure with the plan, please contact me at 510-540-0422 or ajhjrjw@yahoo.com.

4

Sincerely,



Arnell J. Hinkle,  
2320 Blake Street Berkeley, CA 94704

**COMMENTOR C2**

**Arnell J. Hinkle**

**June 26, 2008**

C2-1: See response to comment C1-2.

C2-2: See response to comment C1-3.

C2-3: The Draft EIR does not propose or plan for the provision of open space or parks, but evaluates impacts associated with implementation of the Draft Southside Plan (see the discussion starting on page 204 of the Draft EIR regarding the analysis of park services). The commenter notes that the Southside is deficient in green space. See also response to comment C1-5.

C2-4: This comment is noted.



**MILLER STARR  
REGALIA**

1331 N. California Blvd.  
Fifth Floor  
Walnut Creek, CA 94596

T 925 935 9400  
F 925 933 4126  
www.msrllegal.com

Robia S. Chang  
RSC@msrllegal.com  
925 941 3214

June 30, 2008

**VIA E-MAIL EGREENE@CI.BERKELEY.CA.US**

Elizabeth Greene  
Planning and Development Department  
City of Berkeley  
2120 Milvia Street  
Berkeley, CA 94704

Re: City of Berkeley Draft Southside Plan Environmental Impact Report;  
Comment Letter Filed on Behalf of Munger Properties

Dear Ms. Greene:

Our firm represents Munger Properties, the owner of the Granada Building located at the corner of Bancroft Way and Telegraph Avenue in the Southside Area of the City of Berkeley ("City"), which building and its tenants will be dramatically affected by the environmental impacts caused by the implementation of the proposed draft Southside Area Plan ("Draft Plan"). On behalf of our client, we have reviewed and analyzed the Southside Plan Draft Program Environmental Impact Report ("DEIR") prepared for the Draft Plan that proposes the conversion of Bancroft Way and Durant Avenue from one-way to two-way streets to support and facilitate AC Transit's proposed two-way bus rapid transit route alignments through the Southside Area.

1

Pursuant to Section 21082.1(b) of the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.* ("CEQA"), the purpose of this letter is to provide the City with our comments on, and objections to, the adequacy of the DEIR. For the reasons discussed below, and for such other reasons as may be submitted by other commenting parties or this firm at a later time, the DEIR fails to satisfy the requirements of CEQA and the CEQA Guidelines. Unless the DEIR is corrected and revised, the Draft Plan cannot be considered by the City.

1. Background. As you are aware, the City conducted its environmental review for the Draft Plan concurrently with AC Transit's environmental review for its proposed Bus Rapid Transit Project, which includes a route alignment variation that requires the conversion of Bancroft Way to a two-way street to allow buses to travel both ways. The Project Description in the DEIR acknowledges that the AC Transit BRT EIR/EIS and the traffic analysis in the DEIR were to "proceed in parallel, and would necessarily inform one another" and that during the planning process, City

2

Elizabeth Greene  
June 30, 2008  
Page 2

staff consulted with AC Transit on the interplay between the BRT Project and the Southside Plan, withholding decision-making and recommendations on the Southside Plan circulation alternatives until the release of the AC Transit BRT draft EIR/EIS. [DEIR, p. 23.]<sup>1</sup>

2  
cont.

The DEIR and AC Transit's EIR/EIS do not "inform one another" as the City contemplated during the planning process. To the contrary, the DEIR has been prepared as though transit will continue as it exists now, and AC Transit's draft EIR/EIS was prepared as though traffic will continue without the addition of two-way BRT routes. Consequently, there is no analysis of the potential environmental effects of the entire transportation plan that would essentially be comprised of the Draft Plan and AC Transit's BRT Project. The two-waying of streets under the Draft Plan and the implementation of any proposed BRT route configuration are interdependent; the proposed two-waying of streets under the Draft Plan is to facilitate the implementation of AC Transit's proposed BRT Project.

3

The DEIR, which purports to evaluate a project that includes converting Bancroft Way and Durant Avenue from one-way to two-way streets, fails to identify or analyze any potential impacts on transportation and circulation, air quality, and noise, that would result from such conversion and the addition of BRT routes through the Southside Area. It thereby fails to provide the essential information required by CEQA to allow decisionmakers, other governmental agencies, and the general public to be fully informed of the true nature of the Draft Plan and its environmental effects.

2. The DEIR fails to comply with CEQA because it does not identify and analyze potentially significant adverse environmental impacts.

- (a) The DEIR fails to identify and analyze the inconsistencies between the Draft Plan and applicable land use plans.

CEQA requires that an EIR discuss any inconsistencies between the proposed project and applicable general plans and regional plans. (14 Cal.Code Regs. § 15125(d).) The DEIR fails to identify and discuss numerous inconsistencies between the Draft Plan and the General Plan. First the Draft Plan is inconsistent with the overall goal of the Transportation Element of the General Plan to calm and guide traffic through the area. In part, the Transportation Element recognizes that "[a]ny action that discourages use of one major or collector street by diversion or

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<sup>1</sup> The BRT draft EIR/EIS was released on May 4, 2007. Thereafter, the City proceeded with its selection of the preferred alternative for purposes of the DEIR and initiated a separate process to define a "Locally Preferred Alternative" for a BRT route alignment to be submitted to AC Transit. That process is still pending and we are informed that the Planning Commission plans to conduct a series of discussions relating to the impacts of the proposed BRT system and the City's development of a locally preferred alternative beginning this fall.

Elizabeth Greene  
June 30, 2008  
Page 3

slowing traffic is likely to increase congestion and traffic volumes on other, nearby streets. In addition to inconvenience, congestion contributes to the deterioration of air quality in the Bay Area and an increase in health problems." There is no doubt that the Draft Plan's proposal to two-way streets within the Southside Area will increase congestion of traffic circulation in the area.

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cont.

Second, the Draft Plan is also inconsistent with the Economic Development and Employment Element Policy of the General Plan to support businesses that are independent, locally owned, and neighborhood serving because the increased congestion of traffic circulation in the area will, in turn, deter people from driving to the Southside to patronize businesses in the area.

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Third, the General Plan designates many streets in the Southside Area as "Emergency Access and Evacuation Routes," including Telegraph Avenue. Under existing traffic circulation conditions in the area, a network of "traffic calming" measures currently block street access throughout the Southside. The increased traffic from the two-waying of streets will impede the ability of emergency service providers, such as the Berkeley Fire Department and Police Department, to respond to emergencies in a timely manner and nullify the effectiveness of the access routes designated in the General Plan. The conversion of streets from one-way to two-way streets will impede access by emergency response vehicles, in direct conflict with the General Plan. The City cannot consider the Draft Plan's proposal to two-way streets without an analysis of the inconsistencies between such conversion of streets and relevant provisions of the General Plan.

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- (b) The DEIR fails to identify and analyze potential impacts on transportation and circulation, air quality, and noise.

The DEIR fails to accurately identify and analyze potentially significant impacts on traffic and circulation, air quality, and noise that would result from the proposed two-waying of streets. For example, the DEIR's analysis of traffic projections is based on the Draft Plan's proposed 66 new commercial parking spaces and 169 residential parking spaces. (DEIR, p. 120.) The methodology fails to account for the fact that the transportation analysis contained in AC Transit's DEIR/EIS showed that the highest number of parking displacements would be associated with the proposed BRT alignment that would convert Bancroft Way into a two-way street. (See AC Transit DEIR/EIS, p. 3011.)

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In addition, the slowing of traffic resulting from two-waying will cause gridlock and idling cars and trucks, thereby increasing the air and noise pollution in the area, adversely affecting the health and well-being of the area's visitors, businesses, residents. The DEIR, however, concludes that the vehicular traffic associated with the proposed Draft Plan would not result in significant carbon monoxide (CO) emissions, and would not, in combination with other cumulative development, lead to CO concentrations that exceed federal or State standards. (DEIR, p. 163.) The

8

Elizabeth Greene  
June 30, 2008  
Page 4

DEIR does not describe the assumptions underlying its conclusion that federal and state CO standards will not be exceeded. It appears that the DEIR simply does not account for the added and slowed vehicular traffic that logically would result from the two-waying of streets.

(c) The DEIR fails to provide an adequate cumulative effects analysis.

The DEIR fails to adequately analyze the cumulative impacts created as a result of the combination of the Project together with AC Transit's proposed Bus Rapid Transit Project causing related impacts. A cumulative impact consists of "an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (14 Cal.Code Regs., § 15355.) An EIR must discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. (*Id.* § 15130.) Even where an incremental effect is not "cumulatively considerable," a lead agency must describe its basis for concluding that the incremental effect is not cumulatively considerable. (*Id.*)

The purpose of requiring an analysis of cumulative impacts is to prevent the piecemeal approval of several projects without considering their effects as a whole. (See *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306, citing *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284 ["consideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services"].) The approval of a project without requiring an adequate cumulative impacts analysis, would effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment. (*Id.*) Thus, a public agency may not divide a single project into smaller individual subprojects and thereby avoid responsibility for considering the environmental impacts of the project as a whole. The requirements of CEQA cannot be avoided by "chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environments..." (*Plan for Arcadia, Inc. v. City Council of Arcadia* (1974) 42 Cal.App.3d 712, 726.)

Although the DEIR describes the BRT alignments presented in the DEIR/EIS, including the Two-Way Transitway via Bancroft Way and Telegraph Avenue, the DEIR provides no analysis of the cumulative impacts of the changes that would be implemented under the preferred alternative in combination with the effects of AC Transit's proposed BRT alignment. The DEIR must be revised to identify and analyze the cumulative effects resulting from the implementation of the Draft Plan taken together with the AC Transit BRT Project, including the effects on traffic circulation, parking, air quality, and noise.

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cont.

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Elizabeth Greene  
June 30, 2008  
Page 5

- (d) The DEIR does not describe a reasonable range of alternatives of the project.

An EIR must describe a reasonable range of alternatives of the project which would feasibly attain most of the basic objectives of the project but would substantially lessen or avoid significant environmental effects. (*Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 14 Cal. Code Regs., § 15126.6(a).) A discussion of alternatives is required to focus on those alternatives that will avoid or substantially lessen potential adverse environmental impacts "even if these alternatives would impeded to some degree the attainment of the project objectives, or would be more costly." (14 Cal.Code Regs., § 15126.6(b).)

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Here, all six of the circulation alternatives provided in the Draft Plan include the conversion of one-way streets into two-ways streets. The DEIR's identification and discussion of project alternatives should have included an alternative that would have permitted the streets to remain one-way, while incorporating additional traffic calming measures, bicycle lanes, and transit lanes to achieve the Draft Plan objectives of improving mass transit and non-auto travel to the Southside. The DEIR should include an alternative that would avoid or substantially lessen the potential adverse environmental impacts described above without impeding the attainment of the Draft Plan Objectives. To the extent that the City has not made a determination as to a locally preferred BRT route alignment for which the two-waying of streets would be needed, and in fact, may choose a "no project" alternative, we would urge the City and its consultants to consider and include a less drastic alternative.

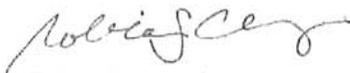
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3. Conclusion. As set forth above, the DEIR is inadequate and a revised DEIR must be prepared and recirculated for meaningful public review. We look forward to receiving a revised DEIR, and will provide further comment at that time.

12

Very truly yours,

MILLER STARR REGALIA



Robia S. Chang

RSC:rsc

cc: Ed Munger, Jr.  
Jim Frassetto, Esq.  
Dana Tsubota, Esq.

### COMMENTOR C3

**Robia S. Chang**  
**June 30, 2008**

- C3-1: The EIR preparers believe this comment to be erroneous; the proposed conversion of Bancroft Way and Durant Avenue from one-way to two-way streets, identified as Circulation Alternative 2, was not chosen for review and analysis to “support and facilitate” AC Transit’s proposed bus rapid-transit (BRT) proposal. Circulation Alternative 2 was identified as the preferred alternative, at the direction of the Planning Commission, for purposes of preparing the Draft EIR to provide a more balanced distribution of traffic between the east-west streets in the network. It was not selected for or bears any relation to BRT-related proposals. The changes to Draft Southside Plan Policy T-B3 identified on page 148 of the Draft EIR are proposed if the Berkeley decision-makers ultimately choose Circulation Alternative 2 for implementation. The AC Transit’s BRT proposal has been reviewed under a separate environmental review process conducted by AC Transit and is not included under this Draft EIR. See also Master Response 1, Southside Plan Circulation.
- C3-2: The Draft Southside Plan EIR was undertaken by the City of Berkeley, while the AC Transit BRT Study and EIR/EIS was undertaken under a separate environmental review process by AC Transit. The City of Berkeley and the EIR preparers reviewed and considered the information and BRT alternatives contained in the BRT EIR/EIS and consulted with AC Transit, as appropriate, during preparation of the EIR. The Draft EIR does not take any position regarding the BRT, and the BRT is a separate and independent project. In regards to the circulation alternatives evaluated in the EIR, see response to comment C3-1 above and Master Response 1 - Southside Plan Circulation.
- C3-3: The EIR preparers believe this comment to be erroneous. As stated above, the “two-waying of streets under the Draft Plan” is not proposed to “facilitate” the implementation of AC Transit’s proposed BRT project. As stated on page 118 and 119 of the Draft EIR:

“Six alternative circulation patterns to the existing circulation pattern in the Southside area were defined for comparative evaluation as part of the Berkeley Southside Final Transportation Study. These alternatives were selected to characterize several significant potential changes to circulation affecting the roadway network in the Southside area as identified in Draft Southside Plan policies. The scope of potential circulation changes in the Southside area includes returning several one-way streets to two-way traffic as well as changes to the operations on Telegraph Avenue to reflect potential operations for Bus Rapid Transit (BRT) through the Southside area. Both of these broad objectives were identified in the Draft Southside Plan for consideration and evaluation.”

Therefore, information and BRT alignment alternatives identified in the AC Transit EIR/EIS were considered during evaluation of the Draft Southside Plan circulation alternatives in the Draft EIR. The effects on the Southside area transportation and circulation, air quality and noise of implementing Circulation Alternative 2 was addressed in the appropriate sections of the Draft EIR. The environmental effects of the four separate BRT alignment alternatives identified in the AC Transit EIR/EIS were evaluated in that document. Once the City of Berkeley chooses a final circulation pattern for the Southside, and AC Transit identifies a final BRT alignment, further environmental study may be necessary to determine if there are any new or substantial increases in the severity of impacts that were identified and addressed in the Draft EIR and AC Transit's EIR/EIS. See also response to comment C3-1 above.

- C3-4: According to Item 4.a(3) of the Land Use and Policy Section of the Draft EIR (pages 66-68) and Item 2.k of the Transportation and Circulation Section (p. 139), no policy inconsistencies were found between the Southside Plan and the General Plan. Table IV.A-5 (page 67) provides policy citations for General Plan policies that are supported by Draft Southside Plan policies.

The comment suggests that promoting two-way streets is inconsistent with the General Plan because it would create congestion, which is inconsistent with the General Plan goal of calming and guiding traffic. In fact, the General Plan states that citywide traffic counts illustrate the relationship between traffic calming and congestion. Specifically, since the city's network of major streets and collector streets is very close to capacity, actions which encourage more people to drive or, as pointed out in the comment, which discourage use of one major or collector street by diversion or *slowing of traffic* (emphasis added), are likely to increase congestion.

The *policies* in the General Plan, however, focus on traffic calming rather than reduced congestion (see Policy T-20 – Neighborhood Protection and Traffic Calming, Policy T-21 Speed Limits, T-22 Traffic Circles and Roundabouts). This would indicate that while congestion is not advocated in the plan, slowing and calming traffic is a higher priority than reducing congestion.

The Southside Plan advocates changing one-way streets to two-way in order to increase usability of public transit (Objective T-B), improve traffic and safety conditions for bicyclists and pedestrians (Objective T-C) and calm and guide traffic (Objective T-D). These objectives are all consistent with the policies of the General Plan.

- C3-5: The EIR preparers believe this comment to be erroneous. The Economic Development and Employment Element (EDEE) has the following policies related to traffic and customer access to businesses:

Action ED-6.D: Support and encourage delivery systems in Berkeley as a means to reduce customer parking demand in commercial areas;

Action ED-6.E: To maximize parking for customers, create local shuttles, carpools, or options to reduce driving to work by employees, particularly those who live in Berkeley;

Action ED-8.B: In region-serving commercial districts, such as the Downtown, University Avenue, Fourth Street, Adeline/Ashby, San Pablo Avenue, and Telegraph Avenue commercial districts, make parking improvements where needed, transit and shuttle service improvements, lighting improvements, and other improvements that will support local businesses.

The EDEE does not have policies or actions related to the prevention of congestion as a means to support businesses.

The Southside Plan is consistent with the General Plan in that the policies of the Southside Plan encourage alternative forms of transportation, including transit, biking and walking (Objectives T-A, T-B, T-C, and T-G), and also call for improved customer and visitor parking in the Southside (Objective T-F). The Draft EIR does mention traffic impacts related to the project that are less than significant with mitigation measures.

- C3-6: Conversion of one-way streets to two-way streets improves emergency accessibility as it allows emergency vehicles to approach emergencies in all directions. The analysis did not find significant impacts to intersection operations that could not be mitigated, thus delay was minimized. The Draft EIR does identify that double parking on two-way streets could result in focused congestion. Mitigation Measures TRANS-11 and TRANS-13 are provided to City decision makers to be more proactive in enforcing illegal parking.
- C3-7: The commenter is in error, as the traffic and circulation, air quality, and noise environmental effects related to the conversion of Bancroft Way and Durant Avenue streets from one-way to two-ways (Circulation Alternative 2) were identified and analyzed in the Draft EIR. Additionally, traffic and circulation (including parking) effects for each circulation alternative were identified and analyzed in the Berkeley Southside Final Transportation Study (Appendix C of the Draft EIR). The “two-waying” of streets was analyzed as part of the traffic projections associated with projected traffic rerouting and trip assignment, while vehicle trip generation was associated with the estimation of parking spaces. Additionally, AC Transit’s BRT proposal was reviewed under a separate environmental review process to this Draft EIR, and while AC Transit may show loss of parking as a result of some of the BRT alternatives, AC Transit could operate BRT in mixed flow lanes and maintain parking. See also responses to comments C3-1 and C3-3.
- C3-8: As stated on page 163 of the EIR, the CO “hot spot” analysis for intersections and roadway segments in the Southside area was based on the methodology suggested by the EPA and Caltrans using the traffic intersection turning volume data provided in the traffic analysis prepared by Fehr & Peers (December 2007). The input assumptions for the CO modeling are provided in Appendix F of the Draft EIR. Thus, the analysis does

account for changes in turning movements as well as traffic volumes, including changes from one-way to two-way street segments. The results provided in Tables IV.D-6 and IV.D-7 show that 2007 and 2025 CO concentrations do not exceed the State's standards for 1-hour and 8-hour CO concentrations either with or without the project.

C3-9: The EIR preparers and City staff disagree with this comment and believe that the cumulative effects analysis provided in the Draft EIR for the Draft Southside Plan is adequate. As stated above, information and BRT alignment alternatives identified in the AC Transit EIR/EIS were considered during evaluation of the Draft Southside Plan circulation alternatives in the Draft EIR. The cumulative effects on the Southside area transportation, circulation, parking, air quality and noise of implementing Circulation Alternative 2 were addressed in the appropriate sections of the Draft EIR. The cumulative environmental effects of the four separate BRT alignment alternatives identified in the AC Transit EIR/EIS were evaluated in that document. Once the City of Berkeley chooses a final circulation pattern for the Southside, and AC Transit identifies a final BRT alignment, further environmental study may be necessary to determine if there are any new or substantial increases in the severity of impacts that were identified and addressed in the Draft EIR and AC Transit's EIR/EIS. See also response to comment C3-1 above and Master Response 1 – Southside Plan Circulation.

C3-10: The Draft EIR evaluates a large number of plan-level alternatives and the City of Berkeley believes the range that is considered is appropriately broad and sufficiently deep as to provide decision makers with information on which to base their deliberations over the proposed plan.

Under the heading of "Alternatives Considered but not Further Evaluated" a new location alternative is briefly discussed, but rejected due to the Southside Plan's main objective which is to enhance and invest in properties and public projects located within the Southside area per se and an alternative location's fundamental conflict with that site-specific objective. Also within the "Considered but not Further Evaluated" section is a discussion of six alternative circulation scenarios (to which the comment refers) that were defined and evaluated as part of the Berkeley Southside Final Transportation Study. These six alternative circulation scenarios cover a relatively complex series of one-way to two-way road conversions (see Draft EIR, page 255 for details). As inferred in the comment, it is true that none of these six scenarios evaluated the potential for *all* of the plan area one-way roadways to remain in their one-way condition (except for Alternative 0, the base case, or existing circulation network). From among these scenarios evaluated in the Berkeley Southside Final Transportation Study (see Appendix C of the Draft EIR), the Planning Commission chose Alternative 2 (conversion of Bancroft Way and Durant Avenue from one-way streets to two-way traffic flow). The Commission's choice of Alternative 2 from the Berkeley Southside Final Transportation Study as the preferred project for detailed analysis in the Draft EIR suggests that they believed that alternative to best meet the complex set of policies provided in the plan itself.

Beyond these “Alternatives Considered but not Further Evaluated”, four other alternatives were developed and analyzed in greater detail in the Draft EIR.

The No Development alternative assumes that no future development activities or private investment would occur within the boundaries of the Southside area, and that existing conditions would continue.

The No Project alternative considers the impacts of development that would be allowed under the existing General Plan land use designations and zoning for the Southside area.

The UC Construction Only alternative assumes that only development considered in the University’s 2020 LRDP development scenarios would occur (basically, 450,000 square feet of non-residential space).

The 2001 Planning Commission Draft alternative considers implementation of an early version of the Draft Southside Plan including a different zoning configuration of the Southside area as well as changes to proposed zoning designations that would create different levels of expected future development than those anticipated in the proposed project.

As noted in the introduction to the Alternatives Chapter of the Draft EIR, each alternative is compared to the proposed project and discussed in terms of its various mitigating or adverse effects on the environment. Analysis of the alternatives focuses on those topics for which significant adverse impacts would result from the proposed project.

It should be emphasized that only one significant and unavoidable adverse impact would result from the proposed project (that being exceedance of regional air emissions thresholds due to the scale of the Southside Plan). There is no reason to believe that including and analyzing in detail an alternative in which *all* of the plan area one-way roadways would remain in their one-way condition (i.e., not even a shift of one of these couplets from one-way to two-way) would result in a significant reduction in the significant and unavoidable regional air quality impact.

- C3-11: The City’s preferences with regard to whether or which BRT route alignment would be best for City vehicular circulation and transit service provision is an independent choice from that of changing existing one-way streets in the plan area back to a two-way arrangement. Discussions regarding the reversion of one-way streets to two-way geometry have been ongoing in Berkeley for much longer than has the proposal for a BRT system. See also Response to Comment C3-10 above.
- C3-12: For all of the reasons set forth in Responses to Comments C3-1 through C3-11, the City of Berkeley believes that the Draft EIR complies with both the letter and spirit of the California Environmental Quality Act requirements for a complete and objective impact report.

Elizabeth Greene  
Planning and Development Department  
City of Berkeley  
2118 Milvia Street  
Berkeley, CA 94704

June 30, 2008

Re: **Draft Southside Plan EIR**

Dear Beth:

This is to comment (as an individual citizen) on the Draft Environmental Impact Report on the Draft Southside Plan. The page numbers referred to here are those in the Draft EIR's main volume unless otherwise specified.

I've resided for most of my life within the Southside plan area and, understandably, I care very much about the neighborhood's future. I hope these comments will be useful.

### **Aesthetics**

Rather than blithely dismissing "aesthetics" with page 2's single paragraph on it, the EIR should seriously address this important subject. The paragraph's excuse that "no specific development is proposed as part of the Draft Plan" doesn't hack it. The EIR can and should discuss aesthetics in at least a general or aggregative manner, as it does with other topics.

The paragraph's apparent claim that the Draft Plan's detailed Design Guidelines "will *ensure* [italics used here for emphasis] that aesthetic impacts are appropriately addressed" is specious. The guidelines' details actually seem to be quite loose: the third sentence of the Draft Plan's own page 158 says, "The intent is not that each project must comply with every guideline...but rather that the final design substantially complies with the overall intent of the guidelines...." And Berkeley's townscape has already been marred by unsightly projects that the City has approved as supposedly meeting (flexible) design review guidelines.

While the Draft Southside Plan's Design Guidelines as such are generally quite good, they may in practice influence just relatively minor cosmetics. They cannot by themselves adequately cope with bulk, height, and coverage—which can have enormous aesthetic impact. For much of the Southside the Draft Plan would relax key zoning standards. And this relaxation would be drastically compounded by the State Density Bonus Law.

**Hazards and Geology**

Even more distressing is the Draft EIR’s glib relegating to insignificance of any potential impacts as to “hazards and hazardous materials” and “geology and soils” (see the lonely passages about them on the Draft EIR’s pages 3–5). The EIR should very seriously address these linked topics, which are very pertinent for a number of reasons that should be obvious.

Under the Draft Southside Plan, population and jobs would significantly increase in an area that has major natural hazards. These hazards are compounded by the fact that the Southside is already densely developed with structures, many of which are quite vulnerable to earthquakes and/or fire. The text on pages 3–5 relies far too much on review of and standards for new development. Though updated seismic codes will require new structures to be substantially quake-resistant, the same mustn’t be assumed for the very large stock of older buildings, and utilities such as gas lines. Page 4 admits that “the Southside area would be unstable during a significant seismic event.” The area’s easternmost portion is of course inside the Alquist-Priolo Special Studies Zone that straddles the terribly ominous Hayward Fault. The latter adjoins hillside areas that have their own very worrisome combinations of risk factors, including the potential for wildland fires. Whether or not triggered by an earthquake, a firestorm could sweep down into the Southside itself. In case of a major quake or fire, evacuation routes and emergency-vehicle access could be blocked by fallen utility poles and wires, ruptured and burning gas mains, and/or burning cars.

2

All of the above have far-reaching land-use and other policy implications that the EIR should explore.

**Project Description**

The Southside’s boundaries aren’t clear and consistent enough. Page 17 indicates that the plan area “is bounded by Dwight Way to the south, Bancroft Way to the north, Prospect Street to the east, and Fulton Street to the west, and includes the properties fronting these streets” and also covers “properties along Telegraph Avenue between Dwight Way and Parker Street.” But for instance, the area’s westernmost part includes much more than just the properties literally “fronting” on Fulton. Figure III-2 on page 19 helps in this regard, but seems to partially conflict with the text’s inclusion of “the properties fronting [presumably both sides of Bancroft].” How much if any of Bancroft’s campus side does the plan area really include?

3

If the plan area does include UC property on the north side of Bancroft, why do various plan-area-total statistics in the Draft EIR seem not to reflect that?

(Readers may be further confused by the fact that important traffic analyses in the Draft EIR treat the Southside as being bounded by Dwight, Bancroft, Piedmont Avenue, and Shattuck Avenue.)

4

Page 17’s claim that “Telegraph Avenue is the [Southside’s] main auto and transit corridor” is overstated.

Page 20’s statement that “[i]nstitutional uses...are generally clustered along the Dana Street and College Avenue corridors” should be revised to also mention the Bowditch Street corridor.

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Though the same page claims that the General Plan was adopted in “2002,” some elements of it were approved in 2001 and the others in 2002.

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Figure III-3 on page 21 fails to show that Warring, Blake, and Atherton Streets—and the east-of-Piedmont portions of Bancroft and Dwight—are all two-way.

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Page 24 says that “[b]ecause the LRDP planned for University expansion within the Southside area, completion of the Draft Southside Plan was suspended until the [LRDP-related] lawsuit was settled, which occurred in mid-2005.” But is that literally true? For one thing, the Draft Southside Plan itself seems to have been completed in 2003.

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On pages 26 and 28 the quite erroneous statements about subareas’ allowable “units per acre” and “persons per acre” should be deleted. These figures *aren’t* from the Draft Southside Plan; instead, they seem to have been *misapplied* from the General Plan. For similar reasons, the statements about allowable floor-area ratio should also be deleted. On page 28’s third line “60 feet” probably should be changed to “65 feet.” (Under the Draft Plan’s proposed revisions to the C-T district, 65 feet could in some cases be authorized by a use permit.) On page 28’s eighth and ninth lines “are general commercial and retail” should be changed to “include retail, other commercial, and housing.”

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In page 30’s last paragraph the misleading term “land use type” should be changed to “subarea type.”

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On page 33 the first paragraph’s apparent statement that the R-3 district per se would be revised “to allow more flexibility in building height, floors allowed, and parking to foster mixed-use development” is very misleading. (For R-3 the only such revision would be on building height, in the case of mandatory retrofit or following substantial destruction; see the Draft Plan’s page 204.) The same paragraph’s classification of R-S as “mixed-use” is also quite misleading.

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Page 33’s mention of “two vacant sites” should be changed to “one vacant site.”

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The same page’s paragraph on seismically hazardous buildings should probably say something like “connections between the walls and the floors/ceilings” instead of “connections within the walls and the ceilings.”

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Near the bottom of the page, shouldn’t “maximum number” be changed to something like “a conservative estimate of the reasonably foreseeable number”? For comparison see page 35 and Appendix E.

14

Page 35’s table and related text should say whether their square-footage figures are gross or net. If (as it seems) the “opportunity sites” the text mentions are just the *non-UC* ones, this should be clarified.

15

More importantly, I question the assumption of *zero* added “University residential” within the plan area. Though the table footnote’s statement that “[t]he University’s 2020 LRDP does not identify any new housing in the Southside area” is true in a narrow sense, it’s also misleading. The LRDP doesn’t at all imply that UC *won’t* build housing here. Instead of being vicinity-specific, the LRDP defines a very broad “Housing Zone” within which housing may be built. This overlaps several of the LRDP’s other “land use zones”—and includes within it all of the Draft Southside Plan’s area. UC’s “New Century Plan” study identified several potential UC housing locations along Durant Avenue. It’s also worth mentioning the 2007 DAPAC report’s Policy LU-7.7, part of which says that “[t]he south side of the [big UC parking lot adjoining the Tang Center]...is appropriate for housing at a scale that relates to nearby existing residential uses.”

16

The assumption of no new UC housing in the Southside even seems to conflict with the Draft EIR’s own claim, at the bottom of page 67, that implementing the Draft Southside Plan would further the LRDP’s goals by “developing additional student and faculty housing....”

I’m also quite dubious about page 35’s 450,000-square-foot estimate for “University Non-Residential.” It seems this quantity was obtained by simply adding the LRDP’s figures for its own “Southside [including Clark Kerr Campus]” and “Adjacent Blocks South” zones (see page 51’s map), which together *don’t* closely coincide with the Draft Southside Plan area, and without seriously tracing what this discrepancy implies.

17

Page 36’s first full paragraph—as well as various other parts of the Draft EIR—leave unclear the extent to which rezonings and zoning text changes will be considered for approval (a) at the same time as the Southside Plan’s policies or (b) later on.

18

### Land Use and Planning Policy

The Draft EIR’s claim that there’d be no significant impacts regarding land use and planning policy is quite unconvincing. On the questionability of its dwelling-units and square-footage projections, see my comments elsewhere in this letter. But I will emphasize here a critical concern involving the interplay between (a) the Draft Plan’s proposed major relaxation of various development and parking standards and (b) the State Density Bonus Law.

The Draft Plan’s specific proposals to reduce or waive zoning standards were of course crafted several years ago. In that process it was firmly intended that even with those changes and *even including the result of applying the State Density Bonus Law*, the Draft Plan’s own *maximum building heights* should never be exceeded. But back then, people were even more unclear than now about the state law’s implications. And subsequently, the state law was drastically amended so as to require in many cases much higher bonus percentages—as much as 35 percent—as well as additional “incentives or concessions.”

19

Under the Draft Plan, relating to the state law would continue to be hampered by the Southside zones’ lack of any real dwelling-units-per-acre controls. Even more importantly, please note that much of the Draft Plan’s relaxing of development and parking standards would be “by right”—in other words, wouldn’t require a Use Permit or AUP regarding the particular standard. This would

be so regarding the Draft Plan’s increases in allowable lot coverage (except in R-3), its reductions in required usable open space, and its waiver of residential parking requirements within the widespread Car-Free Housing Overlay. Because these relaxations of standards are in this sense automatic, they presumably would be treated as givens when defining the so-called “base project” envelope that City staff uses as a surrogate for the state law’s “otherwise permitted” density per se.

With an accordingly inflated “base project” envelope and with major standards relaxed so much, what would the City have left to provide as “incentives or concessions”? Arguably the City would have given away the farm in advance. And conceivably this could fuel developers’ demands that the City then substitute for normal incentives by granting a density bonus of *more than* 35 percent.

The last several paragraphs imply that we may well get much more and/or worse than we bargained for when the Draft Southside Plan was being crafted. The Southside may well get projects that are taller, bulkier, more crowded—and less livable—than we hoped for. The EIR should clearly and prominently identify the consequence as a potential *significant impact*.

19

And regarding this impact, it should recommend *mitigation measures*. These could include downsizing the extent to which some standards would be relaxed—and/or requiring a Use Permit for the relaxing. For instance, instead of automatically waiving the residential parking requirement a Use Permit might be required. And as a result the waiver might be counted as an incentive or concession for purposes of the State Density Bonus Law. Having actual dwelling-unit-per-acre standards for the Southside might also help limit the state law’s impact.

The basic concept of such mitigation would be “reverse engineering” in which the Draft Plan’s zoning proposals would be modified, and the “base project” envelope for new developments thereby so shrunken, that even *after* applying the State Density Bonus Law the Draft Plan’s originally intended *end result* would be achieved.

Looking now at more detailed problems, why does page 39’s second paragraph say that “[t]his section [on pages 39–43] describes...the proposed opportunity sites for redevelopment [sic]”? The section simply doesn’t do that.

20

Regarding the same page’s description of the plan area’s boundaries, see my comments above under “Project Description.”

21

The claim that Table IV.A-1 and Figure IV.A-1, and related text on pages 39 and 40, indicate “existing” land use needs modifying. They seem instead to approximate the situation as of several years ago. Changes that aren’t reflected include, for example, the new garage and playing field on what the map still calls the “Underhill Parking Lot,” and replacement of offices and parking by UC housing along Channing’s north side west of Bowditch.

22

Besides omitting recent changes, the map includes some plain mistakes. For instance, some of the buildings that it shows as “residential” within the overall ABSW (American Baptist Seminary of the West) campus have never been in such use.

The table’s classifying of UC offices as “commercial” is confusing. Its footnote d’s implication that *all* of the General Plan Land Use Element’s reported “vacant” acreage has now been included in the Eastshore State Park sounds wrong. And its source note’s apparent statement that the General Plan EIR was published in “2007” is of course incorrect.

**22  
cont.**

Page 40’s claim that Southside offices “typically resemble their neighboring, mostly residential structures, blending in with the surrounding residential neighborhood” is rather misleading.

It’s unclear how the “offices” mentioned in page 40’s paragraph (4) relate to those in the immediately preceding paragraph.

**23**

Near the bottom of page 40, “north and east” should be replaced by just “north.” And “Zellerbach Hall at...” should be changed to “Zellerbach Hall near...”

I seriously question page 43’s assertion that (at least regarding the section it’s in) “policy conflicts are not considered to constitute a significant environmental impact and are differentiated from the physical impacts described in other topical sections of this EIR.” That assertion arguably conflicts with the CEQA Guidelines. And it seems inconsistent with the same Draft EIR chapter’s own statement, on page 65, that implementing the Draft Southside Plan would have a significant impact if it would “[f]undamentally conflict with any applicable land use...policy...adopted for the purpose of avoiding or mitigating an environmental effect that could result in a physical change in the environment.” I also question the sweeping assertions near the middle of page 139 that “[p]olicy conflicts in and of themselves do not constitute a significant environmental impact” and that “[p]olicy conflicts are only considered environmental impacts when they would result in direct physical impacts.”

**24**

In the legend of Figure IV.A-2 on page 44, “Open Space” probably should be changed to “Open Space and Recreation” (which I think is what the General Plan’s map calls it).

**25**

Page 47’s list of existing zones doesn’t mention the “R-5H” that Figure IV.A-3 on page 48 seems to include. This relates to my general comment, above, about whether or not Bancroft’s north side is really part of the Southside plan area. It also relates to page 50’s statement that “[a] small portion of the Campus Park [directly north of Bancroft] is located within the...Southside Plan area.”

**26**

In page 49’s paragraph about the Hillside Overlay (H) District, “average height limit...may not exceed 35 feet or 3 stories” should be changed to “building height...may not exceed 35 feet or 3 stories (unless an Administrative Use Permit is granted).”

**27**

In page 49’s last paragraph the statement that “[t]he University’s defined Southside area as described in the LRDP has *slightly* [emphasis supplied] different boundaries” than the Draft Southside Plan area is very misleading. As a glance at Figure IV.A-5 demonstrates, the boundary differences are quite significant.

**28**

On page 50 “the University owns approximately 30 percent of the Southside...” should be changed to “the University owns approximately 30 percent (excluding streets) of the Southside...”

**29**

In page 52’s “Residential Medium Density” and “Residential High Density” paragraphs, the misapplied dwelling-units-per-net-acre figures should be deleted.	<b>30</b>
In Figure IV.A-6 the <i>western</i> Residential Mixed Use Subarea isn’t depicted with a dark enough shade.	<b>31</b>
Under Policy LU-C1 on page 57, the bulleted property types are incorrectly labeled as “actions.”	<b>32</b>
The “Opportunity Sites” discussion on pages 60–61 should mention the Draft Southside Plan’s relevant Policy LU-C1. And the wording “two vacant sites” should be changed to “one vacant site.”	<b>33</b>
Page 61’s third paragraph speaks of just “four” zoning districts—and thereby overlooks (a) the proposed C-SA zoning along Dwight west of Fulton and (b) what the Draft Plan’s page 58 calls a “Car-Free Housing Overlay,” which may well be intended as an overlay district.	<b>34</b>
The fourth paragraph of the Draft EIR’s page 61 calls the C-T district revisions just “minor,” but this conflicts with the Draft Plan’s own description of them (on its page 175) as “substantial.” The same paragraph’s apparent statement that the R-3 district per se would be revised “to allow more flexibility in building height, floors allowed, and parking to foster mixed-use development” is very misleading. See my further comment, above, on page 33’s similar wording.	<b>35</b>
Page 61’s fifth paragraph wrongly characterizes the R-S district as “mixed use.”	<b>36</b>
Table IV.A-4 on page 62 (which admittedly is copied from the Draft Plan itself) has quite a number of problems including but not limited to these:	
<ul style="list-style-type: none"> <li>• It misleadingly lists “offices” as an allowable use in R-S and R-3.</li> <li>• Its “Parking required” row confusingly alternates between describing what’s typically required for nonresidential uses and what’s required for housing. The table very much needs a separate row for each of these.</li> <li>• In the R-SMU district’s <i>first</i> column, the “Lot Coverage” cell evidently should say, “35%-50% (100% if north of Durant).” That’s what the Draft Plan itself implies.</li> <li>• The caption for the R-SMU district’s <i>fourth</i> column probably should be changed to just “Housing.” (Because this column apparently doesn’t apply to projects more than 130 feet from Bancroft, the words “North of Durant” sound redundant.)</li> <li>• The table should have a row indicating whether or not each zone now requires, or would require, design review. This seems important enough to merit its own row.</li> <li>• The Draft EIR totally omits the table’s important <i>footnotes</i>, which accompanied it in the Draft Plan (and which relate to the quite unexplained footnote-reference numbers that the Draft EIR’s version of the table retains).</li> </ul>	<b>37</b>
In page 65’s next-to-last paragraph, “new commercial area” should be changed to “new nonresidential space.”	<b>38</b>

If (as it seems) the “Car-Free Housing” provisions would involve enacting an overlay *district*, shouldn’t page 67’s first full paragraph recognize this? | 39

**Population, Employment, and Housing**

In page 69’s third paragraph, the statement that Berkeley’s population in 1878 was just 700 sounds questionable. The same paragraph’s second sentence is badly garbled. For instance, it was Francis Kittredge Shattuck and his colleagues (not Leland Stanford) who persuaded the railroad to open a branch line along Stanford and Shattuck Avenues to Downtown Berkeley, and service on this line began in 1876 (not the “late” 1870s). | 40

Regarding page 70’s last paragraph, what’s the source for the alleged “existing 1,504,211 square feet of non-residential built area in the Southside in late-2004 [sic]”? | 41

If the so-called “commercial development” mentioned on page 71’s ninth line really includes UC projects, that confusing wording should be changed to “nonresidential development.” | 42

Regarding page 71’s third paragraph, “[a]pplying the Citywide proportion of employed residents to total jobs...to the Southside area” sounds questionable, because of the Southside’s unusually high percentage of students. The related last sentence of page 74’s fourth paragraph seems questionable for the same reason. | 43

On page 81 the third paragraph’s fourth sentence oddly and incorrectly claims that “*all* planned-for change by the Draft Plan would result in infill development by replacing existing *buildings* with new, *multi-use* buildings, or by adding *additional stories* to existing buildings [italics used here for emphasis].” Much of the infill construction would actually replace parking lots or vacant land instead of buildings, some of it (such as in the R-S district) wouldn’t be “multi-use,” and literally adding stories onto existing buildings would likely be rather uncommon. | 44

The sentence that starts near the bottom of page 81 is mistakenly *repeated* near the top of page 82. | 45

Within page 82’s paragraph (3), the word “require” should be changed to “call for” in the fourth sentence and “upper floor residential units” should be changed to just “residential units” in the fifth sentence. | 46

The projection in page 83’s paragraph (6) and the adjoining table that there’d be *no* change in the amount of housing after 2020 is unsubstantiated and looks bizarre. Even if all the “Tier 1” opportunity sites (as shown by Figure III-6 on page 34) were developed by 2020, *other* opportunity sites would remain (such as those depicted and listed in the Draft Plan’s Appendix A) that plausibly would ripen for development as time goes on. | 47

In page 83’s paragraph (6), “the addition of 2,130 commercial jobs” should be changed to “the addition of 2,130 jobs.” | 48

**Transportation and Circulation**

Page 85’s second paragraph flatly says that “[t]he Southside area is bounded by Shattuck Avenue to the west, Bancroft Way to the north, Piedmont Avenue to the east, and Dwight Way to the south.” Page 89’s last paragraph indicates the same. But these statements are of course confusingly inconsistent with the boundaries as described by page 17 and/or shown on various of the Draft EIR’s maps. Also confusing is page 91’s wording about Shattuck Avenue “[w]ithin the Southside area.”

49

There seems to be inconsistency between (a) Table IV.C-1’s characterization of LOS E as “considered to be the limit of acceptable delay” and (b) the Draft EIR’s treatment elsewhere of LOS E as “unacceptable.”

50

Page 90’s statement that Channing Way has “parking on the south side of the street between Shattuck Avenue and Dana Street” is incorrect. (The same comment applies to the similar statement on Appendix C’s page 13.)

51

Page 91’s description of Dana Street should say that there’s a bike lane on its east side from Bancroft to Dwight.

52

The same page’s paragraph about Telegraph Avenue confusingly describes only the portion north of Dwight. The portion south of there of course is two-way and has four auto lanes as well as bike lanes.

53

The Draft EIR’s statements in general about presence or absence of “bus pull-outs,” and implications thereof, are unclear and may be inconsistent or erroneous. For example, why do pages 90–91 say that Shattuck Avenue has such pull-outs, and that College and Piedmont Avenues (which in fact have bus stops) have no pull-outs, while not saying whether or not Bancroft, Durant, Dana, and Telegraph (all of which have one or more bus stops) have pull-outs? And why does page 97 say that buses stopping along Bancroft and Durant generally don’t impact auto flow whereas buses stopping on College Avenue and “on Telegraph Avenue at Haste Street and Durant Way [sic]” partially block auto traffic? (The same comments apply to the relevant statements on Appendix C’s page 30.)

54

The statement near the bottom of page 91 that “there are pedestrian passageways and alleys within the larger blocks on an intermittent basis” is misleading. It would be better to say just that “[s]ome of the large blocks have pedestrian passageways through them.”

55

The wording on page 92’s fifth through seventh lines about sidewalk obstruction on Haste Street west of Telegraph has become obsolete and should be deleted.

56

In the first sentence of page 92’s second full paragraph “curb ramps are provided on most corners” should be changed to “curb ramps are provided at street corners.” In the third sentence “the sidewalk facilities facilities are protected by parked vehicles” should be replaced by “most sidewalks are protected by parked vehicles.” In the fifth sentence “two on Telegraph Avenue”

57

probably should be changed to “two on Telegraph Avenue south of Bancroft.” (It seems that one of the mentioned “four on Bancroft Way” is at the Bancroft/Telegraph intersection.)

57  
cont.

Figure IV.C-2 on page 93 should specify that it shows *peak-hour* pedestrian volume.

58

On page 95’s third line, should “street logs” be changed to “street logos”?

59

The third sentence of page 95’s second paragraph could be misread as saying that Channing and Bowditch/Hillegass presently have more bicycling-oriented features than they really do.

60

Why does page 95’s sixth paragraph mention a “Route 604/605” while page 96’s Table IV.C-3 doesn’t list it? (Appendix C’s page 27 says these are just “school bus routes” relating to Head-Royce.)

61

On the second line of page 98’s third paragraph “south of Telegraph Avenue” should be changed to “west of Telegraph Avenue.”

62

At the end of page 99’s next-to-last paragraph, it may be appropriate to add the words “for commuters and visitors on most days.”

63

Why does page 100’s second paragraph say that results are summarized in Table IV.C-4 “for locations that operate at LOS C or worse” whereas that table also shows some intersections that perform better than that? The same question applies to the comparable statement near the middle of page 120 regarding Table IV.C-6.

64

The third sentence of page 100’s third paragraph says that “the northbound left-turners from Ellsworth Street turn into its [sic] own lane on Bancroft Way unimpeded by Bancroft Way traffic.” Similar statements are made near the middle of page 108 and as footnotes to Tables IV.C-4, IV.C-5, and IV.C-7. But these are somewhat misleading because drivers who reach the intersection while in Ellsworth’s *right* lane don’t necessarily get an easy turn onto Bancroft (or at least they don’t at times when there also drivers in Ellsworth’s left lane). And in the case of Table IV.C-7, the statement seems nonsensical *regarding* “2025 Plus Project” conditions—because it appears that under those conditions Bancroft would be a two-way street.

65

It seems that page 100’s last paragraph should be numbered “(1)” instead of “(9),” and that several ensuing passages should be renumbered accordingly.

66

While that same paragraph says that “analysis completed for this EIR includes *all* [emphasis supplied] intersections within the Southside area,” this obviously isn’t so.

67

Page 108’s paragraph about the Bancroft/Fulton intersection assumes “removal of the island preventing a free westbound right turn.” That badly garbled wording presumably means removal of the present widely curving free-right-turn lane (separated from other traffic by a sizable island) that lets vehicles coming down Bancroft turn right (north) onto Fulton without stopping. But why does *this* paragraph assume removal of the free-right-turn lane? The paragraph’s context is “Future (Year 2025) Conditions Intersection Analysis *Without* [emphasis supplied] Project.” Removing the

68

free-right-turn lane is called for by the Draft Plan’s Policy T-C9 and therefore is *part of the project*.

68  
cont.

In Policy T-C7 on page 114 change “Charming” to “Channing” (though Charming Way sounds like a fun place to visit!).

69

In Policy T-C9 on page 115 change “Oxford” to “Fulton.” (The mistake also needs correcting in the Draft Plan itself.)

70

In page 119’s description of circulation Alternative 6, the wording “at the northern-most [sic] block of Telegraph Avenue and on Telegraph Avenue from Bancroft Way south to Haste Street” seems confusingly redundant. And wasn’t this alternative also meant to include (to quote from the adjacent description of circulation Alternative 5) “restricted vehicular traffic...[on] a short section of Bancroft Way at Telegraph Avenue”? The same comments apply to page 255’s description of Alternative 6 (and the corresponding description on Appendix C’s page iii).

71

On page 120’s second line “Dwight Avenue” should be “Dwight Way.”

72

Page 120’s “Trip Generation” paragraph seems to imply that the traffic analysis didn’t take *University-created* new parking spaces into account. *If* the analysis didn’t consider them, this is a very major flaw. The same comments apply to the paragraph that starts near the bottom of Appendix C’s page i—and to the basic assumptions that are described or implied by the “Trip Generation” section on its page 49. See also the third and fourth pages of the November 5, 2007, staff report in Appendix E, which seem to indicate that the traffic modeling does take into account 600 spaces of additional UC parking.

73

Why does page 126’s third bulleted item say that “the peak hour signal warrant would not be satisfied” at the Bancroft/Ellsworth intersection while page 149 explicitly recommends “[a] traffic signal at Ellsworth Street and Bancroft Way”? This apparently glaring inconsistency needs to be resolved or explained.

74

On page 134 Mitigation Measure TRANS-7 should be clarified to avoid giving an impression that “all new development” must provide driveways. There are places, such as along Telegraph itself, where new driveways would be very disruptive (and at-curb deliveries should suffice).

75

In page 135’s Impact TRANS-10 the almost humorously awkward wording “there are no bicycle facilities which can create unsafe conditions” should be replaced by something like “there are no bicycle facilities, and this can create unsafe conditions.”

76

The same page’s Impact TRANS-11 is rather garbled. Making Bancroft and Durant two-way wouldn’t necessarily “result in an increased propensity for delivery vehicles to be double parked.” The increased likelihood would, instead, be for blockage of Bancroft’s eastbound travel lane to occur (in cases where delivery vehicles happen to double park).

77

Why does page 137’s “Parking Characteristics” paragraph say that “[o]n evenings and weekends it is unlikely that University-owned parking areas can be used for public parking”? For most such

78

parking areas this is quite untrue. And it directly conflicts with page 99’s statement that “[m]ost University-operated parking facilities are open to the public for a fee during nights and weekends.” **78  
cont.**

In page 139’s paragraph that starts with “While the Transportation Element...” it’s obviously very unclear what “inconsistencies” the first sentence alludes to and what “differences” the second sentence speaks of. **79**

One of page 149’s recommended new improvements is to “[i]ninstall a high visibility crosswalk on the north side of the Clark Kerr Campus exit to permit pedestrians to alert drivers to pedestrian crossings.” But that campus has more than one exit. So it would be clearer if “exit” were changed to “exit at the Warring Street/Parker Street intersection.” **80**

**Noise**

In the second sentence of page 176’s last paragraph, “State Noise Insulation Standard” should be changed to “State Noise Insulation Standards.” **81**

In the last line of page 177’s paragraph (3), “related to the Draft Southside Plan” should be replaced by “relevant for the Draft Southside Plan.” **82**

On page 182’s next-to-last line, “the BART tracks within the Southside area” should be changed to “the BART tracks near the Southside area.” **83**

On page 185’s eleventh line, “Fulton Avenue” should be “Fulton Street.” **84**

Near the middle of page 185 is the statement that “[a]ll the modeled roadway segments under cumulative with the project conditions would experience traffic noise levels less than 65 dBA L<sub>dn</sub>.” Do these “traffic noise levels” refer to the figures in Table IV.E-13’s specific column headed “LDN [sic] (dBA) 50 feet from Centerline of *Outermost Lane* [italics here for emphasis]”? (This needs clarifying.) If so, it’s plausible that in some cases the 65 dBA noise contour might actually fall somewhere *within* the front part of the abutting lots. This seems to be of special concern along streets where the Draft Plan envisions construction with little or no setback. **85**

Another concern involves the presumably greater noise level at street *intersections*. Tables IV.E-8, IV.E-11, IV.E-12, and IV.E-13 (which are about noise on “roadway segments”) apparently don’t take this into account. **86**

In all of those tables, do the columns that report the number of feet from the “Center-line” to the 70, 65, or 60 L<sub>dn</sub> noise contour measure that distance from the *overall* roadway’s centerline (rather than that of the outermost lane)? This should be made clearer. **87**

**Public Facilities and Services**

Though page 199 treats “Arrowsmith Academy” as existing, it may have ceased operation. 88

Page 199’s next-to-last paragraph lists a number of private colleges or universities including the American Baptist Seminary of the West and then says that “[n]one of these schools are located within the Southside area.” But nearly all of the ABSW campus (which I live right across the street from!) is obviously within the plan area. 89

Page 200’s paragraph (1) mistakenly says that “Willard Park” gets significant use by “Berkeley High School students.” It’s actually Martin Luther King Jr. Civic Center Park that BHS students frequent. 90

Pages 200–201 should mention the tennis courts that *presently* sit atop the Ellsworth parking structure. 91

**Paleontological and Cultural Resources**

The Draft EIR is very problematic regarding historic resources. Please see the extensive comments about this in the pertinent letter from BAHA (the Berkeley Architectural Heritage Association). 92

**Alternatives**

Page 253 incorrectly describes its bulleted items as the Draft Plan’s “objectives.” They are instead “goals,” which is what the Draft Plan’s page 3 calls them. The objectives per se are explicitly labeled as such and are distributed through later parts of the Draft Plan. 93

The Draft EIR is awkward and confusing about the relationship between (a) its “Alternatives” chapter and (b) the six *circulation* alternatives that are mentioned in that chapter but evaluated elsewhere. The four “alternatives to the proposed project” that are listed on the upper half of page 254 are basically about *land use*. Text on pages 255–256 does describe the six circulation alternatives and refer to their evaluation in the transportation study. However, that text appears within the subchapter that’s entitled “Alternatives Considered But Not Further Evaluated.” And that subchapter title (on page 254) is immediately and confusingly followed by the introductory sentence saying, “The following discussion includes a description of alternatives considered but ultimately *rejected for evaluation as part of this EIR* [emphasis supplied].” 94

Especially confusing here is the treatment of Dana and Ellsworth Streets. The Draft Southside Plan as published in 2003 doesn’t just say to *consider* (as it does with Bancroft and Durant) converting them from one-way operation to two-way. Its Policies T-C3 and T-D1 definitely *call for* making Dana and Ellsworth two-way. Did the subsequent selection of a circulation “preferred alternative” (with two-way Bancroft and Durant but one-way Dana and Ellsworth) for study purposes somehow remove Policies T-C3 and T-D1 from the Draft Plan (and therefore from what 95

the Draft EIR calls “the proposed project”)? Apparently not, because the Draft EIR’s pages 148–149 now recommend “mitigation measures” deleting those two policies.

95  
cont.

Page 254’s capsule description of the “No Development” alternative says that under it there wouldn’t even be “private investment”: an apparent overstatement, here, that isn’t included in page 256’s fuller description of the alternative.

96

But more importantly, the “No Development” alternative (as described on pages 254 and 256) is a dummy option. It basically consists of an outcome rather than a course of action. What would actually be *done* (such as rezoning the whole Southside to R-1?) that supposedly would result in *no* development occurring? This unreal so-called “alternative” isn’t the kind of thing CEQA envisions by requiring meaningful discussion of alternatives.

97

Page 254’s fourth paragraph and page 258’s third full paragraph say the University would develop 450,000 square feet of nonresidential space and zero housing. But as I’ve already commented above, those assumptions are dubious.

98

And the “UC Construction Only” alternative itself (as described on pages 254 and 258) is another dummy option—for basically the same reasons I’ve stated above regarding the “No Development” alternative.

99

Page 254’s fifth paragraph and page 259’s second full paragraph say that the July 2003 amendments to the Draft Plan included changing “goals” and “objectives,” but that’s incorrect.

100

The Draft EIR fails to evaluate any *meaningful* alternative that would be *more restrictive than* the Draft Plan’s 2001 version. At least one such alternative should incorporate “reverse engineering” (as discussed earlier in this letter) that would shrink “base project” envelopes so that even after applying the State Density Bonus Law, the end result would match what the Draft Plan’s 2001 version intended. And some further downzonings might be considered, such as putting some blocks in the R-2A district instead of R-3.

101

To be even-handed, the EIR might also evaluate a meaningful alternative that in some regards would be less restrictive than the Draft Plan. For instance, this might involve rezoning some blocks to the R-S district instead of R-3.

102

Page 259’s third full paragraph says that under the 2001 Planning Commission Draft alternative, “the residential development potential at Tier 1 opportunity sites is [only!] 14,937 square feet (approximately 18 units)” and “no non-University commercial [sic] development is anticipated.” But those claims seem very questionable.

103

Near the bottom of page 259 is a statement that the 2001 Planning Commission Draft alternative does not include opportunities for mixed commercial/residential development in the R-SMU zone.” However, that’s quite misleading. There would still be such opportunities.

104

The sentence that starts at the bottom of page 259 and ends at the top of page 264 speaks of “the recent housing development efforts that have been undertaken by the University of California

105

outside the Southside area to provide additional student housing.” But it’s very unclear what that refers to.

105  
cont.

Table V-1’s portion on page 262 describes the result of the zoning-boundary revision as just “Inclusion of Opportunity Site along College Avenue between Channing Way and Haste Street in the R-SMU zone.” That seems to refer to the Underhill garage site, which itself is no longer an opportunity site. The quoted language fails to convey that the boundary revision also involved the north side of Channing Way from somewhat east of Telegraph to somewhat east of Bowditch (as well as the Casa Bonita property at the northeast corner of Haste and Bowditch). The affected area does include Tier 1 opportunity site 16 as identified on Figure III-6.

106

Near the top of page 264 is the assertion that “[b]y continuing to emphasize University-provided housing,...[the 2001 Planning Commission Draft alternative] fails to encourage the provision of affordable housing by other sources.” However, the logic (if any) of that is quite unconvincing

107

Page 264’s next-to-last paragraph incorrectly says that “[i]n cases like this where the *No Development alternative* [emphasis supplied] is technically the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified.” In fact the CEQA provision is for cases where the *No Project* alternative is environmentally superior.

108

(And even in such cases does the CEQA provision literally call for identifying the “second most” environmentally superior alternative, or just “another” one?)

Page 265’s conclusion that the proposed project itself (including the EIR’s mitigation measures) “constitutes the environmentally superior alternative” is unconvincing—especially because of the Draft EIR’s failure to identify and assess reasonable alternatives like the missing ones I’ve generally described above.

109

### **CEQA-Required Assessment Conclusions**

In page 267’s fourth paragraph the misleading language “commercial development” should be changed to “nonresidential development.” The fifth paragraph’s “commercial job growth” should be replaced by just “job growth.”

110

The latter paragraph’s statement that the Southside would get “44.4 percent [!] of the total projected City job growth by 2020” looks quite wrong. Using the Draft EIR’s own apparently relevant figures (on pages 70–71) I calculate, instead, roughly 32 percent. And even that share seems too big, in light of various factors like potential development in Downtown Berkeley.

111

In the second bulleted item on page 270 the words “during the PM peak hour” should be inserted right after “LOS E.”

112

Page 271’s “Noise” paragraph doesn’t seem to say enough about exposure to *traffic* noise.

113

Page 272’s conclusion that there’d be no significant impacts regarding “Aesthetics,” “Hazards and Hazardous Materials,” and “Geology and Soils” is quite unconvincing.

114

**Appendix C**

Why does it say near the middle of this appendix’s page ii, and near the top of its page 50, that “[b]us routes were assumed to remain unchanged in the circulation alternatives”? Isn’t this at least highly confusing? Indeed beneficial rerouting of buses, such as creating two-way bus service along Bancroft, is a major argument for several of the alternatives.

115

On the last line of the appendix’s page 14 “terminates at Telegraph Avenue” should be changed to “terminates at Dwight Way.”

116

Why does the third paragraph of the appendix’s page 49 say that “[a]pproximately one parking space would be provided for each new dwelling unit requiring parking”? This sounds like a *misinterpretation* of the statement, occurring within the “Development Assumptions for Non-UC parcels” table of Appendix E, that “[p]arking is assumed, on average, to occupy ½ the lot area where parking is required.”

117

**Appendix E**

Near the top of the third page of this Appendix E’s November 5, 2007, staff report there’s a footnote indicating that “[e]ach [dorm or shelter-housing] bed was assumed at 200 sq. ft.” and that “[e]ach [dwelling] units was assumed at 800 sq. ft.”: in other words, four such beds equal one dwelling unit. But isn’t there inconsistency between this and the Draft EIR main volume’s page 72, which says that “[f]or purposes of the Draft Plan, each two beds in a group quarter (e.g., dormitory) are considered one dwelling unit”?

118

As stated earlier in this letter, I seriously question the assumption—which is reflected in Appendix E’s Table 5—that there’ll be *zero* new UC housing in the Draft Plan area. As also stated earlier, I’m unconvinced about the 450,000-square-foot figure for added UC academic and support space.

119

(Incidentally, the appendix’s Table 5 inadvertently says “450,0000” instead of 450,000.)

Page 1 of the appendix’s May 9, 2005, staff report seems to say that (all?) the UC-owned opportunity sites are located in the C-T and R-SMU districts. But judging by a comparison between the maps on the Draft Plan’s pages 176 and 209, it appears instead that such sites would be in the R-SMU and R-S zones.

120

Wording on that 2005 staff report’s page 2 refers to the Alzheimers Services property (Tier 1 opportunity site 41) as being in the proposed R-SMU district. But in fact it would be in the R-S zone.

121

I have these comments about Appendix E's "Development Assumptions for Non-UC parcels" table (which is on the 2005 staff report's page 3 and is supplemented by notes on page 4—but which I haven't analyzed as thoroughly as I'd like to):

- For residential and mixed-use projects in the relevant (north of Parker Street) part of the C-SA district, "Base stories allowed in District" is really 5 instead of 3.
- C-SA actually has an FAR limit of 4.0.
- In the C-T district's present version "Base stories allowed in District" is really 4, not 3.
- In C-1 "Stories of commercial allowed by ordinance" is 2 instead of 3.
- For the R-S district, "Stories of commercial allowed by ordinance" should be 0, not 3.
- In the "Commercial stories, assumed" and "Residential stories, assumed" rows, the reductions (such as from 1.0 to .67) for C-T and C-T(S) parcels "adjacent to R zone" seem too extreme. (Controls along R boundaries are minimal.)
- The "Parking Assumed" row is very confusing and problematic. The table says that "[p]arking is assumed, on average, to occupy ½ the lot area where parking is required." Then why is 0 indicated for C-SA (which requires parking) and for R-S (*portions* of which would be *outside* the Car-Free Housing Overlay)? And why is .5 indicated for R-SMU (much of the development in which may be housing and *all* of which is within the Car-Free Housing Overlay)?
- In the "Residential stories, assumed" row, why is 4 indicated for the R-S district?
- In the "Effective Residential FAR prior to application of State Density Bonus" row, *two* numbers are shown in the case of some zones. The table says, "first number if in Car-free residential zone." But then why in the case of R-S is the first number *smaller* than the second number? That must be wrong, because potential residential space should be *greater* where housing can be built without parking! And why does this row show the C-T(S) and R-SMU zones with two numbers at all? These zones would be *entirely* within the Car-Free Housing Overlay.
- Though I haven't adequately thought the matter through, I fear that the table may embody other conceptual flaws that, also, seriously distort the interplay between the proposed zoning controls and the State Density Bonus Law.

122

Sincerely,

JOHN S. ENGLISH

John S. English  
2500 Hillegass Avenue, Apt. 3  
Berkeley, CA 94704-2937

**Letter C4**  
**John S. English**  
**June 30, 2008**

C4-1: The aesthetic values of the Southside area are protected not only by the Draft Plan's Design Guidelines, but by the goals, objectives, and policies of the City's General Plan Urban Design and Preservation Element. The statement that no specific development is proposed as part of the Draft Plan is correct; at the time specific developments are proposed within the Southside area, these developments will be subject to separate environmental review processes that will examine project-level impacts that may result from such development. The purpose of the Draft Plan is to provide program-level goals, objectives, and policies that guide future development within the Southside area; at such time as new development projects are sought for approval by the City, these projects will undergo design review to verify that aesthetic impacts are adequately addressed. The Draft EIR only examines potential aesthetic impacts from implementation of the Draft Plan; it does not evaluate the City's implementation of approved policies and guidelines. See also response to comment B1-10.

C4-2: The potential for hazardous conditions to exist within the Southside area result from the Southside's location itself, and would not be exacerbated by implementation of the Draft Southside Plan. The Draft Southside Plan acknowledges the Southside area's partial location within an Alquist-Priolo Earthquake Fault Zone; further, properties within this zone are subject to special disclosure and study requirements prior to sale and/or development. At that time when properties within the zone are sold or proposed for development, additional environmental review in compliance with both Alquist-Priolo Earthquake Fault Zoning Act as well as CEQA will be conducted to ensure that any potential impacts from hazards or geology are effectively identified and mitigated to the greatest extent possible.

The City's Disaster Mitigation Plan assists in evaluating potential hazards and hazard reduction measures, and enforcement of the City's General Plan policies would further reduce potential hazard risks to life or property. In the Southside area, east-west streets (including Bancroft Way, Durant Avenue, Channing Way, Haste Street, and Dwight Way) are designated as Emergency Access and Evacuation Routes. Implementation of the Draft Southside Plan would not decrease the utility of these access and evacuation routes, but with implementation of Circulation Alternative 2 would increase emergency response vehicles' access and ability to move within and through the Southside area.

C4-3: In response to this comment, the text on page 17 of the Draft EIR is revised to match the language in the Southside Plan as follows:

The Southside ~~area~~ is generally defined as the area bounded by Dwight Way to the south, Bancroft Way to the north, Prospect Street to the east, and Fulton Street to the west, and includes the properties fronting these streets.

The Southside Plan is designed to guide growth and development in the area south of the UC Berkeley campus. The impetus for the Plan was the expansion of the Haas Pavilion. While the Plan has no authority over the northern side of Bancroft beyond the City's right-of-way, the inclusion of a portion of the UC campus adjacent to the right-of-way is intended to reflect the importance of the facades of these buildings on the Bancroft streetscape and to encourage more thoughtful consideration of the Bancroft frontages of these buildings. The inclusion of these facades in the Plan should not significantly impact statistics (traffic, housing, etc.) within the Plan.

- C4-4: The traffic impact analysis considers streets and other transportation corridors significant to the Southside area; the "boundaries" used in the traffic impact analysis are not physical limits on the extent of the Southside area's geographic base, but instead seek to encompass the full extent of transportation movements within the Southside area. See also response to comment C4-49.

The comment regarding Telegraph Avenue is noted.

- C4-5 In response to this comment, page 30 of the Draft EIR is revised as follows:

Institutional uses are found throughout the Southside area but are generally clustered along the Dana Street, ~~and~~ College Avenue, and Bowditch Street corridors.

- C4-6: The comment concerns adoption year of the City of Berkeley General Plan and is noted. The latest official adoption date of the General Plan was by Berkeley City Council Resolution No. 61,533-N.S. on April 23, 2002.

- C4-7: The comment is noted. The intent of the graphic is to provide the reader with an awareness of traffic directions along major routes and corridors and is for orientation purposes. It is not intended to be comprehensive, but rather to provide the reader with a visual context for the proposed Circulation Alternatives discussed in this section.

- C4-8: In response to this comment, the second paragraph on page 24 of the Draft EIR is clarified as follows:

In early 2005 after the University certified the LRDP Final EIR and adopted the LRDP, the City of Berkeley entered into litigation with the University concerning the validity of the 2020 LRDP EIR. ~~Because the LRDP planned for University expansion within the Southside area, completion of the Draft Southside Plan was suspended until the lawsuit was settled, which occurred in mid-2005. The lawsuit was settled in mid-2005.~~ (The University LRDP is discussed more fully in Chapter IV.A, Land Use and Planning Policy).

- C4-9: The comment is noted. The statements regarding units per acre, persons per acre and floor-area ratios will remain in the text, but are revised as follows:

Under the Residential Medium Density Subarea on page 26 of the Draft EIR, the third sentence is revised as: [In the General Plan, this designation allows a density range of 20 to 40 dwelling units per acre (du/ac), which typically correlates to 44 to 88 persons per acre (i.e., an average of 2.2 persons per unit.)]

Under the Residential High Density Subarea on page 26 of the Draft EIR, the second sentence is revised as: [In the General Plan, this designation allows a density range of 40 to 100 dwelling units per acre (du/ac), which generally correlates to 88 to 220 persons per acre (i.e., an average of 2.2 persons per unit.)]

Under the Telegraph Commercial Subarea on page 28 of the Draft EIR, the first full sentence is revised as: The area allows a maximum FAR of 3.5 and building heights between 50 and ~~60-65~~ feet with 4 to 5 stories.

Under the Dwight Way Commercial Subarea on page 28 of the Draft EIR, the third sentence is revised as: Land uses allowed in this area ~~are~~ include retail, other general commercial, and retail housing.

C4-10: The use of the term “land use type” in this paragraph is correct. The City’s Design Guidelines provide direction for and describe building massing and height, setbacks and parking, and other elements of site design by the general type of land use being proposed for development, such as residential, commercial, and other land use types.

C4-11: In response to this comment, the first paragraph on page 33 of the Draft EIR is revised as follows:

The final chapter of the Draft Plan provides zoning map and standard changes necessary to most effectively implement the Draft Plan. The Draft Plan proposes ~~Minor revisions are proposed to the Telegraph Avenue Commercial (C-T) and the Multiple-Family Residential (R-3) districts to allow more flexibility in building height, floors allowed, and parking to foster mixed use development with residential units as envisioned by the Draft Plan. The Multiple-Family Residential (R-3) district has minor changes, primarily prohibiting parking lots, allowing existing buildings to be rebuilt to existing density following a mandatory retrofit or destruction following a hazard event, and permitting increased lot coverage for an additional dwelling on a site.~~ Two new, higher-density ~~mixed-use~~ multi-family districts are also proposed: the Residential Southside (R-S) and the Residential Southside Mixed Use (R-SMU) districts. The new R-S and R-SMU districts are intended to implement the Draft Plan’s emphasis of higher-density mixed use near the University (i.e., R-SMU) while transitioning to less dense residential development adjacent to the established residential neighborhoods (i.e., R-S).

C4-12: In response to this comment, page 33 of the Draft EIR is revised as follows:

**Sites that are currently vacant.** With only ~~two~~ one vacant sites in the Southside area, most change will occur on sites with existing uses.

C4-13: In response to this comment, page 33 of the Draft EIR is revised as follows:

**Sites which contain seismically hazardous buildings which are prohibitively expensive to retrofit.** These properties could be redeveloped, with proper incentives, to create higher quality housing stock to improve the overall quality of the neighborhood. The sites with potentially hazardous buildings are of two categories: “unreinforced masonry buildings” (“URM”) and “soft-story buildings.” A URM building is typically a block or brick building that lacks adequate reinforcement in load bearing walls or the connections between ~~within~~ the walls and the floors/ceilings to withstand earthquake-induced ground shaking.

C4-14: In response to this comment, page 33 of the Draft EIR is revised as follows:

For the purpose of evaluating the potential environmental effects of implementing the goals, objectives, policies, and programs of the Draft Plan, City staff and the consultant team prepared projections for ~~the maximum number a~~ conservative estimate of the reasonably foreseeable number of net new housing units, increased population, non-residential uses, and jobs expected under proposed Draft Plan land use designations and zoning through 2020.

C4-15: Table III-1 indicates that the figures are net changes in square footage. In response to the second part of this comment, pages 33 and 35 will be revised as follows:

Page 33:

**h. Development Opportunity Sites.** Appendix A of the Draft Plan provides an inventory of non-University-owned parcels that have been preliminarily determined to be areas where new development, or expansion of existing development, could be accommodated.

Page 35, first full paragraph:

~~As previously noted,~~ City staff identified as Tier 1 opportunity sites those non-University-owned sites throughout the Southside area which have the greatest potential for development and reuse. City staff and the consultant team undertook an analysis of the potential development on these opportunity sites under the proposed land use and zoning changes and identified the capacity for future development based on the following considerations:

C4-16: The City does not agree that a conflict exists between the statement that the Draft Southside Plan would further LRDP goals by developing additional student and faculty housing and the assumption of no new UC-built housing. Student and faculty housing in the Southside can and often is provided by the private sector, not the University. See also the paragraph on University Residential Projections in the Master Response 2 – Development Potential.

C4-17: See the paragraph on University Non-Residential Projects in the Master Response 2–Development Potential.

C4-18: The zoning changes listed at the end of the Draft Southside Plan will be considered at the same time as the Draft Plan. In response to this comment, the first full paragraph on page 36 of the Draft EIR is revised as follows:

~~Following~~ With adoption of the Draft Plan, other City documents applicable to the Southside area, such as the Zoning Ordinance and Zoning Map, would ~~subsequently~~ be amended to reflect and incorporate the policy direction and development standards included in the Draft Plan.

C4-19: This question expresses concerns about the application of the new (2004) State Density Bonus law in the Southside. The Southside Plan is unusual in that it created separate development standards for projects that included affordable housing. These standards were based on the pre-2004 density bonus law and are now superseded by the current law. The concern is that this specific language will create confusion about the heights allowed for projects with affordable units, and could even lead to “double-dipping”, as developers try to apply both the current state law and the Southside Plan language to achieve much taller buildings than anticipated in the Southside Plan.

Because the current State Density Bonus law supersedes the Southside Plan language for affordable housing, the DEIR analysis used the current law to analyze the development potential of the Southside Plan. The development potential analysis made the following assumptions:

1. The current State density bonus law would apply;
2. The density bonus would be applied on top of the “base” development standard, meaning the development standards that a project would have by right, without any discretionary review or approval. Additional height limits for projects providing affordable units were not included in the base development standards; and
3. All of the Tier 1 opportunity sites would not only develop to 75 percent of their maximum “base” envelope, but would also receive the maximum density bonus (per the 2004 law) of 35 percent additional units.

The revised development potential (2009) also revised the lot coverage permitted for the R-SMU from 100 percent to 45 percent, since the 100 percent figure anticipated a discretionary review. A more detailed review of the assumptions used in the creation of the development potential for the Southside can be found in the Master Response – Development Potential.

The concerns about the Southside Plan setbacks and parking standards and the need for dwelling-unit-per-acre standards in the Southside are issues for the Southside Plan, not the Draft EIR. These concerns should be discussed as part of the Southside Plan review process.

C4-20: In response to this comment, page 39 of the Draft EIR is revised as follows:

This section describes the general land uses within the Southside area, the proposed Southside subareas, and relevant land use designations, ~~and the proposed opportunity sites for redevelopment~~ within the Southside area.

C4-21: See responses to comments C1-2 and C4-3.

C4-22: The comment is noted. As shown on both Table IV.A-1 and Figure IV.A-1, source data are from 2003 and represent the “existing” uses present when these data were obtained. Per section 15125(a) of the *CEQA Guidelines*, an EIR must include the physical conditions in the local area at the time the notice of preparation is published. The Notice of Preparation for the Draft Southside Plan was received by the State on November 4, 2004. This Draft EIR evaluates the Draft Plan and makes every attempt to maintain internal consistency of data within and between these two documents.

C4-23: Office uses in the Southside are generally not in a standard office building, but are often in converted houses. Offices that were built specifically for office use are generally of a residential scale and do typically resemble other buildings in the neighborhood. The assessment that offices generally resemble structures similar to those surrounding them was based on a visual assessment of the Southside area, with particular emphasis on the area west of Bowditch Street along Channing Way and Haste Street. These structures are of similar size and massing to surrounding properties, including those used for residential and retail uses.

In response to the second part of this comment, the second sentence of paragraph (3) on page 40 is revised as follows:

Southside office space is primarily used by University academic and student support offices, ~~religious facility offices~~, and a small number of general offices.

In response to the third part of this comment, page 40 of the Draft EIR is revised as follows:

Immediately north ~~and east~~ of the Southside neighborhood is the University’s main campus. Major University facilities abut the project area, including Memorial Stadium at the northeast boundary, Zellerbach Hall ~~at the northern terminus~~ near the intersection of Telegraph Avenue Bancroft Way and Dana Street, and Edwards Field at the northwestern Southside area boundary.

C4-24: In response to the first part of this comment, page 43 of the Draft EIR is revised as follows:

~~While this~~ This section contains a discussion of the consistency of the proposed project with these relevant land use policies, ~~policy conflicts are not considered to constitute a significant environmental impact and~~ which are differentiated from the physical impacts described in other topical sections of this EIR.

In response to the second part of this comment, page 139 of the Draft EIR is revised as follows:

~~This section reviews and evaluates the proposed project against policies from the Berkeley General Plan and the Draft Southside Plan. Policy conflicts in and of themselves do not constitute a significant environmental impact. Policy conflicts are only considered environmental impacts when they would result in direct physical impacts.~~

C4-25: In response to this comment, the legend of Figure IV.A-2 on page 44 of the Draft EIR is revised as follows:

[Legend Entry] Open Space and Recreation

C4-26: In response to the comment, the following text regarding the R-5 district is added to page 49 after the description of the R-4 district:

High Density Residential (R-5). The R-5 district encourages high-density, multi-family residential areas close to major shopping, transportation and employment centers. It makes housing, such as apartments and hotels, available to persons who desire convenience of location and who require relatively small amounts of useable open space. Adequate light, air, privacy and useable open space is assured in this district to the residents to promote and protect their physical and mental health, and adjacent properties would be protected from unreasonable obstruction of light and air. The construction of buildings for institutional and office uses are allowed when they will not be detrimental to the immediate neighborhood. Lots in the R-5 may not be less than 5,000 square feet, and main buildings generally may not exceed 40 feet and four stories, unless an Administrative Use permit is granted.

C4-27: In response to this comment, and to provide consistency with the R-5 description added per the previous comment, page 49 is revised as follows:

As applied to the Southside area, average height limits for buildings in the R-4H and R-5H districts may not exceed 35 feet or 3 stories (unless an Administrative Use Permit is granted).

C4-28: In response to this comment, the fifth sentence of the last paragraph on page 49 of the Draft EIR is revised as follows:

The University's defined Southside area as described in the LRDP, however, has slightly different boundaries than that described in the City's Draft Southside Plan; it covers much, but not all of the City's defined Southside area and also includes areas, such as the Clark Kerr campus and the Smyth-Fernwald complex, which are not included in the City's Southside area boundaries.

C4-29: In response to this comment, the first sentence on page 50 of the Draft EIR is revised as follows:

As previously described, the main University campus area abuts the Southside neighborhood along its entire northern boundary, and the University owns approximately 30 percent (excluding streets) of the Southside area's land (as defined by the City).

C4-30: The EIR preparers believe this comment to refer to the Residential Medium Density and Residential High Density paragraphs on page 54 of the Draft EIR. The densities included in these paragraphs are consistent with those provided for these subareas in the City's General Plan; as such, no change is needed.

C4-31: In response to this comment, Figure IV.A-6 is revised to correct shading for the western Residential Mixed Use Subarea.

C4-32: In response to this comment, page 57 of the Draft EIR is revised as follows (underlining in this section exists within the Draft EIR text and does not connote added text):

- Action-A: Vacant properties.
- Action-B: Surface parking lots and single-level parking garages on Bancroft, Durant, and Telegraph Avenue.
- Action-C: Underutilized lots with single-story structures that are not historically significant resources on Bancroft, Durant, and Telegraph.
- Action-D: Surface parking lots and single-level parking lots on all other streets.
- Action-E: Underutilized lots with single-story structures that are not historically significant resources on all other streets.

C4-33: In response to this comment, the text on page 60 of the Draft EIR under subsection c. is revised as follows:

The Draft Plan provides criteria for identifying potential sites for new development or redevelopment opportunities (i.e., "opportunity sites") in the Southside area, as listed in Policy LU-C1 and as follows:

In response to this comment, the text on page 60 of the Draft EIR under subsection c., third bullet, is revised as follows:

Sites that are currently vacant. With only ~~two~~one vacant sites in the Southside area, most change will occur on sites that contain existing uses.

C4-34: This section of the Draft EIR outlines the contents of the Draft Southside Plan. This portion is describing the information in the Zoning portion of the plan, which gives

new or revised zoning language for four zoning districts. The text has been revised to mention the C-SA and R-5 zoning districts and the Car-Free Housing and Hillside overlay districts. Figure IV.A-7 (page 63) has been amended to reflect the R-5 zoning district and Hillside overlay district.

In response to this comment the 2nd full paragraph on page 61 is revised as follows:

“e. Proposed Zoning ~~Designations~~ Code Revisions. The Draft Plan includes four zoning districts: two existing districts intended to implement the General Plan and two new districts that provide standards specifically revised or developed to implement the Draft Plan. Either concurrent with and/or aAfter adoption of the Draft Plan, the Zoning Ordinance and Zoning Map will ~~subsequently~~ be amended to reflect the development standards and new zoning districts included in the Draft Plan.”

C4-35: In response to this comment, the third full paragraph on page 61 is revised as follows:

The Draft Plan proposes ~~minor~~ revisions to the Telegraph Avenue Commercial (C-T) ~~and the Multiple-Family Residential (R-3)~~ districts by allowing more flexibility in building height, floors allowed, and parking to foster mixed use development with residential units, as envisioned by the Draft Plan. The Multiple-Family Residential (R-3) district has minor changes, primarily prohibiting parking lots, allowing existing buildings to be rebuilt to existing density following a mandatory retrofit or destruction following a hazard event, and permitting increased lot coverage for an additional dwelling on a site. No changes are proposed for the C-SA district.

See also the response to comment C4-11.

C4-36: In response to this comment, the fifth paragraph on page 61 of the Draft EIR is revised as follows:

Two new, higher-density ~~mixed-use~~ multi-family districts are also proposed: the Residential Southside (R-S) and the Residential Southside Mixed Use (R-SMU) districts. The new R-S and R-SMU districts are intended to implement the Draft Plan’s emphasis of higher-density mixed use near the University (i.e., R-SMU) while transitioning to less dense residential development adjacent to the established residential neighborhoods (i.e., R-S).

See also the response to comment C4-11.

C4-37: Staff agrees with the commenter regarding the inaccuracies of this table. Because this table is not necessary for the Draft EIR analysis, it has been removed from the Draft EIR. The table will be removed from the Plan as well.

C4-38: In response to this comment, page 65 of the Draft EIR is revised as follows:

The Southside area is an established community, and implementation of the Draft Southside Plan would result in the development of approximately 472 dwelling units and approximately 638,290 square feet of new non-residential space ~~commercial area~~ (equivalent to approximately 2,130 jobs).

C4-39: In response to this comment, the first sentence of the first full paragraph on page 67 is revised as follows:

The Draft Southside Plan makes recommendations to amend ~~two~~three existing zoning districts, as well as to establish two new zoning districts, in order to most effectively implement the vision of the Draft Plan and General Plan.

C4-40: Reference to the City of Berkeley's population at incorporation will be removed, and the sentence regarding the Southern Pacific Railroad on page 69 is revised as follows:

~~Also in the late 1870s~~ 1876, Governor Leland Stanford Francis Kittridge Shattuck brought the Southern Pacific Railroad to Berkeley, connecting the community with the main Oakland station via tracks located along Stanford Avenue and fostering thriving growth through the 1880s.<sup>2</sup>

C4-41: The number came from a May 10, 2005, City staff memo. Existing development within the City is calculated using parcel information from the County Assessor, as well as tax information from the City's Finance Department.

C4-42: In response to this comment, page 71 of the Draft EIR is revised as follows:

Because the Draft Plan focuses on maximizing redevelopment of dramatically underutilized sites (i.e., "opportunity sites"), anticipated job change correlating to additional non-residential ~~commercial~~ development by 2020 represents a 42 percent increase from that estimated for 2005 (5,014 total jobs), and would be ~~8.7~~ 28 percent of all City jobs by 2020.

C4-43: The comment is noted. Although the Southside area does include a large number of students, these calculations are included to provide for the maximum growth that could be anticipated.

C4-44: The development potential/"planned for" population growth was calculated using those opportunity sites that have the highest priority for redevelopment and reuse. These "Tier 1" sites included vacant properties, surface parking lots, and underutilized lots with single-story structures that are not historically significant. To clarify the planned-for change in the Draft Plan, the 4th sentence of the third paragraph on page 81 is revised as follows:

As described in throughout this Chapter and in Chapter IV.A, Land Use and Planning Policy, ~~all~~ planned-for change by the Draft Plan would result in infill

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<sup>2</sup> Cerny, Susan Dinkelspiel. *Berkeley Landmarks*, 2001.

development by building on vacant lots and surface parking lots, replacing existing buildings with new, multi-use buildings, or adding additional residential stories to existing commercial buildings.

C4-45: In response to this comment, the repeated sentence at the top of page 82 of the Draft EIR is deleted as follows:

~~...mixed land uses with residential uses above ground floor retail or parking uses. The Draft Plan, in response to the needs of the population residing in the Southside area, does encourage a variety of housing types (e.g., condominiums, houses, group facilities) affordable to the array of income levels in the Southside area and vertically mixed land uses with residential uses above ground floor retail or parking uses. The Draft Plan also encourages the rehabilitation...~~

C4-46: In response to this comment, page 82 of the Draft EIR is revised as follows:

Further, Berkeley General Plan policy H-9 and Draft Plan policy LU-A3 explicitly call for ~~require~~ the maintenance and preservation of the existing housing supply, indicating that the people residing in the existing housing units, including affordable units, would not be displaced. Through implementation of the Draft Plan, it is possible, however, that minimal numbers of residents would be temporarily displaced as individual residential buildings are modified or reconstructed, consistent with the intent of the Draft Plan to provide new, ~~upper floor~~ residential units.

C4-47: The EIR authors agree that identifying jobs-to-employed workers for the Southside area for the year 2035 would be speculative. In response to this comment, Table IV-B-7 on page 83 of the Draft EIR is revised as follows:

**Table IV.B-7: Southside Jobs-to-Employed Workers Ratio**

Southside Area	Year 2005	Year 2020	Year <del>2035</del>
Jobs	5,014	7,144	<del>7,582</del>
Employed Residents	3,690	5,644	<del>6,740</del>
Housing Units	5,350	5,822	<del>5,822</del>
Jobs-to-Housing Units Ratio (Ideal is 1.5)	0.94	1.23	<del>1.30</del>
Jobs-to-Employed Residents Ratio (Ideal is 1.0)	1.36	1.27	<del>1.12</del>

Source: LSA Associates, Inc., 2007.

Text on page 83 in the second full paragraph is revised to remove the following sentence:

~~By 2035, 15 years after the Draft Plan is fully implemented, the Southside jobs-to-employed residents ratio would continue to become more balanced and closer to the ideal ratio of 1.0, improving to 1.12.~~

C4-48: In response to this comment, page 83 of the Draft EIR is revised as follows:

By 2020, the ratio is projected to decrease to approximately 1.27, thereby becoming more in balance through the addition of 2,130 ~~commercial~~ jobs.

C4-49: The commenter is correct that intersections evaluated along Shattuck Avenue are outside the defined area of the Southside Plan. The purpose of the Draft EIR is to

evaluate potential impacts of the plan, including those outside and adjacent to the Southside area. Thus, the area of impact may be greater than the plan area itself.

C4-50: Table IV.C-1 presents the transportation industry definition of Level of Service E which is characterized as the acceptable limit of delay, however, the City of Berkeley has established as part of their significance criteria that intersections operating at LOS E are unacceptable to the City.

C4-51: In response to this comment, the Channing Way description on page 90 of the Draft EIR and page 13 of Appendix C is revised as follows:

..., and parking on the ~~south side~~ north side of the street between Shattuck Avenue and Dana Street.

C4-52: In response to this comment, the Dana Street description on page 91 of the Draft EIR is revised as follows:

...Sidewalks existing on both side of the street. A bike lane is provided on the east side of the street from Bancroft Way to Dwight Way.

C4-53: In response to this comment, the Telegraph Avenue description on page 91 of the Draft EIR is revised by adding the following at the end of the description:

That portion of Telegraph Avenue within the Southside area but south of Dwight Way (to Parker Street) is a four-lane, two-way roadway that includes bicycle lanes in each direction.

C4-54: The descriptions of the roadways in the Southside study area on pages 90 and 91 of the Draft EIR are only intended to provide general characteristics of the roadway network. Page 97 of the Draft EIR describes how buses operate along corridors in the Southside area. Since buses do not pull out at bus-stops along College Avenue and Telegraph Avenue, unlike along Bancroft Way and Durant Avenue, the buses will block a lane of travel.

C4-55: In response to this comment, the first sentence of the last paragraph on page 91 of the Draft EIR is revised as follows:

In the Southside area sidewalks are provided on all corridors; there are pedestrian passageways and alleys within some of the larger blocks ~~on an intermittent basis.~~

C4-56: The obstructions presented in the Draft EIR are presented as examples where pedestrian movements are restricted to physical obstructions that may occur in other locations in the Southside area.

C4-57: In response to this comment, the second paragraph on page 92 of the Draft EIR is revised as follows:

Crosswalks are provided in the Southside area where pedestrian crossing is encouraged, and curb ramps are provided on most street corners. The signalized intersection of Bancroft Way/Telegraph Avenue has an all pedestrian phase to accommodate the high volume of pedestrians. While most of the sidewalk facilities are protected by parked vehicles from the general vehicle flows, complaints regarding the speed of traffic and its adverse effect to pedestrians have been noted. These complaints, voiced during the planning process, were oriented primarily to the one-way street segments (i.e., Bancroft Way and Durant Avenue) rather than the two-way roadways. The City of Berkeley Bicycle and Pedestrian Task Force Evaluation and Recommendations Report found that six of the ten highest pedestrian accident locations were in the Southside – four on Bancroft Way and two on Telegraph Avenue.

C4-58: In response to this comment, the figure name of Figure IV.C-2 is updated to state the pedestrian volumes are peak hour volumes.

C4-59: In response to this comment, the Bicycle Boulevard description on page 95 of the Draft EIR is revised as follows:

Where there are no bicycle lanes, these facilities are identified with ~~street logs~~ pavement legends.

C4-60: The comment is noted.

C4-61: AC Transit Route 604/605 are school bus routes and run during limited times during the day. Table IV.C-3 presents load and load factors for AC Transit routes that run during the majority of the day and would carry the majority of the transit passengers through the Southside area. Therefore AC Transit Routes 604/605 were not included in Table IV.C-3.

C4-62: In response to this comment, the third paragraph on page 98 of the Draft EIR is revised as follows:

Truck deliveries were frequent on Bancroft Way during both peak hours. Most deliveries were made between Barrow Lane and ~~south~~ west of Telegraph Avenue...

C4-63: In response to this comment, the last paragraph on page 99 of the Draft EIR is revised as follows:

...Time limits and enforcement are intended to discourage all-day use of on-street parking by commuters and employees. As a result of the RPP and the parking meters, there are no all-day on-street parking spaces available in the Southside area for commuter and visitors on most days.

C4-64: The commenter is correct that some of the locations presented in Table IV-C.4 and Table IV-C.6 present intersections that operate at better than LOS C. These

intersections were included in Table IV-C.4 and Table IV-C.6 because they would at some point of the analysis (cumulative conditions) operate at LOS C or worse.

C4-65: The description of the turning movements at the Ellsworth/Bancroft Way intersection was based on field observations. The analysis did account for vehicles that were in the right-lane when Ellsworth is a one-way street.

C4-66: See response to comment A3-16.

C4-67: Forty-three intersections were analyzed in the Draft EIR and are presented on page 86 of the Draft EIR. The intent of the statement on page 100 is to show that the Draft EIR analyzed a greater number of intersections than the UC Berkeley 2020 LRDP Draft EIR within the Southside area.

The 43 intersections are 92 percent of the total intersections in the Berkeley Southside study area (bound by Dwight, Bancroft, Piedmont, and Shattuck). Intersections not studied that had a low side street volume were:

- Piedmont Avenue/Piedmont Avenue
- Dwight Way/Etna Street
- Dwight Way/Benvenue Avenue
- Dwight Way/Regent Avenue

C4-68: The removal of the island and westbound free-right turn at the Bancroft Way/Fulton Avenue intersection was assumed based on direction from the City of Berkeley under cumulative conditions and is not part of the project. Implementation of Policy T-C9 would result in the Bancroft Way/Fulton Avenue intersection eliminating the free westbound right to provide safer pedestrian crossings of Fulton Street. The westbound right-turn is a high volume movement, and by eliminating the free right turn and having vehicles stop at a signal, the delay for this intersection would increase, resulting in worse intersection operations. The intersection modification would result in worse intersection operation which is disclosed on page 108 of the Draft EIR.

C4-69: In response to this comment, Policy T-C7 on page 114 of the Draft EIR is revised as follows:

...Encourage preservation of existing north-south midblock pedestrian passageways, such as passageways between Bancroft and ~~Charming~~ Channing, west of Telegraph....

C4-70: In response to this comment, Policy T-C9 on page 115 of the Draft EIR is revised as follows:

Eliminate fast right turn at Bancroft and ~~Oxford~~ Fulton for automobiles.

- C4-71: In response to this comment, page 119 of the Draft EIR and page iii of Appendix C is revised as follows:
- Alternative 6: Tests the combination of converting all four one-way streets (Dana Street, Ellsworth Street, Bancroft Way, and Durant Avenue) to two-way traffic flow with restricted vehicular traffic ~~at the northern-most block of Telegraph Avenue and~~ on Telegraph Avenue from Bancroft Way south to Haste Street and a short section of Bancroft Way at Telegraph Avenue.
- C4-72: In response to this comment, page 120 of the Draft EIR is revised as follows:
- ...Eastbound traffic was distributed as follows: 45 percent remained on Durant Avenue, 45 percent shifted to Bancroft Way and 10 percent shifted to Dwight Avenue Way.
- C4-73: University-created parking is not part of the Southside Plan, however, the development potential analyzed in the UC Berkeley 2020 LRDP Draft EIR was considered as part of the cumulative analysis.
- C4-74: The peak hour signal warrant only evaluates the amount of vehicles in a peak hour and if it is above the required threshold, which the Bancroft/Ellsworth intersection is not. The recommendation for a signal at this intersection is not based on vehicular volumes, rather it is recommended to facilitate pedestrian crossing.
- C4-75: As stated in Impact TRANS-7, this mitigation measure is applicable to only developments that are providing driveway or curb-cut outs. If a development is not providing driveways (such as potentially on Telegraph Avenue) Mitigation Measure TRANS-7 would not apply.
- C4-76: In response to this comment, Impact TRANS-10 on page 135 of the Draft EIR is revised as follows:
- The Bancroft Way and Durant Avenue corridors carry a great number of cyclists; however, there are no bicycle facilities ~~which, and this~~ can create unsafe conditions.
- C4-77: In response to this comment, Impact TRANS-11 on page 135 of the Draft EIR is revised as follows:
- The conversion of Bancroft Way and Durant Avenue to two-way streets will result in an increased propensity for delivery vehicles to block the eastbound travel lane on Bancroft Way if delivery vehicles double park. ~~to be double parked, thereby blocking the eastbound travel lane on Bancroft Way~~
- C4-78: In response to this comment, Parking Characteristics on page 137 of the Draft EIR is revised as follows:

...As a result, the Telegraph-Channing Parking Garage has responded by increasing short-term parking opportunities. ~~On evenings and weekends it is unlikely that University-owned parking areas can be used for public parking.~~ Additional parking provisions for short-term parkers would help to minimize driver recirculation through the Southside area.

C4-79: In response to this comment, page 139 of the Draft EIR is revised as follows:

...While the Transportation Element of the proposed Southside Plan is generally consistent with the policies set forth in the Berkeley General Plan, there some are inconsistencies between the proposed project, which includes the conversion of Bancroft Way and Durant Avenue to two-way traffic, and some of the Draft Southside Plan policies.

C4-80: In response to this comment, Policy T-D31 page 149 of the Draft EIR is revised as follows:

Install a high visibility crosswalk on the north side of the Clark Kerr Campus exit at the Warring Street / Parker Street intersection to permit pedestrians to alert drivers to pedestrian crossings.

C4-81: In response to this comment, page 176 of the Draft EIR is revised as follows:

Referred to as the “State Noise Insulation Standards”, ~~they~~ ~~it~~ requires buildings to meet performance standards through design and/or building materials that would offset any noise source in the vicinity of the receptor.

C4-82: In response to this comment, page 177 of the Draft EIR is revised as follows:

The General Plan also includes the following noise policies which are relevant for ~~related to~~ the Draft Southside Plan.

C4-83: In response to this comment, page 182 of the Draft EIR is revised as follows:

All of the BART tracks near ~~within~~ the Southside area are below grade.

C4-84: In response to this comment, page 185 of the Draft EIR is revised as follows:

Roadway segments that would experience an increase under cumulative with project conditions include portions of Bancroft Way, Durant Avenue, Haste Street, Fulton ~~Street~~ Avenue, and Dwight Way.

C4-85: The statement, “[a]ll the modeled roadway segments under cumulative with the project conditions would experience traffic noise levels less than 65 dBA L<sub>dn</sub>,” found on page 185 of the Draft EIR does refer to the cumulative plus project traffic noise levels at 50 feet from the outermost travel lane shown in Table IV.E-13 on page 188. In addition, the distances from the roadway centerlines to the 65 dBA L<sub>dn</sub> traffic noise contour are also shown in the table. As stated in the document, these modeled noise levels at the

indicated distances are within the conditionally acceptable range of the City's land use compatibility guidelines for new residential development (i.e., between 60 dBA and 70 dBA  $L_{dn}$ ). Therefore, the paragraph further explains that "any new residential development within the Southside area along roadway segments that would experience traffic noise levels in excess of 60 dBA  $L_{dn}$  would be required, as a standard condition of approval, to incorporate noise reduction features into the design of the project to reduce traffic noise impacts."

C4-86: Traffic noise levels are highest when traffic is free flowing. FHWA traffic noise modeling best practices were followed in this analysis.

C4-87: The 75 dBA, 65 dBA, and 60 dBA  $L_{dn}$  traffic noise level contours shown in Tables IV.E-11, IV.E-12, and IV.E-13 on pages 186 to 188 of the Draft EIR are calculated from the centerline of the roadway. The calculated  $L_{dn}$  at 50 feet from the centerline of the outermost travel lane is also shown in these tables.

C4-88: In response to this comment, page 199 of the Draft EIR is revised as follows:

Private secondary schools in the City of Berkeley include: the ~~Arrowsmith Academy~~; East Bay School of the Arts; The Elmwood School; Maybeck High School; New Age Academy; and St. Mary's College High School. ~~Arrowsmith Academy and Maybeck High School is are both~~ located within the Southside area.

C4-89: In response to this comment, page 199 of the Draft EIR is revised as follows:

~~The American Baptist Seminary of the West is located~~ ~~None of these schools are located~~ within the Southside area; ~~although~~ several others are located within one mile of the Southside area.

C4-90: The comment regarding park use by Berkeley High School students is noted. During preparation of the EIR, the EIR preparers observed large numbers of students at both parks on a regular basis.

C4-91: The comment regarding existing tennis courts at the University's Ellsworth Street property is noted. The text to which this comment refers regards potential future open space and recreation uses placed above any new development that may be planned for or occur at the University's Ellsworth Street property. The text does not specifically mention or pertain to existing uses at the property.

C4-92: The comment is noted. Responses to comments from the Berkeley Architectural Heritage Association are provided in B-1 above.

C4-93: In response to this comment, page 253 of the Draft EIR is revised as follows:

The ~~goals~~ objectives are restated here for reference:

C4-94: Section A within the Alternatives section attempts to explain what alternatives or portions of alternatives were considered but eventually not chosen for consideration in the DEIR. Since the six circulation alternatives were mentioned earlier in the document (pages 85 and 118-119) and evaluated in Appendix D, it is important to clarify that five of those options were not part of the proposed project that was finally compared against the alternatives listed in the Alternatives section.

To better make this distinction, the first paragraph of Section A on page 254 of the Draft EIR has been revised as follows:

The following discussion includes a description of alternatives considered but ultimately rejected for evaluation as part of this EIR. Included in this section is discussion of a location-based alternative as well as a description of the ~~six~~-five circulation alternatives initially evaluated by Fehr and Peers Transportation Consultants but rejected for inclusion as part of the proposed project for purposes of this EIR.

In addition, the first paragraph on page 255 of the Draft EIR has been revised as follows:

Of the ~~S~~six alternative circulation scenarios to the existing circulation network in the Southside area were defined and evaluated as part of the Berkeley Southside Final Transportation Study, only one, Alternative 2, was included in the proposed project. The other five circulation alternatives were evaluated for impacts and mitigations, but were not included in the final proposed alternative. These six alternatives were selected to characterize several potential changes to circulation affecting the roadway network in the Southside area as identified in Draft Southside Plan policies T-C3, T-D1, and T-D2. The scope of potential circulation changes in the Southside area includes returning several one-way streets to two-way traffic, as well as changes to the operations on Telegraph Avenue to reflect potential operations for Bus Rapid Transit (BRT) through the Southside area. Both of these broad objectives were identified in the Draft Southside Plan for consideration and evaluation.

C4-95: See Master Response 1 – Southside Plan Circulation

The Plan has multiple transportation options, one or more of which may be implemented in the future. No decision has been made at this point regarding which options to implement; in fact, some of the options conflict with each other. Policy T-B3-D-3, for instance, calls for keeping the existing one-way circulation in the Southside – this would conflict with policies calling for streets to be converted to two-way traffic. Therefore, it is not clear that one traffic pattern has a greater priority than any of the others. For the moment, all of the options will remain in the Plan. This is not a problem because the Southside Plan is not an implementation plan; conflicts will be resolved once decisions are made about particular options.

For the purpose of the Draft EIR study, six circulation alternatives were selected to characterize several significant potential circulation choices identified in the Southside Plan. Each of these alternatives was evaluated by Fehr and Peers in the Traffic Study.

After Circulation Alternative #2 was chosen by the City to be included in the Project Description and was subsequently evaluated in Chapter IV of the EIR, the consultant then recommended changes to Draft Southside plan policies to reconcile differences between the proposed project (conversion of Bancroft Way and Durant Avenue but not Dana and Ellsworth) and the Draft Plan. These proposed changes start on page 139. Note that these are recommended changes, not “mitigation measures” as stated in the comment. It is common in a programmatic EIR to recommend policy revisions or additions to clarify inconsistencies or mitigate an impact. The City can then make those recommended changes or not depending on the Plan they ultimately adopt, as long as the policy revisions to be adopted are clearly identified in the Resolutions/Staff Report and adequately covered in the EIR.

C4-96: The comment regarding the No Development alternative is noted. Under this alternative, the Southside area would remain as it was in late 2007, with no additional development occurring; as noted in the Draft EIR on page 257, this is not considered to be a real, viable alternative. Page 254 of the Draft EIR is revised as follows:

The **No Development** alternative assumes that no future development activities ~~or private investment~~ would occur within the boundaries of the Southside area, and that existing conditions would continue.

C4-97: The Draft EIR identifies and analyzes the No Development alternative as it would mitigate all impacts of potential development under the Draft Southside Plan; however, the Draft EIR does acknowledge that this alternative is not truly realistic. The No Project alternative, as required by CEQA, is analyzed in the Draft EIR, and it considers the effects of development that is likely to occur under the existing General Plan and zoning designations as compared to the proposed project.

C4-98: See Master Response 2 - Development Potential.

C4-99: The comment regarding the UC Construction Only alternative is noted.

C4-100: The comment is noted. Various changes were made between the 2001 Planning Commission Draft and the 2003 Draft Southside Plan that is the focus of the Draft EIR. The statements in question are general statements and do not specifically refer to any particular changes between the two documents, but only make general reference to the types of items included in these documents.

C4-101: The Southside Plan Draft EIR includes a reasonable range of alternatives from a no development (no change) alternative to a Planning Commission alternative that proposes additional student housing but less private housing potential, and the Southside Plan alternative. There is, in any planning project of this type, an almost infinite range of potential alternatives that can be considered. However, in deciding

which alternatives to present, the key issues are whether there is a reasonable range of alternatives, and whether alternatives were considered that could meet some or all of the goals of the project while reducing the significant impacts. The only significant and unavoidable impact of the project relates to air quality impacts, generally resulting from automobile traffic and poor regional air quality. A “downzoned” alternative would result in less development and therefore a reduced level of air quality impact.

- C4-102: See Response to C-4-101. An increase in development potential would not reduce the significant impacts of the project.
- C4-103: The EIR preparers believe this comment to be incorrect. As shown in Table V-1 on page 262 of the Draft EIR, non-University residential development potential at Tier 1 opportunity sites under the 2001 Planning Commission Draft is 14,397 square feet; this total would increase to 20,042 square feet under the 2003 Draft Southside Plan. The comment that these “claims seem very questionable” is noted.
- C4-104: The 2001 Planning Commission Draft included the Opportunity Site along College Avenue between Channing Way and Haste Street in the R-S zone, rather than the R-SMU zone where it is included in the 2003 Draft Southside Plan. The loss of this Opportunity Site to the R-S zone would eliminate opportunities to develop mixed commercial/residential projects as no additional Opportunity Sites would exist in the R-SMU zone under the 2001 Planning Commission Draft.
- C4-105: The comment is noted. The University has undertaken a number of projects to improve existing and provide additional new student housing throughout the area, including redevelopment of the University Village Apartments and other properties. Additional information regarding these projects can be obtained from the University.
- C4-106: The commenter is correct that the Underhill site is not an opportunity site. The site that should have been mentioned is 2613 Channing Way. The development potential of 2613 Channing Way was evaluated for the effect in the initial response, however the numbers are changed here to reflect the updated development figures (see Master Response, Development Potential). In response to this comment, page 262 of the Draft EIR is revised as follows:

Amendment Type	2001 Planning Commission Draft	2003 Draft Southside Plan	Effect
Revision to Boundaries of the residential High-Density Subarea (R-S) and the residential Mixed-Use Subarea (R-SMU)	Inclusion of <del>Opportunity Site along College Avenue between Channing Way and Haste Street</del> <u>2613 Channing Way between Bowditch Street and College Avenue, (Opportunity Site 16 per Figure III-6 of DEIR),</u> in the R-S zone	Inclusion of <del>Opportunity Site along College Avenue between Channing Way and Haste Street</del> <u>2613 Channing Way between Bowditch Street and College Avenue, (Opportunity Site 16 per Figure III-6 of DEIR),</u> in the R-SMU zone	<del>Increases</del> <u>Decreases</u> non-University residential development potential at Tier 1 opportunity sites by <del>5,645</del> <u>3,292</u> square feet (from <del>14,397</del> <u>15,996</u> square feet to <del>20,042</del> <u>12,704</u> square feet) <del>Increases</del> <u>Decreases</u> number of non-University residential units to be developed at Tier 1 opportunity sites by <del>7</del> <u>4</u> , from <del>18</del> <u>20</u> units to <del>25</del> <u>16</u> (assuming 800 square feet per unit) Increase non-University commercial development potential at Tier 1 opportunity sites by <del>5,088</del> <u>2,614</u> square feet (from 0 square feet to <del>5,088</del> <u>2,614</u> square feet) Increase number of non-University new jobs at Tier 1 opportunity sites by <del>17</del> <u>9</u> , from 0 new jobs to <del>17</del> <u>9</u> new jobs (assuming 1 job per 300 square feet)

C4-107: The comment regarding provision of affordable housing is noted.

C4-108: In response to this comment, page 264 of the Draft EIR is revised as follows:

In cases ~~like this~~ where the ~~No Development~~ alternative is ~~technically the~~ environmentally superior alternative consists of maintaining existing conditions at the time the notice of preparation is published, CEQA requires that the EIR shall also identify an ~~second-most~~ environmentally superior alternative ~~be identified among the other alternatives.~~

C4-109: The comment is noted. See also response to comment C4-94.

C4-110: In response to this comment, page 267 of the Draft EIR is revised as follows:

Implementation of the Draft Plan is also anticipated to result in an increase of 638,290 square feet of ~~nonresidential commercial~~ development, correlating to a net job increase of approximately 2,130 jobs throughout the Southside area.

While the estimated ~~commercial~~ job growth would represent a significant increase (42 percent) in the Southside area and 44.4 percent of the total projected City growth...

C4-111: In response to this comment, page 267 of the Draft EIR is revised as follows:

While the estimated ~~commercial~~ job growth would represent a significant increase (42-37 percent) in the Southside area and 44.4 28 percent of the total net projected City job growth by 2020, it would be consistent with growth anticipated by the Berkeley General Plan and evaluated in the General Plan EIR.

C4-112: In response to this comment, the second-to-last bullet of page 270 of the Draft EIR is revised as follows:

Although operations would continue at LOS E during the PM peak hour for the signalized intersection...

C4-113: This paragraph is only a summary of the CEQA-required assessment and a summary of the conclusions found in this analysis. The detailed traffic noise impact analysis is contained in Section IV.E Noise. The analysis contained therein compares the existing plus project to the existing traffic noise levels along roadway segments within the Plan area. The analysis further analyzes the cumulative and cumulative plus project traffic noise levels in the Plan area. The analysis concludes that adherence to the City's standard conditions of approval and to the City's Municipal Code standards would reduce project-related traffic noise impacts to less-than-significant levels. Therefore, traffic noise impacts are fully analyzed in the Draft EIR. No further response is required.

C4-114: See responses to comments B1-10 and C4-2.

C4-115: The Draft EIR was not intended to facilitate nor is it linked to AC Transit's proposed bus rapid-transit (BRT) proposal or potential bus re-routing. AC Transit's BRT and other bus routes are independent from the Southside Plan, thus the EIR did not assume potential routing changes made by AC Transit.

C4-116: In response to this comment, page 14 of Appendix C is revised as follows:

...Bowditch Street terminates at ~~Telegraph Avenue~~ Dwight Way, and southbound vehicular traffic...

C4-117: As stated on page 118 of the Draft EIR in Section C. Transportation and Circulation, traffic projections for the proposed project were estimated using a three-step process: (1) traffic rerouting, (2) trip generation, and (3) trip assignment. New AM and PM peak hour vehicle trips associated with the proposed project were based on an estimate of the maximum number of new parking spaces for commercial and residential development per an assessment of the potential development at the opportunity sites under the revised Draft Plan land use and zoning changes, (see page 120 in the Draft EIR). The information provided in Section C of the Draft EIR and Appendix C: Berkeley Southside Final Transportation Study is not based on a misinterpretation of the information contained in Appendix E: City of Berkeley Development Envelope Estimate Memorandum.

- C4-118: In response to this comment, page 72 of the Draft EIR is revised as follows:
- For purposes of the Draft EIR Plan, each ~~two~~ four beds in a group quarter (e.g., dormitory), are considered one dwelling unit.<sup>14</sup>
- C4-119: See Master Response 2- Development Potential.
- C4-120: The commenter is correct that the UC-owned opportunity sites are located in the R-SMU and R-S zones. The UC sites, however, were not used for the development potential calculation; therefore, correcting their proposed zoning does not create any CEQA impacts.
- C4-121: The commenter is correct that the Alzheimer's Services property, 2320 Channing Way, should have been listed as an R-S site, not R-SMU. However, this site was not one of the Tier 1 sites, so its proposed zoning does not affect the development potential calculations or create other impacts.
- C4-122: See Master Response 2 - Development Potential.

Comments on the Draft Southside Plan DEIR  
from Sharon Hudson  
(845-4009; sharonhudson@peoplepc.com)  
June 2008

My overall comment is that it is unfortunate that senior planning staff did not use this DEIR as an opportunity to seriously assist the process of creating a pleasant, livable, and functional high-density, mixed-use part of town. Perhaps this was impossible because it would mean grappling with some difficult and complex planning issues, and entertaining a holistic view of the urban landscape as a network of diverse but healthy communities, rather than piles of buildings, bodies, and numbers. It also appears, unfortunately, that the preparers of this DEIR know almost nothing about Southside. It would be very helpful in the future if people who knew our neighborhoods and cared about improving our City prepared these documents. That said, on with the show...

1

Unless otherwise noted, “EIR” and “DEIR” in this document refer to the Southside Plan (SSP) EIR and DEIR. Page numbers refer to the DEIR unless otherwise noted.

**Assumptions/Clarifications**

The DEIR notes the projected numbers of new residents (apprx 10% increase) and workers (apprx 40% increase) in Southside, but doesn't seem to include students and other “visitors” to the area, including new students that will be drawn in by the new institutional space. What is the anticipated increase in daytime users, and its impacts?

2

Please explain how the amount of building space, the numbers of UC employees and visitors, and the numbers of residents used to describe existing conditions in the DEIR relate to (include, exclude, are combined when examining cumulative impacts) the numbers predicted in the UC 2020 LRDP, (which are provided in Tables 3.1-1 and 3.1-2 of the LRDP/EIR), UC Extension activities, the Underhill and other recent UC projects, and the proposed intensification of use of the Haas/stadium area.

3

**Intentions**

The DEIR (p36) states: “Specifically, this EIR constitutes and is designated as a ‘program environmental impact report’ for purposes of Public Resources Code Section 21090(a). Any new projects (such as private or public development activities) that might occur within the Southside area following potential adoption of the Draft Plan will be subject to subsequent environmental review pursuant to CEQA.”

4

To what extent does Staff foresee relying on this EIR, rather than doing project-level EIRs, for each environmental impact category for which the DEIR states that specific project impacts will be studied and mitigated later at the project level (aesthetics, noise, public facilities, etc.). Specifically, does Staff intend to rely on the DEIR's (currently) false and useless traffic and parking analyses in its analysis of future Southside projects?

**Thresholds of significance**

Under CEQA 15064.7, “Thresholds of significance... must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.” Any thresholds of significance used in the DEIR that were not obtained through a public process and which are not supported by substantial evidence of their rationality are illegal. This may include thresholds for traffic intersections (LOS) and noise (decibel increases), for example, and the same principle would apply to a legitimate study of neighborhood parking impacts, though study of these is not required under CEQA.

5

The DEIR (p117) states: “Based on CEQA, as well as ACCMA, the Alameda County Congestion Management Program (CMP) and City of Berkeley guidelines and requirements, a set of significance criteria for transportation and circulation impacts has been established for this study.” Use of the passive voice is nice, but please explain the “public process” (when, where, by whom) whereby it was decided that an intersection should be allowed to deteriorate to LOS F before it is considered “significant.” Please explain the “public process” (when, where, by whom) whereby it was decided that a 4 dB increase in ambient noise is the threshold of significance for noise impacts. Please explain the “public process” (when, where, by whom) whereby it was decided that neighborhood parking impacts are insignificant because they are “temporary.” Anywhere else that thresholds of significance appear in the DEIR, please explain their precise origins—when, where, and by whom.

6

**False assumptions and false mitigations**

Except perhaps in the realm of some intersections’ level of service (LOS), the DEIR has not fulfilled its legal requirement regarding mitigations of detriments. The DEIR relies on enforcement of current laws (regarding parking enforcement, noise, and historic resources, for example) to mitigate impacts and reduce them to supposedly insignificant levels. It does this throughout the document. However, it appears that under CEQA any law that does not have a history of accomplishing its purpose probably cannot be used as a mitigation.

To “comply with existing regulations or ordinances” is listed as a “questionable” mitigation in the CEQA Deskbook (pages 112-114). CEQA 15364 says: “A mitigation measure is considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors.” If the economic and social situation on Southside is such that laws are not enforced in a way that mitigates the detriments of noise, parking, crime, etc. *now*, it is not reasonable to assume the laws will be enforced any better in the future, after the SSP adds several thousand more residents and daytime users to the area, and enforcement resources are even thinner.

7

An EIR must specify a mitigation plan, including a plan for evaluation and monitoring of the mitigation. This DEIR has provided no plans for mitigations of most detriments except more rigorous enforcement of current laws. Even if this were acceptable, the DEIR does not specify any evaluation processes or monitoring programs.

8

So, for example, after the DEIR reevaluates neighborhood/residential parking impacts, it should also study the effectiveness (using evidence) of the current parking enforcement and provide a method for continuous monitoring of it. If current enforcement is not satisfactory, then the EIR

must suggest new mitigations. One such mitigation might be to enact the pilot parking program currently approved but not enacted by the council (to reserve one side of the street exclusively for neighborhood parking), and extending RPP enforcement later into the evenings. These concrete changes and the data collected in their monitoring (required under CEQA) would be helpful to neighborhoods surrounding Southside. EIRs are supposed to include realistic, concrete actions like this to mitigate environmental detriments.

8  
cont.

Another form of false mitigation is to rely on reasonable or promised actions of the University of California, which is also illegal under CEQA 15364. The University is the major player in the SSP, but it is not legally governable nor easily influenced by the City. In addition, the University has not honored its own statewide Master Plan, nor previous LRDPs, EIRs, MOU's, and other agreements to which it is party, including the intentions of the Draft Southside Plan. This does not bode well for the SSP, or the predictability of its impacts.

UC's problematic standing and behavior is not the fault of the City or the planning staff. Nonetheless, I am interested in how the City plans to handle UC behavior realistically under CEQA. The EIR turns a blind eye to potential SSP noncompliance by UC, resulting in an unrealistic assessment of the future of the SSP area. Another idea might be to determine from the historical record and current University behaviors what kinds of noncompliant behavior the University is likely to engage in (e.g. not honoring development standards or design review, building or not building parking lots, not encouraging alternate modes of travel, encouraging UC employees to use neighborhood parking, turning residential property into institutional property, etc.), and anticipate their impacts on the SSP area. So far, the DEIR does not address any likely UC behavior that does not conform to the SSP, which it is required to do under cumulative impacts even if not in the analysis of the project itself.

9

**Land Use, Planning, Population, and Cumulative Impacts**

The DEIR does not include a clear comparison of the Project and the No Project alternatives: that is, the amount of office, commercial, and residential space, and accompanying user numbers, that could occur under build-out of the General Plan (the No Project alternative) with that permitted by the SSP (the Project). Without this comparison, we cannot see to what extent the SSP permits intensification of use of the area, from which most of the potential environmental impacts flow. Please include this comparison, preferably in chart form, in the EIR. Please also include the percentage of that intensification that is UC-owned, since the impacts of that portion are largely outside City control.

10

The DEIR fails to address the "carrying capacity" of Southside, either as it relates to livability or to emergency planning, as requested by many members of the community during the scoping process. Again, this reflects the absence of a holistic approach to urban planning at the highest levels of the Berkeley planning staff.

11

The EIR must take into account not only the increases in population and institutional uses caused by the SSP, but also the impacts of future intensification of use of existing facilities—mostly University sports and cultural facilities, but also LBNL and local churches and other nonprofits. Such facilities may lie outside the plan area, but still have a huge impact on it. For example, any intensification of use of Memorial Stadium will increase problems with traffic, parking, noise, litter, and emergency access all over Southside.

12

I again request that the EIR examine these issues, which are part of cumulative impacts. Judging by history and the actions of the University and other nonprofits, the EIR must assume likely intensification of use of existing and new facilities over time. Some mitigations might be to include intensity limits in non-residential development standards and use permits, or to place cumulative institutional use limits on subareas, or at least to have guidelines indicating the desired or maximum environmental daytime “carrying capacities” of subareas, and monitoring to see when these are being approached.

12  
cont.

To calculate population increase, the DEIR made some simple assumptions about residents per square foot of residential space. But the DEIR did not mention how bonuses of up to 35% or more would impact these numbers. During the scoping sessions, community and commission input made it clear that lack of clarity about the density bonus (and other new housing and possible transit-related bonuses) would render analyses of the residential and mixed-use zones of the SSP useless, unless a range of possible bonus interpretations was analyzed. The land use alternatives studied in the EIR must be adequate to anticipate all likely outcomes of the density bonus as applied to the SSP. Again, I request the analysis already requested during the scoping sessions.

13

However, population and demographics are not the only impacts influenced by the density bonus. Open space, aesthetics, historical resources, emergency planning, parking, traffic, noise, etc. will all be impacted by the numbers of new residents in the area. None of these can be properly examined without analysis of different density bonus scenarios. Since the intent of the SSP in all these areas did not include the impacts of the density bonus, Staff should, as part of mitigations and part of its job, suggest how the SSP might be revised to clearly and legally create the outcome desired by the original plan. One obvious approach would be to tighten the zoning standards (loosened in the current draft SSP) relating to height, lot coverage, open space, parking, and setbacks, and restore them only with use permits and/or as density bonus concessions.

14

The DEIR (p83) states that “the Draft Plan would not create a substantial demand for additional housing beyond that planned for by the Draft Plan, and no significant impacts would result.” What evidence in the record shows that housing pressures by students or employees do not result in more than 2.2 persons per household, or in the construction of small, illegal units, or in other means of creatively “expanding” the housing stock to meet the desires of those who want to live near the new institutional space created by the SSP? Southside experience indicates otherwise.

15

Policy LU-A4 (SSP p51) states that the SSP should “encourage and promote the rehabilitation and maintenance of existing housing, especially older buildings with architectural and/or historic merit.” Policy LU-A3 (SSP p51) reiterates the existing law that residential property shall not be converted to institutional use. However, all the plan’s mechanisms to promote this goal already exist and did not prevent, for example, the destruction of outstanding housing at 2500 and 2508 Benvenue, or the illegal conversion of the Blood House to offices on Durant Avenue. The EIR cannot use false mitigations that rely on existing ineffective laws, so what specific new mechanisms will prevent conversion of good housing to poor housing, or family housing to student housing, or housing to institutional use, under the SSP? If there are none, then there will likely be a significant impact on housing under the SSP.

16

Although the environmental checklist usually used for initial studies, etc. is only a “suggested form,” I would like to know why the language of the first potentially significant impact under “population and housing” has been altered in this DEIR. The usual language is found in the 2001

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CEQA Deskbook suggested impact form and the initial studies for other projects around town, including the Trader Joe's 2006 Initial Study. That language asks whether the project will "induce substantial population growth in an area, either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads and other infrastructure)."

But the language used in the SSP DEIR (p80) inserts the word "unanticipated." It asks whether the plan would "induce substantial, *unanticipated* population or housing growth either directly (by proposing new homes and businesses) or indirectly (through extension of roads or other infrastructure)." Obviously this makes no sense, since the purpose of the EIR is to study the impacts of the thing you are anticipating to do. Then the DEIR focuses on this word to claim that a 10% increase in residential population in the highest-density area in Berkeley, a 42% job increase, and an untold increase in daytime use, is insignificant (by definition) because it is not "unanticipated," "unplanned," or "unforeseen."

Please explain how, when, and why this word "unanticipated" entered the language of this criteria of significance, how planned growth could ever be "unanticipated," and why it is not the purpose of an EIR to study the consequences of that which it intends to do.

The only rational implication of this couple of pages of tortured doublepeak is that the SSP DEIR is attempting to tier off the General Plan or some ABAG EIR. If so, then it is legally required for the DEIR to state as much (I couldn't find it). In addition, if tiering, the Lead Agency must eventually determine and state that the impacts in question have been adequately addressed by the earlier EIR in accord with CEQA 15152 (a-h)—which I recommend reading in its entirety. But no Berkeley General Plan EIR or ABAG EIR has ever studied population and density impacts in a way that would adequately cover the SSP.

### Traffic

Unfortunately, the DEIR traffic analysis will have to be completely redone.

The DEIR (p120) states: "**Trip Generation.** The Draft Southside Plan anticipates and encourages both commercial and residential infill development in the Southside area. Since parking in the Southside area is generally at or near capacity, it is reasonable to assume that new vehicle trips would only be generated if new parking spaces are provided. The Draft Southside Plan would include an estimated maximum of 66 new commercial parking spaces and 169 residential parking spaces at the identified opportunity sites, based an assessment of the potential development at the sites under the revised Draft Plan land use and zoning changes. These new parking spaces were estimated to generate 145 new AM peak hour and 237 new PM peak hour vehicle trips." (See Appendix C p49 for more details.)

The paragraph above is absurd and malicious. Please explain exactly who thought this up, and who, among senior City planners, concurred with the idea that it is "reasonable to assume" that auto traffic to an area is limited to the number of legal parking spaces in that location (especially since no walking radius was included to define the location). This "assumption" is belied both by experience and by logic; in fact, if it were true, thousands of UC user vehicles would not be parking in neighborhoods surrounding UC at this moment. In reality Southside visitors find every available parking space in neighborhoods around their destinations, are starting to illegally rent out residential parking spaces from apartment landlords (forcing more residents onto the streets),

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cont.

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have found ways to avoid the 2-hour neighborhood parking limits, and are willing to park farther and farther from UC facilities.

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cont.

Obviously the EIR cannot use new parking spaces, but must use reasonable driving figures (based on substantial evidence in the record, such as existing patterns—UC knows the percentage of their users that drive, for example, and so does the City) to calculate the auto trips generated by the thousands of new users and visitors to Southside under the institutional/commercial/residential build out of the SSP.

In addition, the statement that (non-residential) parking in the area is at or near capacity (at all times?) needs to be supported by evidence. The statement that Southside UC parking facilities “are fully occupied during the midday hours” (Appendix C p41) is false, as anyone who lives in the area knows. Appendix C p41 also states that “as a result of the RPP and the parking meters, there are no all-day on-street parking spaces available in the Southside Study Area.” This is not true on Sundays, or when enforcement is lax. In addition, it does not address evening parking, which is also a problem in Southside neighborhoods. For both its (future) parking and traffic analyses, the DEIR must provide accurate data, preferably from empirical sources, on the parking capacity and its utilization in the SSP area, AND on the neighborhoods nearby that also provide parking for the plan area. And the study should not be limited to “peak” hours, because traffic and parking impact Southside at all hours.

19

Appendix 1 (attached) illustrates some of the supposedly “full” parking spaces on which the traffic estimations are based. Again, more researched facts and fewer unsubstantiated assertions would help this EIR.

Table IV.C-7 (p127) shows that, even with its fanciful underestimation of new vehicle trips, the SSP would cause a substantial deterioration of service in 10 of 34 Southside intersections, yet apparently only five of them would be “mitigated” because they meet the DEIR’s threshold of unacceptability. Again, how was this threshold of significance determined, and why should not every intersection that is substantially impacted by mitigated if possible? If not possible, this is an unavoidable impact that should be mentioned.

20

The Draft SSP calls for supporting and facilitating Bus Rapid Transit (BRT) (p84). However, since the Draft SSP was written, most of the Southside community seems to have become opposed to BRT on Telegraph Avenue—the business community is opposed to it north of Dwight, and the residential community is opposed to it south of Dwight. Staff suggests some wording changes (p148) under Policy T-B3 on BRT. These changes should be declined, and given the controversy around BRT, all language referring to BRT on Southside should be revised to be conditional because BRT with dedicated lanes may not occur.

21

In addition, there is a significant error on page 24 of the DEIR under III.C.2: the LRDP settlement requires the City to consider a route for *Rapid Bus* on Telegraph, not a route for *BRT*. Please correct this statement in the FEIR.

22

The DEIR (p159) states: “Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentration, modeling is recommended to determine a project’s effect on local CO levels.” One goal of the SSP is to make walking very pleasant in Southside. After the EIR restudies traffic impacts honestly, please also study whether in particular

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locations in Southside, auto exhaust hemmed in by more and taller buildings might cause a buildup of unpleasant emissions, such as that which occurs at times along some sections of College Avenue north of Ashby.

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cont.

On page 20 of Appendix C, what does the column heading “Cumulative Conditions” mean?

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On the table on page 39 of Appendix C, are the bike volumes per day or per hour?

25

**Parking**

The DEIR (p29) acknowledges that “parking is a major issue of concern in the Southside area,” and implies that the EIR is interested in seriously studying it. “This study evaluates whether the project’s estimated parking demand would be met by the project’s proposed parking supply or by the existing parking supply within a reasonable walking distance of the project site” (Appendix C p6). But this is a lie. Although it describes some existing parking conditions, the body of the DEIR has no discussion of parking impacts. Only on page 6 of Appendix C do we see why:

...the City of Berkeley, in its review of the proposed project, wants to ensure that the project’s provision of sufficient parking spaces along with measures to lessen parking demand (by encouraging the use of non-auto travel modes) would result in minimal adverse effects to project patrons, and that any secondary effects (such as on air quality due to drivers searching for parking spaces, or parking in residential neighborhoods) would be minimized. As such, although not required by CEQA, parking conditions are evaluated in this document....

[R]egarding potential secondary effects, cars circling and looking for a parking space in areas of limited parking supply is typically a temporary condition, often offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts that might result from a shortfall in parking in the vicinity of the proposed project are considered less than significant.

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Then, in case the argument that neighborhood parking impacts cannot be significant because they are “temporary” (they have been “temporary” for decades) is not enough, page 8 of Appendix C gives another excuse for ignoring neighborhood parking impacts: “The [General Plan] EIR noted the potential for parking demand to exceed supply and thus impact transit services and residential parking supplies. This was addressed by Policy T-39, which deemed projects with below standard or no parking less than significant for CEQA purposes, ‘based on the elasticity concept and the overriding desire to reduce traffic growth.’” But obviously, CEQA is a state law that cannot be overridden by the whim of a local General Plan. And it is quite possible to study something, even if someone else thinks it is not significant. In addition, the General Plan calls for “minimizing parking impacts on neighborhoods,” which was not mentioned in the DEIR.

The bottom line is that all parking impacts are “less than significant” by definition in this DEIR, which is how the DEIR addresses this issue of “major concern.” Please tell the reader who decided to address parking in this way, and which senior members of the planning staff concurred in this approach. Why make a pretense of concern, instead of simply stating up front that

neighborhood parking impacts will not be studied? And if we have to change the General Plan to ever study parking in Berkeley, by all means let us start making that change immediately.

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cont.

The DEIR is correct in stating that the “secondary” parking impacts of the SSP should be minimized. Parking availability in and around the project area impacts not only neighborhood parking and livability, but many of the other goals of the plan, including traffic, noise, general livability, long-term residency, commercial viability, etc. Parking and its impacts should be broken down into residential parking and visitor/institutional/commercial parking components, because the latter consistently displaces the former, and the latter will be greatly increased by the SSP. Parking studies must include residential parking blocks away from the plan area, which provide overflow parking for Southside. It is truly outrageous that a planning staff would support an area plan that displaces detriments onto neighboring areas without publicizing, studying, and mitigating those impacts, which is the purpose of the EIR.

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The DEIR seems inconsistent in its “assumption” that less parking means less driving, while at the same time acknowledging that people searching for parking spaces increases driving. However, the DEIR do not analyze the extra driving created by lack of parking. Please include a more complete discussion of how to reconcile the apparently contradictory traffic and parking goals of the SSP. If they are not reconcilable, please say so. Remember, senior planning staff is being paid for its “expert” guidance on matters like these.

28

Since almost every surface parking lot in Southside is viewed as an “opportunity site” for new development, how has the loss of parking from removing these lots been taken into account in the DEIR?

Some of the circulation alternatives also remove parking spaces. The EIR must address the impacts of circulation alternatives on parking and traffic looking for parking.

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Each new building removes a few public parking spaces by turning them red, green, blue, white, or yellow. Were the impacts of such cumulative removals factored into the DEIR? If not, they should be, as they can be substantial.

Even “car-free” housing will use parking spaces, since residents occasionally have guests and deliveries, and this impact will be cumulative as more dense housing is built. How was this factored into the DEIR’s traffic and parking analyses?

Plan Policy T-E3 is to “rigorously enforce Residential Permit Parking Program,” and Policy T-E4 has other suggestions for parking enforcement (SSP p87). However, the EIR cannot rely on the “mitigation” of any parking enforcement that is similar to current enforcement, because it is known that current enforcement approaches do not work near campus. There are some “new” policies for protecting short-term visitor parking in the SSP, but to protect residential on-street parking, the EIR should provide new ideas for enforcement, or new ideas that do not rely on enforcement.

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The SSP acknowledges that lack of parking may have contributed to the recent substantial decline in Telegraph area retail activity (SSP p101). Nonetheless, if the SSP is implemented, it will make parking even more difficult for business patrons, both by the plan’s deliberate “anti-parking” policies and by intensification of residency and use near campus. Although examination of purely economic impacts are not required in EIRs, the EIR should examine this impact on the business

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community, especially since the health of this business district is vital to the thousands of carless residents that will need to meet their daily shopping needs there.

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Noise

The DEIR (p174) states: “Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise-sensitive receptor of concern.” Actually, this is incorrect. First, the 6 dB reduction only occurs in free-field conditions; where reflections occur, as in the urban environment, free-field fall-off does not occur; instead sound increases where there are local reflections. Second, a continuous linear sound source, such as a line of traffic, has a fall-off of only 3 dB per doubling of distance. These corrections should be made so as not to minimize the impacts of urban noise.

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Although this DEIR at least acknowledges the existence of urban noise, it still fails to adequately analyze it, ignoring three primary noise problems in high-density areas: mechanical noise, building reflections, and noise from human activities. The only two noise sources addressed by the DEIR are traffic noise and construction noise. The construction noise would supposedly be mitigated by the false mitigation of current laws and practices (which are not enforced). The traffic noise analysis is inadequate because of inadequate data.

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The SSP provides for more and bigger institutional/commercial buildings than would occur under current zoning, and more hours of commercial activity, among other things. Even if the EIR argues that there is no difference between the No Project and the Project alternatives, because noise ordinances and acoustical building requirements will not be enacted or enforced with or without the plan, the fact remains that to the extent that any use is intensified under the SSP, the plan will increase noise.

The DEIR ignores sound reflected from the new large structures to be built in Southside. Architectural reflections are well known to be a major urban noise amplifier, but the DEIR fails to mention them. For example, both BART (over a mile away) and trains (three miles away) can be heard in Southside, reflected off the hills and buildings. Traffic and train noise increased noticeably after the Underhill dorms were built. But the reflection of nearby traffic and other noise sources is more important.

The DEIR should include data from informed sources (not speculation) about the impact of building reflections on traffic and other urban noise. Acousticians study this phenomenon. Surely Staff can find *before* and *after* studies of projects in other cities to analyze the reflected sound impacts of buildings. If not, Staff could coordinate with UC, which has some noise readings on Southside that it took in conjunction with the Underhill project, some of which are reported in the Underhill EIR. The DEIR should take readings of the same kind (LDN or CNEL), using the same techniques, at comparable times, to ascertain any pre-dorm to post-dorm change in sound levels around Units I and II—especially the south side of Unit II, which has the most traffic and is most hemmed in.

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In addition, in urban environments, it is known that noise levels at upper floors often exceeds that on the ground, because upper floors are not shielded by ground level sound barriers. So the DEIR

should take add noise level readings from points 3 to 6 stories above ground. Only with such comparisons could the DEIR adequately analyze the noise impacts of the SSP project.

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Commercial establishments entail the following noise sources: patrons to businesses such as fast food outlets, truck deliveries, loading dock activities, heating and ventilation units, air-conditioning and other mechanical equipment, delivery truck engines, back-up horns, beepers and signals, truck-mounted refrigeration/generator units, forklifts, handcarts, roll-up doors, PA systems, and voices from drivers and store employees. Many of these noises also occur with institutional uses such as schools, group living quarters, hospitals, socially active churches, etc. The DEIR does not mention any of these noise sources, though even the shortest walk around Southside reveals that all of them create environmental impacts there.

In addition, the DEIR did not address noise from outdoor human activities, conversations, pedestrians talking on cell phones, parties, and so forth. This is a project impact to the extent that the SSP increases daytime and nighttime density. A thorough study of human-generated noises in high-density areas should be part of this EIR.

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Policy ED-B2 (p105) states that the SSP should “increase the number of permanent residents” and families near and above Telegraph Avenue. Yet policy ED-B3 (SSP p106), and accompanying changes to section 23E.56.060 (SSP p184), call for loosening noise requirements, allowing the C-T area to become noisier and busier later at night. This does not protect residential quality of life, or encourage permanent residents. The EIR should examine how more late-night noise will impact the area livability and demographic.

The DEIR (p182) uses as a threshold of significance for noise an increase of 4 dBA in ambient noise levels. Where did this figure come from, since 3 dBA is the figure usually used? What was the required public process by which this threshold of significance was determined?

36

The DEIR (p185) concludes that “Any future development projects identified for the Southside area would require additional environmental analysis to determine potential project-specific noise impacts relating to local traffic at the proposed development site...” Does this mean that every project will have a noise analysis? Which projects will have such analyses? How will the analysis be done in advance of actually building the project? Project-level noise predictions would seem to require that the research suggested above has been done beforehand—in which case, why not do it now? In addition to predicting cumulative impacts, one of the purposes of a Program EIR is to reduce the need for and expense of project-level analyses by learning ahead of time what kinds of limitations should be placed on projects and what kinds of mitigations should be designed into projects to achieve the desired effect.

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**Public Services**

Given the fact that Southside now utilizes twice the police per resident as the City average, including a huge proportion of city police services on Friday and Saturday nights, please explore the financial and enforcement implications of the daytime and nighttime population density increase predicted for Southside. Please provide the same information for fire and other emergency services, and for City services generally.

38

The SSP includes several policies to increase nighttime activity in Southside. The DEIR should provide data on whether or how such policies, either here or in similar (student) communities, have impacted crime and policing activities and budgets. The assertion of the SSP is that night activities will increase security and permanent residents, and decrease policing, but I'd like to see the data.

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**Disaster Preparedness**

Ignoring community concerns expressed during the scoping sessions, the DEIR fails to examine how increased buildings, and residential and daytime density, will impact potential fires, injuries, and emergency access and egress after an earthquake, both within the plan area and around the plan area. Please study this in detail.

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The CEQA Initial Study checklist provides for studying the hazards created *by* a project, but it does not seem to specifically provide for analyzing a project in the context of an *external* hazard, except through the vague category of “cumulative impact.” But the EIR should realistically analyze the consequences to the SSP area of a manmade or natural disaster originating inside or outside the plan area. For example, how would Southside or its surroundings be evacuated after an earthquake/fire, or if a new facility were to accidentally release hazardous materials into the environment—a possible scenario given UC laboratory activities in the area.

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The DEIR (p198) cites the following action from the 2004 Disaster Mitigation Plan: “Action B-1: Establish pre-event planning for post-disaster recovery as an integral element of the emergency response planning of the City Council and each of the City departments. This activity would prepare a basic recovery plan for the city, establish roles for all City departments and establish recovery priorities prior to a damaging event.” Please tell the reader where one can see this plan, and discuss how the SSP may interact with its provisions. Remember, the EIR must provide monitoring and evaluation plans for mitigation measures.

**Aesthetics**

It is untrue and unsupportable to claim that the SSP has no potentially significant aesthetic impacts. The EIR must study the questions generally included in initial studies (except the one about scenic highways), in addition to the impacts of shading. The EIR should identify scenic vistas and how to mitigate potential damage to them based on the realistic (historically supported) assumption that every lot will be built out approximately to its maximum envelope. Given the University’s recent building projects, and the occasional lapses in design review seen elsewhere in town, as well as lack of design review for non-residential buildings, it appears that the SSP has huge potential for aesthetic degradation, for which the EIR should suggest some mitigations.

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Excess shade and light should also be studied at the plan level, not merely at the project level, because these actually “accumulate” to create the environmental character of the area, and areawide approaches would help to mitigate them.

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Excess shade is cumulative and can easily be anticipated, and should be dealt with because it also impacts other goals of the plan, such as the pedestrian-friendly environment. For example, in the commercial (C-T) subarea, Design Guideline IV-B1 (SSP p168) says that the SSP intends to

increase “the maximum height...from four to five stories, but some differentiation in building height is desirable to avoid a canyon effect.” With an increased number of taller buildings, excessive shading of Telegraph, which is very narrow above Dwight, will make Telegraph less pleasant for residents, pedestrians, and shopping. The same may also happen on Durant, a very important pedestrian street. Since almost all developers demand their legal “right” to build to the envelope, and/or are encouraged to by planning staff and permitted to by the ZAB, by what specific mechanisms will the “canyon effect” be avoided?

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Again, it is not acceptable to rely on existing ineffective laws for CEQA mitigations. It is unlikely that existing laws or any kind of community self-restraint will protect Berkeley’s aesthetics. General Plan Policy UD-31, discouraging new construction from blocking views, for example, did nothing to prevent the massive, unrelenting wall of Unit II infill on Dwight Way. The EIR should suggest new mechanisms for protecting scenic vistas, or admit to a significant unavoidable impact.

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The potential impact of intensified nighttime lighting in the area is not “less than significant.” More late-evening light/activity interferes with sleep and other activities, and may well drive families and older residents from the area. The EIR should explore how additional nighttime lighting, like nighttime noise, will impact the area livability and demographics.

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The SSP states (SSP p128): “Along streets such as upper Dwight Way and most of Bowditch Street, street trees are a predominant visual characteristic, rising to considerable heights and arching over the street. This reflects the early character of the Southside neighborhood and helps mitigate vehicular traffic....Overall, however, Southside public street tree plantings are in decline.” Plan Policy CC-F-1 (SSP p132) states: “Maintain and enhance the existing street tree canopy...”

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Soon all the elms referred to in the SSP will be gone, replaced by smaller trees of vastly less grace and magnificence. The decision to replace large trees with small ones has been made by the City Forester and the University, without public input, and is generally unpopular when discovered. In addition, under current tree-planting policy, it is very difficult for new trees to be planted in areas with few long-term residents like Southside. Again, if street trees are a “predominant visual characteristic,” then loss of large trees is without question an aesthetic impact and effective mitigations should be included.

**History**

A SSP purpose is to “reknit and restore” Southside’s history (SSP p109), and to that end includes a laudable list of goals (SSP p110). However, the same goals can be found in CEQA, the LPO, the General Plan, and other area plans in Berkeley, but without planning staff and ZAB support, these lofty intentions provide no protection for historic buildings. What specific new measures will be used to ensure that historic resources are not compromised under the SSP? If there are none, then this remains a potentially significant impact.

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**Open Space and Recreation**

The DEIR (p201) admits that the SSP violates the intent of both the General Plan and Measure L, and that lack of public open space in the SSP is therefore a significant project impact. The DEIR (p201) asserts, without evidence, that the City cannot afford to buy any open space in Southside. I recommend that the DEIR dispense with all the verbal gumbo (noted below), and simply admit that violation of open space planning is a significant impact that can only be avoided if the City chooses to buy land for parks in the area.

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The mitigation for this impact seems to be to use university open space and recreational facilities. The DEIR (p201) states: “As an alternative, open space provision could be accomplished by providing recreational areas on rooftops within the Southside area, such as atop any new development conducted by the University at its Ellsworth Street site. This parcel is approximately 2.4 acres, and could be developed with a playing field, court sports areas, children’s playground, or other recreation uses atop any buildings or improvements made to the site similar to the University’s 2007 addition of an athletic field above the Underhill parking facility at College Avenue and Channing Way.”

But as mentioned above under “False Mitigations,” the EIR cannot rely on any open space provided by the UC campus to meet Southside open space requirements (DEIR p200), because the City has no control over UC. It is also an illegal mitigation because CEQA mitigations must be realistic ones, with expectation of viability. In addition, rooftop open space (of which there would be little in any case) is not acceptable open space, since it would not be “public” even if not owned by UC.

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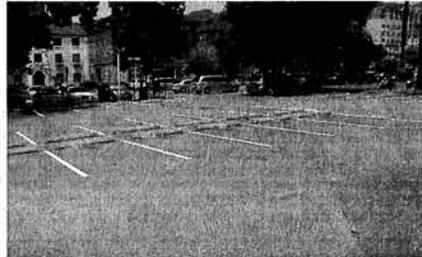
There can be no expectation that the public can use UC facilities, because UC facilities have been and are being systematically removed from public access (see Appendices 2 and 3, attached). The athletic field at Underhill, which had been open to public use for decades, is now closed to the public, yet the DEIR (p201) uses it as an example of how UC land can provide open space. Other UC recreational facilities in the area have suffered similar fates. The only “park” that remains accessible to the public (in fact, the only park in the SSP area), People’s Park, is owned by UC and is beleaguered by UC construction hopes on the one hand and homeless residents on the other.

The SSP indicates that People’s Park should become “a public open space ‘commons’ for the Southside” (SSP p52). But even if the City were to acquire People’s Park, it has been a problem, increasingly intransigent, for three decades. What specific new actions will now create this usable “commons” out of People’s Park?

## Traffic generators in Southside.

The Southside Plan DEIR states that there is no available parking in Southside, and that therefore no new cars will enter Southside except those for which new parking spaces are created. Neither assumption is true, but as for institutional parking availability, here is the reality.

This is the West Anna Head lot, a "public" lot owned by UC, on a weekday afternoon. This was a fairly full day for this lot, which is usually virtually empty, day and night, but you can see a largely empty lot in all directions.



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Here's the Underhill parking garage, the first floor of four. An attendant informed me that this floor is always empty. During non-work hours, so are most of the other three floors.

The DEIR must base its traffic analysis on researched facts about Southside parking capacity and behavior. The DEIR did not count the traffic "generated" by these spaces and others like them.

Meanwhile, "neighborhood" parking is virtually full, up to half with "visitors," who have to drive, don't want to pay, and don't mind walking increasing distances to their cars. The DEIR ignores all this real, elastic visitor parking capacity.

# How the University provides open space to Southside.

The University claims that the courtyards at Units I and II provide an open space "amenity" and "mitigation" to the community for the dormitory impacts.



Nothing says "welcome" like a 7-story wall and a locked door behind a fence, but the arrow shows you the way in.



Here is a close-up in case you were not irresistibly drawn in by the facade design.

Here is the courtyard. It is surrounded by large buildings on four sides and is continuously bathed in mechanical noise.



But if you want to play a little hackysack or frisbee, or take up juggling, or turn a cartwheel or two in delight about this open space...



don't get any big ideas.

## Fantasy: Southside can rely on University open space.

The Southside Plan DEIR implies that Southside does not need the open space called for by the City General Plan and mandated by Measure L, because Southside residents can enjoy the open space provided by the University campus and recreational facilities.



Here is how Southside can rely on this "mitigation" for increased density.

This sign is at the new Underhill Field. This field used to be open to community use. Most other UC-owned playing fields, tennis courts, etc. around campus, and much of Strawberry Canyon, which were previously open to public use, are now closed to the public.

There are now signs like this all around the area.

51  
cont.



These layers of fencing reveal how tenuous University open space is... temporarily or permanently.

The University hopes to forever eliminate this grove of trees, formerly accessible to community residents and daytime UC users, from the earth's greenspace.

Much of the community hopes this ban on community access is merely temporary.

But the University has plans to cover much more open space with buildings.

**Reality:** University open space is nice while it lasts, but it can never be a mitigation for Southside density.

**Letter C5**  
**Sharon Hudson**  
**June 2008**

- C5-1: This comment is noted.
- C5-2: Page 50 of the DEIR shows the LRDP projected headcount in 2020 for UC students, faculty, staff, vendors and visitors. The traffic impact of those additional people was analyzed in the 2020 LRDP, and the Southside Plan used that figure as the base 2025 traffic volume without the Southside project (p. 100). The Southside DEIR then added new traffic trips to that number based on additional parking that could be generated at the Tier 1 opportunity sites (p. 120). Therefore, the traffic impact of the additional campus daytime population was anticipated in the Southside Plan analysis. Other impacts of daytime users on the Southside are difficult to quantify, as there is no way to anticipate how often they might be in the Southside area.
- C5-3: As stated in the response to comment C5-2, the UC LRDP projected the number of students, faculty, staff, vendors and visitors in 2020. The LRDP incorporated the Haas Pavilion and the Underhill project, as they were existing conditions when the LRDP was published in April 2004. If the “UC Extension activities” referred to by the commenter take place in the land zones identified in the 2020 LRDP (pages 3.1-5 to 3.1-7) then they are included in the LRDP; if they occur outside of those zones (e.g., in the cities of Albany or Richmond) then they are not. The LRDP figures and projections for growth were incorporated into the Southside Plan Draft EIR to determine the base traffic volumes in 2025. The Notice of Preparation for the Southside Plan Draft EIR was released in 2004, before the Memorial stadium project was started (the NOP was released in November 2005), and therefore, the proposed changes to the stadium and student athlete center were not included in the Southside Plan Draft EIR. However, the City has reviewed and commented on the Southeast Campus Integrated Projects EIR (published in 2006), and did not identify any significant impacts from the stadium improvements project that would, in tandem with implementation of the Southside Plan, create additional significant impacts beyond those already identified in the Integrated Projects EIR or this EIR.
- C5-4: This Program EIR identifies general levels of development for the purpose of evaluating the general effects of the Southside Plan. Any specific project proposed in the Southside is potentially subject to CEQA review. The type of review necessary would depend on the type of project, its scale, and how specifically the EIR refers to that sort of project. A project that is consistent with Berkeley’s zoning ordinance and General Plan could be deemed as Categorical Exempt from further CEQA analysis per Section 15332 of the *CEQA Guidelines*. Projects which are not consistent with Berkeley’s Zoning Ordinance and General Plan, or that could have impacts that would be significant, would need to have further review. This review would determine whether the activity is covered by the Southside EIR, or whether a separate

environmental review, in the form of a Negative Declaration, a Mitigated Negative Declaration, or an EIR, would be necessary. This is explained on page 5 and page 36 of the Draft EIR.

The comment is noted.

C5-5: CEQA Section 15064.7 states the following:

- (a) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.
- (b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

The commenter's note that "thresholds of significance used in the Draft EIR that were not obtained through a public process and which are not supported by substantial evidence of their rationality are illegal" is incorrect. As noted in CEQA Section 15064.7 above, only thresholds of significance to be adopted "for general use" must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. The thresholds of significance used for the Draft EIR were not adopted for general use, but are included specifically to determine potential environmental impacts that may result from implementation of the Draft Southside Plan.

C5-6: As noted in response to comment C5-5 above, CEQA Section 15064.7 states only that the public agencies are encouraged to develop and publish thresholds of significance, not that formal approval of the thresholds of significance through a public process is required. (See response to comment C5-5, above.) Further, public participation in the CEQA process is outlined in CEQA Section 15201, which states that "each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities." In accordance with CEQA Section 15201, public input on the potential impacts of the project as stated in the Initial Study was solicited during the comment period for the Initial Study and the Notice of Preparation, published on November 5, 2004. Comments received as part of this public input were considered prior to development of the Draft EIR and are included as part of Appendix A to the Draft EIR.

C5-7: The EIR preparers believe this comment to be incorrect. CEQA Section 15364 provides only a definition for the term "Feasible"; mitigation measures are not discussed or included in the section, nor does the section imply reference to mitigation measures.

Further, the definition of “feasible” in this section states that the term means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The operative term in this definition is that something is “capable” of being accomplished, and does not include or consider historical attainment of objectives through existing laws or policies. CEQA does not comment on the history of a law’s enforcement being used as an assessment of future enforcement, nor does it suggest that previously-enacted laws cannot serve as effective mitigations against potential future environmental impacts. There is significant precedent regarding the use of current laws and policies being used as mitigation measures.

- C5-8: As required under CEQA Section 15097, a mitigation monitoring and reporting program will be prepared and included with the Final EIR following the public review and comment period of the Draft EIR at which time the mitigation measures included in the Draft EIR, and revised according to comments received, will be finalized. The mitigation monitoring and reporting program will comply fully with the requirements stated in CEQA Section 15097.

As stated in CEQA Section 15097(b), “Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents.” As a result, the proposed mitigations that include enforcement of current laws, as they pertain to policies and other portions of the Draft Southside Plan, are included and are considered acceptable under CEQA. The Draft EIR is not the appropriate venue for evaluating the effectiveness of current laws, or of policies outside those included in the Draft Southside Plan, and instead focuses only on those policies and actions included in the Draft Southside Plan itself.

- C5-9: The City of Berkeley is the author of the Draft Southside Plan and the lead agency for the Draft EIR, and therefore would be the agency requiring compliance with the policies and mitigations contained in those documents. Contrary to the comment, the University of California is not the “major player” in the Draft Southside Plan, and the Draft EIR. Additionally, none of the mitigation measures identified in the Draft EIR relies on actions to be conducted by the University of California to mitigate potential impacts associated with implementation of the Draft Southside Plan. As noted by the commenter, the City and the University have a longstanding relationship. Additionally, as stated on page 35 of the Draft EIR, “In 1997, the City and University entered into a Memorandum of Understanding (MOU) to specify how the Draft Plan would be used as a long-range planning document by both parties. The MOU states that ‘the Southside Plan will be an amendment to the City’s General Plan. The Campus will acknowledge the Plan as the guide for campus developments in the Southside area.’” The City has no reason to believe that the University would not honor their agreement and the MOU, and it is not the purpose of the Draft EIR to speculate on the potential actions of the University and their potential effects in the future. The Draft EIR does consider known and potential UC projects and the University’s 2020 LRDP as part of the cumulative

impacts analysis. Adoption of the Draft Southside Plan would be a legislative amendment to the Berkeley General Plan, and the Draft Plan would become the City’s long-term planning policy document for the Southside area.

C5-10: Table 6 in Appendix E compares the non-UC projected development with existing zoning. Based on staff’s revised development potential figures (See Master Response 2 – Development Potential), Table 6 would be revised as shown below:

	<b>Projected development for Tier 1 sites, Existing Zoning (BASELINE)</b>	<b>Projected development for Tier 1 sites, Draft Southside Plan Proposed Zoning</b>	<b>Difference</b>
Residential Without State Density Bonus	<del>284,737 sq. ft.</del> 408,774 sf	373,064 sq. ft. 457,013 sf	88,327 sq. ft. 48,239 sf
Residential with State Density Bonus	<del>384,395 sq. ft.</del> 551,845 sf	503,636 sq. ft. 616,968 sf	119,241 sq. ft. 65,123 sf
Non-Residential	<del>301,847 sq. ft.</del> 133,564 sf	251,054 sq. ft. 142,795 sf	-50,793 sq. ft. 9,231 sf

This only takes non-UC development into account. The University is not subject to the City’s zoning requirements. While University representatives have agreed to abide by the Southside Plan development standards, should they be adopted, development under the current zoning code could not be anticipated.

C5-11: The commenter requests some estimate of the “carrying capacity” of Southside. The concept of “carrying capacity” is generally used in relation to ecology and the limits of a particular environment to sustainably support a specific species of plant or animal. As defined in Wikipedia (April 2, 2009), Carrying Capacity is defined as follows

“The carrying capacity of a biological species in an environment is the population size of the species that the environment can sustain in the long term given the food, habitat, water and other necessities available in the environment. For the human population, more complex variables such as sanitation and medical care are sometimes considered as part of the necessary infrastructure ...”

Even in defined natural areas, it is often not possible to determine a “carrying capacity” due to the number of variables that must be considered. It is next to impossible to translate the concept of carrying capacity into urban areas where there are a range of variables that cannot be quantified. The commenter's belief that there is a “livability” carrying capacity is noted, but a response is not possible because the definition of “livability” is subjective based on a wide variety of indicators and values. The commenter's belief that there is some carrying capacity related to “emergency planning,” is noted. The analysis of public safety is found in the Public Facilities and Services Chapter of the DEIR (pages 191 – 207).

C5-12: The commenter requests that the EIR account for what she believes will be a substantial increase in the intensity of use of existing facilities. To the degree that such intensification is known, it is addressed in the cumulative impact assessment in the

DEIR. Projections of intensification beyond what is projected or reasonably foreseeable would be speculative.

C5-13: The development potential for the Draft EIR took the maximum density bonus into account. Staff calculated the development potential by calculating the base area possible for each of the Tier 1 sites, then determining how much of that area would be residential, assuming 75 percent development of the site as the base residential figure, and then multiplying that base residential figure by 1.35 to arrive at a maximum area with a density bonus. According to current state law, a 35 percent density bonus is the maximum permitted. See also the Master Response 2 - Development Potential.

The commenter requests analysis of a range of density bonus interpretations. However, as noted Appendix E of the DEIR, the development potential estimated for the Southside under the Plan is significantly greater than the level of development experienced recently (1995 – 2005) in the Southside. While one of the goals of the Plan is to create additional opportunities to meet housing demand (DEIR, page 24), the level of development projected in the Southside Plan DEIR is considerably higher than is likely to occur, whether density bonus is considered or not.

C5-14: See Response to C4-19, C5-13 and C 4-101.

C5-15: The commenter believes that the pressure for additional housing in the Southside Plan areas will result in increased average household size and will result in illegal construction. Information on household size used in the Southside Plan EIR is found in Table IV.B-3 of the DEIR (page 72). Projections for the City of Berkeley show that the average household size is expected to remain fairly stable over the plan period. Any assumption that there will be a significant change in household size in the Southside would be speculative. Similarly, any assumption that the Southside will be subject to different development pressures in the future than in the past, resulting in a significant increase in illegal construction, would be speculative.

C5-16: The commenter has identified what she believes are exceptions to the application of zoning ordinance requirements related to conversion of residential uses to other uses and the demolition of some houses she believes were historic resources. The EIR is based on the assumption that regulations will be applied in a manner to carry out the policies of the Plan. The houses referenced in the comment were not designated historic resources. Entitlement regulations generally acknowledge that there are occasionally unique circumstances that warrant exceptions to policies through variance and other procedures. To project a significant impact on housing supply or on historic resources as a result of occasional exceptions would be speculative.

C5-17: The commenter believes the word “unanticipated” was used in the criteria of significance related to population growth, when it is not used in other EIRs. Specifically, as used in the Draft EIR, it reads: “induce *unanticipated* substantial population growth in an area ...”. She believes it is insertion of this term that allowed the Draft EIR to find that because growth is not unanticipated, it is therefore not a significant impact of the project. Although not stated, the assumed conclusion of her comments is that the plan

does induce significant growth (both residents and employment) and that this induced growth would be a significant impact of the project.

As noted by the commenter, the significance criteria language used in the CEQA Guidelines is suggested and can be modified to suit each project circumstance. In regard to “induce” substantial growth, this section of CEQA is generally applied to the development of infrastructure, such as the development of a sewage treatment plant or a freeway interchange, in a location that is not expected to otherwise grow. The development of infrastructure in the absence of anticipated demand for that infrastructure can “induce” new growth by having excess capacity (sometimes available at less cost) or providing access to a location that would not normally otherwise have access. In that context, and especially in regard to the Southside, the term “unanticipated” is appropriate. In analyzing the potential of the plan to induce growth, the Draft EIR considers what would normally occur in the absence of the plan, and then considers the impacts of Plan adoption. The overall levels of growth and proportion of growth in the Southside area (relative to other parts of the City) is found to be comparable to expected levels of growth projected by the Association of Bay Area Governments. Therefore, the Draft EIR concludes that adoption of the Plan would not, in itself, induce growth.

The commenter goes on to conclude that because the Draft EIR does not conclude that it induces substantial growth, that it therefore does not adequately analyze the impacts of the growth that is projected to occur under the Plan. That is not the case. The Draft EIR impact analysis is based on analyzing change under the plan relative to existing conditions. It is not “tiered” off of the General Plan or ABAG assumptions. There is one exception to this: the Southside Plan assumes a certain level of University development in its baseline assumptions. This is because this level of growth is approved under the University's Long Range Development Plan and its accompanying EIR, and the City has no jurisdiction over this growth.

Even if the Draft EIR were to conclude that the plan “induced growth”, the level of growth would not normally be considered “substantial”. While this term is always subject to interpretation, a 10 percent increase in the overall level of development over a 15 year period (.67 percent per year) would not normally be considered “substantial” growth. In regard to employment growth, as noted above, the City lacks control over the vast majority of the growth. The growth projected in the Draft EIR was in error, and a revised projection is shown in Table 1 of Master Response 2 – Development Potential. The projected residential growth (over the residential growth without the Plan) is expected to be about 48,800 square feet (11.8 percent) over 15 years, or about 3,253 square feet (.78 percent) per year. Again, this would not normally be considered a substantial rate of growth. These projections are highly conservative (i.e., high compared to past growth in the area) in order to have a “worst case” for evaluating potential impacts (especially traffic) that could occur under the plan.

In general, modifications of land use regulations for existing urbanized area are not typically considered “growth inducing”.

- C5-18: The commenter correctly notes that neighborhoods in the Southside area are impacted by parking from institution and commercial activities. As such, because there is limited supply to meet the demand, auto traffic would increase with an increase in parking supply. If the parking supply was not increased, patrons to the area would have a propensity to use other modes of travel. To project the increase in traffic, the study used the number of parking spaces and expect turnover to ascertain the number of auto trips.
- C5-19: The comment appears to assert there is available parking in the Southside area during the midday hours, which contradicts the previous comment that parking is fully utilized. As included on page 137 in the Draft EIR, the previous comment is correct that there is limited parking availability during the midday hours in the Southside area.
- C5-20: The Draft EIR examines potential impacts that may result from implementation of the Draft Southside Plan according to the criteria of significance presented on page 117 of the Draft EIR.
- C5-21: This is a comment on the Southside Plan and does not pertain to the Draft EIR analysis.
- C5-22: In response to this comment, the third paragraph on page 24 of the Draft EIR is revised as follows:
- ... and considers a route for a dedicated ~~BRT~~ Rapid Bus lane on Telegraph Avenue...
- C5-23: The comment is noted. No additional studies are planned for the Draft EIR.
- C5-24: Cumulative conditions represents the future year 2025.
- C5-25: The bicycle volumes presented on page 39 of Appendix C represent peak hour bicycle volumes.
- C5-26: The Draft EIR states that there are problems with parking supply not meeting the demand, and that this results in vehicles having to re-circulate the area searching for a parking space. Objective T-F presented on page 116 presents policies to address this problem. The Draft EIR also recommends Mitigation Measure TRANS-14 on page 137, which recommends upgrades to parking technology and procedures.
- C5-27: In an urban environment such as the Southside area it is not possible to differentiate between residential, commercial, and institutional parking. The Draft EIR evaluated the overall characteristics of the area and determined there is limited parking supply.
- C5-28: The environmental analysis does consider vehicles re-circulating the area searching for parking spaces by collecting intersection movement data that included vehicles traveling through, into, and circulating the Southside area.

- C5-29: The circulation alternatives do not remove parking. The EIR does address parking limitations by recommending policies to manage parking. It was also assumed that the car-free housing would still generate some parking demand and that it would provide some parking supply to meet that demand.
- C5-30: Mitigation Measure TRANS-14 on page 137 suggests using new technologies to manage the parking in the Southside area that are not currently enforced. These new technologies, for example, can be parking zones that track vehicles similar to those implemented in Palo Alto, which can track vehicles that move from one short term space to the next or who continue to pay for additional time after the initial metered period has expired.
- C5-31: As the commenter noted, economic impacts are not considered environmental impacts under CEQA.
- C5-32: The discussion of the characteristics of sound (on pages 173 to 175 of the Draft EIR) is provided to give overall understanding of the principals of sound and noise propagation. It is not meant to serve as a comprehensive explanation of acoustics. While the commenter states that the statement made on page 174 (“Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise-sensitive receptor of concern.”) is incorrect, they concede that it is true in free-field conditions. No statement to the contrary is provided in the Draft EIR. A line source of sound does attenuate differently than a point source: for a linear sound source of infinite length the equivalent continuous sound level  $L_{eq}$  decreases at a constant 3 dBA per doubling of distance from the infinite line source. While reflections from structures or terrain can result in increases in noise levels at certain receptor points, the structures in an urban environment also act as sound barriers blocking noise from other receptor points.
- C5-33: Section IV.E.2 of the Draft EIR (pages 182 to 189) includes analysis of stationary groundborne vibration and noise impacts in the Plan area, aircraft and rail noise source impacts, construction period activity impacts, short-term construction-related vibration impacts, long-term exterior noise from local traffic impacts, and exposure of sensitive land uses to operational noise impacts (including mechanical noise sources). The statement by the commenter that the only noise sources addressed in the Draft EIR are traffic and construction noise is clearly false.

While sound reflected off of building structures can increase noise levels at some receptor points, these same buildings act as sound barriers for other receptor points. These dynamics are very site and project specific. It is therefore stated in the Draft EIR (page 189) that any future development projects identified for the Southside area would require additional environmental analysis to determine potential project-specific noise impacts relating to local traffic at the proposed development site; additionally implementation of the City’s standard conditions of approval where a noise impact could potentially occur, would reduce impacts related to traffic noise to a less-than-significant level.

In a typical urban environment, noise from human activity such as talking, use of cell phones, or parties in public areas does not impact the overall day/night ambient noise level. Traffic is the primary noise source in the Southside Plan area. Conversation between two persons at a distance of three to five feet apart would generate a noise level of approximately 60 dBA  $L_{eq}$  at 5 feet. At a distance of 50 feet, this point noise source level would attenuate to approximately 40 dBA  $L_{eq}$ . This is more than 10 dBA below the modeled existing traffic noise levels on roadway segments in the Plan area shown in table IV.E-8. Because decibels are logarithmic units, sound pressure levels cannot be added or subtracted by ordinary arithmetic means. If two sound levels differ by 10 dBA or more, the combined sound pressure level (SPL) is equal to the higher SPL; in other words, the lower sound level does not increase the higher sound level. Therefore, noise from increased human activity in the Plan area including noise from talking on cell phones or conversing and laughing would not result in any noticeable increase in the existing ambient noise levels in the Plan area and would be considered a less-than-significant impact.

The statements by the commenter that the City's laws and practices are not enforced do not apply to the veracity of the Draft EIR and, therefore, no further response is required.

- C5-34: See response to comment C5-33 for a discussion of how impacts from sound reflection from building structures in an urban environment require site specific analysis. No further response is required.
- C5-35: The Draft EIR discusses stationary and operational noise impacts in Section IV.E.2.b(6) Exposure of Sensitive Land Uses to Operational Noise Impacts (pages 185 and 186). This discussion includes the following stationary noise sources: parking lot activity noises, loading and unloading operations of delivery trucks at restaurants and other commercial establishments, air conditioner compressors and fans, activities at People's Park and other recreational use areas within the Plan area. The commenter's statement that the Draft EIR does not mention such noise sources is false. See also response to comment C5-33 for a discussion of how noise impacts from increased human activity within the Plan area would result in a less-than-significant impact. No further response is required.
- C5-36: The Draft EIR uses the City's established thresholds of significance for determining noise impacts. However, it should be noted that, as stated in the Draft EIR, the largest project-related increases in traffic noise levels would range up to 1.2 dBA along modeled roadway segments within the Plan area. This is clearly well below even a 3 dBA increase. The question regarding the public process by which the threshold of significance was determined applies to City policies and not to the analysis required under CEQA addressed in the Draft EIR. Therefore, no further response is required.
- C5-37: Per the statement from the Draft EIR quoted in the comment, analysis would be required of any future development project identified for the Southside area to determine potential project-specific noise impacts related to local traffic at the

proposed development site. The statement in the Draft EIR goes on to say that implementation of the City's standard conditions of approval where a noise impact could potentially occur, would reduce impacts related to traffic noise to a less-than-significant level. Thus, only projects where a noise impact could potentially occur would require additional environmental analysis. For example, as stated in the Draft EIR, "any new residential development within the Southside area along roadway segments that would experience traffic noise levels in excess of 60 dBA  $L_{dn}$  would be required, as a standard condition of approval, to incorporate noise reduction features into the design of the project to reduce traffic noise impacts." Characteristics such as setback distances, surrounding building shielding, or the amount of increase in project-related traffic noise levels on surrounding roadways are very site specific and cannot all be fully analyzed in a program level analysis such as is required for this Draft EIR.

The Draft EIR prepared for the Draft Southside Plan is a program EIR as defined in CEQA Section 15168. As noted in that section, the program EIR can, among other stated advantages, avoid duplicative reconsideration of basic policy considerations and ensures consideration of cumulative impacts. As stated in Section 15168(c)(1): "If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration." Further, section 15168(d)(3) notes that the program EIR can "Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before." The program EIR is not intended to fully obviate in all circumstances the need for additional project-level analysis.

In the context of the comment provided, this guidance means that any project with potential noise impacts determined to not be considered in the Draft EIR would be required to include additional discussion, and likely a separate noise analysis for the project, that considers the project-level noise impacts that may result. It cannot be determined at this time, in the absence of specific projects proposed for the Southside area, which future projects would require such analysis. Project-level noise analysis is routinely conducted in advance of building construction in accordance with industry-accepted standards and calculations. Conducting the full range of potential noise impacts that could result from any number of potential future projects is beyond the scope of this program-level Draft EIR.

- C5-38: Police, fire, and emergency services provision across the City and within the Southside area are discussed in the City of Berkeley General Plan Disaster Preparedness and Safety element. Section 15204 of the CEQA Guidelines notes that the lead agency is not required to perform all research, study, and experimentation recommended or demanded by commenters; lead agencies need only respond to significant environmental issues. As noted in the Draft EIR, the maximum estimated population increase within the Southside area is consistent with that estimated for the General Plan. During preparation of the General Plan, the City took into consideration potential future increases in population across the City and within specific subareas, such as the Southside area, in determining future police, fire, and emergency services requirements.

Additionally, each of these public services allocate their resources according to internal studies and guidelines. The Draft Southside Plan and Draft EIR do not explicitly determine financial or enforcement implications of proposed increases in population because it was determined that any potential increases would be within that planned for by the General Plan, which underwent a separate environmental review process.

- C5-39: The Draft EIR examines potential impacts to police and other public services that may result from implementation of the Draft Southside Plan according to the criteria of significance included in the Initial Study. Potential impacts to these public services are examined at a program level to assess potential impacts that may result from implementation of the Draft Southside Plan, but are not examined at a policy-by-policy level, consistent with the “cumulative impact” approach discussed in Section 15168 of the CEQA Guidelines. As a result, no data were collected pertaining to increase nighttime activity and crime prevention.

Increased nighttime activity within populated or commercial areas is one tenet of the Crime Prevention Through Environmental Design concept, which is promoted in the Draft Southside Plan. The theory behind increased activity is that it provides natural surveillance to maximize visibility and foster positive social interaction among legitimate users of public spaces. Complementary theories and data abound within the public realm for the commenter to explore, but such data are not provided in the Draft EIR.

- C5-40: Comments received during the scoping sessions for the Draft EIR were considered and included during the analysis conducted for the Draft EIR. The Draft EIR contains both discussion and analysis of potential increases in development on provision of fire and emergency services in the event of a natural disaster. The Draft EIR cannot attempt to determine how development would impact potential fires and injuries resulting from an earthquake beyond examining the potential impacts to fire and emergency services; when individual projects are proposed for development within the Southside area, the resulting environmental review process will further examine in detail, if warranted, the potential impacts to fire and other emergency services the project may create. No additional study within the Draft EIR is warranted given that the Draft EIR is a program-level EIR and no specific development projects are proposed through or as a result of the Draft Southside Plan.

- C5-41: The City’s Office of Emergency Services (OES) guides City policy and implements programs focused on disaster preparedness and response, outreach and education, and regional collaboration planning. OES is working to increase the city's preparedness through community education, by providing staff support to the Disaster and Fire Safety Commission, and in coordination of the city's emergency operations planning. OES provides disaster service worker training for all City employees, and meets regularly with City’s designated emergency response staff to provide training and coordination. OES also maintains the Berkeley Emergency Notification System to provide critical public safety information when needed.

The City’s Fire Department maintains the publicly-available website [www.getreadyberkeley.org](http://www.getreadyberkeley.org) to provide information to residents and visitors on personal

preparedness, city and community preparedness, and information concerning local, state, regional, and national resources available to assist residents and visitors in preparing for an emergency. This website also contains a link to the City's Disaster Mitigation Plan, which identifies potential hazards to the City such as earthquakes and fires. The Disaster Mitigation Plan is updated reviewed and updated, as needed, every five years by the City's Disaster Council; any new development that would occur within the Southside area would be taken into consideration during this review, and updates to the City's disaster preparedness and response actions would be adjusted accordingly. According to CEQA Section 15097, the Mitigation Monitoring or Reporting Program should include those mitigation measures identified in the EIR that are the responsibility of the agency to implement. As such, Action B-1 of the Disaster Mitigation Plan, as cited in the comment, would be evaluated and implemented according to the processes provided in that document by the responsible City authority.

The City's Disaster Mitigation Plan can be found here: <https://www.cityofberkeley.info/uploadedFiles/Fire/Disaster%20Mitigation%20Plan%202004.pdf>.

C5-42: Figure 24 of the General Plan's Urban Design and Preservation Element identifies view corridors as "scenic vistas" that were considered during the EIR process. The Dwight Way/Bancroft Way view corridor is the only view corridor within the Southside area; as this corridor pertains to the street-level views and no development would occur within the street, there would be no impact to east-west views along these streets. The comment's discussion centering on the adequacy of design review is noted, but this discussion does not pertain to the EIR.

C5-43: The "canyon effect" to which the comment refers pertains not only to shading but primarily to wind speeds generated by continuous buildings of the same height along streets. The intent of varying building heights is to reduce the potential for excessive wind speeds in these areas, which would reduce the canyon effect, and is the specific mechanism to which the commenter is referring.

The Draft Southside Plan does not propose new building heights in excess of those currently in existence within the Southside area. When a specific project is proposed for development, the resulting environmental review necessary prior to approval of the project will consider, where appropriate, the potential for additional shading created along potentially-affected streets and will include, when needed, mitigation measures to reduce the potential impacts on the street environment from building height, if necessary.

C5-44: See response to comment C5-7.

C5-45: The significance criteria pertaining to light and glare included in the Initial Study for the Draft EIR examines whether the creation of a new source of substantial light or glare would adversely affect day or nighttime views in the area. As noted in the Initial Study, the Southside area is a densely-developed urban environment with existing lighting throughout the area. The maximum potential development included for analysis in the Draft EIR would not create a new source of substantial light above what

currently exists as a result of the Draft Southside Plan, as discussed in the Initial Study, and has been excluded from further study for the Draft EIR. Any potential development in the Southside area would require additional environmental study which would include, where necessary, examination of potential sources of substantial light or glare and would examine and mitigate this impact where necessary.

C5-46: The Draft EIR examines potential impacts that may result from implementation of the Draft Southside Plan. The Draft Southside Plan does not propose tree removal; therefore this does not require Draft EIR review.

C5-47: The commenter states that policies similar to those contained in the Southside Plan for the protection of historical resources exist in CEQA, the Landmarks Preservation Ordinance (LPO), and the General Plan. The commenter goes on to state that "...without planning staff and ZAB support, these lofty intentions provide no protection for historic buildings." This indicates that the protective adequacy of these policies is not in question, but rather that the commenter feels that circumstances unconnected to the Southside Plan (i.e., planning department staffing levels) are the source of potential lapses in preservation review. However, the assessment of staffing levels at the planning department as it pertains to the rigor with which Plan policies are implemented is not within the reasonable scope of the Draft EIR's analysis.

The Draft EIR identifies several sources of permitting review and land use control mechanisms, which are either in place or proposed by the Southside Plan, to identify potential impacts to historical architectural resources. The authority of the Landmarks Preservation Commission (LPC) to approve, modify, or disapprove applications for exterior alterations or new construction is augmented by the ability to suspend action for demolition, the activity with the highest likelihood of resulting in a significant impact. This permit review authority is one of the most stringent local regulatory review processes for historical resources, and is overseen by an organization with technical expertise in historic preservation planning.

As a supplement to existing City regulations, the Southside Plan contains numerous policies to identify, preserve, or adaptively re-use historically significant buildings and structures. Southside Plan policies call for: (1) completing the Southside's historic resources survey and the designation of significant resources using existing LPO-authorized procedures (*CC-D1(a)*; *CC-D1(b)*); (2) relocating historical resources threatened by demolition (*CC-D2*; *CC-D2(a)*; *CC-D2(b)*; *CC-D2(c)*); (3) promoting the retention of historically significant buildings to meet current community housing needs (*LU-A3(c)*; *LU-A4*; *LU-A4(c)*; *LU-F11*); and (4) restoring the historical landscape character and setting of Piedmont Way (now Piedmont Avenue) (*CC-F4*; *CC-F4(a)*; *CC-F4(b)*; *CC-F4(c)*; *CC-F4(d)*; *CC-F4(e)*). These Draft Plan policies, when considered together with the existing system of planning review, provide an adequate system for preventing the unnecessary loss of historical architectural resources in Berkeley. As an added protection, subsequent CEQA review will occur on a project-specific basis for development proposals forwarded under the Southside Plan.

C5-48: See responses to comments C1-5 and C2-3.

- C5-49: Open space areas within the Southside area and controlled by the University still function as open space regardless of public accessibility. Additionally, a large number of Southside area residents are University students, who do have access to those areas controlled by the University.
- C5-50: This comment is noted. The comment illustrates empty parking spaces in the Southside area, but contradicts previous comments on limited parking in the Southside area.
- C5-51: The comment regarding open space provision at the University dormitories and recreational facilities is noted.

Doug Buckwald  
2646 Dwight Way, Apt. 10  
Berkeley, CA 94704

Ms. Elizabeth Greene  
Department of Planning and Development  
2118 Milvia St.  
Berkeley, CA 94704

Dear Ms. Greene,

I think the current process to complete the Environmental Impact Report for the Draft Southside Plan lacks legitimacy now because—even though many different stakeholders participated in its creation—conditions have changed significantly since the time the plan was developed, and these new conditions have not been adequately addressed. In addition, as city staff have certainly noticed, very few citizens are participating in the public hearings dealing with this matter now. Moreover, I believe that the current proposals actually work in contradiction to the intentions of the Southside Plan, because instead of protecting the quality of life in the campus neighborhoods by limiting damaging university expansion, they allow it to be densified even more by additional university growth and detriments here.

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3

In light of this, attempting to move this issue forward at this time is essentially against sound public policy. I urge the city to adopt another course of action, one that opens up the process again to address these fundamental deficiencies.

4

I believe the following issues require attention, and should be included in an amended plan before any Southside plan is given final approval.

1. The critical need for more trees and open green space—especially given the growth in population.
2. The need to replace the large street trees (unfortunately removed during UC construction projects on several streets) to restore the elm tree canopies that long characterized this area and added immensely to the quality of life here.
3. The need for public gathering spaces, which are severely limited here.
4. The need for more public recreation spaces, particularly since the university has systematically closed access to the public to many recreation facilities that citizens were formerly welcome to use.

5

5. The need for programs and/or facilities to address the significant parking problems that residents face that have been greatly exacerbated by the increase in student and staff use of the Southside.
6. The need to address the noise increase due to increased density of student housing and other housing.
7. The need to mitigate the aesthetic and view impacts of the recent high-rise construction infill projects built by the university.
8. The need to address the increase in social and enforcement problems caused by the growing student population here—which the university continues to increase in contradiction to a Memorandum of Understanding with the city and the expressed limits in the California Master Plan for Education.
9. The need to address the social problems caused by the increase in percentage of transitory residents, and the decrease in long-term residents.
10. The need to create a method to monitor the effectiveness of mitigations that the university promises, because most residents have experienced that the university fails to follow through on such promises far more often than it honors them. There must be some review and enforcement procedures set in place.

5  
cont.

Thank you for your consideration of my views.

Sincerely,



Doug Buckwald

## Letter C6 Doug Buckwald

- C6-1: The commenter believes that because of the amount of time passing between the development of the Southside Plan and now, conditions have changed and are not adequately addressed. The commenter does not note any specific conditions that have changed that would modify the underlying analysis in the DEIR. While there has been some significant growth in University housing since the EIR process began, that growth in housing was completed or anticipated and analyzed in the EIR. There has been almost no private development and no other major University projects in the Southside since the EIR was prepared.
- C6-2: The commenter believes that there is insufficient citizen participation in the current process. The City has followed all legally required noticing for this project. Lack of citizen participation is not a comment on the adequacy of the environmental analysis.
- C6-3: The commenter believes that due to the time that has passed after the time the plan was approved for environmental review, the Southside Plan can no longer be expected to achieve its goals. The comment is noted, but whether the plan can achieve its goals is not a comment on the adequacy of the environmental analysis.
- C6-4: The commenter believes that proceeding at this time with this plan is not sound public policy. The comment is noted, but it is not a comment on the adequacy of the EIR.
- C6-5: The commenter believes that the plan needs further modification. The commenter's belief that more trees and public gathering spaces would be beneficial to Southside is noted, but these are not issues under CEQA. The EIR evaluates the impacts on recreational space (point 4) and impacts on parking (point 5), and did not find them significant. The commenter provides no specific comments on the adequacy of the analysis. Similarly, the commenter believes noise impacts (point 6) and aesthetic impacts (point 7) are inadequately evaluated. The comments are noted, but these issues are fully addressed in the DEIR, and no specific deficiencies are identified. The commenter believes that there are "social enforcement problems" caused by students and social problems caused by transitory residents (points 8 and 9). The impacts on Police and Fire services and public safety are evaluated in the DEIR. The comments are noted, but the commenter does not identify any impacts associated with the adoption of the Southside Plan that are not considered in the DEIR. Finally, the commenter believes that there is a need to monitor the effectiveness of mitigations promised by the University. The Southside Plan EIR evaluates the impacts of the adoption of the Southside Plan. A mitigation monitoring program is required to be adopted along with the Plan. The comments about the University are noted, but the commenter does not identify any significant impacts associated with adoption of the Southside Plan that are not addressed in the EIR.

June 26, 2008

2008 JUN 30 PM 2: 26  
PERMIT SERVICE CENTER

To: Ms. Elizabeth Greene, Planning and Development Department  
2120 Milvia St.  
Berkeley, CA 94704

From: Bob Viener  
2239 Blake St.  
Berkeley, CA 94704  
510-845-9709

Re: Draft Southside Environmental Impact Report

Dear Ms. Green,

Please accept this letter as my comments on the Draft SouthSide EIR (DEIR)

**Quick summary**

I had to go no farther than page 9 (“Summary of Impacts and Mitigation Measures”) to find serious problems in the DEIR. Specifically, the document states:

- “Land Use - There are no significant land use impacts
- Population, Employment, and Housing - There are no significant population, employment, and housing impacts
- Noise - There are no significant noise impacts”

These statements are all contrary to the beliefs of myself, my neighbors, and the LeConte Neighborhood Association. I especially surprised to see them, after the comments we submitted to the Planning Commission at their 13Feb08 meeting. I ask that you review our presentations from that meeting, and that you formally include the testimony submitted by myself, Mr. Chris Lien, Ms. Linda Burden, and Mr. Michael Walensky as part this letter of comments.

1

Because of all the above, the DEIR is seriously deficient, and should be rejected.

**Details**

The following is a specific example showing that there are significant land use, density, housing, parking, noise, etc. impacts. I am sure that a more thorough reading and analysis of the DEIR will present more examples.

1. As diagrammed on page 27, figure III-4 of the DEIR, the plan boundary West of Telegraph running to Shattuck between Dwight and Blake, is a straight line running through the middle of the block. It appears that someone took a ruler and just drew a straight line, ignoring any local land issues. This is completely inappropriate. The boundary needs to take into account local land use, and based on that use, to jog in and out as it does east of Telegraph. This is actually a reason to reject the current Draft Southside Plan and require that it be corrected. Additionally, it leads to the incorrect findings of the DEIR.

2

2. That boundary as drawn, gives several parcels located on interior lots between Dwight and Blake, i.e., not touching Dwight Way, higher density zoning than the rest of the immediate neighborhood south of Dwight, which is currently R2-A. As a result, developers may try to

3

replace current housing with denser projects, resulting in land use (including density), parking, and noise impacts, as well as detriment to the neighborhood. This is already happening at 2516 Ellsworth. This is why the DEIR is incorrect in stating no significant impacts on land use, density, housing, and noise.

3  
cont.

These potential higher-density projects would be immediately adjacent to an R-2A neighborhood, one of the purposes of which is “to permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood.” ( 23D.32.020.D) The allowed density of these projects would be detrimental to the immediately adjacent lower density structures.

There are already over-built, over-sized, non-conforming apartment houses in what is now the R2-A area. I live opposite a 49 unit apartment building holding 100-150 people. So, the neighborhood (see the signature pages submitted along with the testimony at the Zoning Adjustments Board hearing on 2516 Ellsworth) wants less density, not more. Lower density was clearly the city’s intent when it downzoned our area to prevent further dense construction like those apartments. So, the DEIR is incorrect in stating that there are no significant land use issues, even though the Draft Plan allows denser projects on these interior parcels.

4

Because of the zoning line being inappropriately drawn with a straight line down the middle of the block, I have already sustained major detriment to my lot. One of those internal higher-density parcels (2516 Ellsworth) purchased the back yard of a parcel facing Dwight. Due to the change in the land configuration, their legally required rear set back from my back yard went from 15’ to 6’. A developer now wants to significantly increase the structure on that site, using that reduced setback. If the interior parcels had not been zoned high density, this could not have happened. The increased density sought by the developer is the exact opposite of what the City was trying to achieve when it downzoned the area.

This project has already come before the Zoning Adjustments Board once on appeal (I think on December 13, 2007), and will again this summer. The detriment to the neighborhood as detailed by testimony of the neighbors and the LeConte Neighborhood Association includes what I already mentioned - noise, density and parking. This proposed project illustrates why the DEIR, in ignoring these issues which apply to any of these interior lots, is fatally flawed.

If any of this is unclear, or if you want more details on the history of the project proposed for 2516 Ellsworth and why it shows the deficiencies of the DEIR, feel free to contact me.

5

Again, based on all the above, the DEIR is seriously deficient, and should be rejected.

Sincerely,

- Bob Viener

**Letter C7**  
**Bob Viener**  
**June 26, 2008**

- C7-1: The commenter's disagreement with the analyses contained in the Draft EIR is noted. The referenced comments received at the February 13, 2008 Planning Commission meeting request a reevaluation of the Plan's zoning amendments for the area between Dwight Avenue and Blake Street; this is a Plan issue, not a Draft EIR issue.
- C7-2: See response to comment C1-2.
- C7-3: See responses to comments C1-2 and C1-3.
- C7-4: The comment is concerned with a particular Zoning Adjustments Board decision relating to the current zoning standards for the area, and is outside the scope of the Draft EIR discussion. See response to comment C1-3 for an explanation of the proposed zoning.
- C7-5: The comment is noted.

2008 JUN 30 PM 2: 26  
PERMIT SERVICE CENTER

2316 Blake Street  
Berkeley, California 94704  
June 27, 2008

Ms. Elizabeth Greene  
Planning and Development Department  
2120 Milvia St.  
Berkeley, CA 94704

Dear Ms. Greene:

I am the captain of our neighborhood watch group in the 2300 block of Blake Street.

My neighbor Bob Viener has gone over the EIR for the Draft Southside Plan with me.

I am appalled at the findings of this report.

I fully support Bob Viener's observations and criticisms.

We have presented our views on the zoning issues of our neighborhood quite a number of times, so there can be no reason for continued lack of understanding on the part of your office.

I am attaching my letter from December of last year when I addressed the Zoning Board along with other concerned citizens. My statements there still stand as valid.

I am available at 510.549.2717 if you have questions.

Thank you.

*Michael Walensky*

Michael Walensky

2316 Blake Street  
Berkeley, California 94704  
December 13, 2007

Zoning Adjustment Board Members,

I am writing to voice my very strong objections to the proposal before you to increase the number of bedrooms from 3 (one illegal) to 12 + 2 studies which will be used as bedrooms at 2516 Ellsworth--all on an undersized lot of 4500 square feet. If this application were forthright for what it is—a dormitory/rooming house, it would not be permitted even in R-4. (1 person/350 Square feet lot size; 90 square feet open space per person.)

My home is just around the corner from that address and the dramatic increase in the number of people living on that small lot will definitely have a negative impact on the lives of all of us.

Because UC has failed in its duty to provide sufficient housing, the immediately surrounding neighborhoods have borne the brunt of students crammed into units far in excess of their intended density. I don't want to be hard on students but some criticisms of their behavior are clearly appropriate here.

Already we are increasingly subjected to a level of noise that can only be described as barbaric. At the beginning of this semester, students expanded on a practice they began to develop a couple of years ago: they walk up and down our streets in large groups, often intoxicated, often drinking out of open containers, and always yelling and screaming and laughing until past 2 in the morning.

As if this weren't disruptive enough they also have frequent loud parties, most often on the weekends, but not always. The otherwise quiet evening air is pierced by loud, whooping noises and screams that sometimes come from as much as a block away. These loud parties continue until very late in the evening.

We also have had students who each weekend got up on the roof of their apartment building with a large band to play loud music beginning in the afternoon and lasting until evening.

Not all students are so inconsiderate or uncivilized and luckily we have formed good relationships with apartment building managers who are willing to work with us on these issues. But having 24 or more students packed into this 4500 square foot lot will exacerbate an already difficult problem. The University claims to be interested in stopping this noise but thus far has done nothing to work with us and over all the noise has not diminished significantly in spite of our efforts.

Further increasing the density of student housing will only hasten the deterioration of our quality of life.

Finally, I would like to point out that there already is no parking in our neighborhood when school is in session. Because existing apartments now rent their parking to commuters, students with cars overcrowd the streets. They think nothing of double parking all up and down our streets, as there is not sufficient parking for the several massive apartment buildings already in existence on Blake and on Ellsworth. There is simply no room for any more cars in this area and adding a major student housing unit that won't provide adequate parking will only make an impossible problem unimaginably worse.

Clearly, adding an obvious dormitory to this neighborhood without adequate open space or parking is unacceptable. To do so will cause further deterioration to our neighborhood. Those of us who live here are begging the ZAB, "Don't approve this proposal."

Michael Walensky

**2  
cont.**

**Letter C8**  
**Michael Walensky**  
**June 30, 2008**

C8-1: The comment is noted.

C8-2: The comment is concerned with a particular Zoning Adjustment Board decision relating to the current zoning standards for the area, and is outside the scope of the Draft EIR discussion. See response to comment C1-3 for an explanation of the proposed zoning.

## D. PUBLIC HEARINGS

*Planning  
Commission  
Hearing  
D1*

1 REGULAR MEETING OF THE BERKELEY PLANNING COMMISSION  
2 Wednesday, April 23, 2008  
3  
4 PLANNING COMMISSIONERS:  
5 James Samuels, Chair  
6 Helen Burke  
7 Patricia Dacey  
8 Roia Ferrazares  
9 Larry Gurley  
10 Harry Pollack  
11 Gene Poschman  
12 Susan Wengraf  
13 David Stoloff (Absent)  
14  
15 Planning & Development Director: Dan Marks  
16 Deputy Director, Planning: Wendy Cosin  
17 Principal Planner: Alex Amoroso  
18 Senior Planner: Elizabeth Greene  
19 LSA Associates: Judy Malamut, Amy Paulsen  
20 -o0o-  
21 (Transcript of Item 10, Public Hearing:  
22 Southside Plan Draft EIR)  
23 COMMISSIONER SAMUELS: We're ready to move on  
24 to the Southside Plan.  
25 We're starting Item Number 10, the public

*Planning  
Commission  
Hearing  
D1*

1 hearing on the Southside Plan.  
2 This is going to be handed by Beth Greene,  
3 who is the planner with the Planning Department.  
4 MS. ELIZABETH GREENE: Good evening.  
5 Good evening. My name is Beth Greene, and I  
6 am the new city planner with the City of Berkeley, and  
7 I am very happy to be here tonight to talk to you about  
8 Southside Plan. This is a very exciting project.  
9 Tonight we're actually not talking about the  
10 plan itself but about the Draft EIR that has been put  
11 together to review the plan.  
12 And we are going to do an overview of the  
13 Draft EIR and take comments at this meeting.  
14 This is not the only opportunity for comments  
15 to be heard. We will also be taking comments until May  
16 15th. And I want to give a very brief overview of  
17 the plan itself just as background.  
18 As you know, the Draft Southside Plan is a  
19 comprehensive, though draft, statement of community  
20 priorities and values which will be used to guide  
21 public decision-making in the Southside area. And the  
22 Southside is that area of Berkeley which is immediately  
23 south of the campus as shown in the map behind me.  
24 COMMISSIONER SAMUELS: Beth, if you wouldn't  
25 mind me interrupting you, I have a clerical error. We

*Planning  
Commission  
Hearing  
D1*

1 need to formally open the public hearing --

2 COMMISSIONER POSCHMAN: No, no, no.  
3 COMMISSIONER SAMUELS: Oh, we have the staff

4 report before?

5 COMMISSIONER POSCHMAN: Yes.

6 COMMISSIONER SAMUELS: Okay. Pardon me for  
7 interrupting. I thought we were on thin ice.

8 MS. ELIZABETH GREENE: No problem.

9 The plan itself contains goals and policies  
10 for land use, transportation, community character,  
11 economic development, and public safety in the area.

12 And among these primary goals are to create  
13 additional housing close to the university to reduce  
14 auto traffic through the neighborhood, focus high  
15 density residential and commercial mixed-use along  
16 Bancroft Way and Telegraph Avenue, and then have the  
17 development intensity decrease toward the lower density  
18 residential areas to the east and south of the  
19 Southside area. Improve the appeal of nonautomotive  
20 means of travel, particularly through making bicycle  
21 and pedestrian travel safer, and with the aim of  
22 reducing auto trips through the area. To enhance and  
23 strengthen commercial districts so it meets the needs  
24 of residents and visitors. Preserve and enhance the  
25 physical character of the south side. And improve

*Planning  
Commission  
Hearing  
D1*

1 public safety, including safety during the event of an  
2 actual disaster.

3 So the highlights of the Draft Southside Plan  
4 makes a number of recommendations that would achieve  
5 these goals, and among the common actions suggested are  
6 modify zoning of the area, changing traffic patterns,  
7 making improvements to bus stops, sidewalks and  
8 hazardous intersections, and developing design  
9 guidelines.

10 The draft plan upon which the Draft EIR is  
11 based dates back to 2003. And it was developed over a  
12 six-year period, with numerous workshops with community  
13 stakeholders such as residents, business owners, street  
14 artists, university staff and students.

15 We are currently now in the environmental  
16 review phase, which started officially in 2004.

17 LSA Associates has been evaluating the  
18 potential impacts that can result from the  
19 implementation of this plan, and currently we are at  
20 the public meeting for the Draft EIR. And so this is  
21 where we are going to be taking comments for -- on the  
22 Draft EIR, in addition, and then continue to take them  
23 through the middle of May.

24 And then so the next steps will be to continue  
25 to take these comments, and then once the comment

*Planning  
Commission  
Hearing  
D1*

1 period ends, draft responses to the comments both from  
2 the public and from public agencies. And then the  
3 Final EIR will be prepared.

4 And while this EIR phase is going on, staff is  
5 going to review the 2003 Southside Plan for any  
6 inconsistencies that have developed over the years.  
7 And that's at the behest of the Planning Commission,  
8 moving in that direction, at the February 13th  
9 meeting of this year.

10 And then any changes will be brought to the  
11 Planning Commission at a public hearing before any  
12 final council hearing that would consider adoption of  
13 both the Southside Plan and the Final EIR.

14 So with that, I would like to introduce Judy  
15 Malamut of LSA Associates who has been guiding this  
16 whole environmental review process, and she will  
17 highlight the Draft EIR.

18 MS. JUDY MALAMUT: We are going to switch  
19 places here, bring up the second PowerPoint.

20 Thank you, Beth.

21 Good evening, Chairman Samuel's and Planning  
22 Commissioners. As Beth mentioned, I am Judy Malamut, a  
23 principal with LSA and the project manager for the  
24 Draft Southside Plan EIR.

25 With me tonight is Amy Paulsen, a senior

*Planning  
Commission  
Hearing  
D1*

1 planner for LSA who has also been working on this  
2 project.

3 The slide behind me shows the CEQA process for  
4 the EIR. Amy and I were before you in this room at the  
5 scoping meeting in November of 2004, and the comments  
6 received at that meeting and on the Notice of  
7 Preparation are included in Appendix A of the Draft  
8 EIR, as is the initial study checklist that we prepared  
9 for this project.

10 After the scoping period we began preparation  
11 of the Draft EIR, which was distributed in March of  
12 2008. And tonight, we are here at the public hearing  
13 to receive comments on the Draft EIR.

14 At the end of the public review period, we  
15 will identify and respond to all of the written and  
16 oral comments that we receive on the Draft EIR and will  
17 make the final -- and prepare the Final EIR, which will  
18 come back before the Planning Commission and the City  
19 Council for consideration and for the certification  
20 hearings.

21 The purpose of tonight's meeting is to receive  
22 your comments on the programmatic Draft EIR. The  
23 public comment period began when we distributed the  
24 Draft EIR on March 24th, and we are taking the oral  
25 and written comments this evening. And the end of the

*Planning  
Commission  
Hearing  
D1*

1 public comment period will be May 15th, 2008.

2 Tonight, if you have written comments, we will  
3 certainly take those in, and we'll also be receiving  
4 all the oral comments. We have a person who is taking  
5 very extensive and explicit notes, so we will make sure  
6 that we have everything written down and included in  
7 that response-to-comments document.

8 We ask that the comments made tonight be  
9 specific to the Draft EIR. As Beth said, other  
10 hearings will address the merits of the Draft Southside  
11 Plan itself.

12 I have included this slide to refresh your  
13 memory of the location of the Draft Southside Plan  
14 area, and also to show the proposed conversion of  
15 Bancroft Way and Durant Avenue to two-way streets.  
16 This is also called Circulation Alternative 2. And  
17 that was evaluated as part of the proposed project in  
18 the Draft EIR.

19 As allowed under CEQA and described in the  
20 staff report for this hearing, this EIR is a Program  
21 EIR that evaluates the overall environmental effects of  
22 the policies and programs contained in the Draft  
23 Southside Plan rather than being a project EIR on an  
24 individual and specific project.

25 And please bear with me while I read a portion

*Planning  
Commission  
Hearing  
D1*

1 of the slide.

2 A Program EIR provides for a more thorough  
3 consideration of the effects and alternatives than is  
4 practical in an EIR on an individual action. It avoids  
5 duplicative reconsideration of basic policy  
6 consideration, and allows for the early consideration  
7 of broad policy alternatives and program-wide  
8 mitigation measures. It also allows the lead agency  
9 greater flexibility early in the process to address  
10 identified cumulative impacts.

11 As future proposals for specific development  
12 projects in the Southside will be reviewed per City  
13 guidelines, for the California Environmental Quality  
14 Act and under this EIR to identify the appropriate  
15 subsequent environmental review and documentation that  
16 will be necessary. And based on this initial analysis  
17 of these future proposed projects, the City can decide  
18 whether to tier subsequent environmental analysis off  
19 of this Program EIR.

20 For the purposes of evaluating the potential  
21 environmental effects of implementation of the draft  
22 plan, the City staff and the consultant team prepared  
23 projections for the number of net new housing units,  
24 increased population, nonresidential uses, and jobs  
25 that are expected to occur by 2020 under proposed land

*Planning  
Commission  
Hearing  
D1*

1 use and zoning designations. And based on this  
2 analysis, implementation of the plan is estimated to  
3 result in 472 new dwelling units, 1,038 new residents,  
4 638,000 additional square feet of new nonresidential  
5 space comprised of office, commercial, and  
6 university-related uses, and 2,130 new jobs.

7 So these were the development assumptions that  
8 we evaluated in the EIR in terms of the projection of  
9 new trips, of new housing units, and new population.

10 This slide shows a list of the environmental  
11 topics that were addressed in the initial study. And  
12 again, the initial study is included in Appendix A of  
13 the Draft EIR. And the analysis provided in the  
14 initial study demonstrates that implementation of the  
15 Draft Southside Plan would not cause significant  
16 environmental impacts related to these topics.

17 This slide shows the topics that were  
18 addressed in more detail in the Draft EIR.

19 Please note that the S after the topic denotes  
20 that significant impacts were identified, and  
21 mitigation measures were also identified in the Draft  
22 EIR to reduce the impacts to a less-than-significant  
23 level.

24 The SU denotes that significant impacts were  
25 identified but no mitigation measures were available

*Planning  
Commission  
Hearing  
D1*

1 that could reduce them to a less-than-significant  
2 level, and, therefore, these impacts are significant  
3 and unavoidable.

4 And as you can see, we identified an SU impact  
5 on the topic of air quality. And I will discuss that a  
6 little bit more later.

7 The lack of any notation means that no  
8 significant impacts were identified for that topic.

9 To evaluate the potential effects of the Draft  
10 Southside Plan, significance criteria were identified  
11 for each topic, and the City and consultant team  
12 decided on the source of the criteria, defined the  
13 significance threshold for each topic, conducted the  
14 impact analysis, and then compared the outcome to the  
15 established significance criteria to determine if a  
16 significant impact had occurred.

17 And the next series of slides shows the result  
18 or key findings of that analysis.

19 As you can see, this is a list where no  
20 significant impacts, after the analysis, were  
21 identified for land use and planning policy;  
22 population, employment and housing; noise; public  
23 facilities and services; and utilities and  
24 infrastructure.

25 We did identify significant impacts for the

*Planning  
Commission  
Hearing  
D1*

1 topic of transportation and circulation, and the Draft  
2 EIR identified impacts and mitigation measures for the  
3 following issues.

4 That a Level of Service impact in the existing  
5 post-project condition would occur at the Parker and  
6 Warring intersection, and a Level of Service impact in  
7 the cumulative post-project condition would occur at  
8 the numerous intersections listed on the slide. But  
9 again, we also identified mitigation measures that  
10 would reduce these impacts to a less-than-significant  
11 level.

12 Additionally, for this topic of transportation  
13 and circulation impacts, other impacts were identified  
14 associated with the disruption of sidewalks and bicycle  
15 facilities, associated with potential new development,  
16 and a proposed change in the circulation pattern on  
17 Bancroft and Durant which could -- associated with a  
18 lack of bike facilities on those streets, but potential  
19 for increase in double-parked vehicles and bus  
20 encroachment in travel lanes.

21 And again, mitigation measures were identified  
22 for each of these impacts to reduce them to a  
23 less-than- significant level.

24 Two impacts were identified for the topic of  
25 air quality and global climate change, and the first

*Planning  
Commission  
Hearing  
D1*

1 one is related to demolition and construction period  
2 emissions. And the Draft EIR identified mitigation  
3 measures for this impact to reduce it to a  
4 less-than-significant level.

5 The second impact is that although changes in  
6 land use, zoning, and policies in the Draft Southside  
7 Plan do encourage the reduction of vehicular trips,  
8 long-term cumulative project-related regional emissions  
9 would still exceed the Bay Area Air Quality Management  
10 District thresholds of significance for ozone  
11 precursors. And this would result in a significant and  
12 unavoidable impact. Or, in other words, based on the  
13 Draft Southside Plan development protections, the daily  
14 emission increase associated with the new trips would  
15 exceed the BAAQMD thresholds for ozone precursors,  
16 which are reactive organic acids and nitrogen oxides,  
17 and for coarse particulate matter, again resulting in a  
18 significant unavoidable impact.

19 For the topic of paleontological and cultural  
20 resources, potential impacts were identified and  
21 mitigated for paleontological resources, archaeological  
22 deposits, and human remains that might be unearthed  
23 during construction in the future.

24 The project also identified a range of  
25 reasonable alternatives that could feasibly obtain most

*Planning  
Commission  
Hearing  
D1*

1 project objectives and have less than significant  
2 project effects. And these alternatives were, or are,  
3 the no development alternative, which -- under which  
4 existing conditions would continue and no development  
5 would occur, the no project alternative, which would be  
6 development under the existing general plan and zoning  
7 designations; a U.C. construction only alternative in  
8 which only development identified in the University's  
9 2020 LRDP would occur; and a 2001 Planning Commission  
10 draft alternative, which would be implementation of a  
11 previous version of the Draft Southside Plan that was  
12 prepared -- or identified back in 2002.

13 After the analysis contained in the Draft EIR,  
14 and we evaluated all of these alternatives, the  
15 proposed project of the Draft Southside Plan was  
16 considered the environmentally superior alternative.

17 The next steps in the CEQA process are to  
18 listen and receive the oral and written comments on the  
19 Draft EIR; to prepare written responses to the comments  
20 on the Draft EIR; to complete the response-to-comments  
21 document; and to come back to the Planning Commission  
22 for a hearing on the Final EIR.

23 And at that, we are available for questions  
24 from the Planning Commission and to listen to the  
25 comments.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER SAMUELS: Do we want to open the  
2 public hearing at this point? Do I have a motion to do  
3 that?

4 COMMISSIONER POSCHMAN: So moved.

5 COMMISSIONER DACEY: Second.

6 COMMISSIONER SAMUELS: All those in favor, say  
7 aye.

8 MULTIPLE VOICES: Aye.

9 COMMISSIONER SAMUELS: All those opposed?

10 We are opening the public hearing.

11 We have comments from the public. When you

12 speak, will you please identify yourself clearly and

13 mention that you are speaking about the Southside Plan

14 because we are having these recorded and it's important

15 that we get accurate information on that.

16 Michael Katz followed by John English.

17 COMMISSIONER DACEY: He is right out there. I

18 see him.

19 COMMISSIONER POSCHMAN: Why don't you start

20 with John while Michael comes.

21 COMMISSIONER SAMUELS: John English followed

22 by Michael Katz.

23 MR. JOHN ENGLISH: My name is John English,

24 and I am talking about the Draft Southside Plan for the

25 -- I'm sorry, the Draft EIR for the Southside Plan.

1 Most of my life I have lived in the Southside  
2 neighborhood, so I am obviously very interested.  
3 Since the Draft EIR came out, I have been  
4 dredging up golden memories of the long-ago past, years  
5 and years ago when I and so many other interested  
6 citizens devoted countless hours, weeks, months to  
7 seeking to make input into this draft, and trying to  
8 help draft the actual standards and policies for the  
9 draft.  
10 Well, I must confess I haven't read the Draft  
11 EIR, honestly. I intend to submit written comments.  
12 One thing I would urge you to do is to  
13 consider continuing this public hearing till your next  
14 meeting.  
15 I do want to make a couple of general comments  
16 at this time. One is, I'm concerned that the range of  
17 alternatives, of development alternatives, not  
18 particularly transportation alternatives but  
19 development alternatives, is not wide enough. And I  
20 will go into more detail in my written comments.  
21 Another concern I have has to do with  
22 relations -- well, the Draft EIR seems to conclude that  
23 there would be no significant impact on what I would  
24 call the character and livability of the Southside  
25 area. I am skeptical about that.

1-1

1-2

1 I am particularly concerned about the  
2 relationship between the zoning standards which are  
3 proposed in the plan and the state density bonus role.  
4 Eight years ago -- eight or nine years ago  
5 when people like me were crafting the proposals, we  
6 wanted to encourage -- provide great incentives to  
7 housing being built in certain portions of the  
8 Southside, and some of that was good. But we relaxed a  
9 lot of standards. For example, housing, under the  
10 plan, can be built -- could be built, new housing,  
11 without any parking.  
12 Now -- At that time, we didn't really  
13 understand the state density bonus law. Gene Poschman  
14 did, none of the rest of us. But the state density  
15 bonus law has gotten much more onerous than it used to  
16 be. So what is the relationship between these relaxed  
17 zoning standards which are embodied in this plan and  
18 the state density bonus law? Did we give away the farm  
19 in advance instead of withholding some of these  
20 concessions to use to meet the state law?  
21 Anyway, I -- In that regard, I don't think the  
22 Draft EIR has really adequately addressed that  
23 connection. So more will follow. Thank you very much.  
24 COMMISSIONER SAMUELS: Thank you, John.  
25 Michael Katz followed by Martha Jones.

1-2  
cont.

1 MR. MICHAEL KATZ: Hi, thank you. I am  
2 Michael Katz.  
3 I am here in a couple of capacities. One is  
4 that I was one of those people who spent hours and days  
5 and months and I guess years discussing the Southside  
6 Plan in various meetings when I lived in the Southside  
7 years ago.  
8 Also, I am a member of the Berkeleyans for  
9 Better Transportation Options. 120 people signed this  
10 letter. Two weeks ago you were very generous in  
11 listening to our arguments about BRT and its  
12 alternatives, and I just want to mention that first.  
13 I -- No one is designated to speak for this  
14 group, so I will be speaking individually. I am trying  
15 to be quick.  
16 I would be very -- very grateful if the  
17 language of this in the Southside Plan EIR considering  
18 BRT and related concepts and considering the major  
19 transportation changes made by the two-way Bancroft and  
20 Doran were removed from consideration.  
21 The language that's in there about BRT and  
22 dedicated lanes is quite circumspect. I'm grateful it  
23 acknowledges that there's a parallel city process going  
24 on to consider A.C. Transit's proposal, but what you  
25 heard two weeks ago, and you were very generous in

2-3

1 hearing from us, is that the community seems to be very  
2 strongly against what A.C. Transit is proposing.  
3 Your commission's membership has shifted since  
4 the Southside Plan was drafted. Its primary drafter is  
5 no longer here. That's an understatement. And  
6 community sentiment, BRT was not yet proposed when the  
7 plan was drafted. Some of what's now proposed under  
8 BRT preceded A.C. Transit's BRT proposal. It's been a  
9 set of, quote, "solutions," unquote, in search of a  
10 problem. And BRT came along to provide a means of  
11 studying some of it.  
12 So once again, community sentiment seems to  
13 have shifted, so I hope all of this will be sidelined.  
14 Again, you were very generous two weeks ago.  
15 We made a request at BBTOP for a chance to make a  
16 formal presentation to you at a future meeting, maybe  
17 only about ten minutes, just to make clear what we  
18 meant by this rapid bus plus package of alternatives in  
19 a coherent way.  
20 Commissioner Williams last time was very kind  
21 in asking Jim Cunradi if A.C. Transit would study that  
22 package. Jim Cunradi was very kind in saying yes  
23 immediately. And we want to make sure that everyone is  
24 on the same page. We made the same request to the  
25 Transportation Commission, transportation staff for the

2-3  
cont.

1 city, and we will make it to Jim Cunradi, of course,  
2 just to make sure no staff are wasting time.  
3 Finally, just a little bit of humor. I get  
4 most of my news from "The Onion" -- I assume you do,  
5 too -- and last week's issue had this wonderful story  
6 about Southwest Airlines now taking passengers to  
7 destinations by shuttle bus.  
8 [ Laughter ]  
9 MR. MICHAEL KATZ: I think this is a great  
10 metaphor for proposing to spend 250 to \$400 million  
11 building a rapid bus line right beside the BART tracks,  
12 when on long trips BART would remain two to three times  
13 faster. On short trips BART would remain faster and  
14 actually cheaper and greener, et cetera.  
15 So thanks very much. My bottom line is please  
16 remove or delay consideration of BRT concepts,  
17 dedicated lanes, and major changes in circulation on  
18 the major streets.  
19 Thanks.  
20 [ Applause ]  
21 COMMISSIONER WENGRAF: Michael, your request  
22 for a ten-minute presentation, would -- BBTOP --  
23 MR. MICHAEL KATZ: BBTOP.  
24 COMMISSIONER WENGRAF: BBTOP.  
25 MR. MICHAEL KATZ: Yes.

1 COMMISSIONER WENGRAF: Would BBTOP be prepared  
2 to make that presentation on the 14th?  
3 MR. DOUG BUCKWALD: On what?  
4 MR. MICHAEL KATZ: May 14th? We think -- We  
5 think yes. We would be very grateful to make it  
6 anytime you could accommodate us.  
7 COMMISSIONER WENGRAF: I will wait for the  
8 Chair to come back.  
9 UNIDENTIFIED SPEAKER: Yea!  
10 [ Laughter ]  
11 COMMISSIONER WENGRAF: You have a question?  
12 COMMISSIONER BURKE: No, I have a comment.  
13 COMMISSIONER WENGRAF: I am taking over for  
14 Jim until he gets back.  
15 COMMISSIONER BURKE: He is now back in the  
16 room.  
17 So I think that -- I think it's fine if this  
18 group makes a presentation to us, but I think there are  
19 other people that support BRT, such as Friends of BRT,  
20 and they might like equal time or something. So if we  
21 give ten minutes to them, I think we need to do ten  
22 minutes for the other group as well.  
23 We heard about equity, so in the interest of  
24 equity, I would suggest that.  
25 COMMISSIONER DACEY: But we had A.C. Transit.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER BURKE: I know, but that was --  
2 they are not a neighborhood group.  
3 COMMISSIONER WENGRAF: I'm not opposed to  
4 that, but my understanding is that BBTOP actually  
5 has --  
6 COMMISSIONER BURKE: What is this --  
7 COMMISSIONER WENGRAF: -- an alternative  
8 proposal. They are not just coming to kvetch about  
9 BRT. They actually have put together an alternative  
10 proposal.  
11 COMMISSIONER BURKE: What is BBTOP again?  
12 COMMISSIONER WENGRAF: I don't know what --  
13 MR. DOUG BUCKWALD: Berkeley -- Oh, go ahead.  
14 MR. MICHAEL KATZ: Berkeleyans for Better  
15 Transportation Options. And we would propose to kvetch  
16 in advance by sending you something like a two-page  
17 distillation and development of the longer letter we  
18 sent you for the last hearing so that you would know  
19 what we would be doing in person and have some record.  
20 MR. DOUG BUCKWALD: But the purpose isn't to  
21 criticize BRT --  
22 COMMISSIONER SAMUELS: Let's continue with the  
23 public comment here.  
24 COMMISSIONER WENGRAF: Anyway, I would like to  
25 make a motion to allow BBTOP to present their

*Planning  
Commission  
Hearing  
D1*

1 alternative proposal at the next Planning Commission  
2 meeting.  
3 COMMISSIONER DACEY: I will second that.  
4 COMMISSIONER WENGRAF: I would be very  
5 interested in hearing what they have to say.  
6 MR. ALEX AMOROSO: We have a staff  
7 clarification just so we understand. I am just trying  
8 to understand what you are asking us for.  
9 As I understand, the BBTOP efforts relate to  
10 BRT. The EIR that we are discussing right now is not  
11 directly related to -- the evaluation of the EIR has no  
12 BRT direct relationship. So we are just trying to  
13 clarify.  
14 COMMISSIONER WENGRAF: So maybe the motion is  
15 misplaced, and I should hold off and make it later  
16 after we close the public hearing on the EIR.  
17 MR. ALEX AMOROSO: We would be glad to have  
18 that for a separate BRT discussion.  
19 COMMISSIONER SAMUELS: I think that was a good  
20 point, Alex.  
21 COMMISSIONER WENGRAF: Yeah.  
22 COMMISSIONER SAMUELS: All right. We are  
23 going to continue with the public speakers. Martha  
24 Jones followed by Doris Willingham.  
25 MS. MARTHA JONES: Yes, I am Martha Jones.

1 And in 1997, when the Southside Plan first got started,  
2 we were good for 35 meetings. I sort of grew up doing  
3 the Southside Plan.  
4 Although I first moved to the Southside Plan  
5 -- to the Southside in 1947, and I have never been more  
6 than four blocks away from that particular area, so I  
7 am well aware of...  
8 But I wanted to tell you that  
9 Claremont/Elmwood Neighborhood Association was very  
10 concerned in 1997 about what was going to happen in the  
11 Southside because our neighborhood borders on the  
12 Southside, along with Dwight, Hillside, and  
13 Panoramic -- in fact, the three neighborhoods went  
14 together -- because we really were concerned about the  
15 one-way streets in the Southside.  
16 And what you have to know, which I have said  
17 often, is in 1947, some idiot in the government,  
18 probably Planning Department, decided to take these  
19 streets and -- which were two-way for probably a  
20 hundred years and change them to one-way streets. And  
21 in the Southside meetings, they had Peers and Fehr, who  
22 were transportation experts, and what we learned about  
23 these one-way streets is that they can carry two and a  
24 half times more cars than two-way streets, and the cars  
25 go faster. Bad for pedestrians; worse for bicyclists.

3-5

1 And the other thing they taught us was that 60 percent  
2 of the cars that enter into the Southside area there  
3 are just traveling through because the attraction were  
4 these one-way streets. Haste.  
5 In fact, through our neighborhood, when Haste  
6 and Dwight became one-way streets, 7,000 cars moved  
7 over from Ashby so they could go fast down Haste or  
8 fast up Dwight Way. And we were very well aware of  
9 this in our neighborhood when you wake up one day and  
10 you have 7,000 more cars.  
11 Now, what we learned was if all the streets  
12 were returned to two-way, 40 percent of the cars would  
13 no longer be going through the Southside.  
14 If 60 percent of the cars are going in there  
15 now, only 40 percent are going there as a final  
16 destination. So if they took all the streets and made  
17 them two-way, we would lose 40 percent of the cars.  
18 The Draft EIR does take two of those streets,  
19 Bancroft and Durant, and makes them two-way, but they  
20 leave Dwight Way and Haste as one-way streets.  
21 COMMISSIONER SAMUELS: If you could sum up  
22 your comments.  
23 MS. MARTHA JONES: And this is what we need to  
24 worry about, is that we need to have those two streets  
25 to be made two-way, too, because the cars will move

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cont.

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1 over there, and they will go through our neighborhood.  
2 Thank you.  
3 COMMISSIONER SAMUELS: A --  
4 COMMISSIONER WENGRAF: Martha, I have a  
5 question for you.  
6 MS. MARTHA JONES: Yeah.  
7 COMMISSIONER WENGRAF: I know you are very  
8 knowledgeable about all this transportation stuff. Do  
9 you have any data on what would happen if all of those  
10 barriers were removed in your neighborhood?  
11 MS. MARTHA JONES: We only have -- not that  
12 many barriers. And there's no way of knowing except  
13 that my street used to have 12,000 cars, and a few  
14 barriers went up and suddenly I got to 27,000 cars. We  
15 had more cars than Ashby. We were going for the  
16 Guinness Book of Records.  
17 I don't know if we made it or not it because  
18 we are a very narrow street for that many cars. This  
19 is around the School for the Deaf and Blind, now called  
20 the Clark Kerr Campus. And if you have ever  
21 traveled -- And the funny thing is, they put the  
22 intersection of Parker and Warring as a very difficult.  
23 The worst intersection in all of Christendom is at  
24 Dwight Way, Piedmont and Warring. I don't know if any  
25 of you have ever tried that, but you try it once and

3-6  
cont.

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1 you will never go through it again. And that is not  
2 even mentioned in the Draft EIR. I forgot, I think  
3 they have the alphabet, and I think that's enough, for  
4 being the worst intersection.  
5 So I don't know. I just know we need to have  
6 Dwight and Haste to become two-way, as Bancroft and  
7 Durant are.  
8 I mean, for a hundred years they were all  
9 two-way, so please let's go back to when we all had  
10 brains.  
11 Thank you.  
12 COMMISSIONER SAMUELS: Doris Willingham  
13 followed by Sharon Hudson.  
14 MS. DORIS WILLINGHAM: Hi. Doris Willingham,  
15 also one of the old-time combatants.  
16 I would take great exception to the handout to  
17 the public, a summary that consists of sometimes only  
18 12, 15 words per page. What a waste of natural and  
19 City resources. That should not be happening in this  
20 town. Furthermore, it happens at the expense of true  
21 information that the lady from LSA kindly provided,  
22 namely, such things as what actually is included in the  
23 considerations of the EIR, like number of new dwelling  
24 units, number of additional inhabitants, et cetera.  
25 I also was very, very interested -- and, in

3-7  
cont.

4-8

1 fact, shocked -- to learn that only the University's  
2 LRDP 2020 is being considered when all of us in this  
3 room -- at least you, and I know many of those guys,  
4 and some of those -- are well aware of the fact that  
5 the university quite unexpectedly sprang upon us the  
6 southeast integrated campus projects, which contain in  
7 and of themselves an unexpected amount of square  
8 footage. And that I consider superficial and  
9 negligent.

10 In this connection, I must also say that on  
11 the part of the City of Berkeley, there has been zero  
12 continuity from the Planning Department as far as this  
13 very -- to some of us, very important Southside Plan  
14 document is concerned. Through half a year, sometimes  
15 at the Telegraph Area Association, we had two, three  
16 new people from the Berkeley Planning Department  
17 announcing with joy and glee that they were now in  
18 charge of the Southside Plan. Shortly, in ten years.  
19 Really, really, unimpressive.

20 And finally, I would like to say that I, too,  
21 would like to see our barriers go, all one-way streets  
22 reduced. We are the only part in all of Berkeley. And  
23 I mean, Haste beyond Shattuck, two-way, Dwight Way, and  
24 also the north-south streets, Fulton, Ellsworth and  
25 Dana.

**4-8  
cont.**

**4-9**

1 And these are my thoughts in brief on this  
2 disastrous development and document.  
3 Thank you very much.  
4 COMMISSIONER SAMUELS: Sharon Hudson followed  
5 by Roland Peterson.  
6 MS. SHARON HUDSON: Well, I actually have to  
7 agree about this issue of the planners changing on us.  
8 With all due respect to the current planners, it would  
9 be nice to be able to talk to somebody about this plan  
10 that had been around for a while.

11 Okay. Now, the most important thing here is  
12 to not try to keep on this ridiculous schedule that we  
13 have. Most of us just got a copy of the plan. We have  
14 been working on this for years and obviously haven't  
15 had a chance to -- I mean got a copy of the EIR.  
16 Haven't had a chance to really look through it.

17 So I would recommend -- You guys have it  
18 completely within your power to decide on the closing  
19 date for public comment on the DEIR and to have more  
20 workshops and to have another public hearing later, if  
21 you would like. And I do recommend that you do that.

22 The substantive points are as John English  
23 said, the fact that the density bonus has now come on  
24 us and completely undone all the value that we got  
25 south of Dwight in our downzoning, so a lot of changes

**5-10**

**5-11**

1 should be made on that.  
2 I personally would really like to see more of  
3 a holistic approach to this plan. This plan is really  
4 not as much of a political football as some of the  
5 other plans in town, like West Berkeley and Downtown.  
6 So actually, if people approach this plan with a more  
7 holistic vision about quality of life and how that  
8 relates to density in this, really, the highest density  
9 part of Berkeley -- it always will be -- I think we can  
10 come up with a really fantastic plan. But you would  
11 have to actually use the words "quality of life" at  
12 some point. And I don't know if that's even possible  
13 in this city.  
14 So when I hear there is going to be 472 new  
15 units and a thousand new residents, you know, one  
16 person on their cell phone makes a hell of a lot of  
17 noise, so I don't know how much noise 3,000 new jobs,  
18 new employees, residents are going to make, but  
19 apparently there is not going to be any significant  
20 impact noise, utilities or public facilities with all  
21 of these people. We are going to have 16 football  
22 fields' worth of new offices. We are already having  
23 enough trouble with one football field up the hill, so  
24 I don't know what's going to happen with these.  
25 So I personally am rather unenamored of

5-11  
cont.

5-12

1 DEIRs, less enamored than I was four years ago. I  
2 really don't want to spend a lot of time on a DEIR.  
3 What I would really like me to spend my time on and you  
4 guys to spend your time on is a really good plan.  
5 And so that's why I would like to focus on  
6 really what's in the plan, not what's in the DEIR,  
7 because we all know that DEIRs are pretty much  
8 useless.  
9 So I have already submitted -- I resubmitted  
10 something that I had submitted a few years ago. I  
11 really don't know how many of those things have been  
12 addressed because I haven't been able to review it, but  
13 I hope that you guys will have some kind of workshops  
14 and some way that, holistically, quality of life can be  
15 entered into this plan. It's not just about how many  
16 square feet you have and how tall your buildings are.  
17 It's about how people will live in this area. And  
18 things like noise and neighborhood-serving stores --  
19 you know, the truth is that when density goes up,  
20 quality of life goes down, unless you do something to  
21 prevent that.  
22 COMMISSIONER SAMUELS: If you could sum up,  
23 please.  
24 MS. SHARON HUDSON: That's my sum-up. I hope  
25 it will do something to prevent that in this area.

5-13

5-14

*Planning  
Commission  
Hearing  
D1*

1 Thank you.  
2 COMMISSIONER SAMUELS: Thank you.  
3 [Applause]  
4 COMMISSIONER SAMUELS: Roland Peterson  
5 followed by Doug Buckwald.  
6 MR. ROLAND PETERSON: Good evening,  
7 Commissioners. I am Roland Peterson with the Telegraph  
8 Business Improvement District. I will try to address  
9 the DEIR, if I may. And I want to talk about the  
10 two-waying of Bancroft and Durant and the closing of  
11 Telegraph which is covered in this.  
12 Page 115 of the draft DEIR does quote policy  
13 T-D2, "Consider conversion of Bancroft and Durant to  
14 two-way streets with a restriction on through  
15 automobile traffic travel at Telegraph," and then it  
16 continues on. This is just a quote from the Draft  
17 Southside Plan. We objected to it numerous times. I  
18 have been very concerned about this term "consider."  
19 That gives a bit of push, a political push to that.  
20 But the Draft EIR does do a pretty good job of  
21 addressing the impacts of if you were to change those  
22 streets as that policy suggests.  
23 And on page 120, Impact, Transportation Number  
24 1 begins, and I would point out that the impacts of  
25 changing those streets to two-way streets continue on

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*Planning  
Commission  
Hearing  
D1*

1 for 13 pages of the Draft EIR with mitigations that are  
2 suggested.  
3 Then, and you continue this on, it continues  
4 on with more impact. And these are impacts that are  
5 into the neighborhoods, that spill over. These are --  
6 CENA folks should be screaming bloody murder if you  
7 read this, on conversion of these streets to two-way  
8 because of the impacts it would have in their  
9 neighborhood.  
10 And then if you go take this a step further,  
11 numbers 11, 12 and 13 on pages 135 and 136 impact the  
12 business community. And in fact, they even go, on  
13 number 12, to say it would slow bus traffic. So it is  
14 absolutely contradictory to the goal. And number 13  
15 talks about blocking the free movement of vehicles and  
16 bicycles with delivery vehicles.  
17 So here you have this whole impact that we  
18 were arguing all along that the Draft EIR says.  
19 And then you go a step further, and then on  
20 page 139, policy T-B2, they suggest deleting language  
21 that says work with A.C. Transit to consider  
22 restricting use of Telegraph from Dwight to Bancroft to  
23 transit vehicles.  
24 So they have gone basically and adopted our  
25 policy that were recommended, yet they have the

6-16  
cont.

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6-19

1 inconsistency to, on page 148, recommend "Work with  
2 A.C. Transit through the Southside area with the  
3 conversion of Bancroft and Durant to two-way  
4 circulation," even though on the next page, on page  
5 149, they strike it again.

6 So my point I would make to this is with all  
7 the mitigations that you called for to make the  
8 conversion of Bancroft and Durant to two-way streets  
9 palatable, you are calling for Utopia. To have all of  
10 those mitigations happen, you would have to have  
11 something so perfect to make it palatable that I --  
12 it's not workable.

13 I think you need to get a real-world grasp on  
14 your policy here.

15 COMMISSIONER SAMUELS: If you could sum up,  
16 please.

17 MR. ROLAND PETERSON: Yes. And I would also  
18 add that there's a couple of factual errors in here.  
19 One of the things you put in here that's not true is  
20 you say that the university does not have parking on  
21 nights and weekends. They do. And in fact, they have  
22 expanded it, so this is an error of fact in there. And  
23 you also have a circulation error in there that is not  
24 even physically possible that I could point out at  
25 another time.

6-19  
cont.

6-20

6-21

1 So there's a lot of sloppiness in here, and  
2 it's divorced from reality. And I would encourage you  
3 to actually go back to what you really argued and  
4 retain the streets as they are currently configured.

5 COMMISSIONER SAMUELS: Thank you.  
6 Doug Buckwald. Doug Buckwald, followed by  
7 Janice Thomas.

8 MR. DOUG BUCKWALD: Thank you. I am Doug  
9 Buckwald.

10 Something is really wrong here, and I assume  
11 most people in this room have noticed it. If not,  
12 we're going to do a little exercise together.

13 Open your palms, put them in front of you,  
14 interlock your fingers -- Come on, everybody. This is  
15 serious. Interlock your fingers. Now close your palms  
16 this way and make the steeple. Here we go.

17 Here is the church, here is the steeple, open  
18 the doors, and look at all the people.

19 Oops. Somehow, in our community church here,  
20 we forgot to have the people come. Look at this  
21 turnout. This is absolutely ridiculous. It should  
22 show every single person here. There's something  
23 completely wrong with this process because many, many  
24 hundreds of community members were involved in working  
25 on this plan, starting in 1997. Very committed, very

6-22

7-23

*Planning  
Commission  
Hearing  
D1*

1 knowledgeable, very caring members of our community.  
2 They are gone now.  
3 The document is hanging here as a leftover  
4 piece of chaff from this process.  
5 Many things have changed in the Southside  
6 since that time. There have been building changes,  
7 changes in population, traffic, parking, all sorts of  
8 changes. This is an obsolete document. It should be  
9 completely discarded. We should work on a Southside  
10 Plan that actually examines conditions as they are now.  
11 I see a lot of glum faces at these tables.  
12 I'm sorry if I am saying anything that makes anyone  
13 feel a little uncomfortable, but it's actually true.  
14 The people are gone. Look at this. This is a  
15 public hearing on one of the most important plans in  
16 the city of Berkeley, and there have been how many  
17 comments? About eight or so.  
18 Anyway, quickly running through some of the  
19 issues in the downtown -- in -- gee, why did I say  
20 that? In the Southside. It seems to be the general  
21 plan is not very sophisticated, but it's cram as many  
22 people as you can in the Southside because they will  
23 put up with it. I think that's a bad premise.  
24 If we are going to make dense development, and  
25 that seems to be the mantra of our smart-growth church,

**7-23  
cont.**

**7-24**

**7-25**

*Planning  
Commission  
Hearing  
D1*

1 anyway, we need to take into account quality of life.  
2 And Sharon Hudson has talked about that issue and  
3 others have. If you want to have dense development  
4 that will enhance your city and people will want to  
5 live in, you have to take into account people's needs.  
6 And the people that live in the Southside have been  
7 impacted very severely already.  
8 Hyperdense development by U.C. Berkeley at the  
9 Unit 2 dorms and Unit 1 dorms, so-called miraculous  
10 infill housing has been really great if you are on the  
11 inside of those buildings. Really great. If you are  
12 on the outside, you have no more views of the sky.  
13 They cut down all of our trees. You have horrendous  
14 noise reflecting off the buildings. And the miracle of  
15 car-free housing has meant something. They didn't put  
16 any parking in for any of the employees who work in  
17 these dorms.  
18 I will sum up, James.  
19 COMMISSIONER SAMUELS: Okay.  
20 MR. DOUG BUCKWALD: They didn't put any  
21 parking in. So what happens? Gee, I wonder. The  
22 employees all come into our residential neighborhood.  
23 Every two hours they scurry out, it's like clockwork,  
24 and move their cars around. Often they have little  
25 shuttles where they trade cars with each other.

**7-25  
cont.**

**7-26**

**7-27**

*Planning  
Commission  
Hearing  
D1*

1 These impacts on our quality of life have  
2 definitely been highly detrimental and they will get  
3 worse if you continue on this path of cramming as many  
4 people as you can into the Southside without paying  
5 attention to quality of life.  
6 Thank you.  
7 [Applause]  
8 COMMISSIONER SAMUELS: Janice Thomas is our  
9 last speaker.  
10 MS. JANICE THOMAS: Good evening, people. I  
11 live on Panoramic Hill, and in 1997 I, too, was on the  
12 Mayor's Task Force to study Haas Pavilion. I was with  
13 my fellow CENA sisters and Dwight hillside neighbors.  
14 And in 1997 -- let's see, that's -- what? 11 years  
15 ago, a lot has happened. Among those things, we had,  
16 yes, the state density bonus law, BRT, SCIP, the 2020  
17 LRDP, and the 2006 LBNL LRDP.  
18 I think these are conditions that should  
19 invalidate the planning process that went into this  
20 document. I am practically in tears. I agree with  
21 Doug Buckwald. We are the people. We are exhausted.  
22 I am, frankly, so exhausted I can't begin to tell you.  
23 We should not have to go through all of this. We  
24 should not have to go through all of this. At the very  
25 least I hope you all will ask for an extension of the

7-28

8-29

*Planning  
Commission  
Hearing  
D1*

1 comment period. This isn't enough time, 45 days.  
2 You know, we -- I came here tonight hoping to  
3 learn something about the plan. I haven't seen the  
4 plan. I can't comment on substance. I don't see it.  
5 I would like a little CD, to pay \$5, but I  
6 have to pay \$30 for a hard copy. I hope my system is  
7 fast enough to get every single page, you know, so I  
8 can study this thing. But I would like a \$5 CD copy.  
9 So I don't know what the plan is. I mean,  
10 Panoramic Hill, I thought -- I thought that was the  
11 southeast. Suddenly it's the Southside. And suddenly  
12 it goes right up to Prospect. I didn't know that when  
13 I was on the task force for Haas Pavilion. Haas  
14 Pavilion? God. But no, they have encroached right  
15 next-door. We are a single family neighborhood,  
16 Panoramic. In fact, it's the most restricted, it's  
17 called Environmental Safety Residential. Do you know  
18 why it's called Environmental Safety Residential?  
19 Because the Hayward fault goes right through Prospect  
20 at the stadium where the eastern border of this  
21 glorious Southside Plan is.  
22 I mean, I am confused by us as a city. I am  
23 really, frankly, confused and upset. And y'all are the  
24 Planning Commission, and I hope you at the very least  
25 ask for an extension of the comment period.

8-29  
cont.

8-30

8-31

*Planning  
Commission  
Hearing  
D1*

1 Thank you.  
2 [ Applause ]  
3 COMMISSIONER SAMUELS: That closes the public  
4 comment period of our hearing.  
5 I would like to get a sense of the commission  
6 as to how we should use the rest of our time this  
7 evening.  
8 We still have the downtown plan to discuss.  
9 We have people who have prepared a presentation on  
10 that, and we have approximately an hour left.  
11 Do we want to --  
12 COMMISSIONER POSCHMAN: There's an hour left?  
13 COMMISSIONER POLLACK: I wanted to remind the  
14 speakers who just spoke, I think they need to submit  
15 their comments in writing.  
16 MS. JUDY MALAMUT: They certainly can.  
17 MR. DAN MARKS: They can; they don't need to.  
18 COMMISSIONER POLLACK: Okay. That's fine.  
19 COMMISSIONER WENGRAF: Well, I would like to  
20 -- I would like to -- Before we move on to the next  
21 topic, I would like to discuss some of the issues  
22 raised in the public hearing.  
23 For one, I would like to ask staff if the  
24 Planning Commission does, in fact, have the authority  
25 to extend the comment period?

*Planning  
Commission  
Hearing  
D1*

1 The answer is yes. Then I would like to make  
2 a motion that the comment period be extended.  
3 People haven't seen this document. This is a  
4 document that --  
5 COMMISSIONER POSCHMAN: Second.  
6 COMMISSIONER WENGRAF: -- people have worked  
7 on. I don't have to go into it. But how long do we  
8 want to extend it for?  
9 I would say another 60 days.  
10 COMMISSIONER SAMUELS: You mean the total  
11 should be 60 rather than 45?  
12 COMMISSIONER WENGRAF: No, no. An additional  
13 60 days.  
14 AUDIENCE MEMBER: Yes. Yes.  
15 [ Applause ]  
16 COMMISSIONER BURKE: So a total of 120, Susan.  
17 Is that right?  
18 COMMISSIONER WENGRAF: 45 and 60, 105.  
19 COMMISSIONER BURKE: 105 days.  
20 COMMISSIONER SAMUELS: Is there -- Yes.  
21 MR. ALEX AMOROSO: Just for, again, some  
22 clarification, we're talking about extending the time  
23 period on the EIR. We also wouldn't bring the plan  
24 back.  
25 A number of the comments that came up tonight

1 related directly to the plan, and their relationship  
2 with the plan and the EIR is sort of linked. So if  
3 there is interest in re-opening the plan, we would have  
4 to talk about that.  
5 There were a number of correct statements.  
6 Understand that what's been evaluated in the EIR is the  
7 same plan. The plan hasn't been changed at all since  
8 the EIR was drafted. So the plan that you all saw some  
9 time back is the same plan that you have now. The  
10 boundary of the plan has not changed. None of the  
11 pieces in the puzzle of the plan that was put together  
12 through the community process have been changed at all.  
13 The evaluation of the EIR was to take a look  
14 at the biggest problems with the plan and give us a  
15 boundary within which we could work with the plan.  
16 If the interest is in seeing the plan come  
17 back open, that's a whole different ball of wax. And  
18 we would have to go back and revise the EIR anyway.  
19 So there's a whole lot of pieces that are  
20 coming into play here.  
21 We recognize that there's a BRT discussion  
22 now. We recognize the development that the density  
23 bonus law has changed. We know that all of those  
24 things have happened. But understand that we are not  
25 revising -- we have chosen not to revise the plan

9-32

1 because it's not our prerogative. We are evaluating  
2 the plan as it currently sits.  
3 So the Planning Commission has to talk to us  
4 about re-opening the plan, changing the environmental  
5 document. They are two different pieces of the puzzle  
6 and they are very complex to do and will take a lot  
7 more time than 60 days.  
8 COMMISSIONER SAMUELS: I think we need to  
9 think about that.  
10 COMMISSIONER BURKE: You were just talking  
11 about the DEIR, right? The comment?  
12 COMMISSIONER WENGRAF: Yes, I was just talking  
13 about the EIR. But I understand there are a lot of  
14 different pieces to the puzzle. But I just feel like  
15 we spend, you know, ten years doing a plan and then we  
16 spend 60 seconds discussing it. It's crazy.  
17 COMMISSIONER SAMUELS: I generally agree with  
18 that.  
19 COMMISSIONER POLLACK: We're not -- What we  
20 are discussing tonight, if we discuss it, is the EIR,  
21 not the plan.  
22 COMMISSIONER WENGRAF: Yes.  
23 COMMISSIONER POLLACK: We will still -- Once  
24 we are done with the EIR discussion, there is still  
25 plan discussion, and we revise the plan in light of

*Planning  
Commission  
Hearing  
D1*

1 other changes, the EIR.  
2 MS. JUDY MALAMUT: Recommendations.  
3 COMMISSIONER POLLACK: Recommendations,  
4 et cetera.  
5 So we will discuss substantively the plan  
6 after the EIR.  
7 COMMISSIONER WENGRAF: But doesn't  
8 certification -- doesn't certification of the EIR send  
9 a signal about the plan?  
10 MR. DAN MARKS: No. Only the adequacy of the  
11 EIR is all you are sending a signal about.  
12 COMMISSIONER WENGRAF: I'm sorry?  
13 MR. DAN MARKS: An EIR is a document that  
14 evaluates impacts.  
15 COMMISSIONER WENGRAF: Right.  
16 MR. DAN MARKS: And the only signal you are  
17 sending when you are saying you are done with the EIR  
18 is that it has adequately evaluated the impacts of the  
19 plan.  
20 COMMISSIONER WENGRAF: Right.  
21 MR. DAN MARKS: You are not making any  
22 comments on the plan itself.  
23 COMMISSIONER WENGRAF: No.  
24 MR. DAN MARKS: So it's just the issue of is  
25 the plan adequate.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER WENGRAF: But if the EIR  
2 identifies impacts.  
3 MR. DAN MARKS: Correct.  
4 COMMISSIONER WENGRAF: And evaluates them.  
5 MR. DAN MARKS: Correct. So the issue before  
6 the commission ultimately when it chooses -- when it  
7 gets around to certifying the EIR is did it adequately  
8 evaluate the impacts of the plan. Not whether it was  
9 -- the plan is good or bad or indifferent.  
10 COMMISSIONER WENGRAF: I understand.  
11 MR. DAN MARKS: It's only did it adequately  
12 evaluate the impact.  
13 COMMISSIONER WENGRAF: That's a very important  
14 question, isn't it?  
15 MR. DAN MARKS: It's a critical question, and  
16 that's why we wait for the comments from people, so we  
17 can then go ahead and finalize the EIR and come back  
18 with a Final EIR while we are continuing to discuss the  
19 plan. But we can't really do too much discussion on  
20 the plan until we have --  
21 COMMISSIONER WENGRAF: The comments.  
22 MR. DAN MARKS: -- an adequate EIR, and we  
23 have heard the comments from people. So if you extend  
24 it 60 days, you will not get to the discussion of the  
25 plan for a lot longer --

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER WENGRAF: What's the rush?  
2 MR. DAN MARKS: Your call.  
3 COMMISSIONER SAMUELS: Dan, how about the fact  
4 that so much time has gone by that there are things  
5 that exist now that weren't there in the plan, and so  
6 how can we evaluate an EIR on that dated document?  
7 MR. DAN MARKS: The EIR took into account  
8 almost --  
9 [ Applause ]  
10 MR. DAN MARKS: The EIR took into account  
11 virtually all of the things that people have commented  
12 on this evening. It took into account the new parking  
13 structure. It took into account --  
14 AUDIENCE MEMBERS: (Inaudible.)  
15 MR. DAN MARKS: I'm sorry; you've had your  
16 chance.  
17 It took into account all of the projects that  
18 have been described in the LRDP, including the  
19 Southeast Campus Integrated Projects. It took into  
20 account, at least at the time we knew, what we knew  
21 about LBNL and what was proposed in that area. All of  
22 the things that have been mentioned here this evening  
23 were taken into account in the EIR.  
24 Density bonus was taken into account in our  
25 analysis of expected yield in regards to the housing

*Planning  
Commission  
Hearing  
D1*

1 out of this project.  
2 Whether the plan adequately assessed density  
3 bonus is not what I'm talking about now. I am saying  
4 the EIR evaluated everything that has been mentioned  
5 this evening.  
6 COMMISSIONER SAMUELS: Larry.  
7 COMMISSIONER GURLEY: Dan, you didn't mention  
8 BRT.  
9 MR. DAN MARKS: BRT we did not evaluate in the  
10 plan -- in the EIR, excuse me. It was not considered  
11 in the EIR and that is an issue, an issue we will have  
12 to address when we get to the plan.  
13 We believe the EIR is adequate without the  
14 evaluation of BRT in it. The BRT will be covered under  
15 a separate EIR. We chose to proceed -- we waited for a  
16 long -- One of the reasons we are here five years hence  
17 is because we kept waiting for the darn BRT EIR to be  
18 out for the last three and a half years. It came out,  
19 finally, as we were finishing up our EIR not taking BRT  
20 into account.  
21 But we believe the EIR is adequate without BRT  
22 in evaluating the impacts of the alternatives that were  
23 traffic options that were put forward in the plan.  
24 COMMISSIONER GURLEY: I guess I'm -- the  
25 process doesn't make sense to me.

*Planning  
Commission  
Hearing  
D1*

1 [Applause]  
2 MR. DAN MARKS: And tell me why. Maybe we can  
3 respond.  
4 COMMISSIONER GURLEY: And maybe I just don't  
5 understand the process.  
6 We are now at the point of considering the  
7 Draft EIR.  
8 MR. DAN MARKS: Correct.  
9 COMMISSIONER GURLEY: And that's analyze,  
10 evaluate, and propose mitigation on impacts of the plan  
11 as it was completed five years ago.  
12 MR. DAN MARKS: Correct. Or more, yes.  
13 COMMISSIONER GURLEY: If we certify that the  
14 EIR adequately addressed the impacts of the plan, but  
15 we know that what happened on the ground means that the  
16 plan doesn't deal with some things that are going on in  
17 the Southside area, what do we do at that point? And  
18 what does it mean to evaluate -- to certify the Draft  
19 EIR?  
20 MS. JUDY MALAMUT: What the plan includes is a  
21 series of enforcement policies and programs and  
22 actions. So it's looking to the future and trying to  
23 prepare -- identify the guidelines for future  
24 development.  
25 COMMISSIONER GURLEY: But the future in 2003

*Planning  
Commission  
Hearing  
D1*

1 has changed.  
2 MS. JUDY MALAMUT: What the EIR does is it  
3 takes -- it provides the existing setting of what is  
4 occurring right now, 2007-2008, and evaluates a future  
5 projection of what might occur if the plan were  
6 implemented.  
7 So based on existing conditions, we make  
8 projections about what might occur in terms of  
9 development that could occur because of the policies  
10 that are included in the plan, and we evaluate that  
11 against current conditions which take into account the  
12 -- you know, the LRDP, 2020 LRDP and all of the, you  
13 know, additional development that has occurred since  
14 the plan was prepared.  
15 COMMISSIONER SAMUELS: Patty.  
16 MR. DAN MARKS: Let me add to that a little  
17 before we go to Patty's question.  
18 Larry, if this Planning Commission as it --  
19 First of all, it needs to decide whether the EIR is  
20 adequate, did it evaluate the impact to the plan. If  
21 this Planning Commission chooses to make modifications  
22 in the plan itself, we will then have to go back and  
23 evaluate whether the EIR has adequately addressed the  
24 changes that you choose to make in the plan.  
25 And I would say that the EIR is very likely to

*Planning  
Commission  
Hearing  
D1*

1 have accommodated whatever changes you want to make.  
2 But that's the next step in the process, is we have  
3 done the EIR -- And this is not that uncommon. The  
4 time period is, unfortunately, uncommon, how long it's  
5 taken us to get this done, and for that I apologize.  
6 But beyond that point, this process is the way the  
7 process works. You do a draft plan. We are doing this  
8 for the Downtown Area Plan. You do a draft plan, you  
9 evaluate its impacts, you go back and you look at the  
10 plan. Sometimes you will add mitigations into the  
11 plan, you make modifications to the plan based on what  
12 the EIR tells you. You go back and look at your EIR,  
13 say did it cover the new impacts that might result from  
14 the revisions in the plan. If it does, you are done.  
15 If it didn't, we go back and revise the EIR. We need  
16 to do either an addendum or supplemental, it's called.  
17 That's the way this process works. This is  
18 not that uncommon a process. I know it seems weird,  
19 but that's the way -- this is the way it works in every  
20 city, and that's the common process.  
21 So it's not -- And I would say that, in my  
22 view, the Southside, despite the comments that have  
23 been made, the Southside hasn't changed that much in  
24 the past few years in terms of actual physical change.  
25 There's not been that much development that was not

*Planning  
Commission  
Hearing  
D1*

1 either anticipated or underway when the plan was put  
2 together, including all of the projects that have been  
3 described from the university were already underway and  
4 under consideration when the plan was adopted -- "was  
5 adopted" -- was recommended.  
6 The underground garage was under  
7 consideration, was planned when the plan was adopted.  
8 So I disagree with the comments that have been  
9 made that somehow the Southside has dramatically  
10 changed in the last four or five years. If anything,  
11 the economics have gotten pretty bad down there, but  
12 the actual physical changes on the ground, not that  
13 large if you think about it.  
14 I have to go through the Chair, Patty.  
15 MS. MARTHA JONES: But (inaudible) wasn't  
16 built when we started.  
17 MR. DAN MARKS: It was under --  
18 COMMISSIONER WENGRAF: I just want to get back  
19 to the motion that's on the floor.  
20 COMMISSIONER DACEY: I just had a question of  
21 Dan. I mean, if you think you --  
22 COMMISSIONER WENGRAF: We got a little bit  
23 away from the motion which was to extend the comment  
24 period --  
25 COMMISSIONER DACEY: Right.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER WENGRAF: -- on the DEIR, and I  
2 don't want to lose that in the discussion.

3 COMMISSIONER DACEY: I was just going to ask  
4 Dan exactly about that, which is, are you saying that  
5 it -- doesn't it make more sense to keep the DEIR open  
6 and to then discuss whether we want to amend the plan  
7 than to certify the EIR, the Draft EIR?

8 MR. DAN MARKS: You are not certifying the  
9 Draft EIR. The process is we receive comments on the  
10 Draft EIR to see if it is adequate, and then we respond  
11 to the comments in the FEIR. And you know that  
12 process, Patty.

13 COMMISSIONER DACEY: Right.

14 MR. DAN MARKS: And some of the other  
15 commissioners I know many have been through this many,  
16 many times.

17 So to hear the comments on the Draft EIR. The  
18 issue -- That's not going to change -- If people need  
19 more time, certainly that's your call whether you want  
20 to give people more time. But the EIR is the EIR, the  
21 Draft EIR. The comments on it, on the adequacy of it  
22 -- again, almost all of the comments I heard this  
23 evening went to the plan, not to the adequacy of the  
24 analysis that was done in the EIR.

25 So I just want to point that out. But people

*Planning  
Commission  
Hearing  
D1*

1 obviously don't feel they have had enough time.

2 Whether you want to extend this is really your call.

3 The comment period.

4 COMMISSIONER SAMUELS: Do we have a motion for  
5 extending the time?

6 COMMISSIONER DACEY: There is one and I  
7 seconded it.

8 COMMISSIONER SAMUELS: How did your motion  
9 read?

10 COMMISSIONER WENGRAF: My motion was to extend  
11 the comment period on the DEIR by 90 -- by 60 days.

12 COMMISSIONER DACEY: 60 days.

13 COMMISSIONER WENGRAF: Making it a total of

14 105. Now, if the commission feels that's a little bit

15 too long, I am willing to entertain a friendly

16 amendment.

17 COMMISSIONER POLLACK: I would suggest 30

18 days, and, you know, with more outreach by the City --

19 COMMISSIONER DACEY: Let's go with 60.

20 COMMISSIONER POLLACK: -- and the neighborhood  
21 groups.

22 I mean, now that we are thinking about this,

23 it might be nice to try to keep it live and keep it

24 moving, not because of urgency. But 60 days will--

25 there will be complaints that it's been so long that we

*Planning  
Commission  
Hearing  
D1*

1 should start over again for that reason.  
2 So I think we should keep it on the burner.  
3 If we need -- if there's a desire for more time, you  
4 know, as we approach the end of that 30-day period I  
5 guess we can extend --  
6 MR. DAN MARKS: You can extend it again if you  
7 choose.  
8 COMMISSIONER POSCHMAN: (Inaudible) May 24th.  
9 What's the date?  
10 COMMISSIONER SAMUELS: We can still keep  
11 discussing this even though the comment period has been  
12 extended.  
13 COMMISSIONER POLLACK: An additional 30 days  
14 instead of an additional 60 days.  
15 COMMISSIONER DACEY: 45.  
16 COMMISSIONER SAMUELS: Do I hear 45?  
17 COMMISSIONER DACEY: Going, going, gone. 45.  
18 Susan for 45.  
19 MR. DAN MARKS: What's the date?  
20 COMMISSIONER SAMUELS: Was your motion  
21 seconded?  
22 COMMISSIONER WENGRAF: Yes, by Patty.  
23 COMMISSIONER POSCHMAN: I did.  
24 COMMISSIONER DACEY: Both did.  
25 COMMISSIONER SAMUELS: Any other discussion?

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER WENGRAF: Did you get the motion?  
2 MR. DAN MARKS: 45 days.  
3 MR. ALEX AMOROSO: 45 day --  
4 COMMISSIONER SAMUELS: That's an extension of  
5 45 days from what the date is now.  
6 COMMISSIONER WENGRAF: Extension.  
7 MR. ALEX AMOROSO: Extension of 45 days from  
8 today.  
9 COMMISSIONER DACEY: No, 90 days.  
10 COMMISSIONER POSCHMAN: From May.  
11 COMMISSIONER SAMUELS: 45 from May 15th.  
12 Right.  
13 All those in favor of extending the time, say  
14 aye -- raise your hand.  
15 All those opposed?  
16 Okay, motion passes.  
17 [ Applause ]  
18 COMMISSIONER BURKE: Jim, I have another point  
19 to make and that is I wanted to pursue the issue about  
20 the notice and people not knowing about this. And I  
21 saw on -- Jordan's notice of this public hearing, and I  
22 just wondered who this went out to. How many -- Do you  
23 have a list of environmental -- or community groups or  
24 neighborhood groups or what?  
25 MS. JORDAN HARRISON: I am going to let Beth

*Planning  
Commission  
Hearing  
D1*

1 answer this because she was involved in the notice  
2 process. You are talking about notification of the  
3 Draft EIR.  
4 COMMISSIONER BURKE: Yes. And I have another  
5 question after this.  
6 COMMISSIONER SAMUELS: I am going to ask that  
7 we organize ourselves toward a future meeting and that  
8 we spend the rest of the time tonight on the draft  
9 plan.  
10 COMMISSIONER BURKE: Jim, this is my first  
11 comment tonight, and after I am done with this --  
12 COMMISSIONER POSCHMAN: Several of us have not  
13 said anything on this issue.  
14 MS. ELIZABETH GREENE: So you wanted to know  
15 who the notice was sent out to. So in addition to what  
16 -- LSA sent it out to the State and all of the regional  
17 agencies, public agencies, to get their comments.  
18 We sent it to a list of approximately 50  
19 interested parties, and that also included  
20 Transportation Commission, Landmarks Commission, U.C.  
21 Berkeley, BAHA. So it's not just individuals. It's  
22 also organizations.  
23 Then we also sent it to the libraries, and  
24 it's also posted at -- it was noticed in the newspaper,  
25 and it was posted down at the Alameda County Clerk's

*Planning  
Commission  
Hearing  
D1*

1 office.  
2 COMMISSIONER DACEY: Which newspaper?  
3 COMMISSIONER BURKE: And then what about --  
4 MS. ELIZABETH GREENE: I believe it was "The  
5 Daily Californian."  
6 COMMISSIONER BURKE: And the cost issue, I  
7 think Dan sent us an e-mail about the \$5 CD versus the  
8 \$30 hard copy.  
9 MR. DAN MARKS: If people -- They are  
10 available at our office, they are now available for \$5.  
11 If people really have a problem with the cost, we will  
12 give them to them free. And we have a few here, I  
13 hear. So if people need them right now, don't leave  
14 without them. We will just give them to you. CDs. We  
15 have CDs.  
16 MR. ALEX AMOROSO: It's online. It's online,  
17 it's at the library.  
18 COMMISSIONER BURKE: And did it go to  
19 neighborhood associations?  
20 MS. ELIZABETH GREENE: It went to the  
21 Telegraph Area Association, which I'm not sure who that  
22 went to since that's defunct. Let me just check here.  
23 The Willard Neighborhood Association.  
24 MR. DAN MARKS: Claremont, Elmwood.  
25 MS. ELIZABETH GREENE: Claremont and Elmwood.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER BURKE: LeConte?  
2 MS. ELIZABETH GREENE: And that's -- Oh, and  
3 the Panoramic Neighborhood Association, the Dwight  
4 Hillside Neighborhood Services.  
5 COMMISSIONER DACEY: Did it go to LeConte?  
6 MS. ELIZABETH GREENE: Excuse me?  
7 COMMISSIONER DACEY: LeConte, did you say?  
8 MS. ELIZABETH GREENE: I don't see LeConte on  
9 here.  
10 COMMISSIONER DACEY: It should have definitely  
11 gone to LeConte.  
12 MS. ELIZABETH GREENE: Well, it could have  
13 gone to an individual and not have been noticed as  
14 LeConte since I don't know who the person is.  
15 MR. DAN MARKS: We'll check. We'll check for  
16 future notices.  
17 COMMISSIONER SAMUELS: Is it the sense of the  
18 commission that we want to continue discussion on the  
19 Southside plan?  
20 COMMISSIONER FERRAZARES: I would like to  
21 speak on that.  
22 COMMISSIONER SAMUELS: Yes.  
23 COMMISSIONER FERRAZARES: My feeling is that  
24 we were stacked way too heavily tonight. I think this  
25 topic alone was worthy of a whole evening discussion.

*Planning  
Commission  
Hearing  
D1*

1 I came prepared to give comments to LSA about the Draft  
2 EIR. I am willing to wait 45 days to do that. But I  
3 just want to make it clear that my personal feeling is  
4 that we were -- we were loaded with too many big topics  
5 tonight to be able to give worthy time and attention  
6 both to preparation for tonight as well as the time for  
7 discussion tonight. And I just want to make -- I just  
8 wanted that to be said.  
9 COMMISSIONER SAMUELS: Gene.  
10 COMMISSIONER POSCHMAN: Dan is here, and I am  
11 glad he is here for the EIR.  
12 The economic development thing shouldn't take  
13 more than five or six hours.  
14 [ Laughter ]  
15 COMMISSIONER POSCHMAN: We are going through  
16 the 681 lines, of which 650 are new. I think what I'm  
17 saying is we did not do justice to the economic  
18 development thing tonight. We should put it over to  
19 the next meeting. And we should -- And anybody who has  
20 problems with it, including myself, ought to be able to  
21 get things in writing in on it to go through.  
22 The procedures that have been put forth there  
23 is we essentially, if we have disagreement, a deep  
24 disagreement or a really deep disagreement, then we  
25 take votes on each of the sections and go through. We

*Planning  
Commission  
Hearing  
D1*

1 don't have time to do that tonight.

2 I would rather do the Southside plan with Roia  
3 in a little bit more depth than essentially go off and  
4 very superficially look at the economic development  
5 thing.

6 So, I mean, I have got some comments to make,  
7 I think, and Dan can tell me whether they are on the  
8 EIR, on the plan, or on neither.

9 But I would rather, as I say --

10 COMMISSIONER SAMUELS: How do the rest of you  
11 feel about that?

12 COMMISSIONER GURLEY: Are you making a motion?

13 COMMISSIONER POSCHMAN: I think we can get the  
14 sense of the committee if they want to continue on this  
15 this and put the economic development over till next  
16 meeting with the understanding that people with  
17 problems will write in what they are.

18 COMMISSIONER SAMUELS: Dan.

19 MR. DAN MARKS: Mr. Chair, before you act on  
20 the motion, from a staff point of view I would like to  
21 at least have an opportunity to take about 10 or 15  
22 minutes of the Commission's time to explain the logic  
23 of what we did to the economic development chapter so  
24 that as you are reviewing it, even if you do not want  
25 to discuss the substance of the economic development

*Planning  
Commission  
Hearing  
D1*

1 chapter, and I understand that may be where the  
2 Commission wants to go this evening, that we at least  
3 have an opportunity to explain how and why we changed  
4 it in the way we did, so that as you are reviewing it  
5 you understand what staff's -- what we were doing.

6 COMMISSIONER SAMUELS: That makes sense to me.

7 COMMISSIONER POSCHMAN: Sure.

8 COMMISSIONER WENGRAF: Jim, I have a  
9 procedural question.

10 COMMISSIONER SAMUELS: Sure.

11 COMMISSIONER WENGRAF: We didn't close the  
12 public hearing.

13 COMMISSIONER POSCHMAN: Purposely.

14 COMMISSIONER WENGRAF: So we are going to  
15 continue the public hearing.

16 COMMISSIONER POSCHMAN: With date noncertain.

17 COMMISSIONER WENGRAF: With date uncertain.

18 Did we discuss that already and it just got by me?

19 COMMISSIONER SAMUELS: No, we haven't  
20 discussed it.

21 COMMISSIONER WENGRAF: Okay.

22 COMMISSIONER POLLACK: We continue it to the  
23 date to be set by Chair and with staff.

24 COMMISSIONER WENGRAF: Okay.

25 COMMISSIONER POLLACK: Leave that open.

*Planning  
Commission  
Hearing  
D1*

1 MR. ALEX AMOROSO: So you want to have another  
2 public hearing session at the Planning Commission on  
3 the Draft EIR sometime within the extension period?  
4 COMMISSIONER SAMUELS: Yes.  
5 COMMISSIONER POSCHMAN: On --  
6 COMMISSIONER WENGRAF: Towards the end of  
7 the --  
8 COMMISSIONER POSCHMAN: Towards the end,  
9 because there's no sense in doing it soon because we  
10 want to see what really comes in to be able to have --  
11 when we do that hearing to see what there really is.  
12 MR. ALEX AMOROSO: So --  
13 COMMISSIONER POSCHMAN: It's towards the end.  
14 MR. ALEX AMOROSO: So it would be staff's --  
15 we are going to have to -- Unless you do it to a date  
16 certain, we are going to have to notice the public  
17 hearing again.  
18 COMMISSIONER POSCHMAN: That might be good.  
19 MR. ALEX AMOROSO: So there's no reason,  
20 necessarily, to keep the public hearing open. We  
21 will -- Without a date certain, we will have to  
22 renote.  
23 COMMISSIONER GURLEY: So in other words, we  
24 can close it and re-open it.  
25 MR. ALEX AMOROSO: Doesn't matter.

*Planning  
Commission  
Hearing  
D1*

1 MR. DAN MARKS: It doesn't make any  
2 difference.  
3 COMMISSIONER POSCHMAN: (Inaudible) the way  
4 noticing has gone.  
5 COMMISSIONER DACEY: Right, that's true.  
6 COMMISSIONER POSCHMAN: We are not sure if  
7 it's the noticing factor --  
8 COMMISSIONER SAMUELS: Do we have a motion,  
9 then, to close the public hearing?  
10 COMMISSIONER GURLEY: So moved.  
11 COMMISSIONER POSCHMAN: Second.  
12 COMMISSIONER SAMUELS: Then we will vote on  
13 that. All those in favor of closing the public hearing  
14 on the Southside Plan, raise your hand.  
15 All those opposed?  
16 COMMISSIONER WENGRAF: I am abstaining.  
17 COMMISSIONER SAMUELS: Did anybody count?  
18 MR. DAN MARKS: Five/two/one. It passed.  
19 COMMISSIONER SAMUELS: Pardon?  
20 MR. DAN MARKS: Five votes aye, two votes  
21 negative, one vote abstain.  
22 COMMISSIONER SAMUELS: The public hearing is  
23 then closed and we will renote a new public hearing  
24 when we've decided on a date.  
25 Okay.

*Planning  
Commission  
Hearing  
D1*

1 Given that, do we still want to continue  
2 discussion, say till 10:00, and then let Dan speak?  
3 COMMISSIONER WENGRAF: I tried to make a  
4 motion at an inappropriate time when we were in the  
5 middle of the Southside discussion, and I would just  
6 like to make that motion now, since that public hearing  
7 has been closed, to give BBTOP ten minutes to present  
8 their alternative BRT plan to us at the meeting of May  
9 14th.  
10 MR. ALEX AMOROSO: We have a BRT time set  
11 aside for June 11th. If you want, we can do it at  
12 May 14th. Do you also want us to accommodate some  
13 time for those presentations on June 11th as well?  
14 COMMISSIONER WENGRAF: I think this  
15 presentation may inform the BRT discussion on June  
16 11th. So I would like to have it sooner rather than  
17 later.  
18 COMMISSIONER SAMUELS: Okay. It's been moved  
19 and seconded that we allow ten minutes to this group to  
20 make a presentation on the 14th. Is there any  
21 discussion on that motion? Gene.  
22 COMMISSIONER POSCHMAN: Just on a procedural  
23 thing. Go back to future agendas, where it fits in  
24 rather than making a motion between the Southside Plan  
25 and the DAPAC on it.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER WENGRAF: Well, it came up during  
2 the course of the meeting.  
3 COMMISSIONER DACEY: They didn't know about it  
4 back then.  
5 COMMISSIONER BURKE: I wonder if it's proper  
6 -- I think it's improper procedure because it's not  
7 noticed, that motion. It has not been on the agenda.  
8 MS. MERRILIE MITCHELL: (Inaudible.)  
9 COMMISSIONER BURKE: I would propose it be put  
10 over to the next meeting.  
11 MR. GENE POSCHMAN: It came up in the context  
12 of something -- it wasn't in the context, so to speak.  
13 It came up in the context of the Southside Plan.  
14 COMMISSIONER WENGRAF: Commissioners can make  
15 motions to put things on the agenda.  
16 MR. DAN MARKS: That's correct.  
17 COMMISSIONER WENGRAF: That's not a procedural  
18 issue here.  
19 COMMISSIONER SAMUELS: You can't -- Can we  
20 make a vote without it being agendized?  
21 MR. DAN MARKS: You can put something on the  
22 agenda without having it agendized.  
23 COMMISSIONER WENGRAF: Yeah.  
24 COMMISSIONER SAMUELS: Okay. All right.  
25 MR. DAN MARKS: It's not a procedural issue.

*Planning  
Commission  
Hearing  
D1*

1 COMMISSIONER SAMUELS: Any other discussion on  
2 the motion that's been made? Okay. If that's the  
3 case, all those in favor of allowing this ten-minute  
4 presentation, raise your hand.  
5 All those opposed?  
6 The motion carries.  
7 COMMISSIONER POSCHMAN: I am abstaining on it.  
8 COMMISSIONER SAMUELS: And one abstention,  
9 so....  
10 Harry?  
11 COMMISSIONER POLLACK: On the Southside Plan,  
12 I guess in -- (inaudible) implicit in it is the issue  
13 of should we, after we get through the EIR process,  
14 should we, the commission -- should we ask staff to  
15 look again at the substance of the plan, if it's out of  
16 date in some way? And I don't -- we don't, of course,  
17 want to approach trying to resolve it tonight, but  
18 there's a question in my mind about -- even though Dan  
19 explained the EIR intersection well enough, I think.  
20 But it doesn't address the questions of something about  
21 the plan itself that we should, for some reason,  
22 because of the passage of time we should reassess it.  
23 So I think between now and then maybe you can help us  
24 sort it out.  
25 MS. ELIZABETH GREENE: Well, at your February

*Planning  
Commission  
Hearing  
D1*

1 13th meeting you directed staff to evaluate what  
2 the -- what the Southside Plan, as it is right now,  
3 whether there are inconsistencies with other ordinances  
4 that have been moving along and changing since the  
5 Southside Plan was written.  
6 So staff is starting to go through that, and  
7 we will be bringing that to you. And I think at that  
8 point, then we will have a discussion as to what does  
9 that mean for the plan, you know. Does that seem like  
10 it -- certain things can be fixed? How do you want to  
11 address it?  
12 So we will discuss that at another meeting,  
13 but that would be about Southside Plan, not Draft EIR.  
14 COMMISSIONER POLLACK: And I was talking about  
15 something a little different, which is due to the  
16 passage of time, have circumstances changed on the  
17 ground, as Dan said, in a way that we may want to  
18 reassess some pieces of it.  
19 MR. DAN MARKS: We will bring back some  
20 analysis of what's changed. I think it's a good idea.  
21 That could be staff work when we finally do get to the  
22 plan itself.  
23 COMMISSIONER SAMUELS: Gene.  
24 COMMISSIONER POSCHMAN: Dan, the density bonus  
25 has come up several times tonight, and in terms of

1 what's changed and what was guarded, on page 56, the  
2 density bonus taken from the green book --

3 MR. DAN MARKS: Are you looking at the EIR  
4 now, Gene?

5 COMMISSIONER POSCHMAN: Yeah, I am looking at  
6 the EIR.

7 MR. DAN MARKS: Page 56.

8 COMMISSIONER POSCHMAN: Page 56: The density  
9 bonus paragraph is, as it always has been, garbled and  
10 is totally inconsistent from one sentence to the other.

11 And it reads: Provide density bonuses in most  
12 subareas in the form of an extra story or stories of  
13 housing projects that provide a greater percentage of  
14 affordable housing units than required by the  
15 inclusionary ordinance. And it requires 20 percent, so  
16 we are talking 25, maybe 30 percent, something like  
17 that.

18 So -- But then it says, "Up to one additional  
19 floor above the zoning base height may be provided for  
20 projects that meet the Governmental Code 65915," which  
21 has nothing to do with -- with additional inclusionary,  
22 because as you know, 65915 has various sets of things,  
23 but essentially doesn't say if you go deeper, you get  
24 more.

25 So look at that because the first part of it

10-33

1 is in the second part.

2 The other thing that comes in is Table IV.A-4

3 in which -- in which, because we did not know at the  
4 time when this was put together back in 2000, in 1999  
5 and so on, the impact, we have a 65-foot height, of  
6 which the density bonus would supposedly be added to in  
7 terms of the (inaudible) on it. And so there's a kind  
8 of nightmarish quality on that.

9 Now, the problem, obviously, as you know, with  
10 regard to what you got through in terms of your EIR,  
11 which is such a gross thing, and you have got on pages  
12 81 and 83, I don't find those -- it doesn't get down to  
13 a fine-enough mesh to say these are gargantuan because  
14 they might be included in the 472 additional housing  
15 units. I just don't know.

16 But when you get going back and forth, if  
17 those things could be looked at, those are the kinds of  
18 things that bother me deeply.

19 I would like to hear Roia's other comments.

20 COMMISSIONER FERRAZARES: I just have two -- I  
21 will try to be very quick, two points. Short-term  
22 parking was one of the issues raised in the DEIR that  
23 there are substantial concerns that there isn't enough  
24 short-term parking. That was my understanding. But I  
25 felt like that the assumption that the DEIR makes is

10-34

11-35

1 that it's a problem of conception, it's a problem of  
2 the way people view parking but not an actual shortage  
3 of parking. And I question that assumption.

4 So I don't really find enough implementation  
5 measures in here that actually try to solve the issue  
6 in terms of it not just being a problem of conception  
7 but actually a problem of shortage. So I would like to  
8 see that addressed more in here than I did.

9 And the other thing was I was very concerned  
10 with the issue raised about bus and truck access along  
11 Bancroft should Bancroft become two-way, with the fact  
12 that, you know, I understand -- I understand Dan's  
13 point about wanting to try and keep BRT out of the DEIR  
14 at this point, and I understand the reasons for that.

15 But I don't really think we can fully evaluate a  
16 two-way Bancroft if we're talking about devoting one  
17 lane possibly to bus, and then possibly blocking  
18 traffic in a lane whenever trucks are being pulled  
19 over.

20 So I think that --

21 COMMISSIONER SAMUELS: Or double-parked.

22 COMMISSIONER FERRAZARES: Or double-parked,  
23 exactly.

24 So I am really concerned about the congestion  
25 along Bancroft. And I don't really feel that that was

11-35  
cont.

11-36

11-36  
cont.

11-37

1 adequately addressed in the DEIR for that reason alone.

2 Even if you try and put BRT aside, which I honestly  
3 feel we cannot when we evaluate the two-way on  
4 Bancroft.

5 Those were the two points I wanted to make.

6 COMMISSIONER SAMUELS: Okay. Well, thank you  
7 all, and thank you very much for your presentations  
8 this evening on the DEIR.

9 (Discussion on Item 10 concluded at 10:01

10 p.m.)

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*Planning  
Commission  
Hearing  
D1*

1 REPORTER CERTIFICATE

2 I hereby certify that the foregoing  
3 proceedings were taken at the time and place herein  
4 named; that the transcript is a true record of the  
5 proceedings as reported to the best of my ability by me,  
6 a duly certified shorthand reporter and a disinterested  
7 person, and was thereafter transcribed under my  
8 direction into typewriting by computer.

9 I further certify that I am not interested in  
10 the outcome of said proceedings, nor related to any of  
11 the parties in said action.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand this 29th day of April, 2008.

14

15 \_\_\_\_\_  
Teri Darrenougue, CSR No. 5106

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## **D1**

### **April 23, 2008 Planning Commission Hearing Commenters**

#### **John English**

- 1-1: See responses to comments C3-10, C4-94, C4-96, C4-97, C4-101, C4-102, and C4-108.
- 1-2: See responses to comments C4-19, C4-122, and C5-13.

#### **Michael Katz**

- 2-3: See responses to comments A4-1, C3-2, C3-3, and C3-9.
- 2-4: As noted throughout the Draft EIR, AC Transit's BRT proposal is being considered by the City under a separate environmental review process. Proposed circulation changes included in the Draft EIR as Circulation Alternatives 1 through 6 are for evaluative purposes and are intended to provide possible solutions to transportation and traffic concerns within the Southside area and the City as a whole; the Planning Commission reserves the right to approve or reject any or all of these alternatives when the final Plan is approved.

#### **Martha Jones**

- 3-5: This comment provides discussion on the history and use of one-way and two-way streets in the Southside area, but does not include any question or recommendation on the Draft EIR itself. Therefore the comment is noted.
- 3-6: The draft plan did not call for the conversion of Dwight Way and Haste Street from one-way to two-way streets. Therefore, those were not studied in the EIR.
- 3-7: The rationale for which intersections were included in the traffic impact analysis is provided in Appendix C of the Draft EIR. See also response to comment D1-3-6.

#### **Doris Willingham**

- 4-8: The University's LRDP was included for consideration in the Draft EIR as a relevant land use document for the Southside area, along with the City's General Plan and the Berkeley Zoning Ordinance. This plan is essential for consideration because the University is a major landowner within the Southside area.
- 4-9: The comment is noted. See also response to comment D1-3-7.

### **Sharon Hudson**

- 5-10: The public comment period for the Draft EIR was extended per the decision reached by the Planning Commission at the April 23, 2008 hearing.
- 5-11: See responses to comments C4-19, C4-122, and C5-13
- 5-12: See responses to comments C5-33 (noise), A2-1, 2, 3, and 5 (utilities) and C5-38 and 39 (public facilities and services).
- 5-13: The comment is noted but pertains to the Draft Plan itself, rather than on the substance of the Draft EIR.
- 5-14: The comment pertaining to the quality of life in the Southside area is noted.

### **Roland Peterson**

- 6-15: The comment is noted.
- 6-16: The comment regarding the length of discussion on conversion of one-way to two-way streets is noted.
- 6-17: The comment is noted.
- 6-18: Impacts TRANS-11 through TRANS-13 identify potential impacts to transportation and traffic within the Southside area that could occur with implementation of the Draft Plan. These impacts would be mitigated, however, with Mitigation Measures TRANS-11 through TRANS-13 to less-than-significant levels, and would eliminate any contradiction to the Draft Plan's goals or objectives.
- 6-19: The proposed changes to the Draft Plan's policies are intended to resolve potential conflicts between the Draft Plan and the City's General Plan Transportation Element. The amendment of Policy T-B3 obviates the need for Policy T-D2, so Policy T-D2 was proposed for deletion.
- 6-20: The comment regarding "Utopia" is noted.
- 6-21: See response to comment C4-78.
- 6-22: The comment is noted.

### **Doug Buckwald**

- 7-23: The comment is noted.

- 7-24: This comment does not pertain specifically to the Draft EIR but is noted.
- 7-25: The comment pertaining to the quality of life in the Southside area is noted. The Draft EIR does address quality of life issues by identifying potential adverse effects of the Plan's implementation on quality of life issues such as traffic congestion, air quality, and noise, and mitigating them when necessary.
- 7-26: The impacts discussed in this comment are, according to the commenter, the result of University projects. This comment does not include any discussion pertaining to the Draft EIR.
- 7-27: The comment concerning parking use in the Southside area is noted. However, this comment does not include any discussion pertaining to the Draft EIR.
- 7-28: The comment pertaining to the quality of life in the Southside area is noted. However, this comment does not include any discussion pertaining to the Draft EIR.

**Janice Thomas**

- 8-29: The public comment period for the Draft EIR was extended per the decision reached by the Planning Commission at the April 23, 2008 hearing.
- 8-30: The City provides free copies of the Draft EIR to those unable or wishing not to pay \$30 for a hard copy. The Draft EIR is also available on CD from the City and is available on the City's website for free.
- 8-31: The public comment period for the Draft EIR was extended per the decision reached by the Planning Commission at the April 23, 2008 hearing.

**Alex Amoroso**

- 9-32: This comment includes clarification provided by the City and is included here for informational purposes.

**Commissioner Poschman**

- 10-33: The paragraph referenced by the commenter is quoted from the Southside Plan. Because of changes in the State Density Bonus law, this paragraph, along with other references to a Southside specific density bonus, has been removed from the Plan and the Draft EIR.
- 10-34: Staff was unable to determine the particular concern expressed in this comment.

### **Commissioner Ferrazares**

- 11-35: What is disclosed in the EIR is that parking supply is not well managed and policies such as pricing, permits, and time limits would accommodate those needing to drive and park in the Southside area. Simply adding more parking would cause a shift from transit to auto as driving would be more convenient. This would contradict the transit first policies for the Berkeley General Plan and the Southside Plan.
- 11-36: The commenter is correct that conversion of one-way streets to two-way streets could result in delivery vehicles double parking and blocking a travel lane. This impact was identified in the EIR (Impact TRANS-13, page 136 of the Draft EIR) and mitigations were provided to address this impact.
- 11-37: See response to comment D1-11-36.

**Planning Commission 6-25-08  
Notes on Item 10, Southside Plan DEIR**

**PUBLIC COMMENT**

Speaker 1: Roland Peterson

President of the Telegraph Business Improvement District

- Speaker stands by his comments at the joint meeting on the transportation commission and planning commission. The mitigations included in the DEIR are utopian. They are impossible and impractical when put together.
- At the end of the DEIR on page 255 the report states [verbatim] “because on alternative, number 2, was selected and evaluated in detail in the EIR, the other alternatives will not be evaluated here.” Speaker stated that the report states all six transportation options are represented but they are not- they are only in the appendix. He stated this is a weakness of the DEIR. If ‘we’ are to consider all six, all six need to be evaluated. 1-1
- On page 264 under Environmentally Superior Alternative the report stated that the ‘no build’ alternative would avoid the impacts of the Southside Plan and therefore be the environmentally superior alternative. He stated the circulation plan should not change and the report, with this statement, agrees even though it gives 100+ pages to explain changes in other alternatives. The bottom line is that it is better for the environment if there is no change. 1-2

Speaker 2: Jesse Arreguin

ZAB member

- Speaker stated he was part of the discussion of the Southside Plan in 2000. He will submit more detailed comment in writing.
- His first concern is about the Land Use analysis. State and local land use has changed since 2003 in relation to density bonus. These impacts on Southside need to be evaluated and considered. The increase in density near campus is beneficial and needed, but how tall and the impacts need to be seriously considered. 2-3
- He cautioned the Commission against changing the Land Use section and advised to just focus on height. Increase density near campus and downzone further away.
- Residential parking needs to be considered. Page 200 of the DEIR says the City will rely on the university for Open Space requirements- how will this be implemented? Is the University still paying for the EIR / Southside Plan? How will their projects meet the Southside Plan and neighborhood initiatives like the one for open space? Land use needs analysis in the final EIR. 2-4
- 2-5

Commissioner discussion

- Jim Novosel asked why the DEIR is so late
  - Staff explained
- Harry Pollack asked for more information on density bonus and how the changes in density bonus law affect the southside plan

- Jim Samuels asked how the EIR will look at density bonus, meaning at what stage of development.
  - Staff responded that the consultant will most likely look at the current state of density bonus law and maybe the possible or most likely future state.
- Gene Poschman had three concerns/comments that were included in his communication: 1) Density bonus was never put in the Plan, 2) Questions statement that new vehicle trips will be generated only if new parking spaces are provided -page 120 DEIR, page 49 Appendix C, and 3) residential neighborhoods and parking in neighborhoods not fully addressed. He doubts that it will be “temporary and secondary.” He stated there is not a close enough analysis- page 6 appendix.
- Roia Ferrezares asked if they need to chose between one of the two questions included in the presentation
  - Staff responded no

3-6

Adjournment

## D2

### June 25, 2008 Planning Commission Hearing Commenters

#### Roland Peterson

- 1-1: The EIR authors and City staff disagree with the comment. All of the mitigation measures included in the Draft EIR are feasible. All six of the circulation alternative scenarios were evaluated for transportation and circulation effects as presented in Appendix C Berkeley Southside Final Transportation Study which is by definition part of the EIR. See also responses to comments A3-24 and A4-8 and B3-10 in regards to the choice of Circulation Alternative 2 and Master Response 1, Southside Plan Circulation.
- 1-2: The comment is noted regarding the Environmentally Superior Alternative. See also responses to comments B3-9, C3-10, C4-97 and C4-108.

#### Jesse Arreguin

- 2-3: The comment is noted that changes to the State density bonus changes must be considered. See response to comments C4-19 for an explanation of how the 2003 changes in the State law were integrated into the Draft EIR analysis.
- 2-4: The comment is noted that residential parking needs to be considered. See also response to comment A3-13. In regards to open space requirements, nowhere on page 200 or on any page of the Draft EIR does it say that, "the City will rely on the University for Open Space requirements." The Draft EIR evaluates the provision of parks and open space in the Southside in Section IV.F, Public Facilities and Services. See also responses to comments C1-5 and C5-49 regarding Measure L and park and open space services.
- 2-5: Section IV.A, Land Use and Planning Policy of the Draft EIR contains an analysis of land use.

#### Gene Poschman

- 3-6: In regards to the comment concerning the density bonus, see responses to comments B2-2, C4-19 and Master Response 2. In regards to the comment concerning new vehicle trips related to parking spaces, see responses to comments C4-73 and C4-117. In regards to the comment concerning residential neighborhoods and parking, see responses to comments C5-18, C5-26, C5-27, C5-28, C5-30, and D1-10-33.

## IV. DRAFT EIR TEXT REVISIONS

Chapter IV presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR and in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or greater severity than those set forth in the Draft EIR. Where 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 EIR is shown in ~~strikeout~~.

These revisions to the Draft EIR derive from two sources: (1) comments raised in one or more of the comment letters received by the City of Berkeley on the Draft EIR; and (2) staff-initiated changes that correct minor inaccuracies or typographical errors found in the Draft EIR subsequent to its publication and circulation.

In no case do these revisions result in a greater number of impacts, or impacts of a greater severity, than those set forth in the Draft EIR.

Page 17 of the Draft EIR is revised to match the language in the Southside Plan as follows:

The Southside ~~area~~ is generally defined as the area bounded by Dwight Way to the south, Bancroft Way to the north, Prospect Street to the east, and Fulton Street to the west, and includes the properties fronting these streets.

The second paragraph on page 24 of the Draft EIR is revised as follows:

In early 2005 after the University certified the LRDP Final EIR and adopted the LRDP, the City of Berkeley entered into litigation with the University concerning the validity of the 2020 LRDP EIR. ~~Because the LRDP planned for University expansion within the Southside area, completion of the Draft Southside Plan was suspended until the lawsuit was settled, which occurred in mid-2005. The lawsuit was settled in mid-2005.~~ (The University LRDP is discussed more fully in Chapter IV.A, Land Use and Planning Policy).

The third paragraph on page 24 of the Draft EIR is revised as follows:

... and considers a route for a dedicated ~~BRT~~ Rapid Bus lane on Telegraph Avenue...

Under the Residential Medium Density Subarea on page 26 of the Draft EIR, the third sentence is revised as:

[In the General Plan, this designation allows a density range of 20 to 40 dwelling units per acre (du/ac), which typically correlates to 44 to 88 persons per acre (i.e., an average of 2.2 persons per unit.)]

Under the Residential High Density Subarea on page 26 of the Draft EIR, the second sentence is revised as:

[In the General Plan, this designation allows a density range of 40 to 100 dwelling units per acre (du/ac), which generally correlates to 88 to 220 persons per acre (i.e., an average of 2.2 persons per unit.)]

Under the Telegraph Commercial Subarea on page 28 of the Draft EIR, the first full sentence is revised as:

The area allows a maximum FAR of 3.5 and building heights between 50 and ~~60~~65 feet with 4 to 5 stories.

Under the Dwight Way Commercial Subarea on page 28 of the Draft EIR, the third sentence is revised as:

Land uses allowed in this area ~~are~~ include retail, other general commercial, and retail housing.

Page 30 of the Draft EIR is revised as follows:

Institutional uses are found throughout the Southside area but are generally clustered along the Dana Street, ~~and~~ College Avenue, and Bowditch Street corridors.

The first paragraph on page 33 of the Draft EIR is revised as follows:

The final chapter of the Draft Plan provides zoning map and standard changes necessary to most effectively implement the Draft Plan. The Draft Plan proposes Minor revisions are proposed to the Telegraph Avenue Commercial (C-T) and the Multiple-Family Residential (R-3) districts to allow more flexibility in building height, floors allowed, and parking to foster mixed use development with residential units as envisioned by the Draft Plan. The Multiple-Family Residential (R-3) district has minor changes, primarily prohibiting parking lots, allowing existing buildings to be rebuilt to existing density following a mandatory retrofit or destruction following a hazard event, and permitting increased lot coverage for an additional dwelling on a site. Two new, higher-density ~~mixed-use~~ multi-family districts are also proposed: the Residential Southside (R-S) and the Residential Southside Mixed Use (R-SMU) districts. The new R-S and R-SMU districts are intended to implement the Draft Plan's emphasis of higher-density mixed use near the University (i.e., R-SMU) while transitioning to less dense residential development adjacent to the established residential neighborhoods (i.e., R-S).

The second paragraph on page 33 of the Draft EIR is revised as follows:

**h. Development Opportunity Sites.** Appendix A of the Draft Plan provides an inventory of non-University-owned parcels that have been preliminarily determined to be areas where new development, or expansion of existing development, could be accommodated.

The third and fourth bullets under the Development Opportunity Sites subsection on page 33 of the Draft EIR is revised as follows:

- **Sites that are currently vacant.** With only ~~two~~ one vacant sites in the Southside area, most change will occur on sites with existing uses.
- **Sites which contain seismically hazardous buildings which are prohibitively expensive to retrofit.** These properties could be redeveloped, with proper incentives, to create higher quality housing stock to improve the overall quality of the neighborhood. The sites with potentially hazardous buildings are of two categories: “unreinforced masonry buildings” (“URM”) and “soft-story buildings.” A URM building is typically a block or brick building that lacks adequate reinforcement in load bearing walls or the connections between ~~within~~ the walls and the floors/ceilings to withstand earthquake-induced ground shaking.

The last paragraph on page 33 of the Draft EIR is revised as follows:

For the purpose of evaluating the potential environmental effects of implementing the goals, objectives, policies, and programs of the Draft Plan, City staff and the consultant team prepared projections for ~~the maximum number~~ a conservative estimate of the reasonably foreseeable number of net new housing units, increased population, non-residential uses, and jobs expected under proposed Draft Plan land use designations and zoning through 2020.

The first full paragraph on page 35 of the Draft EIR is revised as follows:

~~As previously noted,~~ City staff identified as Tier 1 opportunity sites those non-University-owned sites throughout the Southside area which have the greatest potential for development and reuse. City staff and the consultant team undertook an analysis of the potential development on these opportunity sites under the proposed land use and zoning changes and identified the capacity for future development based on the following considerations:

The second full paragraph on page 35 of the Draft EIR is revised as follows:

Based on this analysis and for the purposes of this EIR, the Southside area was estimated to include future development through 2020 at an amount equal to approximately 75 percent of the development potential of the opportunity sites. As shown in Table III-1, implementation of the Draft Plan is estimated to result in approximately ~~472~~ 578 new dwelling units (with an assumption of 800 square feet per unit based on existing City data concerning the average size of units constructed in the Southside over the past 10 years)

and ~~1,038~~ 1,272 new residents (at 2.2 residents per unit). Approximately ~~638,290~~ 557,100 additional square feet of new “non-residential” space comprised of office, commercial, and University-related uses could also be developed in the Southside which would add ~~2,130~~ 1,857 jobs. These projections reflect a conservative or “high-side” estimate that is intended to capture the full range of actual development potential within the Southside area for evaluation in this EIR.

Table III-1 (and footnotes) shall be changed to read:

Land Use Category	Net Change (square feet)
University Residential <sup>a</sup>	0
Non-University Residential	<del>377,700</del> <u>462,700</u>
<b>Total Residential<sup>b</sup></b>	<b><del>377,700</del> <u>462,700</u></b>
University Non-Residential	450,000
Non-University Non-Residential	<del>188,290</del> <u>107,100</u>
<b>Total Non-Residential</b>	<b><del>638,290</del> <u>557,100</u></b>

<sup>a</sup> The University’s 2020 LRDP does not identify any new housing in the Southside area; the amount of University residential construction in 2004 through 2007 further reduces the likelihood of additional University housing units in the Southside area.

<sup>b</sup> Total Residential includes approximately ~~472~~ 578 new housing units (based on an assumed 800 square feet per unit).

<sup>c</sup> The University’s 2020 LRDP allows for a maximum of 450,000 square feet of academic and support space in the Southside area.

Page 36 of the Draft EIR is revised as follows:

~~Following~~ With adoption of the Draft Plan, other City documents applicable to the Southside area, such as the Zoning Ordinance and Zoning Map, would ~~subsequently~~ be amended to reflect and incorporate the policy direction and development standards included in the Draft Plan.

Page 39 of the Draft EIR is revised as follows:

This section describes the general land uses within the Southside area, the proposed Southside subareas, and relevant land use designations, ~~and the proposed opportunity sites for redevelopment~~ within the Southside area.

The second sentence of paragraph (3) on page 40 of the Draft EIR is revised as follows:

... Southside office space is primarily used by University academic and student support offices, ~~religious facility offices~~, and a small number of general offices.

The last paragraph on page 40 of the Draft EIR is revised as follows:

... Immediately north ~~and east~~ of the Southside neighborhood is the University’s main campus. Major University facilities abut the project area, including Memorial Stadium at the northeast boundary, Zellerbach Hall ~~at the northern terminus~~ near the intersection of

~~Telegraph Avenue~~ Bancroft Way and Dana Street, and Edwards Field at the northwestern Southside area boundary.

Page 43 of the Draft EIR is revised as follows:

~~While this~~ This section contains a discussion of the consistency of the proposed project with these relevant land use policies, ~~policy conflicts are not considered to constitute a significant environmental impact and which~~ are differentiated from the physical impacts described in other topical sections of this EIR.

Figure IV.A-2 on page 44 of the Draft EIR is revised as follows:

[Legend Entry] Open Space and Recreation

Page 49 of the Draft EIR is revised as follows:

- *Hillside Overlay (H)*. ...As applied to the Southside area, average height limits for buildings in the R-4H and R-5H districts may not exceed 35 feet or 3 stories (unless an Administrative Use Permit is granted).
  - *High Density Residential (R-5)*. The R-5 district encourages high-density, multi-family residential areas close to major shopping, transportation and employment centers. It makes housing, such as apartments and hotels, available to persons who desire convenience of location and who require relatively small amounts of useable open space. Adequate light, air, privacy and useable open space is assured in this district to the residents to promote and protect their physical and mental health, and adjacent properties would be protected from unreasonable obstruction of light and air. The construction of buildings for institutional and office uses are allowed when they will not be detrimental to the immediate neighborhood. Lots in the R-5 may not be less than 5,000 square feet, and main buildings generally may not exceed 40 feet and four stories, unless an Administrative Use permit is granted.
- c. University 2020 Long Range Development Plan.** ...The University's defined Southside area as described in the LRDP, however, has ~~slightly~~ different boundaries than that described in the City's Draft Southside Plan-; it covers much, but not all of the City's defined Southside area and also includes areas, such as the Clark Kerr campus and the Smyth-Fernwald complex, which are not included in the City's Southside area boundaries.

The first sentence on page 50 of the Draft EIR is revised as follows:

As previously described, the main University campus area abuts the Southside neighborhood along its entire northern boundary, and the University owns approximately 30 percent (excluding streets) of the Southside area's land (as defined by the City).

Figure IV.A-6 on page 55 of the Draft EIR is revised as follows:

Shading for the western Residential Mixed Use Subarea to be corrected.

Page 57 of the Draft EIR is revised as follows (underlining in this section exists within the Draft EIR text and does not connote added text):

- ~~Action A~~: Vacant properties.
- ~~Action B~~: Surface parking lots and single-level parking garages on Bancroft, Durant, and Telegraph Avenue.
- ~~Action C~~: Underutilized lots with single-story structures that are not historically significant resources on Bancroft, Durant, and Telegraph.
- ~~Action D~~: Surface parking lots and single-level parking lots on all other streets.
- ~~Action E~~: Underutilized lots with single-story structures that are not historically significant resources on all other streets.

Page 60 of the Draft EIR is revised as follows:

- c. **Opportunity Sites.** The Draft Plan provides criteria for identifying potential sites for new development or redevelopment opportunities (i.e., “opportunity sites”) in the Southside area, as listed in Policy LU-C1 and as follows: ...
- Sites that are currently vacant. With only ~~two~~one vacant sites in the Southside area, most change will occur on sites that contain existing uses.

Page 61 of the Draft EIR is revised as follows:

- e. **Proposed Zoning Designations Code Revisions.** The Draft Plan includes four zoning districts: two existing districts intended to implement the General Plan and two new districts that provide standards specifically revised or developed to implement the Draft Plan. Either concurrent with and/or aAfter adoption of the Draft Plan, the Zoning Ordinance and Zoning Map will ~~subsequently~~ be amended to reflect the development standards and new zoning districts included in the Draft Plan.

The Draft Plan proposes ~~minor~~ revisions to the Telegraph Avenue Commercial (C-T) ~~and the Multiple-Family Residential (R-3)~~ districts by allowing more flexibility in building height, floors allowed, and parking to foster mixed use development with residential units, as envisioned by the Draft Plan. The Multiple-Family Residential (R-3) district has minor changes, primarily prohibiting parking lots, allowing existing buildings to be rebuilt to existing density following a mandatory retrofit or destruction following a hazard event, and permitting increased lot coverage for an additional dwelling on a site. No changes are proposed for the C-SA district.

Two new, higher-density ~~mixed-use~~ multi-family districts are also proposed: the Residential Southside (R-S) and the Residential Southside Mixed Use (R-SMU) districts. The new R-S and R-SMU districts are intended to implement the Draft Plan’s emphasis of higher-density mixed use near the University (i.e., R-SMU) while transitioning to less dense residential development adjacent to the established residential neighborhoods (i.e., R-S).

Page 65 of the Draft EIR is revised as follows:

The Southside area is an established community, and implementation of the Draft Southside Plan would result in the development of approximately ~~472~~ 578 dwelling units and approximately ~~638,290~~ 557,100 square feet of new non-residential space ~~commercial area~~ (equivalent to approximately ~~2,130~~ 1,857 jobs). Implementation of the Draft Southside Plan would not, however, result in the physical division of the Southside area either with installation of new roadways or alteration of the existing land parcelization pattern. The addition of this future development would occur on existing parcels that are currently underutilized, not architecturally or historically significant, structurally unsafe, or vacant, as described in subsection 3.c, Opportunity Sites, and as envisioned by Draft Plan policy LU-C1 that encourages development consistent with the Draft Plan objectives on suitable sites.

Page 67 of the Draft EIR is revised as follows:

The Draft Southside Plan makes recommendations to amend ~~two~~ three existing zoning districts, as well as to establish two new zoning districts, in order to most effectively implement the vision of the Draft Plan and General Plan.

Page 69 of the Draft EIR is revised as follows:

~~Also in the late 1870s~~ 1876, ~~Governor Leland Stanford~~ Francis Kittridge Shattuck brought the Southern Pacific Railroad to Berkeley, connecting the community with the main Oakland station via tracks located along Stanford Avenue and fostering thriving growth through the 1880s.<sup>2</sup>

The first paragraph on page 71 of the Draft EIR is revised as follows:

By 2020, the established plan horizon for the Draft Plan, the City estimates approximately ~~2,130~~ 1,857 jobs will be added in the Southside in association with the anticipated ~~638,290~~ 557,100 square feet of new non-residential space planned for in the Draft Plan.<sup>8</sup> Although the Southside area is within the City limits, development within the area will continue to be a mixture of University and non-University projects. Based on the University's 2020 LRDP projections for future development within the Southside area, approximately 1,500 jobs of the total ~~2,130~~ 1,857 new jobs projected ~~in the 2020 LRDP would occur in the Southside area~~ would be on University-owned sites in the Southside. Because the Draft Plan focuses on maximizing redevelopment of dramatically underutilized sites, (i.e., "opportunity sites"), anticipated job change correlating to additional non-residential commercial development by 2020 represents a ~~42~~ 37 percent increase from that estimated for 2005 (5,014 total jobs), and would be ~~8.7~~ 28 percent of all City jobs by 2020. By 2035, if the proportion of Southside jobs to City jobs remains constant at ~~8.7~~ 28 percent, which is anticipated under the assumption that little change would occur after full implementation of

<sup>2</sup> Cerny, Susan Dinkelspiel. *Berkeley Landmarks*, 2001.

<sup>8</sup> City of Berkeley, 2010. Responses to Comments on Draft Southside Plan EIR.

the Draft Southside Plan by 2020, approximately ~~438~~ 420 jobs would be added between 2020 and 2035 for a total of approximately ~~7,582~~ 7,290 Southside area jobs.

Page 72 of the Draft EIR is revised as follows:

For purposes of the Draft ~~EIR Plan~~, each ~~two~~ four beds in a group quarter (e.g., dormitory), are considered one dwelling unit.<sup>11</sup>

The second paragraph on page 81 of the Draft EIR is revised as follows:

Implementation of the Draft Plan is anticipated to add ~~472~~ 578 housing units to Berkeley's existing Southside housing stock, increasing the area's population by approximately ~~1,038~~ 1,272 residents. The estimated population growth would increase total Southside population to ~~12,038~~ 12,272 persons, an ~~9.4~~ 11.6 percent increase from 2005 to 2020. The additional housing units would represent an ~~8.8~~ 10.8 percent increase, bringing the total to ~~5,822~~ 5,928 units. The proportion of Southside housing units to Citywide units in 2020 would be ~~12.1~~ 12.4 percent, similar to 2005 at 11 percent, indicating that housing growth would occur at a comparable rate to Citywide growth as forecast by ABAG. Similarly, Southside population growth would occur at a comparable rate to Citywide growth, comprising 10.5 percent of all population in 2005 and estimated to comprise ~~10.8~~ 11 percent by 2020. These amounts indicate that the Southside area's population growth rate will remain nearly the same as that anticipated to occur Citywide by ABAG forecasts. Additionally, population growth in the Southside area is not unanticipated, as General Plan policy H-16 encourages the construction of new medium- and high-density housing on major transit corridors, such as Bancroft and Telegraph Avenues in the Southside area, as do Draft Plan policies LU-A1, LU-F4, and LU-F5. General Plan policies H-33 and H-34, and Draft Plan policies LU-A1, LU-A2, and LU-F2 support and encourage the University to construct additional student housing as well as facility and staff housing.

The fourth sentence of the third paragraph on page 81 of the Draft EIR is revised as follows:

As described throughout this Chapter and in Chapter IV.A, Land Use and Planning Policy, ~~all~~ planned-for change by the Draft Plan would result in infill development by building on vacant lots and surface parking lots, replacing existing buildings with new, multi-use buildings, or adding additional residential stories to existing commercial buildings.

The repeated sentence at the top of page 82 of the Draft EIR is deleted as follows:

...mixed land uses with residential uses above ground floor retail or parking uses. ~~The Draft Plan, in response to the needs of the population residing in the Southside area, does encourage a variety of housing types (e.g., condominiums, houses, group facilities) affordable to the array of income levels in the Southside area and vertically mixed land uses with residential uses above ground floor retail or parking uses.~~ The Draft Plan also encourages the rehabilitation...

Page 82, the sixth sentence in the first paragraph, of the Draft EIR is revised as follows:

The addition of new housing units and residents would result in a slight increase (approximately ~~8~~ 10 percent) in the area's population density, from 60 to ~~65~~ 66 persons per acre after implementation of the Draft Plan is complete in 2020.

Page 82, the second paragraph, of the Draft EIR is revised as follows:

**(3) Displace Substantial Numbers of Existing Housing or Residents, Especially Affordable Housing Necessitating the Construction of Replacement Housing Elsewhere.** ... Further, Berkeley General Plan policy H-9 and Draft Plan policy LU-A3 explicitly ~~call for~~ require the maintenance and preservation of the existing housing supply, indicating that the people residing in the existing housing units, including affordable units, would not be displaced. Through implementation of the Draft Plan, it is possible, however, that minimal numbers of residents would be temporarily displaced as individual residential buildings are modified or reconstructed, consistent with the intent of the Draft Plan to provide new, ~~upper floor~~ residential units...

Page 83 of the Draft EIR is revised as follows:

**(6) Create a Substantial Job-to-Housing/Employed Residents Imbalance.** The proposed project could have effect related to employment; however, it is unlikely that significant environmental impacts would result. As described in the subsection 1.d(2), the current jobs-to-employed residents ratio in the Southside area is approximately 1.36. By 2020, the ratio is projected to decrease to approximately ~~1.27~~ 1.22, thereby becoming more in balance through the addition of ~~2,130~~ 1,857 ~~commercial~~ jobs. The ~~2,130~~ 1,857 new, permanent jobs created from implementation of the Draft Plan would generate approximately ~~1,038~~ 1,272 new residents, of which approximately ~~834~~ 1,019 persons (or 80.1 percent) would be employed based on estimated Citywide employment rates by 2020. As indicated, because implementation of the Draft Plan would result in more new jobs than housing units, the jobs-to-employed residents ratio would become more balanced. ~~By 2035, 15 years after the Draft Plan is fully implemented, the Southside jobs-to-employed residents ratio would continue to become more balanced and closer to the ideal ratio of 1.0, improving to 1.12.~~ Table IV.B-7 indicates how the Southside area's jobs-to-employed residents ratio would improve over time with implementation of the Draft Plan. Therefore, the addition of residents or new jobs associated with implementation of the Draft Plan would not create a substantial job-to-employed residents imbalance and, as a result, would result in a less-than-significant impact to the jobs-to-housing/employed resident balances.

**Table IV.B-7: Southside Jobs-to-Employed Workers Ratio**

Southside Area	Year 2005	Year 2020	Year 2035
Jobs	5,014	<del>7,144</del> <u>6,871</u>	<del>7,582</del>
Employed Residents	3,690	5,644	<del>6,740</del>
Housing Units	5,350	<del>5,822</del> <u>5,928</u>	<del>5,822</del>
Jobs-to-Housing Units Ratio (Ideal is 1.5)	0.94	<del>1.23</del> <u>1.16</u>	<del>1.30</del>
Jobs-to-Employed Residents Ratio (Ideal is 1.0)	1.36	<del>1.27</del> <u>1.22</u>	<del>1.12</del>

Source: LSA Associates, Inc., 2007, City of Berkeley, 2010

Page 90 of the Draft EIR is revised as follows:

..., and parking on the ~~south side~~ north side of the street between Shattuck Avenue and Dana Street.

The Dana Street description on page 91 of the Draft EIR is revised as follows:

...Sidewalks existing on both side of the street. A bike lane is provided on the east side of the street from Bancroft Way to Dwight Way.

The Telegraph Avenue description on page 91 of the Draft EIR is revised by adding the following at the end of the description:

That portion of Telegraph Avenue within the Southside area but south of Dwight Way (to Parker Street) is a four-lane, two-way roadway that includes bicycle lanes in each direction.

The first sentence of the last paragraph on page 91 of the Draft EIR is revised as follows:

In the Southside area sidewalks are provided on all corridors; there are pedestrian passageways and alleys within some of the larger blocks ~~on an intermittent basis.~~

The second paragraph on page 92 of the Draft EIR is revised as follows:

Crosswalks are provided in the Southside area where pedestrian crossing is encouraged, and curb ramps are provided on most street corners. The signalized intersection of Bancroft Way/Telegraph Avenue has an all pedestrian phase to accommodate the high volume of pedestrians. While most of the sidewalk facilities are protected by parked vehicles from the general vehicle flows, complaints regarding the speed of traffic and its adverse effect to pedestrians have been noted. These complaints, voiced during the planning process, were oriented primarily to the one-way street segments (i.e., Bancroft Way and Durant Avenue) rather than the two-way roadways. The City of Berkeley Bicycle and Pedestrian Task Force Evaluation and Recommendations Report found that six of the ten highest pedestrian accident locations were in the Southside – four on Bancroft Way and two on Telegraph Avenue.

...These complaints, voiced during the planning process, were oriented primarily to the one-way street segments (i.e., Bancroft Way and Durant Avenue) rather than the two-way roadways. ~~The City of Berkeley Bicycle and Pedestrian Task Force Evaluation and Recommendations Report found that six of the ten highest pedestrian accident locations were in the Southside four on Bancroft Way and two on Telegraph Avenue.~~

The fourth paragraph on page 92 of the Draft EIR is revised as follows:

...with about ~~45~~ 6.03 percent of the City's employed residents regularly commuting to work by bicycle, ...

The second bullet under the Existing Bicycle Facilities subsection on Page 92 of the Draft EIR is revised as follows:

... These facilities are typically ~~4.5~~ to 6 feet wide (or 1.5 meters).

Figure IV.C-2 on page 93 of the Draft EIR is revised as follows:

Figure name to be revised to state the pedestrian volumes are peak hour volumes.

The first bullet point on page 95 of the Draft EIR is revised as follows:

... Where there are no bicycle lanes, these facilities are identified with ~~street logs~~ pavement legends.

The second paragraph on page 95 of the Draft EIR is revised as follows:

...are designated by the City of Berkeley as Bicycle Boulevards. The Bicycle Boulevard along Hillegass Avenue at Dwight Way is a contraflow bike lane that directs bicycle traffic westbound against eastbound Dwight Way traffic to continue on the Hillegass Avenue Bicycle Boulevard. Bicycle Boulevards ~~which~~ are roadways that have been modified to enhance bicycle safety and convenience.

The third paragraph on page 95 of the Draft EIR is revised as follows:

...and Bancroft Way to Class ~~2.5 bikeways~~ II with enhancements, also known as Shared Roadways, referred to as Class 2.5 in the City's Bicycle Plan.

The fourth paragraph on page 95 of the Draft EIR is revised as follows:

~~As of December 2007, the University is completing a~~ completed the UC Berkeley Bicycle Plan, which includes proposed improvements to the bicycle network on campus and at the interface between the campus and the City's street network. These improvements include:

- Bancroft Way from Piedmont Avenue to Fulton – Install Class 2.5 bike Lane
- Bancroft Way/College Avenue Intersection – Install rolled curb to allow easier and more direct bike passage
- College Avenue from Bancroft Way to Channing Way – Implement bike boulevard or other upgrades to connect to bike boulevard on Channing Way
- Bancroft Way/Dana Street Intersection – Dana Street becomes two way or add contra flow bicycle lane; install a signal or stop sign at Bancroft and Dana
- Bancroft Way/Ellsworth Street Intersections – Install signal with bicycle loops and left-turn bike pocket

The fourth paragraph on page 97 of the Draft EIR is revised as follows:

Cars park in ~~bulb-outs~~ pull-outs on Telegraph Avenue ...

... Therefore the stops that AC Transit Route ~~40/40L~~ 1/1R makes Telegraph Avenue at Haste Street and...

... There are bus pull-outs in the parking lane; however AC-Transit buses are typically 8.5 feet wide. Their width combined with the fact that drivers don't pull in results in so the buses partially blocking the travel lane. ~~even when pulled into the parking lane.~~

The footnote on page 97 of the Draft EIR is revised as follows:

Alameda Contra Costa Transit District and the U.S. Department of Transportation/Federal Transit Administration, 2007. *AC Transit East Bay Bus Rapid Transit Project in Alameda County Draft Environment Impact Statement/Environmental Impact Report*. May.

The first paragraph on page 98 of the Draft EIR is revised as follows:

...and parking downtown is generally metered on-street or provided in structures, ~~and may be difficult to find.~~

The third paragraph on page 98 of the Draft EIR is revised as follows:

**Bancroft Way Deliveries.** Truck deliveries were frequent on Bancroft Way during both peak hours. Most deliveries were made between Barrow Lane and ~~south~~ west of Telegraph Avenue.

Page 99 of the Draft EIR is revised as follows:

...Most University-operated parking facilities are open to the public for a fee during nights and weekends, with some facilities open during the day to the public.

The fifth paragraph on page 99 of the Draft EIR is revised as follows:

...Time limits and enforcement are intended to discourage all-day use of on-street parking by commuters and employees. As a result of the RPP and the parking meters, there are no all-day on-street parking spaces available in the Southside area for commuter and visitors on most days.

Policy T-C7 on page 114 of the Draft EIR is revised as follows:

...Encourage preservation of existing north-south midblock pedestrian passageways, such as passageways between Bancroft and ~~Charming~~ Channing, west of Telegraph....

Policy T-C9 on page 115 of the Draft EIR is revised as follows:

Eliminate fast right turn at Bancroft and ~~Oxford~~ Fulton for automobiles.

Page 117 of the Draft EIR is revised as follows:

- Cause, either individually or cumulatively, an exceedance of a level of service standard ~~established by the ACCMA for the CMP designated roadway system.~~ For the purposes

of this EIR, an exceedance of ~~ACCMA standards~~ of a level of service standard is measured as follows: (1) on CMP designated roadway segments that are projected to meet the CMP level of service standard in the future without the project (2025), the impact would be significant if the project causes the segment to exceed the standard and adds at least 5 percent to the future peak hour traffic volume; or (2) on CMP-designated roadway segments that are projected to exceed the CMP level of service standard in the future without the project (2025), the impact would be significant if the project adds at least 5 percent to the future peak hour traffic volume.

Page 119 of the Draft EIR and page iii of Appendix C is revised as follows:

Alternative 6: Tests the combination of converting all four one-way streets (Dana Street, Ellsworth Street, Bancroft Way, and Durant Avenue) to two-way traffic flow with restricted vehicular traffic ~~at the northern most block of Telegraph Avenue and on Telegraph Avenue from Bancroft Way south to Haste Street and a short section of Bancroft Way at Telegraph Avenue.~~

Page 120 of the Draft EIR is revised as follows:

...Eastbound traffic was distributed as follows: 45 percent remained on Durant Avenue, 45 percent shifted to Bancroft Way and 10 percent shifted to Dwight ~~Avenue~~ Way.

Page 120 of the Draft EIR, the first full paragraph are revised as follows:

**(2) Trip Generation.** The Draft Southside Plan anticipates and encourages both commercial and residential infill development in the Southside area. Since parking in the Southside area is generally at or near capacity, it is reasonable to assume that new vehicle trips would only be generated if new parking spaces are provided. The Draft Southside Plan would include an estimated maximum of ~~66-107~~ new commercial parking spaces and ~~169-201~~ residential parking spaces at the identified opportunity sites, based on an assessment of the potential development at the sites under the revised Draft Plan land use and zoning changes. These new parking spaces were estimated to generate ~~145-189~~ new AM peak hour and ~~237-339~~ new PM peak hour vehicle trips.

Page 134 of the Draft EIR is revised as follows:

Mitigation Measure TRANS-7: The City shall require all new development to design the vehicle access points to new development sites as driveways. A ~~5~~ 6-foot sidewalk width, or 6 feet of clearance on sidewalks, shall be maintained across each new driveway that is in line with the primary walking corridor along the street. (LTS)

Page 134 of the Draft EIR is revised as follows:

Mitigation Measure TRANS-8: At all signalized intersections and mid-block locations within the Southside area the City shall install limit lines five feet in advance of the crosswalks and install "Turning Traffic Must Yield to Pedestrians" signage consistent with

the California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA's MUTCD 2003 Edition, as amended for use in California). (LTS)

Page 135 of the Draft EIR is revised as follows:

**Impact TRANS-10: The Bancroft Way and Durant Avenue corridors carry a great number of cyclists; however, there are no bicycle facilities which, and this can create unsafe conditions. (S)**

Mitigation Measure TRANS-10: The City shall install Class II bike lanes on Bancroft Way between Dana Street and Fulton Street and on Durant Avenue west of College Avenue. The City shall install ~~sharrows~~ shared roadway markings on Bancroft Way west of Fulton Street and east of Dana Street as well as on Durant Avenue east of College Avenue. The ~~sharrows~~ shared roadway markings shall be located 11 feet from the face of curb to highlight the preferred bicycle travel path to avoid open vehicle doors. (LTS)

Page 135 of the Draft EIR is revised as follows:

**Impact TRANS-11: The conversion of Bancroft Way and Durant Avenue to two-way streets will result in an increased propensity for delivery vehicles to block the eastbound travel lane on Bancroft Way if delivery vehicles double park. to be double parked, thereby blocking the eastbound travel lane on Bancroft Way (S)**

Page 137 of the Draft EIR is revised as follows:

**g. Parking Characteristics.** ... As a result, the Telegraph-Channing Parking Garage has responded by increasing short-term parking opportunities. ~~On evenings and weekends it is unlikely that University-owned parking areas can be used for public parking.~~ Additional parking provisions for short-term parkers would help to minimize driver recirculation through the Southside area.

Page 139 of the Draft EIR is revised as follows:

**k. Policy Analysis.** This section reviews and evaluates the proposed project against policies from the Berkeley General Plan and the Draft Southside Plan. ~~Policy conflicts in and of themselves do not constitute a significant environmental impact. Policy conflicts are only considered environmental impacts when they would result in direct physical impacts.~~

While the Transportation Element of the proposed Southside Plan is generally consistent with the policies set forth in the Berkeley General Plan, there some are inconsistencies between the proposed project, which includes the conversion of Bancroft Way and Durant Avenue to two-way traffic, and some of the Draft Southside Plan policies.

Policy T-D31 page 149 of the Draft EIR is revised as follows:

Install a high visibility crosswalk on the north side of the Clark Kerr Campus exit at the Warring Street / Parker Street intersection to permit pedestrians to alert drivers to pedestrian crossings.

Page 162 of the Draft EIR is revised as follows:

**(1) Local Plan Consistency.** With implementation of the Draft Plan, the population of the Southside area is expected to grow by an additional ~~1,038~~ 1,272 people by the year 2020. Figure 3 on page 6 of the Bay Area 2000 CAP depicts the growth in population, vehicles, and VMT in the Bay Area. This figure shows a VMT growth of 80 percent from 1980 to 2006, or approximately 1.3 percent a year in the Bay Area. Although there is no comparable figure to show such growth for the City of Berkeley, it is assumed the City generally falls within such growth rates.

The proposed project will add up to ~~472-578~~ residential units in the City. Based on the 2.2 persons/household average for the City of Berkeley, the proposed project will increase the City's population by approximately ~~1,038~~ 1,272 people. This represents a ~~1-1.2~~ percent increase in the current population. When added to the 119,000 people projected to live in the City by 2030, the City is projected to grow at a rate of approximately ~~0.43~~ 0.56 percent per year. This growth is less than the 1.3 percent growth rate in the Bay Area as a whole.

Page 165 of the Draft EIR is revised as follows:

**(5) Global Warming.** Global warming and GHGs are an emerging environmental concern being raised on statewide, national, and global levels. Regional, State, and federal agencies are developing strategies to control pollutant emissions that contribute to global warming, including the State's Assembly Bills 1493 and 32, Executive Order S-3-05 and Executive Order S-01-07. However, neither CEQA nor the CEQA Guidelines mention or provide any methodology for analysis of GHGs, including CO<sub>2</sub>, nor do they provide any significance thresholds. This air quality analysis follows all procedures and requirements of the State CEQA Guidelines and the BAAQMD CEQA Guidelines. In June 2010, the BAAQMD released revised and adopted CEQA Air Quality Guidelines. Per the note on Table 2-1 (pages 2-2 and 2-3) in the revised BAAQMD Guidelines, "It is the Air District's policy that the adopted thresholds apply to projects for which a Notice of Preparation is published, or environmental analysis begins, on or after the applicable effective date. The adopted CEQA thresholds...are effective June 2, 2010." Therefore, the newly adopted BAAQMD thresholds do not apply to this analysis of the Draft Southside Plan.

The proposed land uses changes under the Plan will generate ~~up to~~ approximately 59,884 lbs/day of CO<sub>2</sub> emissions.

Page 170 of the Draft EIR is revised as follows:

**Table IV.D-8: Project Regional Emissions in Pounds Per Day**

	Reactive Organic Gases	Nitrogen Oxides	PM <sub>10</sub>
Regional Emissions <sup>a</sup>	94.1	80.78	86.2
<b>BAAQMD Significance Threshold</b>	<b>80.0</b>	<b>80.0</b>	<b>80.0</b>
<b>Exceed?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

<sup>a</sup> Due to the increase in units (up from 472 to 578) and decrease in jobs (down from 2,130 to 1,857) associated with the revised projections, it is expected that the long-term project-related regional emissions for ozone precursors would change slightly from those shown in this Table. However, the emissions would still exceed the BAAQMD thresholds of significance (Impact AIR-2) and Mitigation Measure AIR-2 would still apply with a finding of Significant and Unavoidable.

The last paragraph on page 176 of the Draft EIR is revised as follows:

... Referred to as the “State Noise Insulation Standards”, they ~~it~~ requires buildings to meet performance standards through design and/or building materials that would offset any noise source in the vicinity of the receptor.

Page 177 of the Draft EIR is revised as follows:

**(3) Local Regulations.** ... The General Plan also includes the following noise policies which are relevant for ~~related to~~ the Draft Southside Plan.

The second paragraph on page 182 of the Draft EIR is revised as follows:

... All of the BART tracks near ~~within~~ the Southside area are below grade.

The second full paragraph on page 185 of the Draft EIR is revised as follows:

Roadway segments that would experience an increase under cumulative with project conditions include portions of Bancroft Way, Durant Avenue, Haste Street, Fulton Street Avenue, and Dwight Way.

Page 188 of the Draft EIR is revised as follows:

The UC Berkeley LRDP monitoring program can be used as a guide by the City to develop its own monitoring program for traffic conditions and accident data.

The third paragraph on page 199 of the Draft EIR is revised as follows:

Private secondary schools in the City of Berkeley include: the ~~Arrowsmith Academy~~; East Bay School of the Arts; The Elmwood School; Maybeck High School; New Age Academy; and St. Mary’s College High School. ~~Arrowsmith Academy and Maybeck High School is~~ are both located within the Southside area.

The fifth paragraph on page 199 of the Draft EIR is revised as follows:

... The American Baptist Seminary of the West is located~~None of these schools are located~~ within the Southside area;~~;~~ although several others are located within one mile of the Southside area.

Page 204, the fourth sentence in the Schools paragraph of the Draft EIR is revised as follows:

Implementation of the Draft Southside Plan is anticipated to result in an additional ~~1,038~~ 1,272 residents within the Southside area; existing capacity at the six schools serving the Southside area is available to accommodate any number of students that may be added as a result of new population growth in the Southside area resulting from implementation of the proposed project.

Page 204, the fifth sentence in the Parks paragraph of the Draft EIR is revised as follows:

However, use of People's Park and other local parks within one-quarter mile of the Southside area by the additional ~~1,038~~ 1,272 residents estimated to live in the Southside area following implementation of the proposed project could cause physical deterioration of these resources.

Page 205, the third sentence in the Libraries paragraph of the Draft EIR is revised as follows:

By comparison, the Berkeley Public Library has 2.85 square feet of library space per resident and approximately 5.63 collection items per resident; an additional ~~1,038~~ 1,272 residents that could be expected to result from implementation of the draft Southside Plan would reduce these figures to 2.82 square feet and 5.56 items per resident.

Page 226, the first sentence in the first paragraph in the Wastewater section of the Draft EIR is revised as follows:

(2) **Wastewater.** Implementation of the Draft Plan would increase demand for sanitary sewer services through the potential development of an additional ~~472~~ 578 housing units and ~~638,290~~ 557,100 square feet of commercial space.

Page 226, the third paragraph in the Wastewater section of the Draft EIR is revised as follows:

The Draft Southside Plan is projected to increase water demand in the Southside area by 180,000 gpd. <sup>53</sup> Due to the increase in units (up from 472 to 578) and decrease in jobs (down from 2,130 to 1,857) associated with the revised projections, it is expected that the water demand for the Southside growth projections would continue to be 180,000 gpd.

Page 226, the first sentence in the fourth paragraph in the Wastewater section of the Draft EIR is revised as follows:

The anticipated ~~638,290~~ 557,100 square feet of commercial space that would be developed under the proposed project includes 450,000 square feet of space owned by the University.

Page 227, the second sentence of the fifth paragraph of the Wastewater section of the Draft EIR is revised as follows:

The existing sewer mains have the capacity to serve the anticipated increase of ~~472-578~~ housing units and ~~638,290-557,100~~ square feet of commercial space (i.e., office and retail space) in the Southside area.<sup>54</sup>

Footnote 54 on page 227 is revised as follows to add:

<sup>54</sup> Jeff Egeberg. Manager of Engineering. City of Berkeley Public Works Department. Personal communications with City Planning staff. March 2009.

Page 227, the first sentence of the Solid Waste section of the Draft EIR is revised as follows:

**(4) Solid Waste.** Implementation of the Draft Plan is anticipated to add ~~472-578~~ housing units and ~~638,290-557,100~~ square feet of commercial space.

Page 227, third sentence of the Solid Waste section (which carries over to page 228) of the Draft EIR is revised as follows:

Applying these waste generation factors to anticipated future development would generate approximately ~~7,889-8,313~~ pounds of trash per day, or ~~1,440-1,517~~ tons per year.

Page 235 of the Draft EIR is revised as follows:

**Historic Period.** In 1820, Luis Maria Peralta was granted Rancho San Antonio for his service to the Spanish government. His 43,000-acre rancho was comprised of the area that was to become the Cities of Berkeley, Albany, Oakland, Alameda, and a part of San Leandro and Piedmont. The Peralta land grant was confirmed after Mexico's independence from Spain in 1822, and honored by the Treaty of Guadalupe Hidalgo in 1848 when California became part of the United States. Peralta's son Jose Domingo received the northern portion of the rancho lands, which included lands that became Berkeley and Albany. Peralta's cattle and under-developed lands were a prime target for squatters. His cattle were poached and slaughtered, and trees were removed by squatters and by people traveling to and from the gold fields. Domingo sold off small parcels of land that were used for farming and homesteads.<sup>1</sup>

The second paragraph on page 236 of the Draft EIR is revised as follows:

Early Residential development occurred in Ocean View, which was the name of the western portion of the town that would eventually be named, as a whole, Berkeley, after the noted Anglo-Irish philosopher. The name was chosen by the College of California's Board of Trustees. Residential areas continued to expand, and new technologies spread through the burgeoning town, as indicated by after the installation of the installation of telegraph

<sup>1</sup> Hoover, Mildred B., Hero E. Rensch, Ethel G. Rensch and William N. Abeloe, 1990, pp. 21-22. *Historic Spots in California*. Stanford University Press, Stanford, California. Revised by Douglas E. Kyle.

lines along Telegraph and Claremont Avenues in 1861.<sup>2</sup> By 1860, the aforementioned College of California had begun to purchase what is now the University's central campus. University of California lands were purchased in the early 1860s. The institution that would become the University in 1878 was founded in 1855 as the College of California, was located in and held classed in Oakland until 1866 until 1873.<sup>3</sup> ~~The town was known as Ocean View until local members of the community chose the name of an English philosopher for the new college town.~~ The western section of Berkeley continued to be called Ocean View even after ~~until~~ 1878, when the city incorporated.

The third paragraph on page 236 of the Draft EIR is revised as follows:

In the late 1870s, businesses in Berkeley included mills, plants, and retail businesses. Farming continued in outlying areas. Retail businesses were concentrated on San Pablo Avenue and lower University Avenue, although notable retail operations were also located on Shattuck and Telegraph avenues. Students, professors, and professional workers lived in the community that developed around the campus.<sup>4</sup>

The fourth paragraph on page 236 of the Draft EIR is revised as follows:

Train service led to additional development, as the Southern Pacific Railroad mainline was extended along San Francisco Bay through western Berkeley in 1877. The railroad provided the means for the transport of industrial and agricultural goods, but regular passenger service was not available until decades later. Local businessmen gave Southern Pacific a right of way, land for a rail yard and station, and \$20,000 to provide local service. A branch line began service to downtown Berkeley along Shattuck Avenue in 1876, and extended north of downtown Bby 1878. ~~the line ran from Oakland along Shattuck Avenue to north Berkeley.~~ Shattuck Avenue between University Avenue and Dwight Way became the center of Berkeley's downtown and commercial district, as commercial enterprises initially clustered around the branch line's stations. The downtown was not the only area of commerce, however; commercial locales existed in other parts of the city, as well. Farms that formerly marked the land alongside the rail line gave way to residences and businesses.<sup>5</sup>

The first full paragraph on page 237 of the Draft EIR is revised as follows:

Berkeley's population changed little during the 1930s, but increased from 85,000 to 115,000 during the 1940s. Much of the population increase was due to military personnel stationed in and around Berkeley during World War II. Navy and Army officers were trained on the University campus, while military barracks housing for war workers was built on a portion of the Gill Tract owned by the University, were built on campus grounds and several fraternity houses housed naval trainees. World War II also drew shipyard

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<sup>2</sup> Ibid, pp. 18-19.

<sup>3</sup> UC Regents, 2004. *Brief History of the University*. Website: [www.berkeley.edu/about/history](http://www.berkeley.edu/about/history).

<sup>4</sup> Wollenberg, Charles, 2002. *Berkeley, A City in History*, p. 5. Website: [www.berkeleypubliclibrary.org/bpl/system/Chapter2.html](http://www.berkeleypubliclibrary.org/bpl/system/Chapter2.html).

<sup>5</sup> Ibid, pp. 4-5.

workers by the thousands in search of available wartime jobs. Large firms such as Kaiser recruited workers to move to the Bay Area.<sup>6</sup>

The third paragraph on page 237 of the Draft EIR is revised as follows:

**Southside Area Specific History.** In the mid-1860s, what is now the Southside plan area ~~was roughly coincided with the College Homestead Tract and part of the Berkeley Property Tract and the College Homestead Tract owned by the College of California.~~ Each tract is briefly described below.

The fourth paragraph on page 237 of the Draft EIR is revised as follows:

The Berkeley Property Tract ~~College Homestead Tract~~ is bounded by College and Prospect Avenues, Gayley Road, and Dwight Way. Subdivided in 1866 as a mixed-use residential and commercial area, the Berkeley Property Tract ~~College Homestead Tract~~ was laid out in a grid plan to generate income from the sale of lots. Haste Street and Durant Avenue were not cut until after the 1860s, resulting in lots larger than today's lots. By 1873, campus buildings were built and occupied. A neighborhood developed north of Bancroft Way in an area that today contains the Student Union, Sproul Hall, Zellerbach Hall, and the Sports Complex. A commercial cluster developed ~~hotel, with a restaurant and small store, and several houses were located at and near~~ the intersection of Bancroft Way and Telegraph Avenue. By 1910, the ~~College Homestead Tract~~ Berkeley Property Tract was a fully developed neighborhood with a few stores on Telegraph Avenue.<sup>7</sup>

The fifth paragraph on page 237 of the Draft EIR is revised as follows:

The ~~College Homestead Tract Berkeley Property Tract~~ is bounded by College and Shattuck Avenues, and Allston and Dwight ways. Subdivided in 1865 as a residential neighborhood, the ~~College Homestead Tract Berkeley Property Tract~~ contained large homes on large lots. Frederick Law Olmsted, who designed Central Park in New York City, was commissioned by the College to design the campus and the neighborhood southeast of the campus. By 1910, the neighborhood was fully developed. From the 1920s to 1940s, new construction, which included the International House, changed the character of the neighborhood. Piedmont Avenue became known as "Fraternity Row."<sup>8</sup>

The first full paragraph on page 238 of the Draft EIR is revised as follows:

Housing demands increased after World War II with the increase in student population. Single-family dwellings adjacent to the campus were either divided into multi-family units or replaced with poorly constructed apartment buildings. Telegraph Avenue, previously a neighborhood shopping district, began to more actively cater ~~began catering~~ to students and professors as University enrollment increased.

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<sup>6</sup> Ibid., pp. 3-4.

<sup>7</sup> Ibid, pp. 165-167.

<sup>8</sup> Cerny, Susan Dinkelspiel, op. cit., pp. 165-170.

The second paragraph on page 238 of the Draft EIR is revised as follows:

In the 1950s, U.C.–Berkeley began a program to acquire the majority of purchased ~~approximately~~ 10 square blocks north of Dwight Way to Bancroft. Existing buildings were replaced with three residence hall complexes, parking lots, pre-fabricated buildings, and the Berkeley Art Museum. A lively social atmosphere, characterized by cafés, bookstores, and theaters, developed in the area in the 1960s. In the early 1970s, the widening of Telegraph Avenue sidewalks brought street artists to the area, and Southside traffic on major streets increased after street barriers were placed in surrounding areas to control circulation. Since the 1970s, development within the Southside area has been mostly limited to individual projects and seismic upgrades.<sup>9</sup>

The fourth paragraph on page 238 of the Draft EIR is revised as follows:

Shattuck Avenue between University Avenue and Dwight Way became Berkeley's downtown and commercial district in the late 1800s. The Southern Pacific Railroad ran along Shattuck from Oakland to north Berkeley. In the 1920s, 1923, the railroad terminal was converted into a commercial area, known as Shattuck Square, was developed on an area that previously contained a small park or plaza. A station associated with the railroad stood between Center and Addison streets until the late 1930s, when it was demolished for commercial development. From 1966 to 1971, BART was constructed below Shattuck Avenue, and two early 1900 skyscrapers were demolished. Despite these episodes of redevelopment, Shattuck Avenue has retained many of its turn-of-the-century and 1920-era buildings.<sup>10</sup>

Page 239 of the Draft EIR is revised as follows:

Architectural Cultural Resources. Known cultural resources in the Southside area consist of 101 historical architectural resources. Of the 101 architectural resources, 41 are designated by the City as landmarks, six are designated as structures of merit, and four are listed in the California ~~Inventory of Historic Resources~~ Historic Resources Inventory (California Inventory). Of the 41 landmarks, seven are also listed on the National Register of Historic Places (National Register) and the California Register of Historical Resources, and five are listed in the California Inventory. Of the six National Register properties, two are California Historical Landmarks, and one is a National Historic Landmark. The remaining properties not listed in other inventories are included in the state Historic Resource Inventory. Table 1 in Appendix H of this EIR provides the location, year built, local and state designation status, National Register status<sup>11</sup>, and referral source of each resource.

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<sup>9</sup> City of Berkeley, op. cit., pp. 113-115.

<sup>10</sup> City of Berkeley, 1994, pp. 14-15. *Downtown Berkeley Design Guidelines*. Adopted by the Planning Commission as Amendments to the Design Review Guidelines October 26, 1994, Berkeley, California.

<sup>11</sup> The table provides the National Register status code, which is an alpha-numeric code assigned by the California Office of Historic Preservation (OHP). The codes indicate eligibility or potential eligibility of the resource for listing in the National Register of Historic Places. A detailed description of these codes is available in the OHP publication *How to Read an Historical Resources Directory*, Technical Assistance Series #8. California Department of Parks and Recreation, Sacramento, 1997. Although OHP has recently issued new California Historical Resource Status Codes to be used in assigning new status codes, the old National Register codes have not yet been converted to the new system.

Table 2 in Appendix H provides the meaning of the status codes used in Table 1. It should be noted that this summary reflects known cultural resources as of 2008 that were identified through a review of existing documentation. It is likely that additional cultural resources will be identified as historical resource surveys are undertaken in previously un-surveyed portions of the Southside area.

Page 247 of the Draft EIR is revised as follows:

**(1) Demolition or Substantial Alteration.** The Draft Plan contains 83 opportunity sites that could potentially support more intensive uses to achieve the Draft Plan's objectives. If development envisioned by the Draft Plan involves buildings or structures that meet, or have the potential to meet, criteria for consideration as historical resources (i.e., ~~City of Berkeley Landmark status; eligibility for listing in the California or National registers~~), the Draft Plan may result in a significant impact to cultural resources.

The first paragraph on page 248 of the Draft EIR is revised as follows:

... If the LPC elects to suspend action on a permitting decision (~~alteration, new construction or demolition~~), involving a demolition, the suspension may not exceed one year for projects involving listed Landmarks and historic districts, and 180 days for Structures of Merit. If the LPC elects to suspend action on a permitting decision involving exterior alterations or new construction, the suspension may not exceed 180 days for projects involving listed Landmarks and historic districts, and 90 days for Structures of Merit.

Page 248 of the Draft EIR is revised to add the following paragraph as the third full paragraph on the page:

To reduce a significant cumulative impact at the intersection of Durant Avenue/Piedmont Avenue (Impact TRANS-4), this Draft EIR recommends Mitigation Measure TRANS-4 to re-stripe the existing cross section of this intersection for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. To accommodate two lanes of traffic during the PM peak period, parking also would have to be prohibited along Piedmont Avenue between Bancroft Way and 100 feet south of Durant Avenue. Piedmont Avenue is a California Historical Landmark (see Table 1 in Appendix H of the Draft EIR) between Gayley Road and Dwight Way. While the restriping and removal of parking for 100 feet for the PM peak hour would result in some changes to the pavement, traffic patterns, signage and curb at the Durant Avenue/Piedmont Avenue intersection, these changes would be minor and would not diminish the character-defining features that convey and justify the significance of Piedmont Avenue and adjacent resources. Implementation of the proposed mitigation measure would result in a less-than-significant impact.

The fourth paragraph on page 248 of the Draft EIR is revised as follows:

The Design Review Committee (DRC) membership includes one of the Landmarks Preservation Commissioners, ~~so that for properties listed in the State Historic Resources~~

~~Inventory (HRI), t~~ The LPC member, as a full voting member of sitting on the DRC, provides guidance and expertise acts as a liaison to make advisory comments to the DRC regarding historic resource implications of project design.

The first line on page 249 of the Draft EIR is revised as follows:

For properties over 40 years of age that are not initiated for designation, ~~or~~ and not listed in the HRI, the LPC provides advisory comments...

The first full paragraph on page 249 of the Draft EIR is revised as follows:

The Draft Plan contains policies that actively promote new construction and alteration of existing buildings in a manner that respects historically and architecturally sensitive properties and their surroundings. Draft Plan policies call for: (1) adopting and applying design guidelines to retain and enhance architectural character and ensure that alterations are historically sensitive (CC-A1; CC-B1; CC-C1; CC-D3; CC-D3(a)); (2) ensuring high quality architectural design for new construction (LU-F6; LU-F6(a); LU-F6(b)); (3) specifically addressing potential impacts from new construction to nearby landmarks and historically significant buildings (LU-F12; LU-F12(a); LU-F14; LU-F16); (4) reducing the potential for abrupt transitions in building heights between high density areas and outlying neighborhoods (ED-E2(b)); and (5) discouraging paint schemes that are inappropriate to historical buildings and similar surrounding buildings (CC-D3(c)). In addition to matters of design, the Draft Plan contains educational policies to encourage public recognition and enjoyment of historical architectural resources, and to foster an appreciation of their delicate and nonrenewable nature (CC-D3(a); CC-D3(b); ED-A1(a)(8); ED-A1(a)(9); ED-A3; ED-C2; ED-C2(c)). These Draft Plan policies contain a basic framework of design guidance and public education that, when combined with the City's thorough planning review, provide a satisfactory system for avoiding or minimizing inappropriate or insensitive in-fill development. In addition to the policies described above, subsequent CEQA review will be conducted for those projects proposed under the Draft Plan.

The second paragraph, subsection (3), on page 249 of the Draft EIR is revised as follows:

... The Draft Plan also contains Policy LU-F7 (Anna Head) that ~~encourages~~ suggests office use may continue as a retaining the use of the Anna Head Complex ~~as office space~~, which is consistent with its recent use.

The third paragraph on page 253 of the Draft EIR is revised as follows:

The goals ~~objectives~~ are restated here for reference:

Page 254 of the Draft EIR is revised as follows:

The **No Development** alternative assumes that no future development activities ~~or private investment~~ would occur within the boundaries of the Southside area, and that existing conditions would continue.

The first paragraph under subsection A. on page 254 of the Draft EIR is revised as follows:

The following discussion includes a description of alternatives considered but ultimately rejected for evaluation as part of this EIR. Included in this section is discussion of a location-based alternative as well as a description of the ~~six~~five circulation alternatives initially evaluated by Fehr and Peers Transportation Consultants but rejected for inclusion as part of the proposed project for purposes of this EIR.

Page 255 of the Draft EIR has been revised as follows:

Of the ~~S~~six alternative circulation scenarios to the existing circulation network in the Southside area were defined and evaluated as part of the Berkeley Southside Final Transportation Study, only one, Alternative 2, was included in the proposed project. The other five circulation alternatives were evaluated for impacts and mitigations, but were not included in the final proposed alternative. These ~~six~~ alternatives were selected to characterize several potential changes to circulation affecting the roadway network in the Southside area as identified in Draft Southside Plan policies T-C3, T-D1, and T-D2. The scope of potential circulation changes in the Southside area includes returning several one-way streets to two-way traffic, as well as changes to the operations on Telegraph Avenue to reflect potential operations for Bus Rapid Transit (BRT) through the Southside area. Both of these broad objectives were identified in the Draft Southside Plan for consideration and evaluation.

Page 259, the second paragraph in Section E.1 of the Draft EIR is revised as follows:

Specific differences between this alternative and the Draft Southside Plan are described in Table V-1. Under the 2001 Planning Commission Draft alternative, the difference in residential development potential at Tier 1 opportunity sites is an increase of 3,292 ~~14,937~~ square feet (approximately ~~18~~ 4 units); the difference in ~~no~~ non-University commercial development is anticipated to occur under this alternative is a decrease of 2,614 square feet (approximately 9 jobs).

Page 262 of the Draft EIR is revised as follows:

Table V-1, the “Effect” evaluation column for the row titled “Revision to Boundaries of the Residential High-Density Subarea (R-S) and the Residential Mixed Use Subarea (R-SMU):

~~Increases~~Decreases non-University residential development potential at Tier 1 opportunity sites by ~~5,645~~ 3,292 square feet (from ~~14,397~~ 15,996 square feet to ~~20,042~~ 12,703 square feet)

~~Increases~~Decreases number of non-University residential units to be developed at Tier 1 opportunity sites by ~~7~~ 4, from ~~18~~ 20 units to ~~25~~ 16 units (assuming 800 square feet per unit)

Increase non-University commercial development potential at Tier 1 opportunity sites by ~~5,088~~ 2,614 square feet (from 0 square feet to ~~5,088~~ 2,614 square feet)

Increases number of non-University new jobs at Tier 1 opportunity sites by ~~47~~ 9, from 0 new jobs to ~~47~~ 9 new jobs (assuming 1 job per 300 square feet)

Pages 262-263 of the Draft EIR is revised as follows:

Table V-1, the row titled “Revision to proposed zoning designations” should be deleted and not replaced, as the only difference in development potential between the R-SMU properties adjacent to Bancroft and those not adjacent to Bancroft is a reduction in street side yard that was not a “by-right” standard:

Revision to proposed zoning designations		Revision to the proposed R-SMU zoning designation	Increases non-University residential floor area potential at Tier 1 opportunity sites in the R-SMU zone by 1,467 square feet (from 27,288 square feet to 28,755 square feet) Increases number of non-University residential units to be developed at Tier 1 opportunity sites in the R-SMU zone by 2 (from 34 to 336 (sic); assuming 800 square feet per unit) Increases commercial floor area for Tier 1 opportunity sites in the R-SMU zones by 234 square feet (from 7,066 square feet to 7,300 square feet)
--	--	---	---

The fourth paragraph on page 264 of the Draft EIR is revised as follows:

... In cases ~~like this~~ where the ~~No-Development~~ alternative is technically the environmentally superior alternative consists of maintaining existing conditions at the time the notice of preparation is published, CEQA requires that the EIR shall also identify an second-most environmentally superior alternative ~~be identified among the other alternatives~~.

The fourth and fifth paragraphs on page 267 of the Draft EIR are revised as follows:

Based on the build-out assumption discussed in Chapter III, Project Description, of this EIR, it is estimated that implementation of the Draft Southside Plan would result in approximately ~~472-578~~ new housing units, based on an average unit size of 800 square feet, and ~~1,038-1,272~~ new residents based on the City’s average household size of 2.2 persons per unit. Implementation of the Draft Plan is also anticipated to result in an increase of ~~638,290-557,100~~ square feet of ~~non-residential commercial~~ development, correlating to a net job increase of approximately ~~2,130-1,857~~ jobs throughout the Southside area.

While the estimated ~~commercial~~ job growth would represent a significant increase (~~42-37~~ percent) in the Southside area and ~~44.4~~ 28 percent of the total net projected City job growth by 2020, it would be consistent with growth anticipated by the Berkeley General Plan and evaluated in the General Plan EIR. The anticipated increase of approximately ~~1,038-1,272~~ Southside residents is also within the ABAG projections for the City. Further, the development that could occur from implementation of the Southside Plan would constitute infill development, as the existing Southside area is highly urbanized and surrounded predominantly by existing urban development.

Page 268, the first sentence of the second full paragraph of the Draft EIR is revised as follows:

Although the Southside area is currently developed with urban uses, implementation of the Draft Southside Plan would result in the addition of ~~472-578~~ housing units, ~~1,038-1,272~~ residents, and ~~2,130-1,857~~ new jobs over the 13-year period of plan implementation through 2020.

Page 269, the fourth full paragraph of the Draft EIR is revised as follows:

Because the amount of growth that is anticipated to occur within the Southside area through 2020 is relatively small (~~472-578~~ housing units and ~~2,130-1,857~~ jobs) and would be subject to all of the mitigatory policies and actions of the Draft Southside Plan and the Berkeley General Plan, the proposed project would not result in the inefficient use of non-renewable energy resources.

Page 270, the first sentence of the Population, Employment and Housing Section of the Draft EIR is revised as follows:

**b. Population, Employment and Housing.** Implementation of the proposed project would result in an increase in the Southside area residential population by ~~1,038-1,272~~ persons and ~~2,130-1,857~~ total jobs.

Page 270, under the Transportation and Circulation Section of the Draft EIR is revised as follows:

- o Although operations would continue at LOS E during the PM peak hour for the signalized intersection...

Page 14 of Appendix C of the Draft EIR is revised as follows:

...Bowditch Street terminates at ~~Telegraph Avenue~~ Dwight Way, and southbound vehicular traffic...

Table 6 in Appendix E of the Draft EIR is revised as follows:

<b>Table 6: Non-UC Projected Development</b>			
	<b>Projected development for Tier 1 sites, Existing Zoning (BASELINE)</b>	<b>Projected development for Tier 1 sites, Draft Southside Plan Proposed Zoning</b>	<b>Difference</b>
Residential Without State Density Bonus	<del>284,737 sq. ft.</del> <u>408,774 sf</u>	<del>373,064 sq. ft.</del> <u>457,013 sf</u>	<del>88,327 sq. ft.</del> <u>48,239 sf</u>
Residential with State Density Bonus	<del>384,395 sq. ft.</del> <u>551,845 sf</u>	<del>503,636 sq. ft.</del> <u>616,968 sf</u>	<del>119,241 sq. ft.</del> <u>65,123 sf</u>
Non-Residential	<del>301,847 sq. ft.</del> <u>133,564 sf</u>	<del>251,054 sq. ft.</del> <u>142,795 sf</u>	<del>-50,793 sq. ft.</del> <u>9,231 sf</u>

Table 2 of Appendix H of the Draft EIR is revised as follows:

Include “California Historic Resources Inventory” along with “California Inventory of Historic Resources.”

**APPENDIX E**

**CITY OF BERKELEY DEVELOPMENT  
ENVELOPE ESTIMATE MEMORANDUM**

MEMORANDUM

DATE: November 5, 2007

SUBJECT: May 24, 2005 Revision to May 10 Memo to Draft Southside Plan EIR Planning Commission Subcommittee

TO: Draft Southside Plan EIR File

FROM: Janet Homrighausen, AICP Senior Planner

This memo contains the text of the May 10, 2005 memo to the Draft Southside Plan EIR Planning Commission Subcommittee, as Revised May 24, 2005 to reflect changes to development calculation in response to detailed comments on the memo submitted by John English. Previously, this memo was issued in a "Track Changes" format that made it difficult to read. Below is the text of the memo with the changes accepted. All the same attachments to the memo as when originally sent to the Draft Southside EIR Planning Commission Subcommittee are attached.

This memo sets out the proposed development assumptions to be used in the Southside Plan EIR. It follows up on the subcommittee's discussion of May 2, 2005. This memo incorporates changes discussed with the Planning Commission subcommittee and changes in response to comments received from John English.

An estimate of future development to the Southside Plan horizon year, 2020, is needed as a basis for analysis of impacts of future development. CEQA practice requires that we define the future project in quantitative terms (such as amount of future residential and non-residential development) in order to conduct quantitative analysis of impacts such as traffic, air quality, and impact on infrastructure. This estimate will be referred to as "the Project".

The Draft EIR will also include analysis of alternatives to the project. The point of the alternatives analysis is to seek opportunities to mitigate potentially significant environmental impacts. Analysis of the alternatives can be less detailed than the analysis of the Project.

The estimate takes into account capacity for future development, as well as future demand for development.

The memo below is organized as follows:

- A. Level of development to be used for the Project analysis
- B. Supporting Information
  - 1. Recent trends- Southside Development, 1995-2005
  - 2. Last ten years development as a percentage of total development
  - 3. Projection of Future Development – County Transportation Model

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4. Project assumptions for UC development in the Southside
5. Project assumptions for non-UC Development

A. Level of development to be used for the Project analysis

We are developing a quantified projection of development to occur during the fifteen-year plan horizon, as a reasonable, conservative estimate. The goal is to approximate what can reasonably be projected to occur in the Southside, erring on the high side in order to ensure we analyze environmental impacts due to development.

Common planning practice is to develop a future development projection based on an evaluation of change of potential size of development projects that could be accommodated (change due to change of zoning), and also based on future growth projections for the City and region. This is an exercise in making informed estimates of supply versus demand. For example, the analysis of potential development on opportunity sites in the southside shows a large capacity for development. However the evidence of development trends shows a low level of development activity in the Southside over the past 10 years. Also, the Alameda County traffic Demand Projections (Attachment 1) indicate that in the four traffic analysis zones that encompass most of the Southside, growth in the next 20 years (5 years longer than the Southside Plan's 15 year time horizon) will be an increase of 115 households (approximately 92,000 sq. ft.) and 600 new jobs (approximately 180,000 sq. ft.) or a total of 272,000 sq. ft.

We are going to estimate, for EIR analysis purposes, that the future development in the Southside by the year 2020 will be development in an amount equal to 75% of the development potential of the Tier 1 opportunity sites (with a 35% State density bonus over the base project size). That is 250% greater than the County travel model projection for residential development and 400% greater than the County travel model projection for non-residential development.

Level of development 2005 to 2020 (Southside Project) Development Projection:

<b>Table 1 Southside Plan Project Development</b>	
<b>Development Type</b>	<b>Sq. ft. of development, 2005-2020</b>
UC Residential	0
Non-UC Residential	377,700
<b>Total Residential</b>	<b>377,700</b>
UC Non-Residential	450,000
Non-UC Non-Residential	188,290
<b>Total Non-Residential</b>	<b>638,290</b>

**B. Supporting Information**

**1. Recent trends – Southside development, 1995-2005**

<b>Table 2: Recent Trends</b>	
	1995-2005
Residential development	130,400 sq. ft.*
Non-residential development	43,260 sq. ft.

- production was 128 units plus 140 beds in dorm or shelter housing. Each bed was assumed at 200 sq. ft. Each unit was assumed at 800 sq. ft.

## 2. Last ten years development as a percentage of total development

<b>Table 3: Comparison of Total to Last Ten Years</b>			
	Existing development (2005)	1995-2005 development	1995-2005 development as a percentage of Existing Dev'l't.
Residential development	3,242,090 sq. ft.	130,400 sq. ft.*	4%
Non-residential development	1,504,211 sq. ft.	43,260 sq. ft.	2.8%

## 3. Projection of Future Development – County Transportation Model

The Alameda County Travel Demand Model anticipates the following development in the four Traffic Analysis Zones (TAZs) that primarily comprise the Southside Plan by 2025 (Note that the employment number does not distinguish between UC and non-UC jobs):

<b>Table 4: Alameda County Travel Demand Model TAZ Information</b>		
	Sum for TAZs 24, 25, 401, and 404	Roughly equivalent to sq. ft. of new development
No. of Households (=dwelling units)	187	150,000 sq. ft. (@1 unit/800 sq. ft.)
No. of Jobs	540	162,000 sq. ft. (@ 1 job/300 sq. ft.)

## 4. Project Assumptions for UC Development in the Southside

2020 LRDP allows a maximum of 450,000 square feet of academic and support space and 600 parking spaces in the Southside area. Although the LRDP does not specifically identify any housing in the Southside area, it does call for a maximum of 2,500 housing units in the "Housing Zone" which covers all areas accessible by a 20 minute transit ride which would include all of Southside. The New Century Plan, which guides but does not define projects to be undertaken under the LRDP, indicate some sites may accommodate future housing. Staff believes that after the UC residential building production of recent years, it is unlikely a great number of new UC housing units will be produced in the

Southside. For that reason, and for the purpose of “reality testing” of the proposed number of units to be used for the Southside Plan Project environmental impact analysis, staff assumes production of zero new units.

The traffic analysis Fehr and Peers did for the LRDP was based on parking. Trips by car are always to a parking destination, which for UC means the UC parking garages and structures. The Southside Plan traffic modeling will take into account trips to UC, using the UC parking destinations as the locations where the commute trips end and start. The attached figure F-1.2 shows the maximum number of parking spaces in each parking cluster in the Southside vicinity.

UC Development 2005-2020 – Type (Projected)	Amount of development
Academic & Support Space	450,000 <del>0</del> sq. ft.
Residential Space	Zero*

\*Amount of UC residential development slated to occur in the Southside is not known; Southside is a small area of the LRDP “Housing Zone”. For purposes of comparison with the projected development for the Southside Project, residential development by the University in the Southside is assumed to approach zero as a practical limit. The University has recently pursued a very active residential development program in the Southside. Its definition of a much more geographically dispersed housing area in the LRDP suggests future residential projects may well be located outside the Southside Plan area.

## 6. Project Assumptions for Non-UC site development

To analyze changes to future capacity, staff has identified a “Tier 1” category of development sites in the Southside, which are relatively more likely to be candidates for development in the plan time horizon (see attachment 2 discussion). Staff has analyzed how the proposed Southside zoning changes would alter the capacity for development on those sites (see spreadsheet and map, part of attachment 2).

	Projected Development for Tier 1 sites, based on Existing Zoning	Projected Development for Tier 1 sites, based on Draft Southside Plan Proposed Zoning	Difference
Residential Without State Density Bonus	284,737 sq. ft.	373,064 sq. ft.	88,327 sq. ft.
Residential with State density bonus (multiply by 1.35)	384,395 sq. ft.	503,636 sq. ft.	119,241 sq. ft.
Non-Residential	301,847 sq. ft.	251,054 sq. ft.	-50,793 sq. ft.

The difference in capacity for the “base project” (the project envelope on which any density bonuses are added) between the current zoning and the proposed zoning for the 24 “Tier 1” opportunity sites is an increase of 88,327 sq. ft. for residential development, and a decrease of 50,793 sq. ft. for commercial development. The term “commercial” is

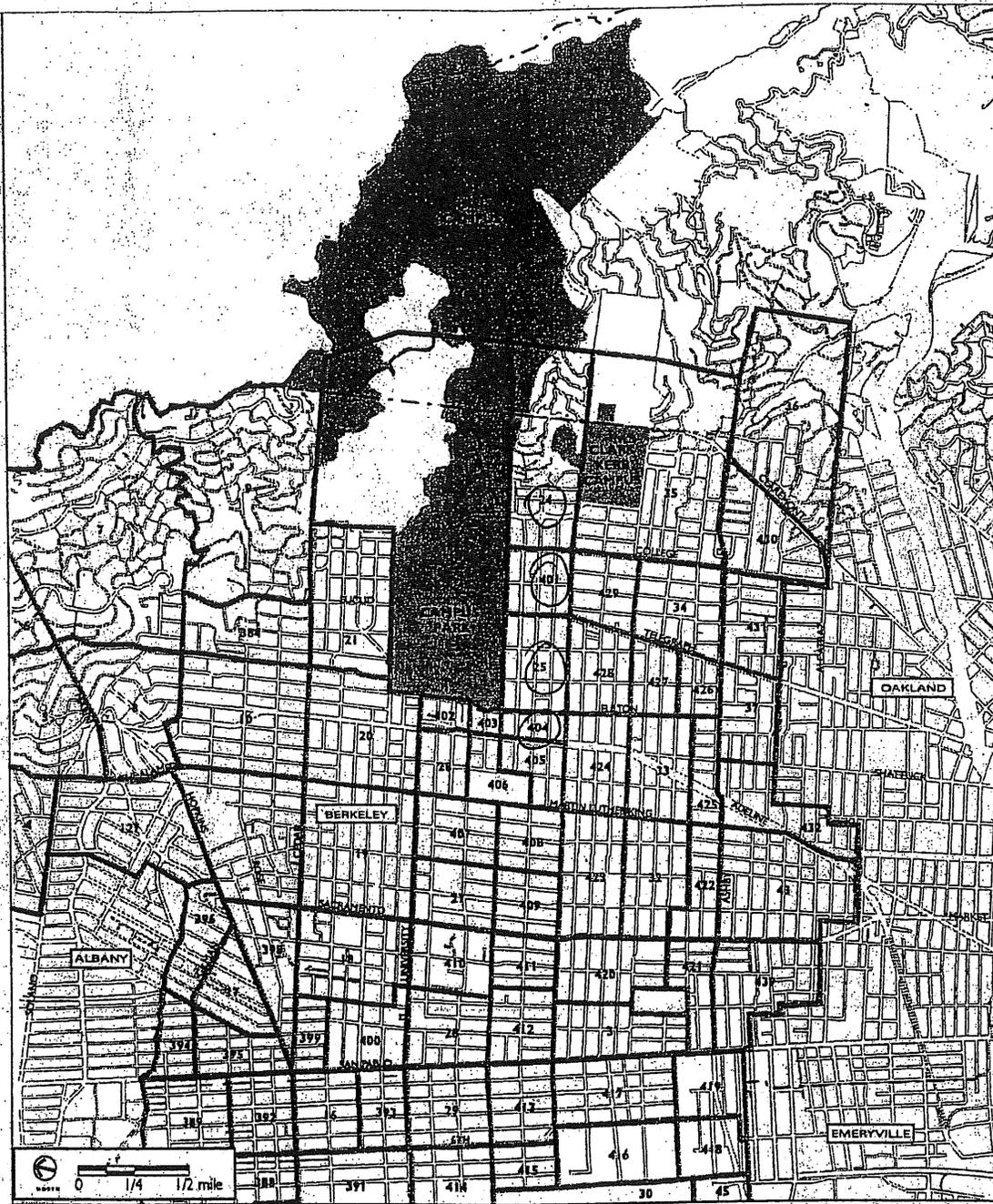
used here for all non-residential development, including the transient occupancy and institutional uses which are currently permitted in the R-4 zone. The reduction in commercial floor area reflects assumptions that commercial developments in C-T will remain the same with the proposed C-T(S) changes, while the non-residential potential will be eliminated from the areas proposed to be rezoned to R-3.

There has been interest in how the recent changes to State density bonus law would affect the numbers. If one were to assume the maximum 35% state density bonus, there would be an increase of  $(88,327 \times 1.35)$  or 119,241 sq. ft.

To put these numbers into perspective, assume 800 sq. ft. per dwelling unit. The difference, after applying the State density bonus multiplier, would amount to 149 units.

Attachments:

1. Alameda County Travel Demand Model Traffic Analysis Zones Excerpt from UC LRDP DEIR Technical Appendices
2. Staff memo describing methodology for development capacity change due to Draft Southside Plan based on opportunity sites, dated May 9, 2005
3. UC LRDP EIR technical Appendices Figure F1.2 2020 LRDP Parking Clusters



Source: Fehr and Peers, 2004.

- ##** Traffic Analysis Zone in the City of Berkeley
- - - City Limit Line
- - - Lawrence Berkeley National Laboratory Boundary

FIGURE F.4-1  
ALAMEDA COUNTY TRAVEL DEMAND MODEL  
TRAFFIC ANALYSIS ZONES  
UNIVERSITY OF CALIFORNIA, BERKELEY  
2020 LRDP DRAFT EIR

May 9, 2005

## MEMORANDUM

May 9, 2005

To: Mark Rhoades, Land Use Planning Manager  
Allan Gatzke, Principal Planner

From: Janet Homrighausen, Senior Planner

Subject: For Review with the Planning Commission's Southside EIR Subcommittee: Direction to LSA on Southside Plan Development Assumptions

Below for consideration by the Southside EIR Subcommittee is information on development assumptions for the Southside EIR. The subjects are taken up below in the following order:

1. Methodological Assumptions such as treatment of UC versus non-UC owned properties, definition of project, etc.
2. Screening of Opportunity Sites by Tiers
3. Modification of opportunity site development potential calculations (Opportunity Sites Table)

### 1. Methodological Assumptions

#### UC Owned Opportunity Site Properties

UC-owned opportunity sites are located in the proposed C-T(S) and R-SMU zoning districts. We assume UC will develop on its sites in the C-T and R-SMU to a maximum allowed in the zoning, consistent with the LRDP.

#### Non-UC owned properties

We have developed the assumptions below to apply to non-UC-owned properties. With respect to the R-SMU zone, we assume the incentives in the zone to include residential units will result in future development at or near a maximum development envelope allowed by zoning. These assumptions also represent a "worst case" in that they do not reflect possible discretionary reductions in setbacks to address light, air, or privacy relationships between new development and surrounding existing development.

#### Notes on Development Scenarios to be Analyzed in the EIR

"Existing conditions" refers to development currently in place.

To analyze what is changing it is necessary to look at both 1) the difference between existing conditions and the project, and 2) the difference between the consequences of future development during the plan period with existing zoning, versus future development during the plan period with the proposed zoning.

For the Plan EIR, the "no project" is the current plan and trends to 2020. Existing zoning plus cumulative analysis is the "No Project" alternative.

May 9, 2005

Part of the No Project is "cumulative" plus "Existing Zoning Trends".

Another way of saying cumulative, or "outside the project", is "trends". Trends =background traffic outside the area plus cumulative impact of projects from other agencies (LBNL, UC, Oakland, etc.).

We include the UC LRDP in "cumulative analysis" as UC proposes it because it is their project to define, and it is reasonably foreseeable

## 2. Screening of Non-UC Opportunity Sites by Tiers

- Identify Non-UC opportunity sites most likely to be developed in response to market pressure during the 15-year plan horizon (Tier 1 sites). These are sites that are vacant or have one story , architecturally insignificant buildings, no recent capitalization, and no other evident reason why they would represent a stable economic choice for the property owner to keep the site as it is today for the 15year plan horizon.
- Identify Non-UC opportunity sites that are more constrained, or for other reasons less likely to support major redevelopment during the plan period in two categories, Tier 2 and Tier 3.
- Tier 2: Parcels are 1) vacant or have one story , architecturally insignificant buildings, no recent capitalization, and no other reason why they would represent a stable economic choice for the property owner to keep the site as it is today for the 15year plan horizon, and 2a) the parcel is greater than 6,000 sq. ft. but less than 7,000sq. ft., or 2b) the parcel is smaller than 6,000 sq. ft., but is adjacent to one or more other opportunity site parcels that could theoretically be assembled to create a development site greater than 7,000 sq. ft.
- Tier 3: The status of these opportunity sites is downgraded due to some factor such as recent capitalization, existing robust economic capacity even if the structure on the site is not substantial, if the site is necessary for the operation of an existing land use on an adjacent parcel, or if the parcel is smaller than 6,000 sq. ft. and there is no assembly potential.

Also provided are additional comments explaining in detail the assumptions underlying the development assumptions table. The goal of the assumptions was to make general assumptions, rather than to predict the future development yield of any specific site.

Why the various opportunity sites are treated as they are (cases where it is not clear how the criteria above are applied):

- 68, 73, & 71 could only be likely to be developed if assembled to create a larger development site..
- 12, 13, 27, 28, 29, and 32 are all undersized, and would have to be assembled with other parcels to be readily developable.
- 41, the Alzheimers Services, has office space in addition to client services. The office space will become a legal non-conforming use under the proposed R-SMU zoning. The use would be hard for a non-profit to relocate, so is likely to continue on the site.
- 78 looks like a 1 story building, but has underground parking, which is a significant economic asset.
- 82, the Bancroft Hotel parking lot, supports the hotel. It is a significant economic asset that facilitates hotel guest stays, and is unlikely to be eliminated.
- 74 and 77 are undersized, and would only be readily developed if assembled with parcel 80.

**Figure B: Master Response 2 – Revised Development Potential**

	C-T (N of Dwight)	C-T (S of Dwight)	C-T (S)	R-3	R-4	R-S	R-SMU	Variable
Base stories allowed in district	4	4	4	3	3	3	4	A = Base stories allowed in District (regardless of use)
Max FAR (if provided for in zoning district)	3.5	3.5	N/A	N/A	N/A	N/A	N/A	B = Provided to test – does the max stories control, or does the FAR control?
Stories of commercial allowed by ordinance	1-2	1-2	1-2	0	6; 0 (in H overlay)	1	4	C = Provided for reference/information (not part of calculation)
Commercial stories, assumed	1.085	.75	1.085	0 (with or without H overlay)	.5; 0 (in H overlay)	0	.835	D = Ground floor commercial equals full floor (1) minus assumed parking. In CT, staff assumed an additional .25 floor of commercial (on average) on the 2 <sup>nd</sup> floor.
Parking, assumed	.165	.5	.165	.5 (with or without H overlay)	.5 (with or without H overlay)	.5; .165 (in CFH overlay)	.165	E = Parking is assumed, on average, to occupy ½ the lot area where parking is required. Where parking is not required (C-T (N of Dwight), C-T(S), R-SMU, and R-S within the Car-Free parking overlay district) assume .165 (1/3 of the required (.5) parking).
Residential stories, assumed	2.75	2.75	2.75	2.5	2; 2.5 (in H overlay)	2.5; 2.835 (in CF H overlay)	3	F = A – (D+E)  Second number included for overlay districts.
Coverage for maximum stories	.875; .67 (adj to residential)	.875; .67 (adj to residential)	.875; .67 (adj to residential)	.4	.4	.6	.45	G = Maximum lot for interior lots is used (found under development standards section of relevant district).  For CT adj to residential, used .67 (2/3 coverage) to account for additional setbacks.
Effective residential FAR prior to application of State density bonus	2.4; 1.8 (adj to residential)	2.4; 1.8 (adj to residential)	2.4; 1.8 (adj to residential)	1.0	.8; 1.0 (in H overlay)	1.5; 1.7 (in CF overlay)	1.35	H = F x G
Effective residential FAR after application of State density bonus @35 percent increase over base project	3.24; 2.43 (adj to res)	Same	3.24; 2.43 (adj to res)	1.35	1.08; 1.35 (in H overlay)	2.025; 2.3 (in CF overlay)	1.8	I = H x 1.35
Effective commercial FAR	.95; .73 (adj to res)	.66; .5 (adj to res)	.95; .73 (adj to res)	0	.2; 0 (in H overlay)	0	.375	J = D x G

Notes:

Calculations assume that sites will be developed at least to the maximum base potential.

“Residential uses” for the purpose of this matrix, includes libraries, nursing homes, hotels, and religious assembly – basically anything that is not a commercial use other than commercial uses related to housing.

Source: City of Berkeley, 2010.

Exhibit 1

Draft Southside/Fan Development/Physical Estimation - Opportunity Sites

TIER 1

STREET	STREET NAME	Property	Assessor's Parcel Description	IRMS Subcategory	Stories	Use Code	Access	Opp. Map. Site No.	Thr	BLDO SF	LOT SF	Existing Potential Residential SF	Existing Potential Commercial SF (Lot SF)(Gov. For.)(Assessment code)	Proposed Potential Residential SF	Proposed Potential Commercial SF (Lot SF)(Gov. For.)(Assessment code)	Proposed Potential Density Bonus (Lot SF)(Gov. For.)(Assessment code)	Within City Zone (City/Map)	Net W. Potential Density Bonus	Net W. Potential Density Bonus
2860	BANCROFT WAY		CHURCHES		1	P		OS 70	1	3,172	11,700	14,040	8,196 R-SMU	38,981	52,597	24,821	X	33,643	33,643
2860	BANCROFT WAY		CHURCHES		1	C		OS 72	1	13,424	10,000	12,000	7,000 R-SMU	26,391	7,300	44,955	X	23,755	23,755
2860	BANCROFT WAY		STORE ON FIRST FLOOR		1	P		OS 49	1	7,800	7,800	9,350	5,460 C-T(S)	21,294	19,695	4,070	X	5,695	5,695
2860	BANCROFT WAY		CHURCHES		1	P		OS 54	1	8,350	8,350	9,350	4,878 R-S	18,028	23,688	10,694	X	16,111	16,111
2860	BANCROFT WAY		CHURCHES		1	P		OS 59	1	13,000	13,000	15,000	9,106 R-SMU	43,290	9,490	36,276	X	37,382	37,382
2860	BANCROFT WAY		CHURCHES		1	P		OS 61	1	8,350	8,350	9,350	11,400 C-T(S)	15,276	11,400	20,623	X	15,971	15,971
2860	BANCROFT WAY		CHURCHES		1	P		OS 65	1	8,350	8,350	9,350	16,085 C-T(S)	21,688	16,185	29,279	X	9,337	9,337
2860	BANCROFT WAY		CHURCHES		1	P		OS 61	1	8,350	8,350	9,350	9,438 C-T(S)	12,647	9,438	17,073	X	7,730	7,730
2860	BANCROFT WAY		CHURCHES		1	P		OS 10	1	8,350	8,350	9,350	9,450 R-3	16,200	16,200	21,870	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 2	1	2,331	1,029	8,555	4,950 R-3	8,555	15,750	28,492	X	32,805	32,805
2860	BANCROFT WAY		CHURCHES		1	P		OS 28	1	11,981	11,981	13,260	13,759 C-T(S)	17,901	17,901	24,300	X	3,693	3,693
2860	BANCROFT WAY		CHURCHES		1	P		OS 30	1	13,614	11,950	13,260	7,735 R-3	13,260	13,260	17,901	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 21	1	11,770	20,259	24,300	14,175 R-S	48,600	23,879	27,276	X	32,805	32,805
2860	BANCROFT WAY		CHURCHES		1	P		OS 42	1	8,674	8,600	14,060	13,200 C-T(S)	37,688	13,200	23,879	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 36	1	7,350	7,350	8,820	5,145 R-3	11,907	11,907	15,907	X	4,185	4,185
2860	BANCROFT WAY		CHURCHES		1	P		OS 80	1	10,385	10,000	17,000	15,000 C-T(S)	26,100	15,000	27,135	X	4,185	4,185
2860	BANCROFT WAY		CHURCHES		1	P		OS 57	1	10,285	10,000	17,000	15,000 C-T(S)	26,100	15,000	27,135	X	4,185	4,185
2860	BANCROFT WAY		CHURCHES		1	P		OS 52	1	13,823	13,000	22,100	19,600 C-T(S)	26,130	19,600	35,276	X	5,441	5,441
2860	BANCROFT WAY		CHURCHES		1	P		OS 24	1	12,330	12,592	22,086	19,488 C-T(S)	26,114	19,488	35,254	X	5,437	5,437
2860	BANCROFT WAY		CHURCHES		1	P		OS 14	1	8,368	16,878	16,346	25,017 C-T(S)	33,523	25,017	45,256	X	20,489	20,489
2860	BANCROFT WAY		CHURCHES		1	P		OS 8	1	10,141	10,200	11,220	15,300 C-T(S)	20,502	15,300	27,878	X	12,531	12,531
2860	BANCROFT WAY		CHURCHES		1	P		OS 1	1	7,200	7,300	8,250	11,250 C-T(S)	15,075	11,250	20,351	X	9,214	9,214
										161,632	259,231	343,256	301,947	653,777	251,054	747,599	X	210,521	210,521

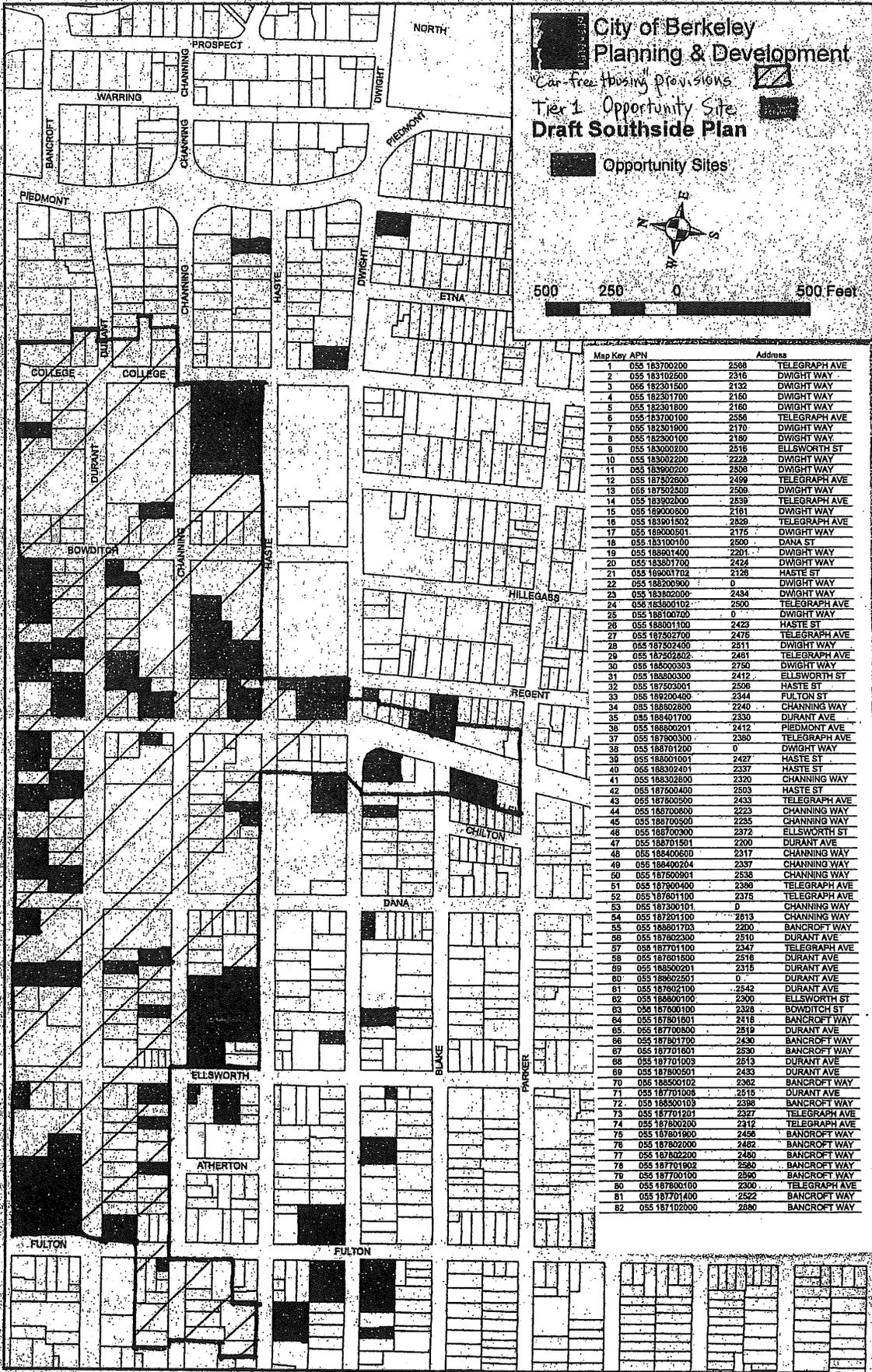
STREET	STREET NAME	Property	Assessor's Parcel Description	IRMS Subcategory	Stories	Use Code	Access	Opp. Map. Site No.	Thr	BLDO SF	LOT SF	Existing Potential Residential SF	Existing Potential Commercial SF (Lot SF)(Gov. For.)(Assessment code)	Proposed Potential Residential SF	Proposed Potential Commercial SF (Lot SF)(Gov. For.)(Assessment code)	Proposed Potential Density Bonus (Lot SF)(Gov. For.)(Assessment code)	Within City Zone (City/Map)	Net W. Potential Density Bonus	Net W. Potential Density Bonus
2860	BANCROFT WAY		CHURCHES		1	P		OS 70	1	3,172	11,700	14,040	8,196 R-SMU	38,981	52,597	24,821	X	33,643	33,643
2860	BANCROFT WAY		CHURCHES		1	C		OS 72	1	13,424	10,000	12,000	7,000 R-SMU	26,391	7,300	44,955	X	23,755	23,755
2860	BANCROFT WAY		STORE ON FIRST FLOOR		1	P		OS 49	1	7,800	7,800	9,350	5,460 C-T(S)	21,294	19,695	4,070	X	5,695	5,695
2860	BANCROFT WAY		CHURCHES		1	P		OS 54	1	8,350	8,350	9,350	4,878 R-S	18,028	23,688	10,694	X	16,111	16,111
2860	BANCROFT WAY		CHURCHES		1	P		OS 59	1	13,000	13,000	15,000	9,106 R-SMU	43,290	9,490	36,276	X	37,382	37,382
2860	BANCROFT WAY		CHURCHES		1	P		OS 61	1	8,350	8,350	9,350	11,400 C-T(S)	15,276	11,400	20,623	X	15,971	15,971
2860	BANCROFT WAY		CHURCHES		1	P		OS 65	1	8,350	8,350	9,350	16,085 C-T(S)	21,688	16,185	29,279	X	9,337	9,337
2860	BANCROFT WAY		CHURCHES		1	P		OS 61	1	8,350	8,350	9,350	9,438 C-T(S)	12,647	9,438	17,073	X	7,730	7,730
2860	BANCROFT WAY		CHURCHES		1	P		OS 10	1	8,350	8,350	9,350	9,450 R-3	16,200	16,200	21,870	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 2	1	2,331	1,029	8,555	4,950 R-3	8,555	15,750	28,492	X	32,805	32,805
2860	BANCROFT WAY		CHURCHES		1	P		OS 28	1	11,981	11,981	13,260	13,759 C-T(S)	17,901	17,901	24,300	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 30	1	13,614	11,950	13,260	7,735 R-3	48,600	23,879	27,276	X	32,805	32,805
2860	BANCROFT WAY		CHURCHES		1	P		OS 21	1	11,770	20,259	24,300	14,175 R-S	37,688	13,200	23,879	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 42	1	8,674	8,600	14,060	13,200 C-T(S)	37,688	13,200	17,901	X	12,899	12,899
2860	BANCROFT WAY		CHURCHES		1	P		OS 36	1	7,350	7,350	8,820	5,145 R-3	11,907	11,907	15,907	X	4,185	4,185
2860	BANCROFT WAY		CHURCHES		1	P		OS 80	1	10,385	10,000	17,000	15,000 C-T(S)	26,100	15,000	27,135	X	4,185	4,185
2860	BANCROFT WAY		CHURCHES		1	P		OS 57	1	10,285	10,000	17,000	15,000 C-T(S)	26,100	15,000	27,135	X	4,185	4,185
2860	BANCROFT WAY		CHURCHES		1	P		OS 52	1	13,823	13,000	22,100	19,600 C-T(S)	26,130	19,600	35,276	X	5,441	5,441
2860	BANCROFT WAY		CHURCHES		1	P		OS 24	1	12,330	12,592	22,086	19,488 C-T(S)	26,114	19,488	35,254	X	5,437	5,437
2860	BANCROFT WAY		CHURCHES		1	P		OS 14	1	8,368	16,878	16,346	25,017 C-T(S)	33,523	25,017	45,256	X	20,489	20,489
2860	BANCROFT WAY		CHURCHES		1	P		OS 8	1	10,141	10,200	11,220	15,300 C-T(S)	20,502	15,300	27,878	X	12,531	12,531
2860	BANCROFT WAY		CHURCHES		1	P		OS 1	1	7,200	7,300	8,250	11,250 C-T(S)	15,075	11,250	20,351	X	9,214	9,214
										161,632	259,231	343,256	301,947	653,777	251,054	747,599	X	210,521	210,521

City of Berkeley  
 Planning & Development  
 Car-free Housing Provisions  
 Tier 1 Opportunity Site  
 Draft Southside Plan

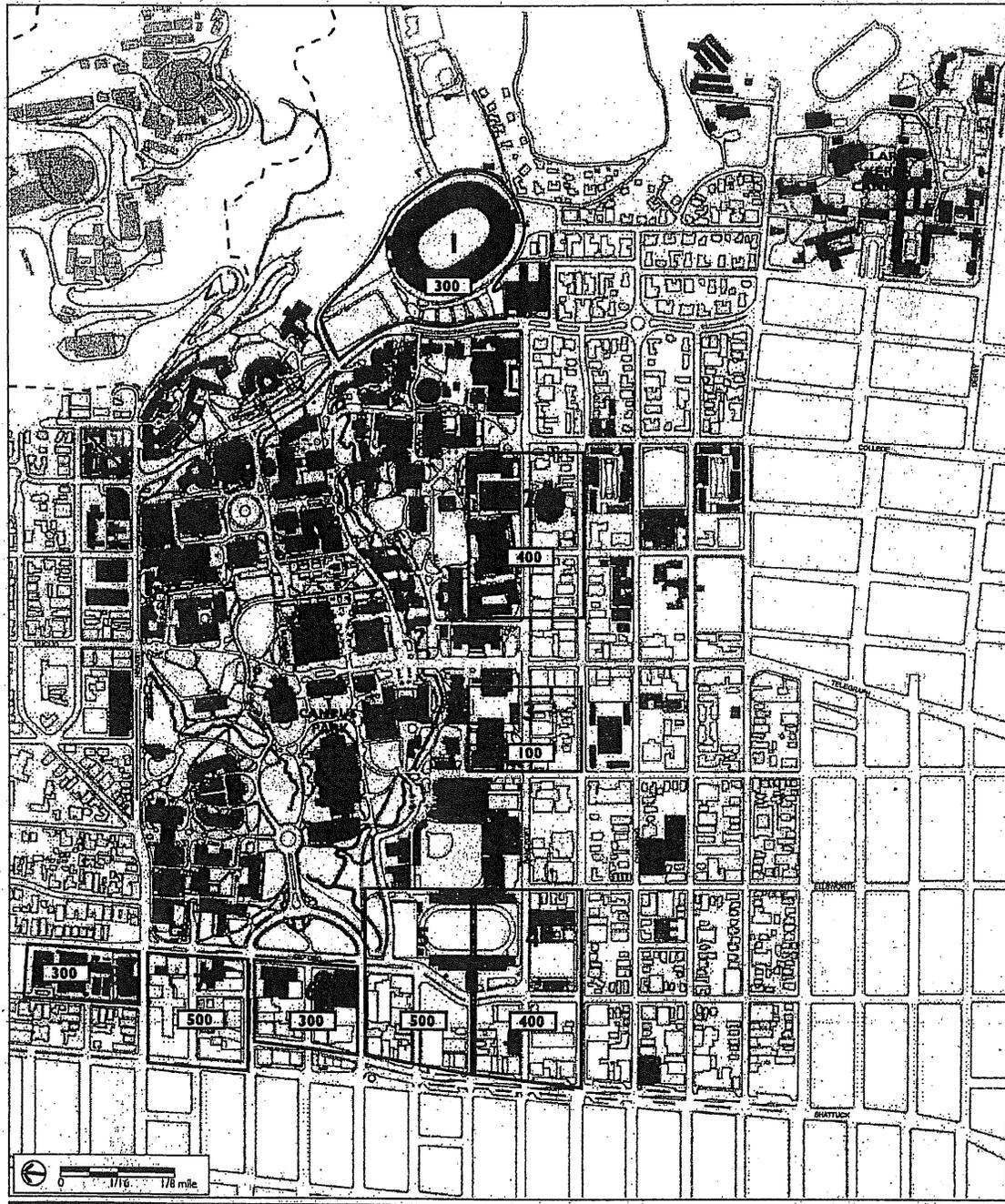
Opportunity Sites



500 250 0 500 Feet



Map Key	APN	Address
1	055 183700220	2568 TELEGRAPH AVE
2	055 183102500	2316 DWIGHT WAY
3	055 182301500	2132 DWIGHT WAY
4	055 182301700	2160 DWIGHT WAY
5	055 182301800	2160 DWIGHT WAY
6	055 183700100	2556 TELEGRAPH AVE
7	055 182301900	2170 DWIGHT WAY
8	055 182301100	2180 DWIGHT WAY
9	055 183000200	2516 ELLSWORTH ST
10	055 183002200	2228 DWIGHT WAY
11	055 183000200	2806 DWIGHT WAY
12	055 187502900	2459 TELEGRAPH AVE
13	055 187502900	2508 DWIGHT WAY
14	055 183000300	2358 TELEGRAPH AVE
15	055 186000800	2181 DWIGHT WAY
16	055 183001502	2828 TELEGRAPH AVE
17	055 186000501	2175 DWIGHT WAY
18	055 183100100	2800 DANA ST
19	055 188901400	2201 DWIGHT WAY
20	055 183001700	2424 DWIGHT WAY
21	055 186001702	2128 HASTE ST
22	055 186200900	0 DWIGHT WAY
23	055 183002000	2434 DWIGHT WAY
24	055 183000102	2500 TELEGRAPH AVE
25	055 188100700	0 DWIGHT WAY
26	055 183001100	2423 HASTE ST
27	055 187502700	2476 TELEGRAPH AVE
28	055 187502400	2511 DWIGHT WAY
29	055 187502802	2461 TELEGRAPH AVE
30	055 188000303	2750 DWIGHT WAY
31	055 188500300	2412 ELLSWORTH ST
32	055 187500901	2506 HASTE ST
33	055 189200400	3344 FULTON ST
34	055 188802800	2240 CHANNING WAY
35	055 186401700	2330 DURANT AVE
36	055 186800201	2412 PIEDMONT AVE
37	055 187900300	2300 TELEGRAPH AVE
38	055 186701200	0 DWIGHT WAY
39	055 188001001	2427 HASTE ST
40	055 188302401	2337 HASTE ST
41	055 188302800	2320 CHANNING WAY
42	055 187500400	2503 HASTE ST
43	055 187600500	2433 TELEGRAPH AVE
44	055 186700600	2223 CHANNING WAY
45	055 186700500	2255 CHANNING WAY
46	055 186700300	2372 ELLSWORTH ST
47	055 188701501	2200 DURANT AVE
48	055 188400600	2317 CHANNING WAY
49	055 188400204	2337 CHANNING WAY
50	055 187500901	2538 CHANNING WAY
51	055 187900400	2388 TELEGRAPH AVE
52	055 187601100	2375 TELEGRAPH AVE
53	055 187300101	0 CHANNING WAY
54	055 187201100	2813 CHANNING WAY
55	055 188801703	2200 BANCROFT WAY
56	055 187902300	2510 DURANT AVE
57	055 187701100	2347 TELEGRAPH AVE
58	055 187601500	2318 DURANT AVE
59	055 188500201	2315 DURANT AVE
60	055 189602501	0 DURANT AVE
61	055 187902100	2542 DURANT AVE
62	055 186800100	2300 ELLSWORTH ST
63	055 187600100	2328 BOWDITCH ST
64	055 187601801	2318 BANCROFT WAY
65	055 187700800	2519 DURANT AVE
66	055 187801700	2430 BANCROFT WAY
67	055 187701801	2530 BANCROFT WAY
68	055 187701003	2513 DURANT AVE
69	055 187800501	2433 DURANT AVE
70	055 188500102	2302 BANCROFT WAY
71	055 187701008	2515 DURANT AVE
72	055 188500103	2398 BANCROFT WAY
73	055 187701201	2327 TELEGRAPH AVE
74	055 187800200	2312 TELEGRAPH AVE
75	055 187801900	2456 BANCROFT WAY
76	055 187802300	2482 BANCROFT WAY
77	055 187802200	2480 BANCROFT WAY
78	055 187701902	2560 BANCROFT WAY
79	055 187700100	2590 BANCROFT WAY
80	055 187800100	2300 TELEGRAPH AVE
81	055 187701400	2522 BANCROFT WAY
82	055 187102900	2580 BANCROFT WAY



Source: Fehr and Peers, 2003.

Note: In some cases, parking cluster borders overlap the land use zones shown in Figure F.1-1.

- XXX** Estimated Maximum Number of Parking Spaces Assumed in Each Parking Cluster
- - - Lawrence Berkeley National Laboratory Boundary

FIGURE F.1-2  
2020 LRDP PARKING CLUSTERS



**APPENDIX H**

**CULTURAL RESOURCES TABLE**

Table 1  
Identified Architectural Cultural Resources as of 2008 in the Southside Plan Area

Street Address	Date	Description	Designation	NR Code	Source
2300 Bancroft Way	1901	St. Mark's Episcopal Church	CIHR	2S2	CIHR; NWIC
2346 Bancroft Way	1902	Gray Gables; Canterbury Foundation		3S	NWIC
2362 Bancroft Way		Trinity United Methodist Church original sanctuary		2S2	
2400 Bancroft Way	1949	Stiles Hall; University YMCA		7N	NWIC
2401 Bancroft Way	1898	First Unitarian Church; UC Dance Studio	COBL #47, CIHR, NR	1S	CIHR; COB; NWIC
2434 Bancroft Way	1925	Campus Theater, Fox Campus Theater		7N	NWIC
2546 Bancroft Way	1940	Fred Turner Building	COBL #49		COB; BAHA
2626 Bancroft Way	1968	University Art Museum		3S	NWIC
2680 Bancroft Way	1928	The College Women's Club	COBL #33, NR	1S	COB; NWIC
2700 Bancroft Way	1926	Westminster House; Unitas-W House	COBL #226	3S	COB; NWIC
2833 Bancroft Way	1913	Richard A. Clark House; Davis House		3S	NWIC
Bancroft Way		Hearst Gymnasium for Women	COBL		
Bancroft Way		Edwards Stadium	COBL		
Bancroft Way		Harmon Gymnasium/Hass Pavilion	COBL		
Bancroft Way		Sproul Plaza			
2315 Bowditch St	1933	Christian Science Student Organization		3S	NWIC
2323 Bowditch St***	1893	B. Carrington House	SOM	3S	NWIC
2350 Bowditch St**	1930	Rose Berteaux Cottage	COBL #212		COB
2515 Channing Way	1921	The Robcliff Apartment House	SOM		COB
2328 Channing Way	1889	J.F. and C.M. Luttrell House		3S	NWIC
2521 Channing Way	1927	Epworth Hall	COBL #219		COB
2538 Channing Way	1892	Anna Head School for Girls	COBL #218, CIHR, NR	1S	CIHR; NWIC
2547 Channing Way	1899	Samuel G. Davis House	COBL #81	3S	COB; NWIC
2612 Channing Way**	1930	Rose and William Berteaux House		3S	NWIC
2721 Channing Way	1890	Channing House		3S	NWIC
2725 Channing Way	1908	Dr. John Knox and Sarah Matilda Hawley House		3S	NWIC
2728 Channing Way	1911	Dr. Sherrel W. Hall House		7N	NWIC
2732 Channing Way	1899	Original Site of Hearst Hall; Gamma Phi Beta		7N	NWIC
2901 Channing Way	1905	Colby House; Blossom House	COBL #96	3S	COB; NWIC
2300 College Ave	1969	Yummers; Espresso Experience		3S	NWIC

\* = destroyed

\*\* = moved

\*\*\* = moved out of plan area

Table 1  
Identified Architectural Cultural Resources as of 2008 in the Southside Plan Area

Street Address	Date	Description	Designation	NR Code	Source
2310 College Ave	1905	Alma A. Smith House		3S	NWIC
2409 College Ave	1913	Channing Apartments		3S	NWIC
2400 Dana St	1892	James A. Squire House		2S2	NWIC
2446 Dana St	1895	Seneca Gale House		3S	NWIC
2222 Durant Ave	1891	Mary A. Helphinstine House		3S	NWIC
2236 Durant Ave	1914	H.J. Merritt Apartments		3S	NWIC
2308 Durant Ave	1891	Marsh House	COBL #107	2S2	COB; NWIC
2315 Durant Ave	1929	Berkeley Women's City Club	COBL #2; CHL #908, NR	1S	COB; NWIC
2318 Durant Ave	1904	McCreary House	COBL #109	3S	COB; NWIC
2500 Durant Ave	1914	Cambridge Apartments	COBL	3S	COB; NWIC
2520 Durant Ave	1911	Hotel for William K. Cashin; The Brasfield	COBL #215	3S	COB; NWIC
2526 Durant Ave	1891	Ellen Blood House	SOM	3S	NWIC
2530 Durant Ave	1921	The Albra	SOM		COB
2600 Durant Ave	1928	Durant Hotel	SOM	3S	COB; NWIC
2639 Durant Ave	1895	Dr. Cornelius Beach Bradley House	COBL #200	3S	COB; NWIC
2650 Durant Ave	1957	Unit 1 Residence Hall, U.C. Berkeley Campus	SOM		COB
2732 Durant Ave	1905	Parsons House; Student Residence		7N	NWIC
2735 Durant Ave	1908	P.H. Atkinson House		3S	NWIC
Dwight Way	1969	People's Park (2526 Haste Street)	COBL #86	3S	COB; NWIC
2126 Dwight Way	1902	Williams Building	COBL #144		COB
2132 Dwight Way	1922			6Y2	NWIC
2140 Dwight Way	1895	Davis-Byrne Building	COBL #145	2S2	COB; NWIC
2150 Dwight Way	1948			6Y2	NWIC
2239 Dwight Way	1892	Nelson S. Trowbridge House		3S	NWIC
2244 Dwight Way	1885	Hutton House; Woolsey House		3S	NWIC
2247 Dwight Way	1895	James L. Barker House		3S	NWIC
2314 Dwight Way	1880	Alta Bates Hospital; Benjamin Ferris	COBL #116	3S	COB; NWIC
2401 Dwight Way	1899	Town and Gown Club	COBL #3, CIHR		COB; CIHR
2419 Dwight Way	1900	McKinley Elms		3S	NWIC
2437 Dwight Way	1869	James Edgar House	SOM		COB
2441 Dwight Way	1880			3S	NWIC
2524 Dwight Way	1891	Alex C. Sturart House	COBL #220	3S	COB; NWIC
2530 Dwight Way	1886	George Edwards House	COBL #204		COB
2606 Dwight Way	1918	Hobart Hall; Baptist Divinity School	COBL #203	3S	COB; NWIC
2619 Dwight Way	1910	First Church of Christ Scientist	COBL #5, NR, NHL, CIHR	1S	COB; CIHR; NWIC
2709 Dwight Way	1928	Bishop Berkeley Apartments	CIHR	3S	CIHR; NWIC
2727 Dwight Way	1891	Paget-Gorrill House	CIHR	3S	CIHR; NWIC

\* = destroyed

\*\* = moved

\*\*\* = moved out of plan area

Table 1  
Identified Architectural Cultural Resources as of 2008 in the Southside Plan Area

Street Address	Date	Description	Designation	NR Code	Source
2730 Dwight Way	1876	Charles Wilkinson House	COBL #186	3S	COB; NWIC
2733 Dwight Way	1876	Keeler Residence	CIHR		CIHR
2424 Fulton St	1884	Northern Bertha Bosse Cottage	COBL #259	3S	COB; NWIC
2426 Fulton St	1884	Southern Bertha Bosse Cottage	COBL #260	3S	COB; NWIC
2430 Fulton St	1891	Kueffer House	COBL #255		COB
2419 Haste St	1906	Haste Street Building; McKinley School	SOM	3S	COB; NWIC
2436 Haste St	1904	George D.Hutchison Apartments		3S	NWIC
2441 Haste St/2432 Tele.	1916	Sequoia Apartment; Studio/Guild theater		3S	NWIC
2500 Haste St		People's Bicentennial Mural	COBL #122		COB
2501 Haste St*	1911	Berkeley Inn	COBL #118	7	COB
2509 Haste St	1879	Woolley House	COBL #127	3S	COB; NWIC
2605 Haste St	1928	Casa Bonita		3S	NWIC
2650 Haste St	1957	Unit 2 Residence Hall, U.C. Berkeley Campus	SOM		COB
2501 Hillegass Ave		ABSW Campus	COBL #211		COB
Piedmont Ave	1928	International House		3S	NWIC
Piedmont Ave	1865	Piedmont between Gayley Rd & Dwight Way	COBL, CHL #986	7L	NWIC
2307 Piedmont Ave	1908	William R. Thorsen House; Sigma Phi Place	COBL #4, CIHR, NR	1S	COB; CIHR; NWIC
2311 Piedmont Ave	1906	Lewis Hicks House; Beta Theta Pi		3S	NWIC
2336 Piedmont Ave	1914	George Tasheira House; Fuente House		3S	NWIC
2395 Piedmont Ave	1928	Phi Gamma Delta House	COBL #136		COB
2328 Piedmont Ave	1905	Gayley House		3S	NWIC
2422 Prospect St	1893	John F. Sims House; Alpha Delta Phi		3S	NWIC
2301 Telegraph Ave	1905	El Granada; Granada Apartments		2S2	NWIC
2369 Telegraph Ave	1932	Public Food Store; The Berkeley Market		3S	NWIC
2411 Telegraph Ave	1941	Sprouse-Reitz Store; Sunset Theater		7N	NWIC
2455 Telegraph Ave	1933	Berkeley Food Center		3S	NWIC
2501 Telegraph Ave	1901	Mrs. E.P. King House		3S	NWIC
2328 Telegraph Ave	1906	Hotel Carlton		2S2	NWIC
2509 Telegraph Ave	1888	Soda Works Building	COBL		COB
2539 Telegraph Ave	1950	British Motor Car Sales & Service		2S2	NWIC
2599 Telegraph Ave	1880	Gorman's Furniture Store	COB #234	3S	COB
2307 Warring St	1911	Charles Washington Merrill House		3S	NWIC
2434 Warring St	1911	Thomas Olney House; Sigma Pi House		3S	NWIC

\* = destroyed

\*\* = moved

\*\*\* = moved out of plan area

**Table 2: Keys to Codes for the Cultural Resource Table and National Register of Historic Places Status**

<b>TABLE CODE</b>	<b>MEANING</b>
CHL	California Historical Landmark
CIHR	California Inventory of Historic Resources AKA California Historic Resources Inventory
COB	City of Berkeley Landmarks Preservation Commission
COBL	City of Berkeley Landmark and Designation Number
NHL	National Historic Landmark
NWIC	Files of the Northwest Information Center, Sonoma State University, Rohnert Park, California. This includes the <i>Directory of Properties in the Historic Property Data File</i> , California Office of Historic Preservation, August 3, 2004. The <i>Directory of Properties</i> includes listings of the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.
SOM	City of Berkeley Structure of Merit
<b>NATIONAL REGISTER OF HISTORIC PLACES STATUS CODES</b>	
1	Listed in NR.
1S	Listed in NR as an individual property.
2S2	Determined eligible for separate NR listing by consensus.
3S	Appears eligible for listing in NR as a separate property by the person completing or reviewing the form.
4S	May become eligible for NR as a separate property.
6Y2	Determined ineligible for listing in NR, no potential NR eligibility, not evaluated for local listing.
7	Not evaluated.
7L	Evaluated for register other than NR

Source: California Office of Historic Preservation, *Instructions for Recording Historical Resources*, 1995, and *How to Read an Historical Resources Directory*, 1997.



## V. REPORT PREPARATION

### A. REPORT PREPARERS

**LSA Associates, Inc., Prime Consultant:** *Project Management and Report Production; Land Use and Planning Policy; Population, Employment, and Housing; Air Quality; Noise, Public Facilities and Services; Utilities and Infrastructure; Alternatives; Cumulative Impacts; and CEQA Required Assessment Conclusions. Response to Comments Document.*

2215 Fifth Street

Berkeley, CA 94710

Judith H. Malamut, AICP, Principal-in-Charge and Project Manager

Amy Paulsen, Senior Planner

Patty Linder, Graphics Manager

Charis Cronan, Word Processing

**LSA Associates, Inc.:** *Cultural and Paleontological Resources*

157 Park Place

Point Richmond, CA 94801

Christian Gerike, Principal

Andrew Pulcheon, Associate, Cultural Resources Manager

Randy Groza, Archaeologist

**Fehr and Peers:** *Transportation and Circulation*

One Walnut Creek Center

100 Pringle Ave., Suite 600

Walnut Creek, CA 94596

Robert Rees, P.E., Principal

Michael Beattie, P.E., Senior Transportation Engineer

### B. CITY CONTACTS

#### **City of Berkeley**

Planning and Development Department

2118 Milvia Street, 3rd Floor

Berkeley, CA 94704

Dan Marks, Planning and Development Director

Debra Sanderson, Planning Manager

Elizabeth Greene, AICP, Senior Planner, Project Manager

Alex Amoroso, Principal Planner

Peter Eakland, Transportation Engineer

## C. REFERENCES

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