

## Adeline Corridor Specific Plan

Revised Final Environmental Impact Report/  
Responses to Comments on the Draft EIR

SCH#2018072009

*prepared by*

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# 1 Introduction

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## 1.1 Purpose of the Response to Comments Document

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Adeline Corridor Specific Plan (proposed Specific Plan). The Draft EIR identifies the likely environmental consequences associated with development of the project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

## 1.2 Environmental Review Process

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On July 6, 2018, the City of Berkeley circulated a Notice of Preparation (NOP) for a 30-day comment period to receive input on the scope and content of the EIR and help identify the types of impacts that could result from the project as well as potential areas of controversy. The NOP was filed with the County Clerk, published in a local newspaper, mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the project and its potential impacts, and emailed to the City's list of individuals and organizations interested in receiving updates on the Adeline Corridor Specific Plan. A public scoping meeting was held on July 18, 2018, to receive input on the scope and content of the EIR. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on May 17, 2019. The Notice of Availability of a Draft EIR was posted with the County Clerk, mailed and/or emailed to local and state agencies (including the State Clearinghouse), and emailed to the City's list of individuals and organizations interested in receiving updates on the Adeline Corridor Specific Plan. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and a paper copies were available for public review at the City of Berkeley Planning and Development Department and at the following locations: the Tarea Hall Pittman South Branch Library (1901 Russell St.), the Central Library (2090 Kittredge St.) and the Judge Henry Ramsey Jr. South Berkeley Senior Center (2939 Ellis St.).

Comments on the Draft EIR were accepted until July 19, 2019, a 63-day comment period. During the comment period, the City held a hearing on the Draft EIR before the Planning Commission on June 5, 2019. The City received 80 comment letters on the Draft EIR (not including public hearing comments). Copies of all written comments received during the comment period are included in Chapter 3 of this document. A transcript of the oral comments received at the public hearing is included in Appendix A of this document.

## 1.3 Document Organization

This Response to Comments (RTC) Document consists of the following chapters:

- *Chapter 1: Introduction.* This chapter discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.
- *Chapter 2: List of Commenters.* This chapter contains a list of the agencies, individuals, and organizations that submitted written comments, and the public hearings that were held, during the public review period on the Draft EIR.
- *Chapter 3: Comments and Responses – Letters and Emails.* This chapter contains reproductions of comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- *Chapter 4: Comments and Responses – Public Hearing Transcripts.* This chapter contains a summary of the public hearing held on the Draft EIR (Planning Commission, June 5, 2019). A written response to CEQA-related comments received at the hearings is provided. The transcript of the comments received is included in Appendix A.
- *Chapter 5: Draft EIR Text Revisions.* Corrections and additions to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ formatting has been deleted from the Draft EIR.
- *Chapter 6: CEQA Implications for Changes to the Specific Plan.* This chapter contains a discussion of CEQA implications resulting from potential changes to the proposed Specific Plan that have been made after circulation of the Draft EIR.

The Mitigation Monitoring and Reporting Program (MMRP) is included as Appendix B to this document.

## 2 List of Commenters

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This chapter presents a list of comment letters received during the public review period and describes the organization of the letters and comments that are provided in Chapters 3 and 4 of this document.

### 2.1 Organization of Comment Letters and Responses

The 80 letters are listed in Table 1 below. Letters are grouped into three categories: letters from public agencies and officials (Group A), letters from organizations (Group B), and letters from individuals (Group C).

Each comment letter has been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1.1, for example, indicates that the response is for the first issue raised in comment letter A1).

### 2.2 Public and Agency Comments Received

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

**Table 1 List of Letter Numbers and Commenters**

Letter Number and Commenter		Page #
<b>A.</b>	<b>Agencies, Boards, and Commissions</b>	
A1	Gayle Totton, Native American Heritage Commission	16
A2	Saravana Suthanthira, Alameda County Transportation Commission	22
A3	Tim Chan, San Francisco Bay Area Rapid Transit (BART)	26
A4	David Rehnstrom, East Bay Municipal Utility District (EBMUD)	38
A5	Steven Finacom, Berkeley Landmarks Preservation Commission (LPC)	40
A6	Carole Marasovic, Homeless Commission	45
A7	Wahida Rashid, Caltrans	49
A8	Robert Del Rosario, Alameda County Transit (AC Transit)	52
<b>B.</b>	<b>Organizations</b>	
B1	Stuart Gruendl, BayRock Multifamily, LLC	54
B2	Berkeley Tenants Union	58
B3	Community Services United Governing Board, Berkeley Flea Market	63
B4	Matt Vespa, et. al, Earthjustice and the Sierra Club	69
B5	Jassmin Poyaoan, East Bay Community Law Center (EBCLC)	74
B6	Jassmin Poyaoan, East Bay Community Law Center (EBCLC)	89
B7	Sophia DeWitt, East Bay Housing Organizations (EBHO)	101
B8	Carle Brinkman, Ecology Center	104

<b>Letter Number and Commenter</b>		<b>Page #</b>
B9	Friends of Adeline	110
B10	Resources for Community Development (RCD)	122
B11	Igor Tregub, Sierra Club	126
B12	Ariella Granett et. al., South Berkeley Now!	133
B13	The Steering Committee for South Berkeley NOW!	140
B14	Theresa Clarke, South Berkeley Now!	152
B15	Linda Franklin, Steering Committee of Berkeley Citizens Action	168
<b>C. Individuals</b>		
C1	Marjorie Alvord	173
C2	Marjorie Alvord	177
C3	Rolf Bell	183
C4	Paul Bickmore	186
C5	Lee Bishop	188
C6	Kristal Caidoy	190
C7	Michael Caplan	192
C8	Julia Cato	195
C9	Janis Ching	197
C10	Larisa Cummings	199
C11	Shirley Dean	202
C12	John English	207
C13	John English	212
C14	John English	215
C15	Omowale Fowles	217
C16	Pablo Diaz-Gutierrez	237
C17	Pablo Diaz-Gutierrez	239
C18	Jeff Hobson	241
C19	Bruce Hoffman	243
C20	Nazreeen Kadir	245
C21	Michael Katz	249
C22	Watson Ladd	251
C23	Mike Lee	253
C24	Chimey Lee	256
C25	Adam Lenz	258
C26	Serena Lim	261
C27	Joanna Louie	264
C28	Sabrina Maras	266
C29	James McGrath	268

Letter Number and Commenter		Page #
C30	Justin McManus	270
C31	Toni Mester	272
C32	Pamela Michaud	278
C33	Pamela Michaud	282
C34	Pamela Michaud	316
C35	Pamela Michaud	318
C36	Aune Michener	323
C37	Gray Miguel	325
C38	Mollie Mindel	327
C39	Robbie Ordell	329
C40	Phyllis Orrick	331
C41	Andrew Page	333
C42	Theo Posselt	335
C43	Jane Scantlebury	338
C44	Christine Schwartz	340
C45	Tommaso Sciortino	343
C46	John Selawsky	345
C47	John Selawsky	347
C48	William Smith	350
C49	Matthew Stenberg	353
C50	Chris Sullivan	356
C51	Mark Trainer	358
C52	Igor Tregub	360
C53	David Ushijima	362
C54	David Ushijima	370
C55	Pat Webster	372
C56	Marian Wolfe	376
C57	Walter Wood	380

In addition to soliciting written public and agency comments on the Draft EIR pursuant to CEQA, during the public review period verbal comments were taken on the Draft EIR at the Planning Commission hearing on June 5, 2019. Responses to environmental issues raised at this hearing are included in Chapters 3 and 4 following the written comments and responses.

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## 3 Comments and Responses

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Written responses to each comment letter received on the Draft EIR, as well as topical responses for recurring comments, are provided in this chapter. Comment letters are provided in their entirety.

Many comment letters included comments related to the provisions of the proposed Specific Plan itself that do not specifically raise environmental issues nor relate directly to the adequacy of the information or analysis within the Draft EIR. In those cases, no comment is enumerated or response required, per CEQA Guidelines Section 15088 and 15132. However, the City of Berkeley has prepared a separate document titled Responses to Comments Related to the Draft Specific Plan that responds to Plan-related comments. This document can be found on the City's website: <https://www.cityofberkeley.info/AdelineCorridor/>.

As a general introduction, it should be noted that the Final EIR's conclusions on the character and significance level of environmental impacts are supported by substantial evidence, which is presented in the Draft EIR and further clarified in this Response to Comments document.

### 3.1 Topical Responses

This subsection includes topical responses to recurring written and verbal comments relating to the environmental analysis and conclusions in the Draft EIR. These will be referred to in the individual responses in Section 3.2 and Chapter 4.

#### **Topical Response A: Aesthetics Impacts**

Recurring comments on this topic are summarized below, with responses following each.

- *The Draft EIR should provide additional analysis of the impacts of increased building height allowed under the Specific Plan related to shade and shadow.*

Increased building heights allowed under the Specific Plan would increase the potential for shadow impacts on adjacent structures, roadways, and open spaces. Per the checklist questions included in CEQA Guidelines Appendix G, which are the City's thresholds for this EIR analysis, shadow impacts are not considered aesthetic impacts. Aesthetics impacts associated with the Specific Plan are analyzed on page 4.14-1 in Section 4.14, *Effects Found not to be Significant*, of the Draft EIR.

According to SB 743, which became effective January 1, 2014, "aesthetics...impacts of a residential, mixed-use, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." Pursuant to Public Resources Code Section 21099(a)(7), a "transit priority area" is defined in as an area within one-half mile of an existing or planned major transit stop. A "major transit stop" is defined in Public Resources Code Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The Ashby BART station and the Plan Area are considered a transit priority area under CEQA. Therefore, infill development within the Plan Area would be subject to SB 743 streamlining, and aesthetics impacts resulting from such development would be less

than significant. Pursuant to CEQA Statute Section 21099.d, “aesthetic impacts do not include impacts on historical or cultural resources.” Additional analysis of impacts related to historic or cultural resources are analyzed in the Draft EIR. This analysis is included in Section 4.3, *Cultural Resources*, of the Draft EIR. In addition, Section 4.8, *Land Use and Planning*, of the Draft EIR includes a discussion of the proposed Specific Plan’s consistency with City plans and goals, including applicable ones related to design and aesthetics. All impacts were found to be less than significant. Please note also that shadow impacts are generally considered during the Use Permit process for individual projects. Applicants are required to include shadow studies in Use Permit applications and these are evaluated by the City’s decision makers in relation to the required non-detriment findings in Berkeley Municipal Code (BMC) Section 23B.32.040.

- *The Draft EIR should include additional analysis of the impacts of increased building height allowed under the Specific Plan on solar facilities. Several comments requested that the Draft EIR clarify the role of the California Solar Rights Act with regard to development under the Specific Plan.*

Increased building heights allowed under the Specific Plan would increase the potential for shadow impacts on nearby solar facilities.

The 1978 California Solar Rights Act<sup>1</sup> is a collection of regulations that together encourage the use of solar energy systems and reduce the barriers to install such systems, including design review for aesthetics purposes. The Solar Rights Act does not provide protections against shadowing impacts caused by future development on existing solar facilities, but rather provides protections against complaints that proposed solar installations would create significant aesthetic impacts.

Future development projects under the Specific Plan which include the installation of rooftop solar facilities, as required under Mitigation Measure GHG-3 and under the California Building Code, would be protected under the California Solar Rights Act. Further discussion of the California Solar Rights Act in the EIR is not warranted.

### **Topical Response B: Population, Housing, and Displacement Impacts.**

Recurring comments on this topic are summarized below, with responses following each.

- *The proposed Specific Plan will result in gentrification and displacement, which are not adequately addressed in the Draft EIR. There would be a significant impact on population and housing with implementation of the Specific Plan.*

The project’s impacts with regard to displacement of housing and people are discussed in Draft EIR in Section 1, *Introduction*, and Section 4.10, *Population and Housing*. As noted in these sections and throughout the Draft EIR, the Plan is a policy and regulatory program and does not involve specific development projects that would result in the loss of housing. However, the proposed Specific Plan is designed to encourage additional housing in the Plan Area, and individual future projects may result in direct displacement. These impacts are analyzed in Section 4.10 and were found to be less than significant as that term is defined in CEQA.

As discussed in Section 1, *Introduction*, of the Draft EIR, issues related to gentrification and the psychological effects that displacement, demographic changes and lack of affordability may have on residents in the Plan Area are not the focus of CEQA. The focus of CEQA is on physical environmental impacts, such as impacts of a project on air

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<sup>1</sup> California Civil Code Section 714 et seq.

quality, water quality, or habitat. In general, socioeconomic effects are beyond the scope of the CEQA environmental review process unless a causal link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts (CEQA Guidelines Section 15131(a), CEQA Section 21082.2). While CEQA and the EIR are not the appropriate means to address these issues, these issues are important policy considerations that are centrally addressed in the Specific Plan.

The Specific Plan acknowledges that affordability and displacement are real and acute challenges the City of Berkeley is currently facing and proposes new policies and strategies that, along with existing City Plans and Programs, are intended to protect existing affordable housing, discourage displacement, and create new supplies of affordable housing. Key objectives of the proposed Specific Plan aim to foster equitable development, including a variety of housing types, serving a range of income levels including those at very low income levels and who are at risk of displacement. The Specific Plan proposes policies and strategies to prioritize and maximize affordable housing in the Adeline Corridor. These policies and strategies include a goal that 50 percent of all new housing units be affordable at range of income levels; prioritizing publicly owned land for affordable housing; adopting new zoning regulations that create incentives for on-site affordable housing units; continuing to find new funding sources to fund affordable housing; and supporting and strengthening tenant protections (see Chapter 4 of the Plan). Overall, the proposed Specific Plan is intended to provide stronger and more effective measures to support diverse and affordable neighborhoods in the Plan Area. There is not substantial evidence that the proposed Specific Plan would cause additional gentrification or displacement at a level substantially over and above what would occur without adoption of the Specific Plan such that direct or indirect physical environmental effects would occur. In fact, there is substantial evidence that displacement effects could be more severe without the protections and policies included in the proposed Specific Plan.

As noted on Page 4.10-9 of the Draft EIR, projects that involve demolition or elimination of dwelling units would be subject to BMC Chapter 23.C.08.020 and Chapter 23.C.08.020 which would reduce the displacement impacts of development under the Specific Plan by ensuring that demolition of housing units would not be materially detrimental to the housing stock and that assistance be provided to occupants of housing units to be demolished.

Therefore, the direct effects associated with displacement from future development in the Plan Area under the proposed Specific Plan have been analyzed in Section 4.10, *Population and Housing*, of the Draft EIR, and indirect environmental effects are studied throughout the EIR and would not occur.

- *Displacement from the Specific Plan will cause an increase in vehicle miles traveled (VMT) and an accompanying rise in GHG emissions which would be a significant environmental effect.*

Several commenters state an opinion that an increase in VMT could occur under the proposed Specific Plan if lower-income residences are displaced from the area and are required to commute further. Many factors influence travel behavior, such as the land use pattern of the area, the design of transportation network, and distance to high-quality transit. Typically, low-density development located in areas with poor access to transit generates more automobile trips compared to urban areas with high density, a greater mix of land uses, and other travel options besides private vehicles. Overall, the

City of Berkeley is an urban area with transit access and therefore has a lower ratio of VMT per household than the greater Bay Area regional average.

The commenters' claim presumes that significant displacement would occur as a result of the proposed Specific Plan. As stated above in the previous response, the proposed Specific Plan is designed to prevent substantial amounts of displacement. Nonetheless, should some displacement occur, the claim that gentrification and displacement would cause travel patterns to change such that increased traffic and VMT impacts would occur is not supported by available evidence. Under implementation of the Plan, population in the Plan Area is anticipated to increase, resulting in an increase in vehicles trips to and from the Plan Area compared to baseline conditions. However, the transportation impact analysis in Section 4.12, *Transportation and Traffic*, of the Draft EIR accounts for this change in its discussion of potential impacts. Moreover, this does not mean that the share of people driving alone would increase; on the contrary, as explained in Section 4.12, the mix of proposed uses in a dense urban environment with regional and local transit service would result in more non-automobile trips than typical suburban developments.

A recent study, "Developing a New Methodology for Analyzing Potential Displacement,"<sup>2</sup> sponsored by the California Air Resources Board and prepared by the University of California (UC) Berkeley and UC Los Angeles researchers, found that in general transit-oriented development in the Bay Area and Los Angeles has correlated to greater housing costs the loss of low-income households. However, while the study concludes that there is a positive correlation between proximity to rail transit and gentrification, there is little evidence showing that new residential development is causing substantial displacement of existing residents. Further, the report found mixed evidence as to whether gentrification and displacement is causing an increase in auto usage and VMT. The study found that "low-income households both near and farther away from rail stations have lower VMT than high-income households, but that higher-income households either reduce their driving more in response to being near rail, or that there is no difference in VMT impacts between income categories when considered at a regional level." Therefore, it is hard to predict how households will alter their VMT with displacement as high-income households replace low-income households near transit.

In summary, comments contending an increase in VMT could occur under the Plan are not supported by substantial evidence. As such, no revisions to the Draft EIR are required.

- *Economic impacts such as the increase in housing costs and change in property values would occur with implementation of the proposed Specific Plan.*

As noted on Page 1-1 of the Draft EIR, the purpose of the Draft EIR is to evaluate the potential environmental effects associated with implementation of the Adeline Corridor Specific Plan. Potential environmental effects analyzed under CEQA are generally defined as those which would cause physical changes to the environment. Analysis of project-related impacts on economic and socioeconomic conditions within the Plan Area is not required under CEQA.

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<sup>2</sup> University of California, Berkeley and University of California, Los Angeles. 2017. "Developing a New Methodology for Analyzing Potential Displacement." Available: [https://www.urbandisplacement.org/sites/default/files/images/arb\\_tod\\_report\\_13-310.pdf](https://www.urbandisplacement.org/sites/default/files/images/arb_tod_report_13-310.pdf)

Potential changes to property values may be considered a socio-economic impact of the project, but not necessarily a physical impact on the environment. Pursuant to CEQA Guidelines §15131(a):

*Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.*

A physical impact may result if a change in property values could be shown to cause an impact on the environment. This could happen if, for example, adjacent residents vacated their houses and were unable to sell them or find tenants, such that significant aesthetic or other impacts from the decay and disrepair of vacant structures would result. No commenter has provided substantial evidence to support a finding that the project would result in such significant indirect impacts.

### **Topical Response C: Parks and Recreational Facilities Impacts.**

Recurring comments on this topic is summarized below, with a response following.

- *Existing parks and recreational facilities are inadequate and there would be a significant impact on parks and recreational facilities with implementation of the Specific Plan.*

The project's impact on parks and recreational facilities is discussed in Draft EIR Section 4.11, *Public Services and Recreation*. The Draft EIR analyzed the impacts related to existing and future parkland and recreational facilities using the citywide service ratio goal of 2-acres of parkland per 1,000 residents. The City does not have an area/neighborhood-specific parkland service ratio. The Draft EIR acknowledges that the proposed Specific Plan would increase demand for parks in an area that has fewer parks relative to other parts of the City (e.g. South Berkeley, exclusive of the Marina area) when compared to other parts of the City. While several local parks occur near the Plan Area, such as Greg Brown Mini-Park (adjacent to the Plan Area's eastern boundary) and Tim Moellering Field (adjacent to the Plan Area's western boundary), no parks are located inside the Plan Area." However, the proposed Specific Plan would not cause the General Plan's ratio of parkland to population to fall below the citywide service ratio goal. In addition, Specific Plan Policy 7.1 encourages passive and active public open space and recreation and prioritizes the creation of a diverse range of public recreational spaces. Therefore, the proposed Specific Plan would improve recreational opportunities in the Plan Area.

Furthermore, Appendix G of the State CEQA Guidelines does not require an analysis of the adequacy of existing parks and recreational facilities to serve the project. Instead, it requires an analysis of the potential for adverse physical impacts associated with the provision of new or physically altered facilities, or substantial physical deterioration of existing facilities. Section 4.12, *Public Services and Recreation*, includes an analysis of potential physical deterioration and found that physical deterioration would not occur such that significant physical environmental impacts from the provision of new or expanded facilities would occur. Impacts were found to be less than significant. Therefore, comments regarding the adequacy of parks and recreational facilities are not relevant to the environmental analysis.

## Topical Response D: Transportation/Traffic Impacts.

Recurring comments on this topic are summarized below, with responses following each.

- *The Draft EIR should include an Alternative with a two-lane design scenario (one lane in each direction) for Adeline Street in the Plan Area.*

Several commenters presented alternative right-of-way improvement scenarios for reasons such as: to improve pedestrian and bicycle safety, to improve safety, to reduce vehicle speeds, and to better connect the neighborhood. Commenters state that the current four-lane design scenario in the Draft Plan provides insufficient information to allow public and decision makers to evaluate alternative design scenarios.

In general, elimination of a travel lane along the corridor would worsen traffic delays and further degrade the level of service (LOS) at the study intersections along the corridor. For example, the proposed roadway modifications included in the Specific Plan would eliminate one lane in each direction of Adeline Street (between Fairview Street and the Oakland/Berkeley border), which would result in a significant and unavoidable impact at the Adeline Street/ Alcatraz Street intersection, as described on page 4.12-25 of the Draft EIR.

As shown in Table 4.12-9 on page 4.12-26 of the Draft EIR, several of the study intersections along the Adeline Corridor, including the Adeline Street/Ashby Avenue and Martin Luther King Jr. Way/Adeline Street intersections would operate at LOS D under 2040 Plus Project conditions, which accounts for the roadway modification proposed by the Specific Plan. Removing a travel lane along these segments of the corridor would further increase the delay experienced by motorists and bus riders at these intersections, and may result in additional significant and unavoidable impacts, based on the City of Berkeley's current significance criteria. As described in Section 6, *Alternatives*, of the Draft EIR, the alternatives considered were generally ones that would avoid or reduce the significant impacts associated with the proposed Specific Plan.

Some commenters suggested that eliminating an additional automobile lane in each direction of Adeline Street would provide additional right-of-way for pedestrian and bicycle facilities and farther improve conditions for pedestrians and bicyclists. As shown on Tables 4.12-10 and 4.12-11 on pages 4.12-31 and 32 of the Draft EIR, the roadway modifications proposed by the Specific Plan would improve the Streetscore+ for both pedestrians and bicyclists to a score of 1 or 2 along the corridor, which indicates low stress and high comfort. The improved Streetscore+ is due to the roadway modification proposed by the Specific Plan, which primarily consist of widened sidewalks, continuous Class 4 cycletracks, shorter intersection crossings, lower automobile speeds, and additional separation between automobile traffic and pedestrian and bicycle facilities. Please also see Topical Response F: Specific Plan-Related Comments.

- *The Draft EIR should include an Alternative with a dedicated bus lane along the Adeline Corridor.*

As stated in Section 6, *Alternatives*, of the Draft EIR, this option for an alternative was considered but rejected. Similar to the reasoning described in the previous response, the removal of one lane would increase traffic congestion in the Plan Area to an extent that would worsen traffic delays and further degrade the level of service (LOS) at the study intersections along the corridor. Therefore, this scenario was rejected from further consideration. Elimination of an additional travel lane along the corridor would worsen traffic delays and further degrade the LOS at the study intersections along the corridor.

The proposed roadway modifications included in the Specific Plan, which would eliminate one lane in each direction of Adeline Street (between Fairview Street and the Oakland/Berkeley border) would result in a significant and unavoidable impact at the Adeline Street/ Alcatraz Street intersection, as described on Page 4.12-25 of the Draft EIR. Eliminating a second lane in each direction of Adeline Street at this intersection would further exacerbate the significant and unavoidable conditions at that intersection, and eliminating a lane in each direction along the other segments of the corridor may result in additional significant and unavoidable impacts at the other study intersections, based on the City of Berkeley's current significance criteria.

- *The Draft EIR should not rely on Level of Service (LOS) methodology for the traffic analysis.*

As described in Section 4.12, *Transportation and Traffic*, of the Draft EIR, Senate Bill (SB) 743 will result in changes to the way transportation impact analysis is conducted as part of CEQA compliance. These changes will include elimination of automobile delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA. The most recent 2018 CEQA Guidelines require lead agencies to use vehicle miles traveled (VMT)-based thresholds of significance after July 1, 2020. Because the City of Berkeley has not yet adopted a methodology or thresholds of significance for a VMT assessment, the Draft EIR uses intersection LOS thresholds of significance based on the City of Berkeley's current standards and practices. Nonetheless, the Draft EIR also assesses Specific Plan impacts related to VMT, for informational purposes only. As shown in Table 4.12-12 of the Draft EIR, per service population VMT would be reduced in the Plan Area and City of Berkeley in 2040 with implementation of the proposed Specific Plan. The proposed Specific Plan is estimated to reduce the VMT per service population by about seven percent under both Existing and 2040 conditions. With the implementation of the Specific Plan, the VMT per service population for the Plan Area would be about 19 percent less than the City of Berkeley, 34 percent less than Alameda County, and 74 percent less than the Bay Area Region under Existing Conditions, and about 16 percent less than the City of Berkeley, 30 percent less than Alameda County, and 73 percent less than the Bay Area Region under 2040 conditions.

### **Topical Response E: Buildout Assumptions.**

A recurring comment on this topic is summarized below, with a response following.

- *The Draft EIR should include higher buildout assumptions.*

As explain in Section 2, *Project Description*, of the Draft EIR, the Draft EIR includes a buildout projection on which the environmental analysis is based. The buildout projection represents the foreseeable maximum development that the city has projected and can reasonably be expected to occur in the Plan Area through the horizon year of 2040. For the purposes of environmental analysis, a reasonably foreseeable estimate of buildout associated with the proposed Specific Plan through the horizon year of 2040 would include the development of 1,450 housing units and a net increase in 65,000 square feet of commercial space. The reasonably foreseeable maximum development assumed for the EIR analysis attempts to project what might be feasible based on a number of market factors, including but not limited to: market demand for various uses; broader regional economic and market conditions; backlog of approved or planned projects in the vicinity; recent development and business investment in the area; landowner intentions for their properties; and properties susceptible to change due to vacancy,

dereliction, or absence of existing development. Development of most of the properties in the Plan Area would be implemented through the market-driven decisions that individual landowners make for their properties.

As also stated in this section, the buildout projections are not a “development cap” that would restrict development in the Plan Area. Rather, the proposed Specific Plan allows for flexibility in the quantity and profile of future development. Therefore, it is possible for buildout to exceed the assumptions in the EIR. Future projects would be able to tier or streamline their CEQA analysis from the Adeline Corridor Specific Plan EIR. If projects are found not to be consistent with the assumptions in the Draft EIR, those potential future projects would be required to undergo individual project-level CEQA review in order to be consistent with the provisions of CEQA. Projects which do not meet the requirements for an infill exemption under CEQA Guidelines 15183.3 or other streamlining provision under CEQA will be reviewed by City staff to determine the appropriate level of environmental review on a case by case basis. Per State CEQA Guidelines, the level of environmental review required for a development project is determined by the potential for significant environmental effects. Thus, projects proposed in the Plan Area which exceed buildout projections would be subject to staff review and determination regarding the required level of environmental review.

In summary, the Draft EIR is based on a reasonable foreseeable development scenario. Should the buildout assumptions be exceeded at a future date, those projects would undergo separate CEQA review at that time.

#### **Topical Response F: Specific Plan-Related Comments**

Many commenters provided comments on the proposed Specific Plan, rather than on the Draft EIR. These comments were on topics such as the Plan objectives, components, density and development standards, affordable housing incentives, planned right-of-way improvements, and planned public realm improvements. While the commenters’ opinions and suggestions related to the proposed Specific Plan are noted, they do not address the analysis or conclusions of the Draft EIR. As stated in Section 15088 of the CEQA Guidelines, “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period...” As stated in the Guidelines, the lead agency is only required to evaluate comments on environmental issues received. Nonetheless, all comments will be forwarded to the City’s decision makers for their consideration. Further, the City of Berkeley is has prepared a separate document titled Responses to Comments Related to the Draft Specific Plan that responds to Plan-related comments.

## 3.2 Written Comments

This subsection includes comment letters on the Draft EIR, provided in their entirety, and responses.

Revisions to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are included in the responses. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. All revisions are then compiled in the order in which they would appear in the Draft EIR (by page number) in Chapter 5, Draft EIR Text Revisions, of this document.



Letter A1

May 28, 2019

Alisa Shen  
City of Berkeley  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Also sent via e-mail: [ashen@cityofberkeley.info](mailto:ashen@cityofberkeley.info)

RE: **SCH# 2018072009, Adeline Corridor Specific Plan Project**; City of Berkeley, Alameda County, California

Dear Ms. Shen:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the above referenced project. The review included the Executive Summary, Table ES-1; the Introduction and Project Description; the Environmental Impact Analysis, section 4.3, Cultural Resources; and Appendix C, Cultural Resources Technical Report, prepared by Rincon Consultants, Inc/ Archaeological-Historical Consultants for the City of Berkeley. We have the following concern(s):

1. Impact CR-4 states that the City will contact the NAHC in the event there is a discovery of human remains. The NAHC must wait for a report for the County Coroner before initiating the Most Likely Descendant (MLD) process.
2. The Standard Conditions for the project do not include the MLD process as described in Public Resources Code 5097.98. The inclusion of this process was specific in the recommendations in the Cultural Resources Technical Report. The process for contacting the NAHC and naming an MLD for inadvertent finds of human remains should be included in the Standard Conditions for future groundbreaking projects.

Agencies should be aware that AB 52 does not preclude them from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

If you have any questions, please contact me at my email address: [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov).

Sincerely,

*Gayle Totton*

Gayle Totton, B.S., M.A., Ph. D  
Associate Governmental Program Analyst

Attachment

cc: State Clearinghouse

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for “tribal cultural resources”<sup>5</sup>, that now includes “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code §65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

### **Pertinent Statutory Information:**

#### **Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18).<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project’s impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency’s environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code §21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

#### **Under SB 18:**

Government Code §65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of “preserving or mitigating impacts to places, features, and objects described §5097.9 and §5091.993 of the Public Resources Code that are located within the city or county’s jurisdiction. Government Code §65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Public Resources Code §5097.9 and §5097.993.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor’s Office of Planning and Research’s “Tribal Consultation Guidelines,” which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a “Tribal Consultation List.” If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city’s or county’s jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

#### **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).

- A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

## Letter A1

**COMMENTER:** Gayle Totton, Native American Heritage Commission

**DATE:** May 28, 2019

### Response A1.1

The commenter notes that Impact CR-4 of the Draft EIR states the City will contact the NAHC in the event there is a discovery of human remains. The commenter states that the NAHC must wait for a report from the County Coroner before initiating the Most Likely Descendants (MLD) process.

As stated under Impact CR-4 in Section 4.3, *Cultural Resources*, the City's standard conditions of approval for development projects in Berkeley address the discovery of human remains during construction. As stated in the standard condition of approval on Page 4.3-28 of the Draft EIR, in the event that human remains are uncovered, all work must halt until the County Coroner can evaluate the remains. If the County Coroner determines the remains are Native American, the City shall contact the NAHC. The City understands that the NAHC must receive the report from the Coroner before initiating the MLD process.

### Response A1.2

The commenter notes that the City's standard conditions of approval do not include the Most Likely Descendants (MLD) process as described in Public Resources Code 5097.98. The commenter requests that the standard conditions of approval be revised to comply with this statute.

The Draft EIR includes the City's standard conditions of approval for development projects in Berkeley. While the City's standard condition for addressing human remains discovered during construction does not explicitly note the MLD process, the discussion under Impact CR-4 recognizes that project applicants are required to follow the provisions of the California Health and Safety Code and the Public Resources Code related to the treatment of human remains. With adherence to existing regulations and the City's standard condition of approval for the treatment of human remains, impacts to human remains would be less than significant. Nonetheless, the City will revise its standard conditions of approval to reference the MLD process as follows:

Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the project applicant, or his or her authorized representative, shall notify the City and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made, pursuant to Public Resources Code Section 5097.98. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Changes to the Draft EIR in response to this comment are also shown in Chapter 5, *Draft EIR Text Revisions* of this document.

### **Response A1.3**

The commenter notes that agencies are not precluded from initiating tribal consultation with tribes traditionally affiliated with their jurisdictions before the AB 52 timeframes. The commenter urges the City to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The commenter also provides links to NAHC request forms. The commenter recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the Plan Area in order to protect tribal cultural resources.

As noted under Impact CR-5, effects on tribal cultural resources are only known once a specific project has been proposed because the effects depend highly on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. The proposed project is a Specific Plan that does not include specific development projects. Nonetheless, future projects completed under the Specific Plan must comply with the requirements of AB 52 which may involve a request for a Native American Tribal Consultation List and a Sacred Lands File search with the NAHC.



July 19, 2019

Alisa Shen  
Principal Planner  
City of Berkeley  
Department of Planning & Development  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 90704

**SUBJECT:** Response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Adeline Corridor Specific Plan in the City of Berkeley

Dear Ms. Shen,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Adeline Corridor Specific Plan in the City of Berkeley. The plan covers 86 acres in south Berkeley around Adeline St. and Shattuck Ave. from Dwight Way to the Oakland border south of 62<sup>nd</sup> St. The project area includes the Ashby BART station. The proposed Plan provides a comprehensive vision for the Plan Area along with goals, policies, strategies and development regulations that will guide future growth. The DEIR estimates that buildout of the proposed Plan would include 1,450 new housing units and 65,000 feet of new commercial space. The proposed project would create roughly 463 new pm-peak hour trips, more than half of which would be generated near the Ashby BART station.

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

- On Page 4.12-22 subsection (b) the DEIR attributes the following significance criteria to Alameda CTC's Congestion Management Program (CMP):
  - A facility operating at LOS E or better deteriorates to LOS F
  - A facility operating at LOS F continues to operate at LOS F with an increase in the [volume-to-capacity ratio] by 0.03 or more.

Alameda CTC's CMP does not mention specific significance criteria. Chapter 6 of the most recently adopted CMP explicitly states (page 89) "Alameda CTC has not adopted thresholds of significance for CMP land use analysis purposes". Alameda CTC encourages project sponsor to define an appropriate threshold and use that threshold to determine if CMP roadways are impacted. Please update the DEIR appropriately.

- Alameda CTC acknowledges the proposed improvements documented in the DEIR under Impact T-8 and Impact T-10 including reduced-width travel lanes, traffic calming improvements such as chicanes, bulb-outs to reduce pedestrian crossing distances, and new bicycle facilities on Adeline

1

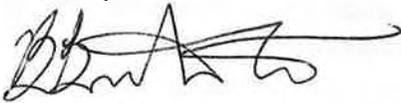
2

2 ↑ St. Alameda CTC encourages the City of Berkeley to pursue those bicycle and pedestrian safety improvements. Adeline St, Ashby Ave (SR-13), and Shattuck Ave. are on both the bicycle and pedestrian high-injury networks identified in the most recent Countywide Active Transportation Plan.

- 3
- The DEIR should identify specific locations where bus transit service will be impacted by additional congestion generated by the project (ex. Adeline St / Alcatraz Ave and Adeline St / MLK Jr. Way), and propose potential mitigation measures to offset those specific impacts. Alameda CTC acknowledges the Transit Signal Priority improvements proposed at traffic signals along the corridor under Impact T-10. However, the DEIR does not identify potential locations for these transit improvements associated with impacts, and does not define conditions on which they would be implemented. Please include this analysis in the DEIR.
  - 4 • The DEIR presents an analysis of Vehicle Miles Traveled (VMT) under section 4.12.6 for informational purposes. Alameda CTC appreciates this analysis and notes that the proposed project would result in lower VMT under 2040 plus project conditions, than under 2040 conditions without the project.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner at (510) 208-7453, if you have any questions.

Sincerely,



Saravana Suthanthira  
Principal Transportation Planner

## Letter A2

**COMMENTER:** Saravana Suthanthira, Alameda County Transportation Commission (Alameda CTC)

**DATE:** July 19, 2019

### Response A2.1

The commenter notes an error on page 4.12-22 of the Draft EIR. The commenter requests that the Draft EIR be revised to note that Alameda CTC has not adopted thresholds of significance for CMP land use analysis purposes.

In response to this comment, the text on page 4.12-22 of the Draft EIR has been changed to the following:

For projects that are expected to generate at least 100 PM peak hour trips, the project is required to use the Alameda CTC Model to assess impacts on the regional Congestion Management Program (CMP) roadways near the Plan Area. Alameda CTC has not adopted significance criteria for CMP roadways. Thus, this analysis, consistent with recent environmental documents in the City of Berkeley, assumes that tThe Project would have a significant impact on the CMP roadway segments in the Project area if any of the following would occur:

This change is also summarized in Section 5, Draft EIR Text Revisions of this document.

### Response A2.2

The commenter supports bicycle and pedestrian improvements included in the Specific Plan and notes that the Plan Area has been identified by the Alameda CTC as a high-injury corridor.

This comment is noted, but it does not address specific aspects of the analysis or conclusions of the Draft EIR on which to base a specific response. All comments will be forwarded to the City's decision makers for their consideration.

### Response A2.3

The commenter requests that the Specific Plan include further identification and analysis of potential impacts of the project on bus service, including identification of locations for improvements.

As stated on page 4.12-37 of the Draft EIR, bus service in the Plan Area is provided by AC Transit and not controlled by City of Berkeley. Thus, the Specific Plan cannot modify bus service along the Adeline corridor and any modifications to bus service would be completed in coordination with AC Transit. Contrary to the comment, the Specific Plan proposes specific infrastructure modifications along the corridor to reduce the delay experienced by buses and improve bus travel times. As described on pages 2-25, 4.12-17, and 4.12-37 of the Draft EIR, these improvements would include bus bulbs at all bus stops along the corridor, and upgrades at all signals along the corridor to accommodate Transit Signal Priority.

**Response A2.4**

The commenter acknowledges that the Draft EIR presents a VMT analysis for informational purposes only and that the Specific Plan would result in reductions in VMT by 2040.

See Topical Response D: Transportation/Traffic Impacts.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
300 Lakeside Drive, P.O. Box 12688  
Oakland, CA 94604-2688  
(510) 464-6000

2019

July 11, 2019  
Alisa Shen, Principal Planner and Elizabeth Greene, Senior Planner  
City of Berkeley, Planning Department, 1947 Center Street, 2nd Fl.  
Berkeley CA 94704

- Bevan Dufty  
PRESIDENT
- Rebecca Saltzman  
VICE PRESIDENT
- Grace Crunican  
GENERAL MANAGER

**Re: Draft Adeline Corridor Specific Plan and Draft EIR**

Dear Ms. Shen and Ms. Greene,

DIRECTORS

- Debora Allen  
1ST DISTRICT
- Mark Foley  
2ND DISTRICT
- Rebecca Saltzman  
3RD DISTRICT
- Robert Raburn, Ph.D.  
4TH DISTRICT
- John McPartland  
5TH DISTRICT
- Elizabeth Ames  
6TH DISTRICT
- Lateefah Simon  
7TH DISTRICT
- Janice Li  
8TH DISTRICT
- Bevan Dufty  
9TH DISTRICT

1

On behalf of the San Francisco Bay Area Rapid Transit District (BART), we appreciate the opportunity to provide comments on the Adeline Corridor Specific Plan Public Review Draft and the Draft Environmental Impact Report (DEIR). BART commends the City of Berkeley's comprehensive approach to develop the Adeline Corridor into a safe, affordable, sustainable, transit-rich, walkable place to live and work.

Considering BART's position as a primary landowner in one of the plan's subareas, and our TOD, Affordable Housing, Access and Sustainability policy goals, BART has a strong interest in seeing the Adeline Corridor Specific Plan result in vibrant transit-oriented development (TOD) at the BART station and in surrounding areas. BART's policies advocate for sustainable communities that maximize housing production that favors the greatest depth and quantity of affordable units. The vision of the Plan is to provide 850 units with at least 50% income-restricted affordable housing at the Ashby subarea with the same affordability targets throughout the corridor. It is well aligned with BART's interests and will help BART meet its policy goal to produce 20,000 units with 35% income-restricted units systemwide. The Plan's proposed street redesign aligns with BART's Access Policy objective to increase the number of people who walk, bike and take transit to BART.

2

We appreciate the City's extensive coordination with BART to incorporate BART's TOD, Affordable Housing and Station Access policies. The City has worked to accommodate Assembly Bill (AB) 2923 (2018 – Chiu/Grayson) in the Plan's development to meet density and tenant protection requirements. While BART understands that the City has proposed the alternative approach of a Memorandum of Understanding to work with BART on the redevelopment of the Ashby BART subarea, the draft Plan does not – as written - fully conform with AB 2923. Given the City's commitment to TOD, BART hopes that we can continue to work together and provide the guidance needed for the Plan to meet all the requirements set forth in AB 2923.

BART looks forward to continued collaboration with the City to make the Adeline Corridor vision a reality. Thank you for your consideration of the comments below. If you have any questions, please contact Rachel Factor at (510) 287-4756 or at [rfactor@bart.gov](mailto:rfactor@bart.gov).

Cordially,

Tim Chan  
Station Area Planning Group Manager  
San Francisco Bay Area Rapid Transit

## ADELINE CORRIDOR DRAFT SPECIFIC PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT

### *General Comments*

#### Consider Infrastructure Financing Mechanisms

While BART's policies align with the affordable housing and community amenities envisioned in development of the Ashby BART site, the financial feasibility of development and the physical impacts on BART need to be addressed to ensure this vision can truly be achievable.

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The City has conducted extensive outreach and dedicated an entire chapter in the Draft Plan to explain how there would be some necessary trade-offs for development to occur. They include the need to build market-rate units to subsidize affordable housing, ensuring that City's requirements, including community benefits, do not inhibit construction or result in untenable development costs, and the role that minimizing the amount of replacement BART parking can play in supporting feasibility.

An element that has not been fully discussed in the Draft Plan is the high level of new infrastructure investment that will be needed to produce some of the envisioned changes to the Ashby BART station area. The Plan calls for creation of a vibrant plaza that would offer a gathering space for events. Such a transformational project envisioned by the City, BART and the community includes the potential for making Ashby an underground station with direct at-grade access to the development from Adeline Street. Doing so would require significant investments to ensure quality access to and from the station, internal circulation, accessibility needs, system safety and security, and uninterrupted operations. Potential investments include, but are not limited to, the following: wayfinding and signage, lighting, new entry and exits points, new vertical circulation (escalators, elevators, stairs), potential faregate reconfiguration, and ventilation system changes, among others.

While the "Implementation" Chapter provides a "Funding Context" with multiple options for funding the improvements identified in the plan, the City should incorporate some more explicit language in the "Economic Opportunity" and "Implementation" chapters. The language should discuss the need for the City and BART to quantify these infrastructure needs, explore financing mechanisms and develop a capital funding, implementation and maintenance plan to ensure that future development would support a positive experience for BART's customers.

Realizing that the Business Improvement District proposal would not be the appropriate vehicle for high capital investment needs but could help with some of the lower-cost solutions to ensure quality connectivity to the Ashby site, BART suggests that the "Vision + Planning Framework" and "Economic Opportunity" chapters include some language to indicate the need for an infrastructure finance strategy to address necessary capital improvements and/or services for the public transportation system. Consider possibilities such as a Mello Roos District, Enhanced Infrastructure Finance District, other emerging Tax Increment Financing tools and citywide transportation funding measures.

#### Flea Market

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Per its Board-adopted policy to produce 20,000 residential units with a 35% affordability goal systemwide, BART's top priority for TOD at Ashby BART is to maximize the production of affordable housing units. To achieve the affordability goals set out in this Plan while ensuring a continued high-quality transit experience, any future Developer will require the utmost flexibility to deliver an equitable, yet feasible

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project. While BART recognizes the role of the Flea Market as a key community asset, the creation of a plaza to support community events such as a flea market, coupled with the ambitious affordability goals for the site, could render the site infeasible for development. Greater certainty is needed about the size of the space, how it would be designed, operated, and maintained before committing to any specific design and use.

Until other elements of the future development are defined, such as density, parking and potential investments needed to reconfigure essential BART infrastructure, BART cannot confirm the feasibility of site for the Flea Market or any other specific entity. If BART and the City create too many requirements for the site, the development may become infeasible resulting in the potential loss of nearly 60% of the housing units projected for the Corridor.

BART understands that retention of the Flea Market in the Plan area is a key community priority and is working with the Flea Market and City of Berkeley to determine a more permanent location within Ashby BART subarea, that location is not necessarily on the Ashby parking lot site. Recent discussions have included the option of locating the Flea Market in the Adeline Street right of way adjacent to Ashby BART station, which the Flea Market, City and BART are currently exploring. BART's understanding is that the City has committed to help the Flea Market move forward with an eventual relocation to this site. BART supports the proposal to eliminate the existing median on Adeline to narrow the street width and support temporary closures of the street for public events, including a potential future site for the Berkeley Flea Market and/or the South Berkeley Farmers' Market. Such a proposal may end up being more financially feasible, reduce otherwise substantial BART infrastructure costs, offer a pedestrian friendly connection from the BART property to the community, and support the production of more affordable housing units on the BART property by lowering the overall construction cost.

We encourage the City to amend specific text in the Draft Plan to communicate the flexibility of a location that could potentially host the Flea Market and refer to the Adeline corridor between Ashby Avenue and Martin Luther King, Jr. Way as a viable and preferred location. If built today, hundreds of low-income residents living in the TOD on the BART property would be hemmed in on all three sides by major, fast-moving arterial roads. Reclaiming the Adeline Street right of way for community uses rather than cars will further the goals of the Plan, create a more equitable location for affordable housing rather than an environmental justice issue, and may be more cost effective and viable than a plaza on BART property.

### Housing Development Feasibility

**Density:** BART is encouraged that the Plan is proposing 850 units (around 135 dwelling units/acre) for the Ashby BART subarea which goes beyond the AB 2923 minimum requirement of 75 dwelling units/acre. However, given the market conditions, the Plan should propose and environmentally clear a higher number of units corridor-wide. As an example, the City of El Cerrito's 2014 San Pablo Specific Plan cleared over 1700 new units – a 127% increase from the 2013 stock – for a total projection of 3,046 units by 2040. In five short years, the City of El Cerrito is reaching its housing development capacity and is currently in the process of updating its Specific Plan and revisiting the EIR to allow for a higher number of units. The City of Berkeley has an opportunity to avoid a similar additional cost and effort by evaluating an alternative with higher density in the environmental review. Additionally, given recent conversations BART has had with the development community and cities about the costs of constructing affordable housing units, BART is concerned that without increasing the number of total units, it will be difficult to deliver financially feasible developments that achieve the affordability targets established in the Plan.

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**TOD Zoning Standards for Ashby BART subarea:** The Plan indicates that “development standards for the Ashby BART Station will be finalized in collaboration with the City, BART, and the community as a subsequent implementation step, consistent with specific development and design objectives established for the Ashby BART subarea in the Specific Plan, and recent State law governing development of BART-owned property.” While BART understands the City’s approach to work with BART on the redevelopment of the Ashby BART subarea, the building height and floor-area-ratio (FAR) set forth in the Plan would not, as written, conform with AB 2923 requirements. AB 2923 states that zoning for affected BART-owned property must conform with the Zoning Standards set forth in the bill by July 1, 2022, or the Standards automatically become the zoning for the property. BART recommends that the Plan propose future TOD zoning standards for the Ashby BART subarea that is consistent with AB 2923. Additionally, the Plan will not support the City’s conformance with AB 2923 as of July 1, 2022 if the Plan’s proposed height limits are below those indicated in BART’s TOD Guidelines. The Plan currently identifies the building height at Ashby BART subarea as up to four to seven stories with transitions to lower heights where development fronts Martin Luther King Jr. Way, Woolsey, Tremont and Essex Streets. AB 2923 states that zoning cannot have a maximum height of less than 7 stories. As noted at its June 13, 2019 Board meeting, BART will draft guidance to provide greater clarity on the height and FAR requirements of AB 2923. However, until that time it may be more appropriate for the Draft Plan to establish conformance with state law.

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**Ground Floor requirements:** The Plan requires that Adeline Street Frontage at the Ashby BART subarea be ground floor retail or active commercial use. Since the ground floor facing Adeline will largely depend on the design of the future development, the language should read “residential, retail or commercial allowed on ground floor.” While BART understands the city desire to activate the ground floor, recently, developers working both on and off BART sites have been expressing a number of concerns about over retailing. Too much retail space without the appropriate context can remain empty, leading to the space becoming less inviting and potentially less safe. Instead, active spaces can be designed through residential stoops or other more flexible uses if the demand for additional retail space cannot be achieved.

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**Air Rights**

The Plan should clarify that the City has an option to purchase the air rights over the western BART parking lot at the Ashby BART station. This applies to the two sections of the Plan that references air rights (pages 2-22, 3-23, and 3-24).

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**Parking**

**Development parking:** Given the rich transit service and multimodal connections planned for the Adeline Corridor, BART recommends that the parking plans and policies be improved to maximize the level of affordable units on the site and alleviate traffic impacts. BART acknowledges the City’s efforts to minimize parking and enhance other multimodal access opportunities. BART understands that the Plan provides the parking requirements as a tool to incentivize affordable housing, however, reducing parking requirements for more affordable units is not an appropriate strategy and creates a direct conflict with the City’s own sustainability and climate goals. Rather, the Plan should continue to provide height and density bonuses for more affordable housing development. Currently, there are residential parking minimums for all subareas for base development, Tiers 1 and 2. Only Tier 3 doesn’t have a parking minimum. BART recommends eliminating parking minimums for all Tiers of development for each subarea.

10 | **BART replacement parking:** Because the Ashby BART station is considered an Urban with Parking station, BART's Access and TOD policies strive to have little to no BART patron parking replacement. To offset the loss of parking spaces, future projects in the specific plan area will need to incorporate non-auto, multimodal access alternatives to BART patrons. As is required by AB 2923, and following BART's own past practices, prior to any future development of BART property, BART will lead a sustainable access study to inform the future TOD parking-replacement strategies and multimodal access improvements at the Ashby site and offer viable alternatives to as many BART customers as possible. Given BART's policy directives, it would be more appropriate to eliminate the specific indication of amounts of replacement parking for BART patrons in the Vision + Planning Framework and Land-Use chapters.

11 | **Parking type:** Remove discussion of the type of parking (structured for example) at the Ashby BART subarea since potential parking could be provided with automated parking lifts, shared street parking, etc.

**Transportation and Streets for People**

**Street Redesign**

BART applauds the efforts to drastically improve the street design and intersection along the corridor. The prioritization of pedestrians and bikes will help expand transportation choices through the enhanced, safer environment for walking, biking and accessing transit. BART has some additional suggestions for the Plan to realize its goal of creating streets for people.

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- BART recommends that future detailing of the street design concepts consider how to prevent the proposed low-speed drive aisles from being similar to the angled parking bays that are currently in the area. This configuration could result in a waste of space for anything other than storage and circulation of motor vehicles.
  - The special pavement treatment is important. Additionally, BART would recommend using raised crosswalks at all the entry/exit points and recommends considering the parking/drive aisles be built as shared streets – “commercial woonerfs” where cars are not prioritized.
  - BART supports the proposal to facilitate flexible use of the public ROW for special events and other uses that may serve the adjacent businesses and community better than parking spaces. To ensure that the space is used for other activities beyond parking, gutters could potentially be moved to the center of the drive aisle to do away with curbs.
  - The transportation chapter should include a discussion of shared mobility devices given their increasing role in the transportation system.
  - BART fully supports the proposal to provide a special bike crossing at the intersection at Adeline/Woolsey. The main destination from Woolsey is BART and access to the station by bike is challenging. BART acknowledges the need to reconfigure circulation on its parking access roadway there to accommodate 2-way bike travel.

***Draft Adeline Corridor Specific Plan Detailed Comments***

- 13 | 1. Please substitute cover image of BART train with image of the new train at Ashby station. BART can provide an image if needed.
- 14 | 2. When BART is spelled out throughout document, it should be “San Francisco Bay Area Rapid Transit District” rather than “Bay Area Rapid Transit”
- 15 | 3. 2-7: Map is missing McGee Ave. Baptist Church.

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4. 2-16: In the “Ashby BART Station” paragraph, remove “structured parking (including some replacement parking for BART riders)” since level of replacement parking is as yet undetermined, and the type of parking could be something other than structured.
5. 2-17: In the “Business Improvement District” paragraph, BART suggests modifying with the text in red font:  
*Create a Business Improvement District (BID) serving the Adeline Corridor, with fees from business and/or property owners used to support physical improvements, **transportation system improvements**, special events, public safety, street cleanliness/maintenance, and programming.*
6. 2-17: In the “Community Assets and Resources” paragraph, suggest modifying with the text in red font:  
*For example, this Plan proposes to incorporate a **large** civic plaza as part of any future redevelopment of the Ashby BART west parking lot. **The Ashby west parking lot/Adeline Street Adjacent ROW ~~that~~** could be designed and programmed to accommodate the Flea Market and potentially a relocated Farmers Market, as well as support the Juneteenth Festival and other music and entertainment events. **However, BART cannot bear the cost and responsibility for the operations, maintenance or programming of a public plaza used by outside parties, and the potential BID would be a better mechanism for funding these elements.***
7. 2-18: To conform to the requirements of AB 2923, modify text in red font:  
*The older and historic structures along Adeline Street will be retained, as will existing multi-family housing. Although mid-rise construction (~~generally four to seven stories~~) is envisioned along the entire corridor, taller buildings would generally be located at the BART station and at the north end of the corridor (along South Shattuck) adjacent to Downtown Berkeley.*
8. 2-18: Modify text in red font: “The busiest intersections along Adeline will be redesigned to improve conditions for bicycles, pedestrians, and transit users. Major improvements are planned at Ward/Shattuck, **and at the Adeline intersections** of Ashby, Woolsey/Martin Luther King Jr. Way, and the “southern gateway” near Stanford Avenue.”
9. 2-22: In the “Context and Character” section, please modify with the text in red font:  
*Context and Character: The Ashby BART subarea is comprised of two large parcels adjacent to the Ashby BART Station, as well as the public street right-of-way and station area between them. The two parcels are owned by BART, but the City of Berkeley **has had an option to purchase the “air rights” over the parcel on the west side of Adeline (DELETE have been controlled by the City of Berkeley)** since 1964 when the station was conceived. The parcel on the east side of Adeline is a 1.9-acre surface parking lot. The parcel on the west side is a 4.4-acre surface parking lot, the northern portion of which is used by the Berkeley Flea Market on weekends.*
10. 3-8 and 3-9:
  - Add in Development Standards to Table 3.5.
  - Change text in tables 3.2, 3.3, 3.4 and 3.5 from “Any future development in the Ashby BART area would be subject to a negotiated development agreement, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7 of this Chapter” to “Any future development in the Ashby BART area will be by-right receiving Tier 3 development standards. The City of Berkeley will negotiate an agreement with BART to ensure at least 50% affordable housing subject to a negotiated development agreement, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7 of this Chapter.”

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- Remove parking minimums from tables 3.2, 3.3 and 3.4
11. 3-10: Add suggested modifications in 3.9 to map text descriptions.
12. 3-23: Please modify with the text in red font:
- *Future redevelopment of the Ashby BART west parking lot/Adeline Street Adjacent ROW could potentially incorporate a plaza.*
  - *The Ashby BART west parking lot/Adeline Street Adjacent ROW ~~space shall~~ could be designed with the general and specific needs of the Flea Market and Farmers Market, while ensuring access to/from BART while limiting impacts to the operability of the system.*
13. 3-23: Please modify with the text in red font:  
*To achieve the affordable housing goal, climate action goals and maximize community benefits from development of public land, high density mixed-use development is envisioned that are generally up to ~~four~~ to a minimum of seven stories.*
14. 3-23: In the "What is Assembly Bill (AB) 2923" section, please modify the with the text in red font:  
*Assembly Bill 2923 was signed into law by Governor Jerry Brown on September 30, 2018. AB2923 grants BART the authority to establish transit-oriented development (TOD) zoning standards that apply to its property across the Bay Area, including the North Berkeley and Ashby BART Station sites. The intent of the law is to enable BART to work together with cities to maximize the public benefit of scarce transit-adjacent land (see Appendix B for more information). Although BART has the ultimate authority to establish zoning standards for its property, BART has indicated that it intends to work in close collaboration with local elected officials and community stakeholders. Furthermore, since the City *has an option to purchase (DELETE controls)* the "air rights" for the west Ashby BART parking lot, it would have a direct role in approving any future master plan and development agreement for that site, and would work with BART to implement the Objectives described in the Adeline Corridor Specific Plan for any redevelopment of the Ashby BART subarea.*
15. 3-24: In the "What Are 'Air Rights?'" section, please modify with the text in red font:  
*Ownership of land can be divided into rights on the surface, subsurface (i.e. mining or mineral rights) and air rights. The City of Berkeley acquired *an option to purchase* air rights over both parking lots at Ashby BART Station back in 1966 after the voters approved undergrounding the BART lines. In 1999, the City executed a contract with the Ed Roberts Campus to assign the City's option to the air rights over the eastern Ashby BART parking lot (the current Ed Roberts Campus site and the remainder parking lot behind it), to facilitate development of the Ed Roberts Campus. An agreement between the City and the Ed Roberts Campus in 2008 confirmed that the City assigned the air rights over the eastern BART parking lot to the Ed Roberts Campus, but the City still retained the option over the western BART parking lot. The air rights generally refer to the space starting 10 feet above the average finished grade location.*
16. 3-24: Please replace text: "Because of the urban environment of the station, replacement parking for BART patrons can be provided at a ratio of 0.5 spaces/per existing space or less while access improvements are incorporated to offset the loss of parking and ride spaces and offer viable non-auto alternatives to BART patrons" with "Because Ashby BART Station is considered an Urban with Parking station, BART's Access and TOD policies strive to have little to no BART parking replacement. To offset the loss of parking spaces, future development must incorporate non-auto, multimodal access alternatives to BART patrons."
17. 4-14: Please modify with the text in red font:  
*While most land along the Adeline Corridor is privately owned, the handful of publicly owned sites will play a central role in City efforts to generate new affordable housing in the Adeline area. To the maximum extent practical, these sites should be reserved for*

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development of 100% affordable buildings or mixed-income projects in which *more than at least 50% of the units are affordable.*

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18. 5-11: Please modify with the text in red font:

*The Plan calls for the future redevelopment of the Ashby BART west parking lot/Adeline Street Adjacent ROW to incorporate a publicly accessible plaza that could potentially accommodate both markets, as well as other support community events such as the annual Juneteenth Festival.*

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19. 6-7: Add bullet "Detailed assessment of BART's access needs resulting from redevelopment" after "Detailed assessment of load-bearing capacity of the BART tunnel, and resulting constraints on potential public space, landscaping, facilities, or structures on top of the tunnel."

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20. 6-31: Include some discussion about parking for shared mobility devices given their increasing popularity.

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21. 6-33: Suggest changing the photo and modifying the description. The photo of a Class III bikeway shows one of Berkeley's unique Bicycle Boulevards. Also, Class III bikeways are not shared with pedestrians as the description claims. The Bicycle Boulevard marking is non-standard, and a bicycle boulevard is much more than a simple Class III bikeway.

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22. 7-9: Please modify with the text in red font:

*Potentially A major opportunity exists with future redevelopment of the Ashby BART west parking lot/Adeline Street Adjacent ROW to establish an attractive could include a public plaza that functions as a gathering place public space and market space that can. The Adeline Street Adjacent public right-of-way could potentially accommodate the Berkeley Flea Market and potentially the South Berkeley Farmers Market. As part of a redevelopment of the west Ashby parking lot, refinement of the long-term right-of-way redesign concept should analyze options to..."*

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23. Table 8.1 (Action LU-2): Add development standards to mirror suggested modifications in Table 3.5

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24. Table 8.1 (Action EO-5): Please modify with the text in red font:

*Work with the Berkeley Flea Market, Farmers Market/Ecology Center and developers to create a new and/or enhanced location with the appropriate infrastructure at a publicly-accessible space. that is part of the Ashby BART redevelopment and/or a redesigned segment of the public right-of-way.*

### Draft Adeline Corridor EIR Detailed Comments

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1. 1-5: Table 1.1 NOP Comments and EIR Response – includes the response from the city to concerns about the effects to the farmer's market and flea market:

*The Specific Plan states that any future development of the Ashby BART Station 'must incorporate plans for a permanent viable home for the flea market, consistent with facility needs as negotiated with the Flea Market board and vendors.' The Specific Plan also includes other guidance and requirements for accommodation and coordination with the Flea Market in any future development at the Ashby BART station. The intent of the Plan is to support continued operation and viability of the Flea Market.*

This language needs be modified, as BART does not commit to, nor is legally required to, provide a permanent home for the Flea Market or Farmer's market.

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2. 1-7: Modify with the text in red font:

*Moreover, the Plan includes a policy with several objectives to guide future new development at the Ashby BART subarea. One of these objectives calls for any new*

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*development at the west parking lot/**Adeline Street Adjacent ROW** to include a large civic plaza that could accommodate the Berkeley Flea Market, or a potential relocated Farmers Market, other special events, as well as other public spaces.*

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3. 2-13: Modify with the text in red font:

*The Specific Plan envisions further collaboration and planning between the City, BART, the Berkeley Flea Market, the Ecology Center and the community to further explore possibilities for the Ashby BART **west parking lot/Adeline Street Adjacent ROW**.*

## Letter A3

**COMMENTER:** Tim Chan, Station Area Planning Group Manager, San Francisco Bay Area Rapid Transit (BART)

**DATE:** July 11, 2019

### **Response A3.1**

The commenter expresses general support for the Specific Plan and notes that the Plan's vision is well-aligned with BART's housing policy goal of producing 20,000 housing units with 35 percent income-restricted units system-wide, and with its Access Policy objective to increase the number of people who walk, bike and take transit to BART.

This commenter's support is noted, and will be forwarded to the City's decision makers for their consideration. The commenter's description of the components of the proposed Specific Plan related to the Ashby BART station is accurate.

### **Response A3.2**

The commenter notes recent collaboration between BART and the City of Berkeley regarding development of the Specific Plan. The commenter states an opinion that, as drafted, the Specific Plan does not fully conform to the requirements of AB 2923. The commenter states that BART looks forward to continued coordination with the City on the Specific Plan to ensure that it is in full compliance with the law.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.3**

The commenter notes that the Specific Plan includes improvements to the Ashby BART station area which would require considerable infrastructure investments. BART requests that the City conduct additional studies to quantify and to identify additional funding mechanisms and sources for these station improvements.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.4**

The commenter requests that the Specific Plan be revised to include flexibility in the future location of the Flea Market and suggests Adeline Street between Ashby Avenue and Martin Luther King, Jr. Way as a viable location for Flea Market operations.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.5**

The commenter requests that the Specific Plan and Draft EIR be revised to include and analyze the environmental impacts of developing additional housing units beyond the number currently proposed. The commenter expresses concern that without increasing the number of housing units allowed under the Specific Plan, achievement of the Plan's affordability goals will be hindered.

Please see Topical Response E: Buildout Assumptions.

### **Response A3.6**

The commenter notes that the proposed Specific Plan does not comply with AB 2923 regarding maximum building heights and suggests that the Plan be revised accordingly.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.7**

The commenter requests that the Specific Plan text be revised to allow for flexibility in ground floor building uses along Adeline Street for properties in the Ashby BART Subarea.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.8**

The commenter requests that the Specific Plan be revised to clarify that the City has the option to purchase air rights over the western portion of the Ashby BART parking lot.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.9**

The commenter suggests that the Specific Plan be revised to include lower parking requirements.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.10**

The commenter requests that the Specific Plan be revised to include more flexible language on the number of replacement BART parking spaces to be provided.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.11**

The commenter requests that language regarding the type of replacement parking provided on the Ashby BART site be removed from the Specific Plan.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.12**

The commenter presents suggestions for Specific Plan provisions related to public streets, including designing the low speed drive aisles such that they do not become similar to the existing angled parking areas, including raised crosswalks, flexible use of right-of-ways for community events, revisions to the Transportation chapter to discuss shared mobility

devices, and implementation of a special bike crossing at the intersection of Woolsey and Adeline.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.13 – A3.36**

The commenter provides several comments and suggested edits to the proposed Specific Plan. Comments A3.13 through A3.36 pertain to the proposed Specific Plan itself and are not comments on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.37**

The commenter urges the City to revise language suggesting that BART will or must accommodate the Berkeley Flea Market in future development of the Ashby BART station. The commenter states that BART does not, nor is legally required to provide a permanent home for the Berkeley Flea Market.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A3.38**

The commenter requests specific text revisions be made to Page 1-7 of the Draft EIR.

In response to this comment, Page 1-7 of the Draft EIR has been modified as requested:

Moreover, the Plan includes a policy with several objectives to guide future new development at the Ashby BART subarea. One of these objectives calls for any new development at the west parking lot/Adeline Street adjacent right-of-way to include a large civic plaza that could accommodate the Berkeley Flea Market, or a potential relocated Farmers Market, other special events, as well as other public spaces.

### **Response A3.39**

The commenter requests specific text revisions be made to Page 2-13 of the Draft EIR.

In response to this comment, Page 2-13 in Section 2, *Project Description*, of the Draft EIR has been modified as requested:

The Specific Plan envisions further collaboration and planning between the City, BART, the Berkeley Flea Market, the Ecology Center and the community to further explore possibilities for the Ashby BART station area west parking lot/Adeline Street adjacent right-of-way.

June 25, 2019

Alisa Shen, Principal Planner  
City of Berkeley, Planning and Development Department  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Re: Notice of Availability of a Draft Environmental Impact Report – Adeline Corridor  
Specific Plan

Dear Ms. Shen:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Adeline Corridor Specific Plan located in the City of Berkeley (City). EBMUD provided comments on general, water service, water conservation and wastewater planning for the Notice of Preparation of the Draft EIR on July 27, 2018, which have been addressed in the Draft EIR. EBMUD has the following comments.

**RECYCLED WATER**

The Project is not currently a candidate for recycled water, however, future recycled water pipeline expansion towards the City of Berkeley could potentially serve a portion of the Specific Plan boundaries. Recycled water is appropriate for outdoor landscape irrigation and EBMUD is evaluating options of recycled water for in-building non-potable use. As EBMUD further plans its recycled water program, feasibility of providing recycled water to this corridor may change. EBMUD encourages the City and its developers to continue to coordinate closely with EBMUD during the planning of the Project to further explore the options and requirements relating to recycled water use.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:WTJ:nl  
sb19\_107

## Letter A4

**COMMENTER:** David Rehnstrom, Manager of Water Distribution Planning, East Bay Municipal Utilities District (EBMUD)

**DATE:** June 25, 2019

**Response 4.1**

The commenter states that future expansion of recycled water pipeline toward the City of Berkeley may enable use of recycled water in a portion of the Plan Area. The commenter encourages the City and developers to continue to coordinate with EBMUD to explore options related to recycled water use.

As discussed under Impact UTL-2 in Section 4.13, *Utilities and Service Systems*, based on a Water Supply Assessment prepared for the Specific Plan by EMBUD, existing and projected water supplies would be adequate to serve the Plan Area through 2040. As stated in Section 4.13, Berkeley General Plan Policy EM-26, Action B is to consider participation in EBMUD's East Bay-shore Recycled Water Project to make recycled water available for irrigation and other non-potable uses. The City will continue to work with EBMUD on future recycled water projects, consistent with the City's General Plan.

July 19, 2019

To: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)  
Alisa Shen / Adeline Corridor / Planning Department

**LPC COMMENT LETTER ON ADELINE CORRIDOR PLAN**

The City of Berkeley Landmarks Preservation Commission appreciates the opportunity to review and comment on the draft Adeline Corridor Specific Plan and its associated draft Environmental Impact Report. In June and July, 2019, the Commission took public testimony and heard a staff presentation on the Plan, and discussed possible comments. I was directed to prepare this comment letter, which was then reviewed in draft form by Commission members before finalization. These are our comments:

1 | (1) Specific errors and omissions in the listings and identification of designated or listed historic resources should be corrected, as noted in testimony and correspondence from John English and others.

2 | (2) In the description of the history of the Adeline Plan area there should be more detailed narrative and context on local African-American history that centered in this area, not simply a mention of two individuals. The narrative should note others of the many African-American community leaders who have lived in or nearby the Plan area going back to the early 20th century, and the role of African-American businesses and community organizations in this district. Please reach out to the Commission and the local African American community for more specific information on expanding this narrative.

(3) Various maps in the draft Plan label designated landmarks and “known” and “potential” historic resources but do not provide a definition of “potential” and do not define how they might have been distinguished by the Plan drafters from presumed “non-potential” historic resources. This wording needs to be clarified since it is not standard preservation language.

3 | It is important for the Plan authors to realize that Berkeley does not yet have comprehensive lists and surveys of historic resources, particularly in the Plan Area; rather, existing designated historic resources have come about in a patchwork of community-initiated landmark applications and much research and study remains to be done before conclusions can be drawn about historic significance for many buildings. The last—and only—Citywide historic survey was done nearly half a century ago.

It is also a cause for concern that the cultural resources map omits from even “potential” historic consideration a large number of older properties—including early 20th century commercial buildings along Alcatraz on either side of Adeline—that have never been individually studied for historic significance.

A better approach would be to drop the ambiguous term “potential” and instead map all buildings over 50 years old in the Plan Area, identifying them as particular structures and sites that should be researched and studied for historic and cultural significance.

↑  
3 To help accomplish this, a provision for a thorough district historic evaluation should be included in the Plan. Currently Section 3-19 Historic Resources, Historic Preservation and Adaptive Reuse states that *“the City could consider seeking grant funding to prepare a Plan Areawide HRE (as was prepared for the Downtown Area) to identify any remaining resources that should be protected.”* This is only a tepid nod to preservation and has too many qualifications such as “could consider” and a reliance on “grant funding”. We note that for the past two years the Commission has urged the City Council and staff to actively pursue applications for specifically available Federal grant funds to do historic studies for commercial districts in Berkeley, and this has not taken place.

As it is currently written the Plan language will have no force in the implementation of the Plan and it is likely no public historic studies will be funded or undertaken as a result.

The wording should be changed to a more robust recommendation: *“The City should fund an areawide Historic Resources Inventory similar to that undertaken for the Downtown Plan area. Grant funds might also be sought to supplement the City funding.”*

4 (4) The description of the North Adeline subarea says that *“Historic preservation and the adaptive reuse of culturally and historically valuable buildings will be particularly important”* in that area. The South Shattuck area description should contain the same wording since it has similar percentages of culturally and historically valuable buildings, including two designated landmarks and one complete block face of late 19th and early 20th century commercial buildings (Dwight to Blake).

5 (5) The DEIR may be in error in saying that there were not watercourses in the Adeline vicinity. Some historical accounts mention a pond or wetlands in the area where Ashby BART is now. This is relevant since the assumed absence of watercourses is used to support a DEIR conclusion that there is only a low likelihood of pre-Contact remains in the study area.

6 (6) The DEIR and Plan should be revised to note that pre-Contact and historic era archaeological remains might exist on private property in the Plan Area. It is correct to note that the main public streets in the area—much of Shattuck, and Adeline—have been significantly disturbed and excavated to a considerable depth by construction of BART, but the same is not true for side streets or the many private properties lining all the streets. The DEIR mitigations do not address possible archaeological discoveries on private property, although development on private property, including some deep excavation for building foundations, is a foreseeable result of the Area Plan. The mitigations should be expanded to include all areas, not just publicly owned areas.

7 (7) The Land Use section of the Plan should include a provision for physical and on-line interpretative materials on the history of the area and its communities such as neighborhood history plaques.

Sincerely,

Steven Finacom

Vice Chair, On behalf of the Landmarks Preservation Commission

cc: Landmarks Preservation Commission members  
LPC Secretary Fatema Crane

## Letter A5

**COMMENTER:** Steven Finacom, Vice Chair, Landmarks Preservation Commission

**DATE:** July 19, 2019

### Response A5.1

The commenter refers to comments provided by another commenter, John English. Please see the responses to letters C11, C12, and C13.

### Response A5.2

The commenter requests that the narrative on African American history in the Plan Area be revised and expanded. The commenter requests that the City coordinate with the Landmarks Commission and the local African American community for additional information.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### Response A5.3

The commenter states that the terms “known” and “potential” that are used with respect to historic resources in the Draft Specific Plan are not defined and need to be clarified. The commenter also requests that the Specific Plan be revised to identify all properties 50 years or older within the Plan Area and label them as structures and sites which should be researched for historic significance, rather than identifying some properties as potentially historic. The commenter also suggests that the Plan include language calling on the City to fund an areawide Historic Resources Inventory, rather than seek funding elsewhere for such a study.

“Known” historical resources refer to resources as defined in California Environmental Quality Act (CEQA) Guidelines Section 15064.5. These include resources that have been listed in or determined eligible for the National Register of Historic Places (NRHP) or California Register of Historic Resources (CRHR) and/or appear on the Local Register. As noted in the Draft EIR on Page 4.3-15, “four additional buildings that, if evaluated, might be found eligible for NRHP or CRHR” based on a reconnaissance survey by JRP Historical Consultants. These four resources were identified as “Potential Historic Resources\*” in Figure 4.3-1 and in Table 4.3-2 based on the JRP survey only. As discussed in Section 4.3, *Cultural Resources*, of the Draft EIR, impacts related to historic resources associated with implementation of the proposed Specific Plan were found to be less than significant.

In response to this comment, Figure 4.3-1 on Page 4.3-16 and Table 4.3-1 in Section 4.3 Cultural Resources of the Draft EIR have been revised to reflect this information (See Chapter 5, Draft EIR Text Revisions of this document). In addition, Figure 3.3 of the Draft Specific Plan has been revised to reflect this information and is reflected in the next draft of the proposed Specific Plan.

### Response A5.4

The commenter requests that the Specific Plan description of the South Shattuck area be revised to say “Historic preservation and the adaptive reuse of culturally and historically

valuable buildings will be particularly important,” similar to the North Adeline subarea description.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response A5.5**

The commenter states an opinion that the Draft EIR may be in error by stating that there were no watercourses within the Plan Area. The commenter notes that some historic accounts describe a pond or wetlands in the vicinity of the present-day Ashby BART station and suggests that this may impact Draft EIR conclusions regarding the potential for pre-contact remains in the Plan Area.

Impacts to cultural resources are discussed in Section 4.3, *Cultural Resources*, of the Draft EIR. The archaeological sensitivity of the area was determined through a site survey, review of previous maps of the site, and records searches and summarized in the Cultural Resources Technical Report prepared by Archaeological/Historical Consultants in December 2018 and included in Appendix C of the Draft EIR. As stated on Page 2.3-30, Derby Creek appears to have been a seasonal drainage rather than a perennial watercourse, as it is not shown on early maps (Kellersberger 1853), while Temescal and Strawberry Creeks are clearly delineated. The lack of access to year-round water supplies in the Plan Area therefore gives the area low sensitivity for buried prehistoric archaeological sites. The commenter does not provide the historical accounts that mention ponds or wetlands where the BART station is now. In addition, the City of Berkeley sent consultation letters to tribal organizations in accordance with Senate Bill 18 and Assembly Bill 52 and did not receive responses. Further, standard conditions of approval would be required for future projects in the Plan Area that would address the unanticipated discovery of archeological or paleontological resources during construction. Therefore, no changes to the Draft EIR are warranted.

### **Response A5.6**

The commenter states an opinion that there is potential for pre-historic and historic-era archaeological resources on private property and under minor roadways within the Plan Area. The commenter requests that the Draft EIR mitigation measures be revised to address potential for these previously undiscovered resources.

The Cultural Resources Technical Report acknowledges that some areas of the Plan Area that were not excavated for BART construction have moderate sensitivity for buried archaeological resources. As stated in that report “extensive disturbance of Adeline Street and Shattuck Avenue for the construction of the BART Berkeley subway gives the public right-of-way a very low archaeological sensitivity within the Plan Area. However, the backyards of privately-owned residential parcels developed before 1900 have moderate sensitivity for buried historic archaeological resources.” As discussed on pages 4.3-26 and 4.3-27, development within the Plan Area would be subject to City of Berkeley standard conditions of approval for treatment of accidentally discovered archaeological resources. This standard condition of approval applies to projects on both private and public lands and would ensure proper protection and handling of accidentally discovered archaeological resources. With adherence to this standard condition of approval, impacts would be less than significant, and no further mitigation is warranted.

### **Response A5.7**

The commenter requests that the Land Use section of the Specific Plan be revised to include provisions for incorporating online and physical interpretive displays about the historical and cultural significance of the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

carole marasovic  
[daphnesflight@yahoo.com](mailto:daphnesflight@yahoo.com)  
Fri 7/19/2019 5:15 PM

Adeline Corridor Plan comments

Dear Ms. Shen:

The following recommendation regarding the Adeline Corridor Plan was passed unanimously, on July 10, 2019, by the Homeless Commission with one commissioner absent.

I am submitting this document to meet your deadline today for comments. However, the document with the vote should be submitted by our staff secretary, Peter Radu, who is currently out of town. I will request that he resubmits it, with the Commission vote, when he returns.

Thank you for your attention to this matter.

Respectfully,

Carole Marasovic

To: Mayor and Members of the City Council  
From: Homeless Commission  
Submitted by: Carole Marasovic  
Subject: Expansion of Adeline Corridor Plan to Include Housing in Private Component for Extremely low-Income Persons

**RECOMMENDATION**

The Homeless Commission recommends that the City Council identify a means to expand housing within the private housing component of inclusionary housing to include a set-aside for extremely low-income persons. The Commission recommends that be done either through retaining a consultant to conduct a nexus study to include extremely low-income housing in inclusionary housing, as to the Adeline Corridor, or by staff internally conducting that study so that inclusionary housing, within the Adeline Corridor, can be expanded to include a set-aside for extremely low-income persons.

**SUMMARY**

The Adeline Corridor Plan is a major development plan undertaken by the City for South Berkeley. The project completion date is projected at 20 years. The current projection of new housing to be developed in the Adeline Corridor is 1,450 units. Of those 1,450 units, 600-900 units are expected to be developed as public affordable housing on the Ashby BART parking lot. The remaining one third to over one half is anticipated to be private housing development.

The Adeline Corridor Plan provides for at least 50% of housing as income-restricted housing and affordable to a range of low-income and highest needs households. In addition, the Adeline Corridor Plan includes in its objectives that it will continue to implement the 2018 strategic update to the Alameda County Everyone Home Plan and the 1000 Person Plan.

1

Current inclusionary requirements for private housing allow private developers more flexibility within existing affordability requirements. The inclusionary percentage is set so that 10% of the units are at 80% AMI or below (low-income) and the other 10% are at 50% AMI (very low income). Private developers cannot submit alternative housing plans that provide other affordability.

There is no current provision for extremely low-income households to have a set-aside in private housing within current City requirements. Doing so would require a new nexus study.

#### FISCAL IMPACTS of RECOMMENDATION

There is a substantial cost to conducting a nexus study as the City generally retains a consultant to do so.

#### CURRENT SITUATION and its EFFECTS

Berkeley has a serious affordable housing crisis. The most greatly impacted are at the lowest income levels which has produced a growing number of homeless persons. The 2017 Homeless Count for Berkeley generated a count of 972 people.

2019's Berkeley-specific count has not yet been released but Alameda County, as a whole, shows an increase of 43% in homelessness. It has been estimated that almost 2,000 people per year experience homelessness in Berkeley. There is no end in sight unless Berkeley plans ahead to provide for economic diversity in its housing.

#### BACKGROUND

On July 10, 2019, the Homeless Commission voted to recommend as follows

The Homeless Commission recommends that the City Council identify a means to expand housing within the private housing component of inclusionary housing to include a set-aside for extremely low-income persons. The Commission recommends that that be done either through retaining a consultant to conduct a nexus study to include a set-aside for extremely low-income housing in inclusionary housing, as to the Adeline Corridor, or by staff internally conducting that study so that inclusionary housing, within the Adeline Corridor, can be expanded to include a set-aside for extremely low-income persons.

M/S

Yes:

Noes;

Absent:

#### ENVIRONMENTAL SUSTAINABILITY

Environmental impacts are noted under the Adeline Corridor Plan.

#### RATIONALE for RECOMMENDATION

The growing number of homeless persons must be addressed. While a plan that has a 20 year completion date cannot possibly meet the requirements of the Alameda County Everyone Home Plan and the 1000 Person Plan requiring imminent housing, it can continue to define the community as economically diverse and progressively provide needed housing for all economic statuses.

The Adeline Corridor Plan's commitment to provide for income-restricted housing affordable to a range of low-income and highest needs households is an abstract commitment without a set-aside for extremely low-income households. A set-aside for only public housing in the Ashby BART parking lot can potentially lead to low-income segregated housing while surrounding private housing is inaccessible to those persons in the extremely low-income category including

not only the homeless but also the working poor and retired seniors some of whom may have become homeless or whom are in danger of becoming homeless.

Furthermore, the non-specificity of the income-restricted category in the plan allows it to exclude extremely low-income persons. Such non-specificity, lacking a set-aside for extremely low-income persons, could result in exclusion from even the public housing component. Set-asides for extremely low-income households in both public and private housing should be required.

Under the current nexus study, an expansion to require an extremely low-income set-aside cannot be done in the private component. If discretionary, it is unlikely that incentives will be successful at encouraging developers to provide housing for extremely low-income households. Thus, a new nexus study is required.

#### ALTERNATIVE ACTIONS CONSIDERED

Incentives to developers were considered but it was questionable that left to the discretion of the developer that they would be successful. The cost of a nexus study with one having been conducted four years ago was considered. However, with Berkeley now thriving in development more than ever previously and with the economic and time investment already placed towards the Adeline Corridor Plan, it seemed that the cost of a nexus study was merited.

#### CITY MANAGER

See companion report or concurs.

#### CONTACT PERSON

Peter Radu, Homeless Services Coordinator, (510) 981-5435

## Letter A6

**COMMENTER:** Carole Marasovic, Homeless Commission

**DATE:** July 19, 2019

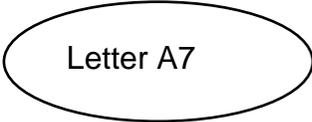
### **Response A6.1**

The commenter recommends that the City Council identify a means to expand housing within the private housing component of inclusionary housing to include a set-aside for extremely low-income persons, and suggests a nexus study to include extremely low-income housing in inclusionary housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
 OFFICE OF TRANSIT AND COMMUNITY PLANNING  
 P.O. BOX 23660, MS-10D  
 OAKLAND, CA 94623-0660  
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Letter A7



*Making Conservation  
 a California Way of Life.*

August 7, 2019

SCH #2018072009  
 GTS # 04-ALA-2018-00430  
 GTS ID: 11516  
 ALA-13-12.23

Alisa Shen, Principal Planner  
 City of Berkeley  
 2939 Ellis Street  
 Berkeley, CA 94703

### **Adeline Corridor Specific Plan – Draft Environmental Document (DEIR)**

Dear Alisa Shen:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Adeline Corridor Specific Plan project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals our continuing approach to evaluate and mitigate impacts to the State's multimodal transportation network. Caltrans' Strategic Management Plan 2015-2020 aims, in part, to reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas emissions (GHG) in alignment with State goals and policies. Our comments are based on the May 20, 2019 DEIR.

#### ***Project Understanding***

The proposed Adeline Corridor Specific Plan (Specific Plan) provides a vision and planning framework for future growth and development in the approximately 86-acre Adeline Corridor Plan Area ("Plan Area"). The Plan provides a comprehensive vision for the Plan Area along with goals, policies, strategies and development regulations to guide the Plan Area's future growth in an equitable manner that benefits the existing community. The Specific Plan includes a buildout projection which represents the foreseeable maximum development that the city of Berkeley (City) has projected can reasonably be expected to occur in the Plan Area through the plan horizon year (2040). The proposed Specific Plan through the horizon year of 2040 would include the development of 1,450 housing units and 65,000 square feet of commercial space.

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

**Future Coordination**

1 The DEIR does not present any specific improvements to the intersection of State Route (SR) 13 (Ashby Avenue) and Adeline Street, however pedestrian safety improvements to this intersection are mentioned in the Specific Plan's Transportation Chapter. Caltrans looks forward to working with the city of Berkeley in the future, as the City develops a solution to improve pedestrian safety to the intersection of SR 13 and Adeline Street, in addition to any future modifications to SR 13.

**Lead Agency**

2 As the Lead Agency, the city of Berkeley is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Encroachment Permit**

3 Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires a Caltrans-issued encroachment permit. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Andrew Chan at 510-622-5433 or Andrew.chan@dot.ca.gov.

Sincerely,



Wahida Rashid

Acting District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

## Letter A7

**COMMENTER:** Wahida Rashid, Caltrans

**DATE:** August 7, 2019

### Response A7.1

The commenter states an opinion that the Draft EIR does not present any specific improvements to the intersection of SR 13 (Ashby Avenue) and Adeline Street, but that pedestrian safety improvements to this intersection are mentioned in the Specific Plan's Transportation Chapter. The commenter states that Caltrans looks forward to coordinating with the City of Berkeley on pedestrian improvements at this intersection.

The commenter is incorrect that the Draft EIR does not present specific improvements to the intersection of Ashby Avenue and Adeline Street. These improvements are summarized in Section 2, *Project Description*, Subsection 2.3.5, Transportation (Plan Chapter 6) and illustrated on Figure 2-6, Figure 2-7, and Figure 2-9 of the Draft EIR. The Draft EIR includes a description of the specific short- and long-term improvements envisioned under the Specific Plan for the Adeline Corridor, including improvements to the intersection of Ashby Avenue and Adeline Street.

Table 4.12-11 on page 4.12-32 of the Draft EIR summarizes the evaluation of the proposed improvements at the intersection of Ashby Avenue and Adeline Street. The proposed improvements would improve the Streetscore+ for the intersection from 4 to 2 for pedestrians and from 4 to 1 for bicycles at the intersection, which indicates low street and high comfort for both pedestrians and bicyclists.

### Response A7.2

The commenter notes that as the lead agency, the City of Berkeley is responsible for all project mitigation and needed improvements to the state transportation network (STN). The commenter requests that the Project's fair share contribution, financing, scheduling, implementation responsibilities and agency monitoring should be disclosed in the Draft EIR mitigation measures.

None of the mitigation measures in the Draft EIR would affect the STN. However, the Specific Plan does include improvements at the Adeline Street/Ashby Avenue intersection, which is part of the STN and City of Berkeley will coordinate the improvements at this intersection with Caltrans. In addition, the Draft EIR already identifies the timing, the responsible party for implementation, and other pertinent information for each mitigation measure.

### Response A7.3

The commenter notes that any work proposed within the State right-of-way would require an encroachment permit from Caltrans prior to commencement of work.

As stated in Section 2, *Project Description*, Subsection 2.6, Required Approvals, of the Draft EIR, state, regional, and/or local permits may be required for development under the proposed Specific Plan. This may include encroachment permits for work in the Caltrans right of way. Future projects or public realm improvements with work in the Caltrans right-of-way, such as the potential improvements at the Adeline Street/Ashby Avenue intersection, would be required to obtain a Caltrans-issued encroachment permit.

Letter A8

Alisa Shen  
Adeline Corridor Plan  
City of Berkeley  
Planning Department  
1947 Center St., 2<sup>nd</sup> fl.  
Berkeley, Ca. 94704:

Re: Adeline Corridor Plan

Thank you for the opportunity to comment on the draft Adeline Corridor Plan. AC Transit has enjoyed participating in the development of the Plan. We believe that the area has exciting opportunities for community-oriented development.

1 We appreciate that the Plan considers the importance of bus service on Adeline Street, currently via line F. It notes needs for bus stops as well as general operational concerns. We urge the City to program and construct infrastructure improvements which reduce transit delays and improve transit operations. The corridor is likely to see further housing development, and reduction of roadway space. We support transit-oriented housing development, but it makes transit-supportive infrastructure all the more important. Infrastructure improvements will help make it possible for AC Transit to maintain transit service levels on the corridor.

Some specific items we support:

- Transit signal priority, queue jumps, and signal timing favorable to transit operations are needed. Transit features must be maintained and integrated with any new roadway management features, such as bike signals;
- Stops at Ashby BART should allow easy access and ingress for transit buses and passengers. Other bus services, such as the Alta Bates Shuttle, the West Berkeley Shuttle and “tech buses” need to be managed so that they do not interfere with bus service;
- Improved wayfinding signage around Ashby BART could make it easier for passengers to transfer between buses;
- At present, the bus stops along Martin Luther King Jr. Way are within the “line of sight” from the Ashby BART entrance. However, if the western parking lot of Ashby BART is developed, this line of sight connection will be lost.

We look forward to working with the City of Berkeley, BART, and others to implement this Plan.

Yours Truly,

Robert Del Rosario

## Letter A8

**COMMENTER:** Robert Del Rosario, Alameda County Transit (AC Transit)

**DATE:** August 9, 2019

**Response A8.1**

The commenter expresses support for Specific Plan policies related to bus service and transit-oriented housing development within the Plan Area. The commenter stresses the importance of infrastructure improvements to support efficient bus service along Adeline Street, and suggests several improvements that should be considered during Specific Plan implementation such as traffic signal and bus stop improvements, management of shuttle services to prevent interference with AC Transit buses, attention to lines of sight between BART and bus stops, and increased way-finding signage near Ashby BART.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. As stated in Section 2, *Project Description*, Subsection 2.3.5 Transportation, the Specific Plan includes proposed interim improvements and long-term improvements to the right-of-way to enhance bus transit service such as transit signal priority, bus bulbs and bus stop improvements (p.2-25 of the Draft EIR).



June 4, 2019

Ms. Alisha Shen  
**City of Berkeley**  
Planning Department  
1947 Center Street  
Berkeley, CA 94704

RE: Public Review of the Adeline Corridor Specific Plan Draft/2801 Adeline

Dear Alisha:

On behalf of 2801 Adeline, LLC, owner of 2801 Adeline, BayRock Multifamily, LLC respectfully submits the following comments to the Draft Plan:

Generally, the structure of the Draft and the Presentation format is very well done. The presentation of details and goals are very clear.

1 | Our site at 2801 Adeline consists of an approximate 1.1 acre parcel occupied by an existing 23,000 sf+- Walgreen store with related, on grade parking, "Property". The Property is ideally located in the heart of this Priority Development Area. The Draft Plan claims that all sites zoned C-SA abut residential zoning. The Property is bounded by four public Right of Ways , Shattuck, Adeline, Oregon and Stuart. It clearly does not abut residential property. In fact, the Property is a virtual island, situated several hundred feet from R-2, R-2A, and R-3 multifamily districts.

2 | Table 3 of the Draft Plan describes recommended Development Standards. The Current zoning and South Shattuck Plan guidelines allow for a 4.0 FAR for the Property. Maximum, allowable Development standards, including no limit on density are currently included for the Property. Table 3 recommends a clear "downzoning" of the Property.

The Draft Plan has placed the Property in the "North Adeline" area. Proposed FAR and Development Standards should clearly NOT apply to the Property for a multitude of reasons, including but not limited to:

- Current Zoning allows for more suitable High Density development appropriately designated for sites on major transportation corridors and commercial avenue districts
- The Property benefits from drive by traffic, access to public transportation, including easy walking distance to BART and immediate access to AC Transit Express bus lines

411 Pendleton Way, Suite C  
Oakland, CA 94621  
510-969-2323

2,  
cont.

- The Property includes a successful, active, neighborhood and community-serving retail use with Walgreen Company
- The Property is directly adjacent to the largest, revenue-generating grocery market in the entire City.
- The physical layout and location of the Property does not abut any kind of residential property, avoiding potential view, air, natural light, setback and/or vehicle/pedestrian circulation questions.

Tables 3.2 and 3.3 of the Draft Plan describe proposed densities and development standards for the Property. The general development standards severely limit the maximum development potential of the Property. The current development pattern in the South Shattuck area of the Plan includes densities up to 200 units/acre and building heights averaging close to 65 feet. The Parker, 2628 Shattuck and 2701 Shattuck are all constructed, approved or in process of approvals for this height and density. The former UC Storage building also exceeds this height.

The Base Development Standards and Tier 1 Incentive Standards do not allow for proper density, height and bulk for such a prime site. In addition, these Standards, specifically Tier 1, have a detrimental effect regarding the economic feasibility of a new, prominent, mixed-use development. Most recent developments utilizing the existing C-SA standards barely generate a Return on Costs to the Owner of 5%. Several, similar high density developments in town with proper third party review of their projected pro formas, tend to hover at 5-5.5% Returns.

We believe that minimum economic returns necessary to develop and finance the Property, utilizing the mixed use goals of the Draft Plan, are 5.5% in today's market.

3

The unique attributes of the Property previously described above, along with its thriving retail nature, may present the best site for high density, mixed use development in the Adeline Corridor. Thus, we hereby request that the Property be included in the Plan as follows:

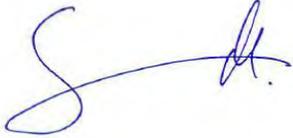
- Create another district that includes the Property, and the Honda service/dealer parking lot
- Or, extend the South Shattuck district to include the Property and Honda site
- Include maximum densities of no less than 170 units per acre in the Base Development Standards
- Include maximum heights of 75' in the Incentive Standards (exclusive of State Density Bonus Law) while including a Base Development Standard of no less than 55'
- Include more aggressive parking standards for mixed use/residential. Both ZAB and City Council are encouraging parking standards closer to .5 spaces/unit, or less, for similar sites.

The proposed downzoning of the property will preclude any development for the foreseeable future.

We look forward to discussing the Draft Plan with you in further detail as soon as possible.

Sincerely,

**BAYROCK MULTIFAMILY, LLC and 2801 Adeline, LLC**

A handwritten signature in blue ink, appearing to read 'Stuart Gruendl', with a stylized flourish at the end.

Stuart Gruendl  
Managing Member

cc: Hal Brandel, 2801 Adeline, LLC

411 Pendleton Way, Suite C  
Oakland, CA 94621  
510-969-2323

## Letter B1

**COMMENTER:** Stuart Gruendl, Bayrock Multifamily, LLC.

**DATE:** June 4, 2019

### **Response B1.1**

The commenter notes that although zoned C-SA in the Specific Plan, contrary to a statement in the Specific Plan, the commenter's property at 2801 Adeline Street does not abut residential properties.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B1.2**

The commenter objects to the proposed Specific Plan development standards for their property and requests that this be changed in the Plan. The commenter provides information to support this request. The commenter states an opinion that Table 3.2 and 3.3 of the Draft Plan describing densities and development standards limit maximum development potential and are inconsistent with current development standards in the area. This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B1.3**

The commenter requests changes in the proposed zoning (e.g. higher density, lower parking ratios) in order for the property in question to achieve desired high-density, mixed use development potential. The commenter requests that the Specific Plan be revised in the following ways: 1) the commenter's property and nearby Honda properties should be rezoned, 2) the maximum density at these sites should be increased to a 170 units/ acre, 3) the maximum building height on the commenter's site should be increased to 55 feet base, and 75 feet with density bonus, and 4) the city should include more aggressive parking standards such as 0.5 spaces per dwelling unit.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

# Berkeley Tenants Union

2022 Blake Street, Berkeley, CA 94703 | [berkeleytenants.org](http://berkeleytenants.org) | (510) 982-6696



Alisa Shen  
Project Manager  
City of Berkeley Planning & Development Department  
1947 Center St, 2nd floor, Berkeley, CA 94704



RE: Adeline Corridor Draft Specific Plan and Draft Environmental Impact Review (DEIR)

Dear Ms. Shen,

The Berkeley Tenants Union (BTU) is submitting its comments regarding the Adeline Corridor Draft Specific Plan and Draft Environmental Impact Review (DEIR), specifically Chapter 4 of the Specific Plan and Section 4, Environmental Impact Analysis. The Draft Environmental Impact Report (DEIR) analyzes the environmental effects of the proposed Adeline Corridor Specific Plan which provides a vision and planning framework for future growth and development in the Adeline Corridor Plan Area.

## **Effects on Rent Controlled Units**

According to the DEIR's section 4.10, under Population and Housing, there are 14,709 residents living in the Adeline Corridor. Of those residents, 9,369 (63.7%) are tenants living in 3,795 rental housing units. Neither the DEIR nor the Specific Plan provide any true analysis on the effects the development will have on the thousands of tenants, many likely in rent-controlled units, currently living in the Plan Area who could lose their homes to demolition.

1 In Section 4.10.2, under Analysis of Impact PH-2 - The DEIR states the impact on the community will be "less than significant," because the potential loss of housing units will be more than offset by the up to 1,450 new housing units within the Plan Area. Yet, the Specific Plan says the new 1,450 units will be market rate (i.e. unaffordable). The Specific Plan provides no vision or planning framework on how it plans to follow the 2015-2023 Berkeley Housing Element guidelines, Rent Stabilization and Rental Housing Conservation, which calls for protecting tenants from large rent increases, arbitrary evictions, hardship from relocation, and the loss of their homes and preserving existing rental housing.

2 BTU recommends the Specific Plan include a provision to protect current residents of rent-controlled units and a one-for-one replacement (as opposed to demolition fee payments) for any demolished rent controlled unit.

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## Prioritizing Affordable Housing on Public Land

The Specific Plan states that the City of Berkeley is committed to the goal of ensuring that at least 50% of all new housing built in the Adeline Corridor over the next 20 years will be income restricted permanently affordable housing serving a range of incomes. The plan that the proposed strategy achieves an overall affordable housing rate of 50% through a combination of mixed-income projects including low income units and a number of larger 100% affordable housing developments that will be placed on public land and funded by money coming in from the county, state and federal government.

In reference to developing affordable housing on Ashby BART sub area, which is public land, the Plan states that "...it is impossible to know exactly how many residential units can be built on each lot. However, the best estimates indicate that the west lot could accommodate 500 to 650 units in a six to seven-story building while the east lot could accommodate up to 150-250 units in a five-story building. Together they could accommodate 650 - 900 units of housing." But there's no guarantee just how many of those units would be affordable because development on the Ashby BART subarea is subject to a separate negotiated development agreement. Currently at the MacArthur BART station, the number of affordable units are limited and market rate price for a studio is currently renting at \$3,1,00 per month, which is unaffordable to the vast majority of people.

The Specific Plan states that "One challenge of using the BART sites for primarily affordable housing is that it is not generally possible to finance affordable housing projects with more than 250 units at a time." And this because, according to the Specific Plan "only 2% of the nearly 5,000 projects ever funded in California have included more than 250 affordable units. For this reason, building these sites out as primarily affordable housing will likely require building three to five separate projects in phases over a number of years—or including a market rate component in the development program for the site."

Although it may take years to complete, BTU recommends that the City of Berkeley and its representatives negotiate with BART to develop 100% affordable housing units on Ashy BART subarea and to make sure it taps in on all the funding programs being created as a result of the new state budget signed last month by Governor Gavin Newsom which "makes significant progress toward combating the affordability crisis that impacts too many Californians." The Budget invests \$1.75 billion in the production and planning of new housing. It includes support to local governments to increase housing production

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3,  
cont

BTU recommends that all housing on public land be affordable for all levels of income, particularly for very low-income, low-income families and mandate that the housing include multi-bedroom units. Doing so will maximize affordability.

## **Maximizing Affordability on All Other Land as Well**

On land which is not already publicly owned, the city should similarly aim for 100% of the units to be restricted to below-market rate and owned and run by a non-profit or not-for-profit developer. Notwithstanding the high cost of land, this can become economically feasible through strategies such as additional local density bonuses reserved for 100% below market rate units (a policy San Francisco adopted and the state legislature is currently debating).

4

In cases where it is not economically feasible for 100% of the units to be significantly below market rate, mixed-income social housing should be developed using the model put forward by the [People's Policy Project's social housing paper](#). Under this model, which has been successfully implemented in many places such as Vienna, the city (or a nonprofit) would develop social housing. Unlike traditional public housing projects in the United States, however, the developments would be mixed-income. Higher rents (not exceeding market-rate) would be charged to higher-income tenants, with the surplus rental income used to subsidize the rent of lower-income tenants (since neither the developer nor the landlord would be for-profit entities). In addition to multiple city council members informing us they support the implementing this model, last week the Housing Advisory Commission established a social housing subcommittee for the explicit purpose of exploring how to implement this model.

By implementing these strategies, the city will be able to maximize both the affordability of new units and the total number of new units of affordable housing.

## **Community Benefits Program for Plan Area**

In Section 4.10.2, under Analysis of Impact PH-1 - The DEIR states that development facilitated by the proposed Specific Plan is estimated to result in the potential for an additional 1,450 housing units in the Plan Area and 65,000 square feet of new commercial space through 2040. Missing from both the DEIR and the Specific Plan is any mention of a community benefits program for the Plan Area. A community benefits program would require that developers of new projects provide community benefits in exchange for an increase in density or other development incentives which will likely be abundant as portions of the Plan Area is also designated as an "Opportunity Zone".

5

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Potential community benefits should include increased affordable housing, public open space and recreation facilities, cultural institutions and performing arts venues, community-serving uses, such as childcare, senior centers, or community centers and health care services, which could help to ensure that the neighborhood serves the needs of a variety of households at all income levels.

Developers can provide benefits directly or through financial contributions to the City that would support the provision of community benefits. If properly structured, a community benefits program allows for a mutually-beneficial arrangement for developers and the City, with developers providing benefits that the community wants in exchange for development incentives. With current market rents continuing to rise, building new market rate units will likely be sufficient to support community benefits contributions from new residential development, particularly if the City offers development incentives such as reduced parking requirements to reduce development costs.

BTU recommends that the City of Berkeley conduct a series of workshops to engage the different stakeholders in order to design appropriate community benefits programs for each of the four sections of the Corridor. Public outreach, with no consensus-building mechanism, is different from participatory engagement to reach ‘community consensus’ regarding what types of benefits are appropriate for each of the four sections. The City has held community meetings over the past few years, however, concerns from a wide range of stakeholders are yet to be considered in the Specific Plan. Without a representative Specific Plan, the DEIR, corresponding to the Specific Plan, is of little value.

Sincerely,

[The Berkeley Tenants Union](http://berkeleytenants.org)

5,  
cont.

## Letter B2

**COMMENTER:** Berkeley Tenants Union

**DATE:** July 19, 2019

### **Response B2.1**

The commenter states an opinion that the Draft EIR does not adequately analyze the Plan's impact on population and housing, particularly on rental housing and affordable housing. The commenter requests that the Draft EIR be revised to include an analysis on the impacts of the Specific Plan implementation on existing rent-controlled apartment units.

Please see Topical Response B: Population, Housing, and Displacement Impacts.

### **Response B2.2**

The commenter requests that the Specific Plan be revised to include provisions to protect existing rent-controlled housing units from demolition and to require one-to-one replacement for any demolished rent-controlled units.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B2.3**

The commenter requests that the City negotiate with BART to ensure the Ashby BART station development include 100 percent affordable housing instead of the proposed 50 percent affordable housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. As described in Section 2, *Project Description*, of the Draft EIR, development standards for the Ashby BART Station will be finalized in collaboration with the City, BART, and the community as a subsequent implementation step.

### **Response B2.4**

The commenter requests that the Specific Plan be revised to include policies which incentivize development of "mixed income social housing" where it is not economically feasible for 100% of the units to be significantly below market rate.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B2.5**

The commenter suggests that the Specific Plan be revised to include a community benefits program.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

adelinecorridor@cityofberkeley.info  
 Attn: Alisa Shen/Adeline Corridor  
 Planning Department  
 1947 Center Street, 2<sup>nd</sup> floor, Berkeley, CA 94704

## Berkeley Flea Market Response to the Adeline Corridor Plan July 19, 2019

Berkeley Flea Market, organized by Community Services United (CSU), is a festive heartbeat of the Berkeley community. It is one of the last proud vestiges of a once thriving multicultural community of artists, activists, and dreamers from faraway places. From its original inception, 47 years ago, this community institution has provided pathways to entrepreneurship for vendors. Historically, this market has been the first stop for minorities, immigrants, refugees, and women to grow a business. It has provided a place to celebrate Berkeley's diversity and cultural expression. It has also been an integral part of larger economic development strategies that have enabled many of these small business owners to stay in Berkeley or, if unable, to still support, contribute, and hold their community together, even if only on the weekends.

*"The Specific Plan envisions further collaboration and planning between the City, BART, the Berkeley Flea Market, the Ecology Center and the community to further **explore possibilities** for the Ashby BART station area. The area has the capacity for a substantial amount of affordable housing and open space, including a plaza that **could accommodate** the Berkeley Flea Market and potentially also the Ecology Center Farmers Market. **It also has the potential for other uses/amenities** desired by the community, such as an African American Holistic Resource Center, affordable space for community non-profits, and other community facilities (e.g. sports or recreation center). (Project Description pg. 2-13)*

Throughout the Draft Plan and the Draft EIR, the language is extremely vague about where the Berkeley Flea market will be located eventually. The plan to "explore possibilities" of including a plaza that "could accommodate" the Flea Market but may have "other uses" does not adequately address the long-term concerns of CSU and the vendors. This language leaves open too many possibilities, many of which are not likely to include the market. We would like a more concrete commitment within the Draft Plan that there will be a continued place for the Berkeley Flea Market in the community.

Specific language that makes a strong commitment to include the market in any future plans would create a greater sense of responsibility for the City and a greater feeling of safety amongst CSU and the vendors.

This ambiguity is especially concerning to those whose livelihoods are and have been tied to the operation of the market. Understanding that some kind of development is inevitable, what the transition looks like will depend largely on how the City and Bart engage with market stakeholders. What makes us a community institution is that we have been providing a cultural and economic space for traditionally underserved people in Berkeley since 1975. We have an advisory board, a governing board and deep roots in this community. We are democratically run and each member will eventually vote for themselves about when and how to proceed.

In honesty, our trust has been tested during this process. Although we were very reluctant to do so, we went to the city and asked for help. Our finances were depleted from the 2018-19 rainy season and we were even forced to suspend operations for two months. Although we met with multiple city departments for the purpose of getting an estimate of what it would cost to operate the market in different locations, we have not received an answer. We met with BART and asked for a rent reduction and whether they would suspend our rent in the months prior to a relocation of the market. They have not gotten back to us.

We have heard many heartfelt words of encouragement, but we have received very little actual assistance thus far. Obviously, the possibility of dramatic change makes us uneasy and gaining the trust of our community enough to enter into an agreement with the City may require the City and BART to demonstrate a greater level of commitment to the maintenance of this cultural center/marketplace.

**Of course, our preference is to maintain our current location.** Our vendors would love to have an option to operate even on rainy days under some cover. We like the open, outdoor feel of the market. Access to water, solar power and sanitary facilities would all enhance the market experience. We want to maintain our drum circle and the ability to play music without getting criminalized for it by some new neighbor who doesn't like African music. We are very convinced that, for the health of Black Families and the Adeline Corridor area, access to a Farmer's Market is crucial.

However, we are not blind to the changes in demographics in our current location in the Adeline Corridor due to gentrification and the resulting displacement. We are deeply concerned about the current housing crisis in our community. In order to ensure that the

1 ↑ market is sustainable and accessible to long-time, low-income residents and vendors alike, we propose the following policies that create and maintain the conditions for people to remain in and return to the City of Berkeley:

2 1. **Vacancy Tax:** We believe that a tax on unrented properties should be drafted and implemented in recognition of the fact that we have a housing crisis in our city. The tax would discourage property owners from holding back rental property while others are forced to sleep in the street. This will also allow the market forces of supply and demand to relieve some pressure on rental prices and make this entire plan much more realistic. Adoption of a vacancy tax would make Berkeley among the first in California to take such measures. Supervisor [Aaron Peskin](#) has studied the idea and could provide valuable consultation. His office is working to place a measure on the March 2020 ballot.

<https://www.sfchronicle.com/business/networth/article/Should-SF-tax-empty-homes-and-buildings-11306541.php>

3 2. **“Affordable” Housing is not affordable:** We are concerned that the current formula of 50% market rate housing and 50% mixed income levels will still result in displacement of traditional residents from this area. In fact, this is acknowledged in the Population and Housing

3 From Section PH-2

*“Implementation of the proposed Specific Plan could displace existing housing units or people; however, implementation of the Specific Plan would increase the Plan Area’s housing stock overall, including its stock of below market rate housing.”*

The point of this plan was supposed to be to help the people of the area, not displace them. This is not acceptable.

4 3. **Increased Services:** We also note that it is not enough to simply house those who operate at “extremely low” income levels. In order for people of this description to be successful in this type of housing, the City must prepare to expand its ability to provide case management, and additional services to support and ensure that this demographic mix will be healthy, harmonious and successful.

5 ↓ 4. **Hire Berkeley First policy:** We want to stress that the City of Berkeley must use this development opportunity to create job opportunities for Berkeley youth and residents. This includes hiring in construction and all phases of this plan’s

5. cont ↑ implementation. We also emphasize the importance of creating new, small business opportunities and assistance for people in, of and from Berkeley.

6 5. **Preference Policy and Assistance for historic homeowners:** We want help given to those who have had financial trouble keeping their homes or lost their homes in the Great Recession of 2008. We want the city to prioritize the return of those who once called Berkeley their home and then were priced out of the area. People who have lost their homes within the last 15 years should have priority in gaining access to affordable housing opportunities.

7 6. **“Berkeley Flea Market” is a particular group of vendors** organized through Community Services United, which has operated the market for over 40 years. We do not authorize the City of Berkeley or anyone else to operate a market in our name.

Thanks for your consideration of our concerns and we look forward to continued discussion of how to best provide for the people of South Berkeley and preservation of the his

Submitted by:

### **Community Services United Governing Board**

- Yasin Khan (General Manager)
- Charles Gary
- Andrea Prichett
- Kaylah Marin
- Ellen Manu-Bimpeh
- Artrenia Harris
- Rosine Boissini

## Letter B3

**COMMENTER:** Community Services United Governing Board, Berkeley Flea Market

**DATE:** July 19, 2019

### **Response B3.1**

The commenter requests that the Plan include a stronger commitment regarding a space for the Flea Market, and expresses a preference that it be retained in its current location.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B3.2**

The commenter suggests that the City establish a vacancy tax to deter property owners from leaving housing units vacant.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B3.3**

The commenter expresses concern that Specific Plan policies calling for 50 percent of housing units developed under the Specific Plan reserved for affordable housing will still result in displacement of existing tenants.

Please see Topical Response B: Population, Housing, and Displacement Impacts.

### **Response B3.4**

The commenter requests that support services be identified and developed within the Plan Area to support future very low-income residents.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B3.5**

The commenter requests that the City institute a policy of local hiring during construction of individual development projects within the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B3.6**

The commenter requests that assistance and preference be given to homeowner and previous residents of the Plan Area who left the area for economic reasons during the 2008 recessions.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B3.7**

The commenter notes that the Berkeley Flea Market does not authorize the City of Berkeley or anyone else to operate a market in their name.

This comment is not a comment on the Draft EIR or the Specific Plan. Nonetheless, all comments will be forwarded to the City's decision makers for their consideration.



*Via Electronic Mail*

July 2, 2019

City of Berkeley  
 Planning Department  
 1947 Center Street, 2<sup>nd</sup> Floor  
 Berkeley, CA 94704  
 Email: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)

**Re: Earthjustice and Sierra Club Comments on the Draft Environmental Impact Report for the Adeline Corridor Specific Plan**

Earthjustice and Sierra Club appreciate the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) for the Adeline Corridor Specific Plan (“the Plan”). Our comments focus on the Plan’s building electrification requirements. Under the Plan, all new construction must be all-electric with no natural gas connection to the building, with an exception for “demonstrable technological constraints for specific components.”<sup>1</sup> In the case of technological constraints, the DEIR states that the project proponent would be required to reduce an equivalent amount of greenhouse gas (“GHG”) emissions either through the purchase of offsets or payment for the replacement of gas equipment with electric in existing building(s) as identified by City staff.<sup>2</sup>

We strongly support and appreciate the City’s efforts to incorporate building electrification requirements into the Plan. As the DEIR properly recognizes, all-electric new construction reduces the Plan’s greenhouse gas impacts and is required for the Plan to “be consistent with the 2017 Scoping Plan and on a path toward achieving long-term goals of EO B-55-18 and the City of Berkeley clean energy goals.”<sup>3</sup> However, we are concerned that the lack of apparent City review of a project proponent’s determination that an all-electric application is technically constrained and the potential use of offsets have the potential to significantly weaken the proposed measure. To more effectively implement a requirement for all-electric new construction, while allowing for legitimate exceptions in the case of technological infeasibility, we recommend the following two changes to the DEIR.

**1) Require City verification of a project proponent’s determination that the project cannot be built as all-electric.**

The DEIR currently does not appear to provide a mechanism for the City to review a project proponent’s determination that the project “cannot be built as all-electric due to

1



<sup>1</sup> DEIR, Adeline Corridor Specific Plan (May 2019) at 4.5-21, available at <https://www.cityofberkeley.info/AdelineCorridor/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

1 ↑ technological constraints for specific components.”<sup>4</sup> Rather, City review and approval is limited to the “plans for reducing equivalent GHG emissions.”<sup>5</sup> The City should review both the initial determination of technological feasibility and the GHG reduction plan. Otherwise, project proponents can simply assert all-electric construction is infeasible regardless of the availability of an all-electric solution. To avoid this outcome, we recommend the City amend the EIR’s review and approval language as follows:

For projects that the project proponent asserts will involve natural gas components, the City of Berkeley shall verify that the project cannot be built as all-electric due to demonstrable technological constraints and review and approve plans for reducing equivalent GHG emissions prior to issuance of a building permit.

**2) Eliminate use of carbon offsets or, at a minimum, prioritize replacement of existing natural gas equipment.**

2 ↓ The DEIR should be modified to either eliminate the use of offsets as potential mitigation or, at a minimum, prioritize payment for replacement of gas equipment with electric in existing buildings as a means to mitigate GHG emissions for projects utilizing natural gas. First, offsets are of questionable effectiveness. Studies have shown that can do little, if anything, to impact climate change, and in many cases have actually had negative environmental and human rights impacts.<sup>6</sup> For example, a recent study of California’s offset program found that “82% of the credits generated by [forest offset] projects likely do not represent true emissions reductions, due to the protocol’s leakage accounting methods.”<sup>7</sup> Accordingly, use of carbon offsets is unlikely to be effective CEQA mitigation.

Second, because GHG emissions are frequently associated with other forms of air pollution, use of offsets misses critical opportunities to take advantage of the co-benefits that come with local GHG reduction measures. For example, in allowing GHG emission reductions to occur elsewhere, “California’s cap-and-trade program has not yielded improvements in environmental equity with respect to health-damaging co-pollutant emissions.”<sup>8</sup> As set forth in

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See e.g. Matthew J. Kotchen, *Offsetting green guilt*. Stanford Social Innovation Rev. 7.2 (2009): 26-31, available at [https://ssir.org/articles/entry/offsetting\\_green\\_guilt](https://ssir.org/articles/entry/offsetting_green_guilt).; and Jutta Kill et al., *Trading Carbon: How it works and why it is controversial*, Fern (2010), available at:

[https://www.fern.org/fileadmin/uploads/fern/Documents/tradingcarbon\\_internet\\_FINAL.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/tradingcarbon_internet_FINAL.pdf).; and Steffen Böhm, *Upsetting the offset: the political economy of carbon markets*. London: MayFlyBooks, (2009), available at: [https://www.academia.edu/2022472/Upsetting\\_the\\_Offset\\_The\\_Political\\_Economy\\_of\\_Carbon\\_Markets](https://www.academia.edu/2022472/Upsetting_the_Offset_The_Political_Economy_of_Carbon_Markets).

<sup>7</sup> Barbara Haya, Center for Environmental Public Policy, UC Berkeley, *Policy Brief: ARB’s U.S. Forest Projects offset protocol underestimates leakage – Preliminary Results* (Apr. 4, 2019), [https://gspp.berkeley.edu/assets/uploads/research/pdf/Policy\\_Brief-US\\_Forest\\_Projects-Leakage-Haya\\_1.pdf](https://gspp.berkeley.edu/assets/uploads/research/pdf/Policy_Brief-US_Forest_Projects-Leakage-Haya_1.pdf).

<sup>8</sup> See e.g., Lara Cushing *et al.*, Carbon trading, co-pollutants, and environmental equity: Evidence from California’s cap and trade program (2011-2015), 15 PLoS Med e1002604 (2018) (finding that a majority of regulated facilities, under California’s cap-and-trade program, reported higher annual average local GHG emissions since the initiation of carbon trading, including the use of offsets; and that “Neighborhoods that experienced increases in annual average GHG and co-pollutant emissions from regulated facilities nearby after trading began had higher proportions of people of color and poor, less educated, and linguistically isolated residents, compared to neighborhoods that experienced decreases in GHGs.”), <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002604>

the CEQA Guidelines from the Bay Area Air Quality Management District (“BAAQMD”), community-based mitigation is preferable to offsets in a broader geographic area:

In implementing offsite mitigation measures, the lead agency must ensure that emission reductions from identified projects are real, permanent through the duration of the project, enforceable, and are equal to the pollutant type and amount of the project impact being offset. BAAQMD recommends that offsite mitigation projects occur within the nine-county Bay Area in order to reduce localized impacts and capture potential co-benefits.<sup>9</sup>

Accordingly, to ensure that mitigation for GHG impacts from projects where technological constraints prevent all-electric construction is real, permanent and provides local co-benefits, the DEIR should either require or prioritize replacement of existing gas appliances with electric options. The DEIR could be revised as follows:

Project proponents shall model the annual GHG emissions from natural gas from the proposed project and then reduce GHG emissions by an equivalent amount through payment for the replacement of natural gas equipment with electric in existing building(s) as identified and administered by City of Berkeley staff. If a replacement program has not been implemented or no such replacement opportunity has been identified by City of Berkeley staff, the project proponent may purchase verified, California based, carbon credits for 20 years. ~~one of the following:~~

- ~~• Purchase of verified, California based, carbon credits for 20 years~~
- ~~• Payment for the replacement of natural gas equipment with electric in existing building(s) as identified and administered by City of Berkeley staff~~

Thank you for the opportunity to submit these comments. Please contact Matt Vespa at [mvespa@earthjustice.org](mailto:mvespa@earthjustice.org) and Sasan Saadat at [ssaadat@earthjustice.org](mailto:ssaadat@earthjustice.org) at Earthjustice and Rachel Golden at [rachel.golden@sierraclub.org](mailto:rachel.golden@sierraclub.org) with any questions or concerns.

Sincerely,

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<sup>9</sup> BAAQMD, CEQA Air Quality Guidelines (May 2017) at 4-12, [http://www.baaqmd.gov/~/\\_/media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf](http://www.baaqmd.gov/~/_/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf).

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## Letter B4

**COMMENTER:** Matt Vespa, Staff Attorney, et. al. Earthjustice and the Sierra Club

**DATE:** July 2, 2019

### **Response B4.1**

The commenter requests that Mitigation Measure GHG-1 in the Draft EIR be revised to require City verification of a project proponent's determination that the project cannot be built as all-electric.

To be consistent with regulatory changes and other considerations since publication of the Draft EIR, changes have been made to Mitigation Measure GHG-1. Please refer to Section 5, *Draft EIR Text Revisions* for these revisions.

### **Response B4.2**

The commenter requests that Mitigation Measure GHG-1 be revised such that carbon offsets are eliminated as a mitigation option and that replacement of existing natural gas equipment is prioritized.

To be consistent with regulatory changes and other considerations since publication of the Draft EIR, changes have been made to Mitigation Measure GHG-1. Please refer to Section 5, *Draft EIR Text Revisions* for these revisions.



Letter B5

July 19, 2019

VIA ELECTRONIC MAIL

Attn: Alisa Shen  
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1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
[adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)

**Re: Comments on the Adeline Corridor Specific Plan Draft Environmental Impact Report**

Dear Ms. Shen:

The East Bay Community Law Center (EBCLC) welcomes the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) for the Adeline Corridor Specific Plan (“Specific Plan”). EBCLC is the largest provider of free legal services in Alameda County and has an office located in the Adeline Corridor. We assist low-income people with a wide variety of legal issues in the areas of economic security, education, health and welfare, housing, and immigration. In all of our practice areas, we see how gentrification has led to the rapid displacement of longtime residents in the City, mostly low-income residents of color. It is our mission to ensure that marginalized communities have a voice in the development of their neighborhoods in order to mitigate the negative effects of gentrification. In support of community groups and institutions such as the Friends of Adeline and Community Services United of Berkeley, we respectfully request that the City reject the DEIR.

The DEIR analyzes a foreseeable development of 1,450 housing units and 65,000 square feet of commercial space in the Plan Area through the year 2040 (the “Project”).<sup>1</sup> As described, the Project will have widespread environmental and sociocultural impacts not just on the surrounding neighborhoods, but also on all of Berkeley and the greater East Bay. As set forth below, the DEIR is inadequate under the California Environmental Quality Act (CEQA) guidelines. For this reason, we request that the City reject the DEIR and defer approval of the Specific Plan until the DEIR is revised to comply with CEQA.

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<sup>1</sup> DEIR, ES-1.



The Legislature passed CEQA with the intent to “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.”<sup>2</sup> An EIR is “the heart of CEQA.”<sup>3</sup> Its purpose is to provide public agencies and the general public with detailed information on the effects that a proposed project will likely have on the environment; ways in which the significant effects could be minimized; and alternatives to the proposed project.<sup>4</sup> Public officials must certify or reject an EIR with the goal of demonstrating to the public that the agency has, in fact, analyzed and considered the ecological implications of its action.<sup>5</sup> For these reasons, an EIR is an informational document of accountability.<sup>6</sup>

The Specific Plan’s DEIR fails to serve its purpose under CEQA guidelines because it:

1. Fails to provide a stable, accurate, and detailed project description and environmental setting description, thus undermining the impacts analysis;
2. Fails to analyze significant impacts the Project has related to Land Use, and Population and Housing; and
3. Fails to provide legally adequate analysis of the Project’s mitigation measures and alternatives.

As a result, the DEIR must be rejected and revised to comply with CEQA. We welcome the opportunity to work cooperatively with the City to address these issues in order to achieve the best outcome for the environment and marginalized communities.

## **I. THE DEIR FAILS TO MEET CEQA’S INFORMATIONAL STANDARD.**

1 An EIR’s purpose is to provide public agencies and the general public with detailed information on the effects that a proposed project will likely have on the environment; ways in which the significant effects could be minimized; and alternatives to the proposed project.<sup>7</sup> The DEIR fails to achieve its informational purpose because it: lacks sufficient information on existing environmental conditions, specifically regarding Population and Housing; is unacceptably vague and overly relies on future approvals and streamlining processes; and fails to describe the Project with necessary particularity.

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<sup>2</sup> *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 392.

<sup>3</sup> *Id.*

<sup>4</sup> Cal. Pub. Res. Code § 21061.

<sup>5</sup> *Laurel Heights I*, 47 Cal.3d at 392.

<sup>6</sup> *Id.* at 391, 392.

<sup>7</sup> Cal. Pub. Res. Code § 21061.

**A. The DEIR Lacks Sufficient Information on Existing Environmental Conditions.**

CEQA Guidelines require that an EIR include a description of the physical environmental conditions in the project's vicinity.<sup>8</sup> A complete assessment of the existing conditions is critical, as it constitutes the baseline by which a lead agency determines whether an impact is significant or not.<sup>9</sup> In other words, without an adequate description of the environmental setting, there cannot be an adequate assessment of the project's impacts, mitigation measures, and alternatives.

The DEIR lacks sufficient information on existing environmental conditions, specifically regarding Population and Housing. Both the Specific Plan and DEIR acknowledge the existence of and community concern surrounding the displacement of low-income residents of color, but the existing conditions and impacts stemming from displacement are completely absent from the DEIR's analysis. Instead, the DEIR claims that socioeconomic effects are beyond the scope of the CEQA environmental review process unless a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts.<sup>10</sup>

CEQA does indeed require analysis of direct and indirect impacts, including impacts resulting from social and economic consequences of the project.<sup>11</sup> Moreover, population demographics directly correlate to the area's physical environment, as demographics influence the type of housing and amenities that are built, the type of businesses and cultural institutions that thrive, and the number of vehicles per household. Therefore, socioeconomic effects, including displacement of low-income residents, are within the scope of the CEQA environmental review process and should have been analyzed in the DEIR.

In order to provide for adequate analysis of the impacts, the DEIR must provide a description of the baseline by which to assess the impacts. Information necessary to evaluate the impacts of displacement might include an income breakdown of the existing population, data on residential and commercial rent increases, and existing data on displacement of low-income residents of color and commercial tenants. The baseline must be backed by substantial evidence, meaning "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts."<sup>12</sup>

<sup>8</sup> *Id.* at § 15125.

<sup>9</sup> *Id.*

<sup>10</sup> DEIR, 1-6.

<sup>11</sup> CEQA Guidelines § 15064(e); see *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123, 132 (finding the EIR was inadequate where report, while acknowledging that subdivision would increase student enrollment, failed to say anything about effects of such increase in student population and suggested no mitigation measure to deal with such impact); see also *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1215 (finding the EIR improperly dismissed possibility that large shopping center could drive other retailers out of business as an economic effect).

<sup>12</sup> 14 CCR § 15064.7(b).

1. cont. ↑ The Lead Agency has a plethora of research and data to draw from in order to provide an adequate summary of existing environmental conditions regarding Population and Housing. Research and data on displacement in the context of transit-oriented development (TOD) is readily available from the Urban Displacement Project (UDP).<sup>13</sup> Additionally, UDP offers data and visual maps that track displacement based on income and race in the Specific Plan area from the year 2000 to 2013.<sup>14</sup> The Lead Agency should also research data sources such as the County tax assessor’s office, apartment operating licenses, local housing departments, superior courts, etc. to obtain information on property values, rent levels, evictions, and changes in tenancy.<sup>15</sup> Only with an adequate baseline can public agencies and the general public make informed decisions about the significance of the Project’s impacts.

**B. The DEIR is Unacceptably Vague and Overly Relies on Future Approvals and Streamlining Processes.**

2 ↓ The DEIR is a Program EIR.<sup>16</sup> A “Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related . . . in connection with issuance of rules, regulations, [and] plans.”<sup>17</sup> A Program EIR provides the benefits of avoiding duplicative analysis, allowing a reduction in paperwork, and providing more flexibility to the Lead Agency.<sup>18</sup> If a Program EIR is “sufficiently comprehensive, the lead agency may dispense with further environmental review for later activities within the program that are adequately covered in the program EIR.”<sup>19</sup> Alternatively, a lead agency may examine significant effects of a subsequent project by using a tiered EIR that limits its analysis to “significant effects on the environment that were not examined in the prior EIR.”<sup>20</sup>

Despite its benefits, streamlining environmental review does not guarantee that future decisions regarding development in the Specific Plan area will be made with full information and public input. For example, the City would not be required to give public notice of a determination that a subsequent project did not require new environmental review if that project were identified as an

<sup>13</sup> Justin Marcus & Miriam Zuk, *Displacement in San Mateo County, California: Consequences for Housing, Neighborhoods, Quality of Life, and Health, Urban Displacement Project*, (May 2017) at 2, available at [https://www.urbandisplacement.org/sites/default/files/images/impacts\\_of\\_displacement\\_in\\_san\\_mateo\\_county.pdf](https://www.urbandisplacement.org/sites/default/files/images/impacts_of_displacement_in_san_mateo_county.pdf).

<sup>14</sup> *Id.*

<sup>15</sup> Karen Chapple & Anastasia Loukaitou-Sideris, *TRANSIT-ORIENTATED DISPLACEMENT OR COMMUNITY DIVIDENDS?* (2019), 71.

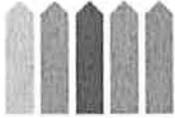
<sup>16</sup> DEIR, 1-1.

<sup>17</sup> CFQA Guidelines § 15168.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*; see *Center for Sierra Nevada Conservation v. Cnty. of El Dorado* (2012) 202 Cal.App.4th 1171.

<sup>20</sup> *Sierra Club v. Cnty. of Sonoma* (1992) 6 Cal.App.4th 1318-1319.



activity contemplated by an earlier program EIR.<sup>21</sup> In other words, projects vaguely contemplated by the DEIR, such as the Ashby BART parking lot development, may not be subject to further public input regarding its specific environmental impacts.

The Project is a foreseeable development of 1,450 housing units and 65,000 square feet of commercial space in the Plan Area through the year 2040. This forecast implies a large number of projects that may or may not require subsequent environmental review under CEQA because details of subsequent projects are both broad and unspecific in the DEIR and Specific Plan. As a result, public agencies and the general public may never know the specific environmental impacts of subsequent projects. Therefore, the City should commit to providing the same public notice and opportunity for comment for all projects that rely upon the DEIR to ensure that each project's specific environmental impacts are considered.

**C. The DEIR Fails to Provide a Complete and Stable Description of the New Zoning Category.**

CEQA Guidelines require that an EIR contain a detailed project description to allow adequate evaluation and review of the project's environmental impacts.<sup>22</sup> A Program EIR must deal with the effects of the program as "specifically and comprehensively as possible" to permit informed decision-making.<sup>23</sup> Even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA.<sup>24</sup> Additionally, a legally sufficient EIR requires a *stable* project description.<sup>25</sup> Lack of a stable project description may require reanalysis of the environmental impacts as changes in a project may lead to changes in its effects.

The Specific Plan proposes to rezone the entirety of the Adeline Corridor by creating a new zoning district, "C-Adeline Corridor" or "C-AC," which will cover all parcels in the area. C-AC district standards are outlined for three out of the four subareas. Standards for the Ashby BART subarea are subject to a development agreement negotiated between BART and the City following approval of the Specific Plan. The Project contemplates up to 850 residential dwelling units and 50,000 square feet of commercial in the Ashby BART subarea, but fails to outline any standards by which this is possible. Environmental impacts could vary greatly depending on the building height, location, and type of residential and commercial space allowed in the Ashby BART subarea. Furthermore, the Specific Plan suggests the development of a community plaza on the Ashby

<sup>21</sup> See CEQA Guidelines § 15168.

<sup>22</sup> *Id.* at § 15124.

<sup>23</sup> *Id.* at § 15152(c)(5).

<sup>24</sup> *San Joaquin Raptor/Wildlife Rescue Crt. v. Cnty of Stanislaus* (1994) 27 Cal.App.4th 713, 730.

<sup>25</sup> *Id.* at 730.

3, cont. ↑  
BART subarea to house the Berkeley Flea Market and Farmer’s Market, but the DEIR fails to analyze this vision. The contemplation of a community plaza provides that the DEIR could in fact analyze environmental impacts of including a plaza versus not. The failure to define the C-AC district standards for the Ashby BART subarea does not permit informed decision-making surrounding the Project’s environmental impacts.

Moreover, standards for the C-AC district require amendments to the City’s General Plan and Municipal Code to take effect. These amendments require separate approvals processes wherein the details of the C-AC district may be refined and altered. It is critical that the C-AC district description remain stable in all three approvals processes, as changes will fundamentally alter assumptions surrounding the Project and possibly require reanalysis of the environmental impacts.

## II. THE DEIR FAILS TO ANALYZE SIGNIFICANT IMPACTS RELATED TO LAND USE & POPULATION AND HOUSING.

4 ↓  
CEQA requires analysis of direct and indirect impacts of a project, including impacts resulting from social and economic consequences of the project.<sup>26</sup> Primary (direct) and “reasonably foreseeable” secondary consequences must be “clearly identified and described, giving due consideration to both the short-term and long-term effects.”<sup>27</sup> CEQA requires a Lead Agency to determine the significance of all environmental impacts.<sup>28</sup> Physical changes stemming from economic or social effects of a project must be regarded in the same matter of significance as any other physical change resulting from the project.<sup>29</sup>

Thresholds of significance are critical because they help determine whether certain impacts of a project are significant (thus requiring mitigation) or less than significant (thus not requiring mitigation).<sup>30</sup> Lead agencies have the discretion to formulate their own significance thresholds, which may be defined either as quantitative or qualitative standards, or sets of criteria. CEQA also requires mandatory findings of significance where “the environmental effects of a project will cause adverse effects on human beings, either directly or indirectly.”<sup>31</sup> The DEIR fails to analyze the Project’s significant direct and indirect impacts related to Land Use, and Population and Housing based both on its own thresholds for significance and CEQA’s mandatory findings of significance.

<sup>26</sup> CEQA Guidelines § 15064(e); see *El Dorado* 144 Cal.App.3d at 132; see also *Bakersfield Citizens* 124 Cal.App.4th at 1215.

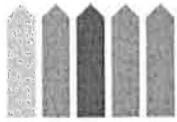
<sup>27</sup> CEQA Guidelines § 15064(e); *Bakersfield Citizens* 124 Cal.App.4th at 1215.

<sup>28</sup> Cal. Pub. Res. Code § 21082.2; CEQA Guidelines § 15064.

<sup>29</sup> *Bakersfield Citizens*, 124 Cal.App.4th at 1205.

<sup>30</sup> CEQA Guidelines § 15064(e).

<sup>31</sup> *Id.* at § 15065(a)(4).



**A. The Project Has Significant Land Use Impacts.**

The DEIR found no significant impacts related to Land Use using the following threshold: Would the proposed Specific Plan physically divide an established community?<sup>32</sup> However, the Project's impacts are significant because the proposed Specific Plan will in fact physically divide established communities in the Adeline Corridor.

Existing conditions consist primarily of one- and two-story buildings with a few exceptions.<sup>33</sup> The creation of the C-AC zoning district expands the maximum building height for all parcels in the Adeline Corridor through its affordable housing incentive. Specifically, the Tier 3 incentive development standards allow for maximum building heights of either 6 or 7 depending on subarea compared to the maximum building heights of 3 to 5 in the Adeline Corridor's existing zoning districts.<sup>34</sup> Because the C-AC district applies to all parcels, significant differences in neighboring building heights are likely to occur. A vastly tall building on a block of primarily one- and two-story buildings can physically divide the existing buildings both spatially and aesthetically.

Furthermore, the C-AC development standards are not yet defined for the Ashby BART subarea. Given the objective to maximize dwelling units and commercial space on the Ashby BART west parking lot, it is foreseeable that the building height on the lot will exceed the Tier 3 incentive standards of 7 stories, thus becoming the largest building in the Adeline Corridor. As the largest and most central point in the Adeline Corridor, an exceedingly tall building on the Ashby BART west parking lot will physically divide the neighborhood both spatially and aesthetically. Additionally, should the Berkeley Flea Market be displaced from the Ashby BART west parking lot, the physical division of the neighborhood will be even more stark given the Flea Market's figurative and literal role of binding the community together every weekend.

**B. The Project Has Significant Population and Housing Impacts.**

The DEIR incorrectly found no significant impacts related to Population and Housing using the following three thresholds:

1. Would the Specific Plan induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<sup>32</sup> DEIR, 4.8-7

<sup>33</sup> DEIR, 2-9.

<sup>34</sup> DEIR, 2-16.

4.  
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2. Would the Specific Plan displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
3. Would the Specific Plan displace numbers of people, necessitating the construction of replacement housing elsewhere?

The Specific Plan will both directly and indirectly induce substantial population growth in the Adeline Corridor. The DEIR claims that this impact is less than significant because the population growth induced by the Specific Plan is not substantially more than the expected population growth without the Project. However, the DEIR is silent on the demographics of individuals constituting such population growth. Looking at numbers alone obscures the significant impacts in the changes of economic and racial demographics resulting from overall population growth. While the population growth overall may not be substantially different between the projections with and without the Specific Plan, the population of low-income individuals may substantially differ with the adoption of the Specific Plan. These changes indicate trends of displacement and the significant impacts related to affordability and displacement described below.

The Specific Plan will displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. Existing conditions in the Adeline Corridor consist primarily of one- and two-story buildings with a few exceptions.<sup>35</sup> Also, over one-third of the buildings in the Plan area are dedicated to commercial uses.<sup>36</sup> The Project contemplates the construction of 1,450 housing units and 65,000 square feet of commercial space in an area that lacks substantial empty lots (with exception of the Ashby BART west parking lot). Thus, in order to achieve the Specific Plan's goal of building diverse and affordable housing, it is foreseeable that many buildings with existing housing units will be substantially reconstructed or demolished entirely to make use of the increased building heights provided in the affordable housing incentive program.

The Specific Plan will also displace numbers of people, necessitating the construction of replacement housing elsewhere. When housing units are lost, the people who live in them are most likely displaced, as well. However, displacement is both direct and indirect, and not just physical.<sup>37</sup> Physical displacement typically means residents have "fewer options within, are forced out of, or cannot move into neighborhoods" due to rising housing costs.<sup>38</sup> Nonphysical displacement, on the other hand, includes a "sense of loss of place and belonging, erosion of cultural cohesion, loss of

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<sup>35</sup> DEIR, 2-9.

<sup>36</sup> DEIR, 2-7.

<sup>37</sup> Chapple & Loukaitou-Sideris, 40.

<sup>38</sup> *Id.* at 48.



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community supports, and/or diminution of political power” due to the change of neighborhood demographics.<sup>39</sup>

Studies have found that transit neighborhoods like the Adeline Corridor are quicker to experience increases in median household income, housing prices, and rents following development compared to nontransit neighborhoods.<sup>40</sup> Moreover, a study has shown that upzoning incentives increase neighborhood property values, but do not necessarily induce new housing construction.<sup>41</sup> The physical changes and investment in an area signals to wealthier individuals that a neighborhood is desirable to live in. This process of gentrification leads to newcomers who “are typically wealthier, whiter, and of higher educational attainment” and displaces existing residents who “are more likely to be renters, poorer, and people of color.”<sup>42</sup>

Existing Adeline Corridor residents have already identified both physical and nonphysical displacement of low-income, and black residents as a top priority. Existing conditions in the Adeline Corridor already incentivize property investment by wealthy investors. In order to spur economic development, the state recently designated the Adeline Corridor as an Opportunity Zone (OZ), which allows for investors to receive tax benefits simply from investing in the area.<sup>43</sup> The Specific Plan and subsequent development in the Adeline Corridor will continue to exacerbate the neighborhood’s demographic changes toward a wealthier and whiter population, resulting in the displacement of people who are renters, low-income, and people of color.

The DEIR claims that existing tenant protections and the construction of 1,450 new housing units will offset the displacement of existing housing and people, thus the Project impacts on displacement are less than significant. Given the complexity of displacement and the finding that upzoning does not actually induce new housing construction, the DEIR’s argument is inadequate. Not only is the construction of 1,450 new housing units unreliable, but the DEIR fails to analyze whether these new units will even be affordable to existing, low-income renters of color who are most at-risk of displacement. Considering that upzoning and the existence of an OZ will increase property values, it is more probable that the vast majority of new housing units will cater to wealthy individuals. It is critical that the Lead Agency include information on the existing conditions of housing affordability and displacement to measure the illustrate more accurate the significant impacts on Population and Housing.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 54.

<sup>41</sup> Yonah Freemark, *Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction*, Urban Affairs Forum (March 29, 2019).

<sup>42</sup> Chapple & Loukaitou-Sideris, 52.

<sup>43</sup> <https://www.irs.gov/credits-deductions-for-individuals>; <https://www.irs.gov/credits-deductions/businesses>.

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Regardless of these thresholds, a mandatory finding of significance is appropriate because the Project’s environmental effects will cause adverse effects on human beings based on the physical, environmental, and health consequences associated with displacement alone. Residential instability, including as a result of eviction, leads to severe outcomes such as “homelessness, longer commutes, diminished access to health care resources, stress, and educational disruption.”<sup>44</sup> A UDP study found that after being displaced, most households moved to neighborhoods with fewer healthcare resources and job opportunities, leading to longer and more costly commutes.<sup>45</sup> One in three households reported some period of homelessness in the two years following their displacement.<sup>46</sup>

### III. THE DEIR FAILS TO PROVIDE ADEQUATE ANALYSIS OF MITIGATION MEASURES AND PROJECT ALTERNATIVES.

CEQA specifies that “[a] lead agency shall not approve a project as proposed if the agency finds any feasible alternatives or mitigation measures within its power which would substantially lessen or avoid any significant effect the project would have on the environment.”<sup>47</sup> Mitigation measures may not be deferred until after project approval,<sup>48</sup> and must include reporting and monitoring mechanisms.<sup>49</sup> Mitigation measures must also be found to be feasible, based on evidence in the record.<sup>50</sup>

An EIR must also include a “reasonable range” of proposed project alternatives based on the project’s objectives, including a No-Project Alternative and an Environmentally Superior Alternative.<sup>51</sup> The alternatives must be feasible such that it is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”<sup>52</sup> The scope of alternatives “must be evaluated on its facts,” on a case-by-case basis.<sup>53</sup> Moreover, the Lead Agency bears the burden of formulating alternatives for consideration—not the public.<sup>54</sup> Because the DEIR failed to identify significant impacts related to Land Use and Population and Housing, it also failed to analyze appropriate mitigation measures and project alternatives.

<sup>44</sup> Chapple & Loukaitou-Sideris, 212.

<sup>45</sup> Urban Displacement Project, *supra* 2.

<sup>46</sup> *Id.*

<sup>47</sup> Cal. Pub. Res. Code § 21002.

<sup>48</sup> *Communities for a Better Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70.

<sup>49</sup> CEQA Guidelines § 15097.

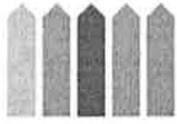
<sup>50</sup> *Id.* § 21081.5.

<sup>51</sup> *Id.* § 15126.6(a).

<sup>52</sup> Cal. Pub. Res. Code § 21061.1.

<sup>53</sup> *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d. 553, 566.

<sup>54</sup> *See Laurel Heights I*, 47 Cal.3d at 406.



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**A. The DEIR Must Consider Policies to Mitigate the Significant Impacts Related to Land Use and Population and Housing.**

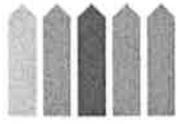
In order to mitigate the Project's environmental impacts related to land use, the Specific Plan should apply stricter guidelines upon which to base the Ashby BART subarea development standards. These standards are to be negotiated in a development agreement between the City and BART under the guidance of the Specific Plan. There are no guarantees for public input or engagement in the development agreement negotiation outside public input on the Specific Plan. Another possible mitigation measure is to create a community engagement process for negotiating the development agreement. This will mitigate the significant impact of the Ashby BART west parking lot development physically dividing the existing community, as community members will have a stake in the development's design and layout.

The DEIR should also provide mitigation measures for environmental impacts caused by housing affordability and displacement. These measures must strengthen and expand the City's toolkit of affordable housing and anti-displacement strategies both citywide and in the Adeline Corridor, specifically. Examples include funding and preference for community land trusts, stronger tenant protections, first right of refusal policy (i.e. Tenant Opportunity to Purchase Ordinance), diverting tax-increment financing revenue from wealthier neighborhoods to affordable housing development in the Adeline Corridor, and more.

**B. The DEIR Must Consider an Affordable Housing Focus Alternative that Would Mitigate Significant Impacts Related to Land Use and Population and Housing.**

The DEIR evaluates three alternatives to the Project: 1) No Project Alternative, 2) No Street Redesign Alternative, and 3) Office Focus Alternative. This is insufficient because the DEIR fails to identify any alternatives that would maximize the number of affordable housing units to achieve the Project objective of creating diverse and affordable housing. Possibilities for an Affordable Housing Focus alternative include requiring the affordable housing percentage in the affordable housing incentive program be based on the total number of units in the complete project as opposed to the base number of units before receiving the bonus. Another Affordable Housing Focus alternative would look similar to the Office Focus Alternative, but rather than prioritize the construction of office space, the alternative would prioritize the construction of affordable housing units. The DEIR should be revised to include such analysis.

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#### IV. CONCLUSION

For all the reasons stated above, the DEIR must be revised to comply with CEQA. We welcome the opportunity to work cooperatively with the City to address these issues and look forward to the City's reasoned response. Thank you for your consideration.

Sincerely,

Jassmin A. Poyaoan  
Director of Community Economic Justice Clinic  
East Bay Community Law Center

## Letter B5

**COMMENTER:** Jassmin Poyaoan, East bay Community Law Center (EBCLC)

**DATE:** July 19, 2019

**Response B5.1**

The commenter argues that the Draft EIR lacks sufficient information regarding existing conditions regarding population and housing. Therefore, the commenter argues Draft EIR analyses regarding displacement impacts are insufficient.

The commenter argues that additional demographic information is needed. CEQA Guidelines section 15125(a) requires that EIRs include “a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published....This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” The “environmental setting” requirement is based on “physical environmental conditions.” CEQA does not require an agency to provide detailed demographic data of existing conditions because demography is not a physical environmental condition.

The commenter also suggests that socioeconomic impacts can have indirect environmental impacts that must be considered under CEQA. Please see Topical Response B: Population, Housing, and Displacement Impacts for a response to this topic.

**Response B5.2**

The commenter states an opinion that the Draft EIR overly relies on future approvals and streamlining processes. The commenter asserts that streamlining environmental review does not guarantee that future decisions regarding development in the Plan Area will be made with full information and public input. The commenter further opines that a large number of projects may or may not require subsequent environmental review under CEQA. Therefore, the commenter requests that the City commit to providing the same public notice and opportunity for future projects that rely on the Draft EIR.

As stated in the CEQA statute and guidelines, the legislature’s intent under CEQA is to tier and streamline review for housing where feasible. As stated in CEQA statute Section 21093:

The Legislature finds and declares that tiering of environmental impact reports will promote construction of needed housing and other development projects by (1) streamlining regulatory procedures, (2) avoiding repetitive discussions of the same issues in successive environmental impact reports, and (3) ensuring that environmental impact reports prepared for later projects which are consistent with a previously approved policy, plan, program, or ordinance concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on each later project.

Further, the legislature has declared its intent to “exclude duplicative analysis of environmental effects examined in previous environmental impact reports.”

Therefore, it is the intent of CEQA not to duplicate environmental review unless necessary. As described in Topical Response E: Buildout Assumptions, future projects in the Plan Area would undergo normal review through the City’s review procedures and it may be determined that the project is eligible for tiering or streamlining under CEQA. If a discretionary project would result in impacts that were not adequately studied in this or other CEQA documentation, further CEQA review would be required. Although the commenter is

accurate that some streamlining provisions under CEQA do not require separate public review and comment under CEQA, there are opportunities for public review and input during the City's regular planning process.

### **Response B5.3**

The commenter argues that the Draft EIR does not provide adequate definition of the zoning standards for the Ashby BART subarea and that therefore the EIR does not contain a detailed enough project description to allow adequate evaluation of the project's environmental impacts. The commenter states that a "truncated project concept" violates CEQA.

As described in Section 1, *Introduction*, of the Draft EIR, the proposed Specific Plan is a regulatory program, not a physical development project or set of development projects, and the Specific Plan itself would not result in direct physical changes. Therefore, a set of reasonable assumptions concerning the future physical development that could be developed in the Plan Area was prepared, and these assumptions form the basis of the Draft EIR's analysis of physical environmental impacts. The City reviewed the Plan Area on a parcel-by-parcel basis to identify parcels that had the highest likelihood of change or re-development (e.g. vacant and parcels comprised of surface parking lots, and "underutilized" parcels where existing buildings were no more than one story, did not have significant historic or cultural resources for the purposes of environmental review under CEQA and were either vacant or lacked a tenant that was likely to remain in place over the time horizon of the Specific Plan). The Draft EIR assumes that the Plan could facilitate development of 850 residential units and 50,000 square feet of commercial space in the Ashby BART subarea. Although the exact standards for development in the Ashby subarea will be identified in coordination with BART, this is a reasonable maximum assumption related to the buildout of this area. The commenter does not provide evidence to support the claim that the failure to define the standards for the Ashby BART subarea would not allow informed decision-making about the environmental effects of the Plan. The Draft EIR analyzes environmental effects of development per the reasonable maximum buildout assumptions. Please also see Topical Response F: Specific Plan-Related Comments.

### **Response B5.4**

The commenter disagrees with the conclusions of the Draft EIR regarding whether or not the Specific Plan would physically divide an existing community. The commenter argues that application of the C-AC zoning district (which allows for increased building heights) would allow for the creation of a physical barrier through the existing one-and two-story residential neighborhood. The commenter further opines that the development standards for the Ashby BART area are not yet defined and that an "exceedingly" tall building would physically divide the neighborhood both spatially and aesthetically. The commenter also argues if the Berkeley Flea Market is displaced, a physical division of the neighborhood may occur given the Flea Market's figurative and literal role of binding the community together.

As discussed on Page 4.8-7 of the Draft EIR, the Specific Plan does not include elements that would physically divide established communities within the Plan Area. For example, although the Specific Plan involves street redesigns, no new major roads or other large or linear facilities would be constructed that would physically divide the established community. Increased building heights allowed under the Specific Plan along Adeline Street would alter the visual appearance of the Plan Area. However, such development would not prevent movement of peoples through or between different areas of the Specific Plan and would generally be in the same locations as existing development or developable parcels.

In addition, as noted in the Draft EIR, Specific Plan goals, policies, and capital improvements would reduce obstacles to movement between east and west sides of the Plan Area by improving pedestrian and bicycle access. Therefore, application of the C-AC zoning district in the Plan Area would not create a physical barrier through the existing neighborhood.

### **Response B5.5**

The commenter disagrees with the conclusions of the Draft EIR regarding population and housing impacts. The commenter argues that the Specific Plan would result in both direct and indirect impacts to population and housing because it would displace a substantial number of existing housing units necessitating construction of replacement housing and that increased development within the Plan Area would increase property values such that indirect displacement will occur.

Please see Topical Response B: Population, Housing, and Displacement Impacts.

### **Response B5.6**

The commenter argues that the Draft EIR does not provide a reasonable range of alternatives based on the project's objectives and suggests that an Affordable Housing alternative be analyzed. Furthermore, the commenter argues that because the project did not adequately analyze the impacts to population and housing, the Draft EIR does not adequately analyze appropriate mitigation measures.

As stated in the above responses and in Topical Response B, no significant land use or population and housing impacts would occur. Therefore, the alternatives and mitigation measures contained in the Draft EIR, as revised in Section 5 of this document, are adequate. The alternatives analyzed in depth in Section 6, *Alternatives*, of the Draft EIR were identified by the City based on feedback during the public EIR scoping process and were designed to reduce the significant physical environmental effects associated with the proposed Specific Plan. The significant impacts identified in the Draft EIR included construction noise and traffic.



July 19, 2019

VIA ELECTRONIC MAIL

Attn: Alisa Shen  
Planning Department  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
[adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)

**Re: Comments on the Draft Adeline Corridor Specific Plan**

Dear Ms. Shen:

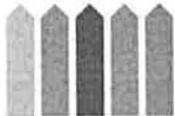
The East Bay Community Law Center (EBCLC) welcomes the opportunity to comment on the Draft Adeline Corridor Specific Plan (“Draft Plan”). EBCLC is the largest provider of free legal services in Alameda County and has an office located in the Adeline Corridor. We assist low-income people with a wide variety of legal issues in the areas of economic security, education, health and welfare, housing, and immigration. In all of our practice areas, we see how gentrification has led to the rapid displacement of longtime residents in the City, mostly low-income residents of color. It is our mission to ensure that marginalized communities have a voice in the development of their neighborhoods in order to mitigate the negative effects of gentrification. In support of community groups and institutions such as the Friends of Adeline and Community Services United of Berkeley (as representative of the Berkeley Flea Market), we respectfully request that the City consider and incorporate our comments into the Draft Plan.

Under California law, a specific plan is not mandatory, but must contain certain information if adopted by a locale.<sup>1</sup> A specific plan must include “the location and distribution of land uses within the specific plan area...other essential facilities needed to support the land uses, the standards and criteria by which development will proceed” and more.<sup>2</sup> A specific plan must also include a statement of the relationship between the specific plan and the city’s general plan.<sup>3</sup>

While we commend the Draft Plan for including a statement of the relationship between it and the City’s General Plan, it fails to include the following mandatory information in sufficient detail:

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<sup>1</sup> Gov. Code § 65450.  
<sup>2</sup> *Id.* at § 65451(a).  
<sup>3</sup> *Id.* at § 65451(b).



1. Essential facilities necessary to support the land uses of affordable housing and local businesses; and
2. The standards and criteria by which development will proceed in the Ashby BART subarea.

In order to address these deficiencies, we have outlined our comments to correspond with chapters in the Draft Plan. We suggest changes and additions to the following chapters: Chapter 3 (Land Use), Chapter 4 (Housing Affordability), Chapter 5 (Economic Opportunity), and Chapter 8 (Implementation).

**I. THE DRAFT PLAN SHOULD INCLUDE ESSENTIAL FACILITIES NECESSARY TO SUPPORT THE LAND USES OF AFFORDABLE HOUSING AND LOCAL BUSINESSES.**

The Draft Plan outlines five strategic goals:

1. Preserve the unique community character and cultural legacy of the Adeline Corridor;
2. Promote equitable access to housing by preserving existing affordable housing, prevent displacement, and producing a substantial number of new affordable housing units;
3. Foster economic opportunity for South Berkeley residents and businesses;
4. Provide safe, equitable transportation options that meet the mobility needs of all residents; and
5. Provide safe, sustainable, beautiful, healthy, and inclusive public spaces.

The City must sustain a diverse mix of land uses to achieve these goals. Specifically, the land uses of affordable housing and local businesses must be supported in order to promote equitable access to housing, prevent displacement, preserve the unique community character, and foster economic opportunity. The following suggestions under each corresponding chapter will help provide the essential facilities necessary to support affordable housing and local businesses. Importantly, this list is non-exhaustive and supplements ideas presented in the comments provided by Friends of Adeline and Community Services United of Berkeley. We welcome the opportunity to further evaluate and develop all policy proposals to ensure a strong, community-driven Specific Plan.

**A. Chapter 3: Land Use.**

The Draft Plan’s chapter on Land Use outlines the development standards for the new “C-Adeline Corridor” or “C-AC” zoning district. These new standards apply to the South Shattuck, North Adeline, and South Adeline subareas and codify the Draft Plan’s Affordable Housing Incentive. The C-AC base and incentive development standards alone are not sufficient to ensure and support



2 cont. ↑ the development of affordable housing and local business land uses. They must be supplemented with additional zoning requirements and support for the negotiation of community benefits agreements (CBAs) between developers and the community.

3 1) Empower the Zoning Officer to Streamline Projects with at Least 50% Affordable Housing Units.

In order to further incentivize developers to build affordable housing, the Draft Plan should create a process by which the City’s Zoning Officer is able to unilaterally grant project approvals for all projects building at least 50% affordable units on-site. This would be similar to how the Zoning Officer grants Administrative Use Permits (AUPs). Streamlining the approvals is another way to cut costs for developers so that they may redirect more funding to building affordable units. Coupled with the higher density granted by the Draft Plan’s Affordable Housing Incentive, empowering the Zoning Officer to streamline such projects will increase the likelihood of the Draft Plan reaching its goal of 50% of all new housing be affordable.

4 2) Create a Housing Overlay Zone to Cover Projects Benefitting from Opportunity Zone Tax Incentives.

Existing conditions in the Adeline Corridor incentivize property investment by wealthy investors. In order to spur economic development, the state recently designated the Adeline Corridor as an Opportunity Zone (OZ), which allows for investors to receive tax benefits simply by investing in the area.<sup>4</sup> The Draft Plan should create a housing overlay zone (HOZ) to outweigh increasing property values as a result of the OZ designation. The HOZ would be an added layer on top of existing zoning ordinances that would require any development benefitting from the OZ tax incentives to build an additional percentage of affordable housing on-site.

5 3) Encourage Developers to Negotiate Meaningful Community Benefits Agreements.

A CBA is a legally binding contract signed by community groups/coalition and a real estate developer that requires the developer to provide benefits to the local community or neighborhood. In exchange, the community supports the project. Community benefits include good jobs for local residents, significant affordable housing and anti-displacement protection, equitable community services, and more. While a developer is not legally obligated to negotiate a CBA, cities may encourage developers to negotiate a CBA as part of the land use approvals process. For example, the exclusive negotiating agreement between the Oakland A’s and the Port of Oakland requires that the A’s negotiate a CBA with the community in order to purchase or lease the Port’s property.

<sup>4</sup> <https://www.irs.gov/credits-deductions-for-individuals>; <https://www.irs.gov/credits-deductions/businesses>.

5 cont. ↑ The Draft Plan should similarly require that the future developer of the Ashby BART subarea negotiate and enter into a meaningful CBA with the community represented by groups like the Friends of Adeline and Community Services United of Berkeley (as representative of the Berkeley Flea Market).

**B. Chapter 4: Housing Affordability.**

6 ↓ The Draft Plan’s chapter on Housing Affordability outlines the Affordable Housing Incentive and priorities for developing diverse and affordable housing across the Adeline Corridor. It focuses on curbing displacement as well as producing and preserving affordable housing. The following ideas are critical components that should be included in the Draft Plan.

1) Expand the Definition and Research Displacement in the Adeline Corridor.

In order to effectively address displacement, further research and understanding about the dynamics and conditions of gentrification and displacement should be completed and summarized in the Draft Plan. Only through shared language and awareness of the existing conditions can public agencies and the public measure the efficacy of the Draft Plan’s proposals.

The City has a plethora of research and data to draw from in order to provide an adequate summary of existing housing affordability and displacement. Research and data on displacement in the context of transit-oriented development (TOD) is readily available from the Urban Displacement Project (UDP).<sup>5</sup> Additionally, UDP offers data and visual maps that track displacement based on income and race in the Draft Plan area from the year 2000 to 2013.<sup>6</sup> The Lead Agency should also research data sources such as the County tax assessor’s office, apartment operating licenses, local housing departments, superior courts, etc. to obtain information on property values, rent levels, evictions, and changes in tenancy.<sup>7</sup>

Data should be compiled with the understanding that displacement is both direct and indirect, and not just physical.<sup>8</sup> Physical displacement typically means residents have “fewer options within, are forced out of, or cannot move into neighborhoods” due to rising housing costs.<sup>9</sup> Nonphysical displacement, on the other hand, includes a “sense of loss of place and belonging, erosion of cultural cohesion, loss of community supports, and/or diminution of political power” due to the

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<sup>5</sup> *Id.*  
<sup>6</sup> *Id.*  
<sup>7</sup> Karen Chapple & Anastasia Loukaitou-Sideris, TRANSIT-ORIENTATED DISPLACEMENT OR COMMUNITY DIVIDENDS? (2019), 71.  
<sup>8</sup> Chapple & Loukaitou-Sideris, 40.  
<sup>9</sup> *Id.* at 48.



6  
cont. ↑ change of neighborhood demographics.<sup>10</sup> Newcomers “are typically wealthier, whiter, and of higher educational attainment” and displaced residents “are more likely to be renters, poorer, and people of color.”<sup>11</sup>

Importantly, studies have found that transit neighborhoods like the Adeline Corridor are quicker to experience increases in median household income, housing prices, and rents following development compared to nontransit neighborhoods.<sup>12</sup> Moreover, a study has shown that upzoning incentives increase neighborhood property values, but do not necessarily induce new housing construction.<sup>13</sup> The physical changes and investment in an area signals to wealthier individuals that a neighborhood is desirable to live in.

Without appropriate intervention, the Draft Plan and subsequent development in the Adeline Corridor will continue to exacerbate the neighborhood’s demographic changes toward a wealthier and whiter population, resulting in the displacement of people who are renters, low-income, and people of color. This is of utmost priority because residential instability, including as a result of eviction, leads to severe outcomes such as “homelessness, longer commutes, diminished access to health care resources, stress, and educational disruption.”<sup>14</sup> A UDP study found that after being displaced, most households moved to neighborhoods with fewer healthcare resources and job opportunities, leading to longer and more costly commutes.<sup>15</sup> One in three households reported some period of homelessness in the two years following their displacement.<sup>16</sup>

7 ↓ 2) Calculate Affordable Housing Percentages Based on a Building’s Total Units and Not the Base Number of Units.

The Affordable Housing Incentive trades density for affordable housing units. It is functionally an extension of the State Density Bonus Law. A problem with both policies is that the required percentage of affordable units is based on the number of units in the base project, not the total number of units in the completed building. As the Draft Plan highlights, this rule leads to a smaller percentage of affordable unit overall. While the Draft Plan cannot change the rules of the State Density Bonus Law, it can require in its own Affordable Housing Incentive that the percentage of affordable units be based on the total number of units built. This simple fix, which is already

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 52.

<sup>12</sup> *Id.* at 54.

<sup>13</sup> Yonah Freemark, *Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction*, Urban Affairs Forum (March 29, 2019).

<sup>14</sup> *Id.* at 212.

<sup>15</sup> Marcus & Zuk, 2.

<sup>16</sup> *Id.*

7  
cont. ↑ required under the City’s Affordable Housing Mitigation Fee Ordinance, will help maximize the number of affordable units in the Adeline Corridor.

8 3) Offer Off-Site Preservation and Buy-Down Alternatives for Inclusionary Housing.

Friends of Adeline’s call for at least 50% of all new and existing housing in the Adeline Corridor be affordable is possible if the Draft Plan’s Affordable Housing Incentive Program offers off-site preservation and buy-down alternatives for inclusionary housing. Several cities have amended their inclusionary housing ordinances to offer developers the option to convert existing, market-rate housing to deed-restricted affordable units as a way to fulfill inclusionary housing requirements. These policies are referred to as “off-site preservation and buy-down alternatives” and typically require the developer make a minimum level of investment in rehabilitation or purchase and deed-restrict a market unit outright. Developers that already own existing market-rate units in lower-price buildings might find it more cost-effective to increase the affordability of those units than to build affordable units in a new development. This will ensure that existing housing is preserved as affordable and that affordable housing is offered immediately. Successful policies exist in Montgomery County, MD, Boulder, CO, and New York, NY.<sup>17</sup>

9 4) Restrict Fee-Revenue Spending to Building and Preserving Affordable Housing in the Adeline Corridor.

Another way to ensure that more affordable housing is built in the Adeline Corridor is to restrict fee-revenue spending to the Draft Plan area. In other words, any in-lieu fees collected through development projects in the Adeline Corridor shall be restricted to funding affordable housing projects in the same neighborhood. A handful of locales have placed basic restrictions on where in-lieu fees can be spent. For example, the city of San Diego has defined a community planning area wherein any revenues collected from its inclusionary housing policy must be dedicated to. Similarly, Boston has dedicated half of its citywide affordable housing fund to “neighborhoods where the percentage of affordable housing is less than the citywide average.” As of 2015, Boston’s policy has produced 1,718 affordable units alone.<sup>18</sup>

10 **C. Chapter 5: Economic Opportunity.**

The Draft Plan commits itself to fostering economic opportunity for South Berkeley residents and businesses through existing business retention and expansion as well as exploring the potential to

<sup>17</sup> Robert Hickey, *Making Inclusionary Housing More Flexible: Four Ideas for Urban Settings*, (July 2015) at 3-5, available at [https://www.honolulu.gov/rep/site/dpdtod/officehousing\\_docs/ahr\\_docs/Making-Inclusionary-Housing-More-Flexible\\_Hickey\\_2015.pdf](https://www.honolulu.gov/rep/site/dpdtod/officehousing_docs/ahr_docs/Making-Inclusionary-Housing-More-Flexible_Hickey_2015.pdf).

<sup>18</sup> *Id.* at 6.

establish a Business Improvement District (BID). The following are ideas to strengthen existing business retention and ensure that the creation of a BID does not result in negative, unintended consequences.

- 1) Require the Business Improvement District (BID) Not Promote its Interests at the Expense of the People Experiencing Homelessness.

The Draft Plan promotes the establishment of a BID in the Adeline Corridor. Despite its benefits to businesses and property owners, research has found that a BID may lead to local and state laws that punish people experiencing homelessness for sitting, resting, sleeping, and food sharing in public. For example in 2012, the CEO of the nonprofit that manages the Downtown Berkeley BID was the major individual financial contributor to the campaign for Measure S, a proposed law prohibiting sitting and lying down in public. BIDs additionally work cooperatively with law enforcement to police people experience homelessness.<sup>19</sup>

In order to avoid the detrimental effects on people experiencing homelessness, the Draft Plan must specify that the City will request detailed accounts of the proposed BID's spending and activities, restrict the BID from engaging in policy advocacy or policing practices, refuse to collaborate with the BID should it violate the rights of homeless people, and disestablish the BID if it spends assessment revenue on policing and policy advocacy.

- 2) Ensure the Berkeley Flea Market's Inclusion in Negotiating the Development Agreement Between the City and BART.

Both the Draft Plan and Draft Environmental Impact Report state that the development standards in the Ashby BART subarea will be outlined in a future development agreement between the City and BART. Given that the Ashby BART west parking lot is home to the Berkeley Flea Market, it is critical that the Draft Plan require the inclusion of flea market vendors represented by Community Services United of Berkeley in negotiations over the development agreement. The development agreement will set the stage for what developers are able to propose for the lot and will ultimately determine the feasibility and operations of the Berkeley Flea Market. If the Draft Plan is sincere about retaining the Berkeley Flea Market as one of South Berkeley's main cultural institutions, it should also ensure its voice in development impacting its future.

<sup>19</sup> Policy Advocacy Clinic, *Homeless Exclusion Districts: How California Business Improvement Districts Use Policy Advocacy and Policing Practices to Exclude Homeless People from Public Space*, Berkeley Law University of California (2018), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3221446](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3221446).

3) Protect Existing Commercial Tenants.

12

Compared to residential tenants, commercial tenants lack legal protections against evictions and rent increases. The Draft Plan should promote legal commercial tenant protections and funding for commercial tenants to seek technical assistance on their commercial leases, and legal representation in eviction lawsuits. In order to avoid commercial displacement due to the expected increase in property values in the Plan area, the Draft Plan should incentivize commercial landlords to include a “first right of refusal” provision in its leases to allow their tenants the opportunity to purchase their building before it is offered in the open market.

**D. Chapter 8: Implementation.**

13

The Draft Plan elaborates on the next steps for implementation including concurrent approvals for amendments to the General Plan and Municipal Code. However, the Draft Plan could do more to identify more specific timelines and ensure more public engagement in the City’s annual reporting requirements.

1) Identify More Specific Timelines for Implementation.

The Draft Plan currently has general timing goals like “soon,” which is ambiguous and leaves room for the City to delay important projects. The Lafayette Specific Plan assigned each of its goals a priority number (1-3) and specific deadlines to each number.<sup>20</sup> The Draft Plan should model its implementation timelines in similar fashion, so that the City may be further incentivized to complete the projects in a timely matter.

2) Provide More Public Engagement in Annual Reporting.

14

Currently, the City is required to provide the public an annual report including progress and metrics on the number of affordable housing units. This is a great vehicle for enforcement and can be improved by allowing public review and comment and, combined with a more specific implementation plan/schedule, can hold the City accountable to the community. It should also be required that each and every new or approved development should be presented and reviewed in these annual reports, not just those that include affordable housing. This may allow the public to scrutinize the City’s holistic application of the Specific Plan and may discourage the City from not prioritizing the Specific Plan in future development agreements.

<sup>20</sup> City of Lafayette, *Downtown Specific Plan*, (Sep 10, 2012), available at <https://www.lovelafayette.org/home/showdocument?id=1507>.

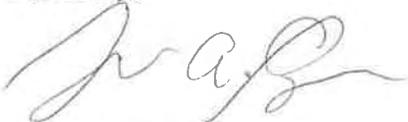
**II. THE DRAFT PLAN SHOULD INCLUDE THE STANDARDS AND CRITERIA BY WHICH DEVELOPMENT WILL PROCEED IN THE ASHBY BART SUBAREA.**

15 The Draft Plan proposes to rezone the entirety of the Adeline Corridor by creating a new zoning district, “C-Adeline Corridor” or “C-AC,” which will cover all parcels in the area. C-AC district standards are outlined for three out of the four subareas. Standards for the Ashby BART subarea are subject to a development agreement negotiated between BART and the City following approval of the Specific Plan. The Project contemplates up to 850 residential dwelling units and 50,000 square feet of commercial in the Ashby BART subarea, but fails to outline any standards by which this is possible. Furthermore, the Draft Plan suggests the development of a community plaza on the Ashby BART subarea to house the Berkeley Flea Market and Farmer’s Market, but fails to provide any further information on the standards and criteria by which development will proceed. This approach not only fails to provide the public any certainty, but it fails hold the development agreement negotiations accountable to the Draft Plan’s goals and objectives. Therefore, the Draft Plan include the standards and criteria by which development will proceed in the Ashby BART subarea, specifically in the west parking lot.

**III. CONCLUSION**

For all the reasons stated above, the Draft Plan must be revised to ensure that it provides for the essential facilities to support the land uses of affordable housing and local businesses, and the standards and criteria by which development will proceed in the Ashby BART subarea. As mentioned before, our suggestions for policies that support affordable housing and local businesses are non-exhaustive, and we welcome the opportunity to work cooperatively with the City to continue strengthening the Draft Plan. We look forward to your response and thank you for your consideration.

Sincerely,



Jassmin A. Poyaoan  
Director of Community Economic Justice Clinic  
East Bay Community Law Center

## Letter B6

**COMMENTER:** Jassmin Poyaoan, East Bay Community Law Center (EBCLC)

**DATE:** July 19, 2019

### **Response B6.1**

The commenter provides an introductory statement to subsequent suggestions in the letter regarding how the Specific Plan can sustain a diverse mix of land uses to achieve the five strategic goals of the Plan and include essential facilities necessary to support affordable housing and local businesses.

This introductory comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see responses to specific comments below.

### **Response B6.2**

The commenter states an opinion that the C-AC base zoning designation base and incentive development standards are not sufficient to ensure the development of affordable housing and local business land uses. The commenter suggests they be supplemented with additional zoning requirements and support for the negotiation of community benefits agreements between developers and the community.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.3**

The commenter requests that the Specific Plan be revised to create a process allowing the City's Zoning Officer authority to grant project approvals for projects with at least 50 percent affordable housing units.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.4**

The commenter suggests creating an additional zoning district overlay for properties within the state-identified Opportunity Zone.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.5**

The commenter requests that the Specific Plan be revised to include policies requiring developers to negotiate and enter into Community Benefit Agreements.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.6**

The commenter suggests that an expanded analysis of displacement impacts is needed to keep the Plan from exacerbating demographic changes in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. Please see also Topical Response B: Population, Housing, and Displacement Impacts for a discussion of displacement as it relates to physical environmental impacts pursuant to CEQA.

### **Response B6.7**

The commenter requests that the methods used to calculate density bonuses be revised to reflect the total number of housing units built within the building instead of the percentage of affordable housing units proposed.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.8**

The commenter suggests that the Plan's affordable housing incentive program offer off-site preservation and buy-down alternatives for inclusionary housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.9**

The commenter suggests restricting fee-revenue spending to the Plan Area, meaning that in-lieu fees collected through development be restricted to funding affordable housing in the same neighborhood.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.10**

The commenter notes that the Draft Plan promotes the establishment of a Business Improvement District (BID). The commenter suggests that the City request detailed accounts of the proposed BID's spending and activities and restrict the BID from engaging in policy advocacy or policing practices to ensure that the BID does not promote the interests of business owners in the Plan Area over the interests of homeless individuals.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.11**

The commenter suggests that the Berkeley Flea Market is included in negotiations between the City and BART regarding development of the Ashby Station.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.12**

The commenter suggests that the proposed Specific Plan include policies which further protect the existing commercial tenants in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.13**

The commenter suggests the proposed Specific Plan include more specific timelines for Plan implementation.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.14**

The commenter suggests that the City provide more opportunity for public comment on individual development projects under the Specific Plan by including presentations on each project proposed under the Specific Plan during annual progress report hearings.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B6.15**

The commenter suggests the proposed Specific Plan include details on the standards and criteria for development on the Ashby BART station.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.



July 19, 2019

Ms. Alisa Shen  
Principal Planner  
City of Berkeley  
Planning Department  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Dear Ms. Shen:

I write this letter on behalf of East Bay Housing Organizations (EBHO) to provide comments on the Draft Environmental Impact Report of the Adeline Corridor Specific Plan. EBHO is a 35 year old membership organization committed to creating, preserving and protecting affordable housing opportunities for low-income residents of the East Bay. Many of our members live and/or work in the City of Berkeley. I know that the Plan and Draft EIR represent years of work on the part of City staff and residents to envision the future for this part of Berkeley. I want to commend staff for their dedication and hard work, and I appreciate the opportunity to comment. We will have additional technical comments about specific housing policies in the Draft Plan at a later date; these comments are confined to the Draft EIR

We wish to commend the City for the overall vision of the Plan and draft EIR, particularly the commitment that 50% of the new housing units to be constructed in the Plan area by 2040 be affordable housing units, with a priority on the use of public land for the creation of affordable homes. We would hope that even more than 50% of the new housing would be deed restricted affordable homes for low income, very low income and extremely low income households, in order to maximize affordable housing opportunities for those most in need, given a hot housing market and a neighborhood that has already been affected by significant displacement of long term residents from communities of color and other low-income communities.

We also support the overall vision of the plan and EIR that prioritizes increased transportation choices, public open space, economic development and cultural preservation. However, given the displacement that has already occurred in the Adeline Plan Area in the lead up to the Plan, we believe that the City must do more within the EIR to mitigate the possible, and even likely, effects of Plan implementation on already vulnerable communities. Speculative activity in advance of plan adoption has contributed to a doubling of the median home price in the plan area since 2012, the fastest growth rate in the City. Rents have seen similar steady increases. This increase in housing prices has already led to significant displacement, particularly of low-income and African-American residents, who now comprise just 7% of Berkeley's population. The Adeline Corridor has been the historic center of the Black community in Berkeley, and in order to maintain the City's diversity this displacement must be reversed. In order to do this, the DEIR must plan for, and provide mitigation for, not simply direct displacement caused by demolition of existing housing for new residential or commercial development, but also the indirect displacement caused by rising housing costs due to increased economic activity as a result of the Plan. Displacement out of the neighborhood will cause an increase in Vehicle Miles Traveled (VMT), and an accompanying rise in greenhouse gas emissions (GHG). This displacement has significant effects on the environment, which must be mitigated. Because of the long-term, substantial displacement in the Plan area, the affordable housing policies in the plan, while significant, are not sufficient. Additional mitigation measures are needed to ensure housing security and neighborhood stability.



↑ Additional mitigation measures should encompass:

- Additional proactive steps to build or preserve permanently affordable housing by nonprofit affordable housing developers, cooperatives or community-land trusts, including:
  - Streamlined permitting for 100% permanently affordable housing projects
  - A priority for spending Housing Trust Fund dollars in the Plan Area.
  - Education for tenants on their rights, and on opportunities such as to purchase their buildings.
- A concrete plan by the City to support Black institutions including local businesses and nonprofits.
- A right of return policy for individuals who have been displaced or who are at risk of displacement.

3

These measures will help ensure the completeness and adequacy of the EIR and that the Adeline Corridor Specific Plan results in the healthy, vibrant, diverse neighborhood it envisions, and that the residents of Berkeley, both now and in the future, deserve.

EBHO looks forward to continuing to engage with the City and community residents during the Adeline Corridor Specific Plan adoption and implementation process, working towards an equitable outcome for all the residents of Berkeley.

Sincerely,

Rev. Sophia DeWitt  
Program Director

## Letter B7

**COMMENTER:** Sophia DeWitt, East Bay Housing Organizations (EBHO)

**DATE:** July 19, 2019

### **Response B7.1**

The commenter suggests that even more than 50 percent of new housing constructed under the Specific Plan be dedicated to affordable housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B7.2**

The commenter requests that the Draft EIR be revised to include analysis and mitigation for indirect impacts of displacement resulting from development under the Specific Plan.

Please see Topical Response B: Population, Housing, and Displacement Impacts for a response to these comments.

### **Response B7.3**

The commenter requests that the Draft EIR be revised to include an analysis and mitigation for VMT and GHG impacts resulting from displacement.

Please see Topical Response B: Population, Housing, and Displacement Impacts for a response to these comments.



June 27, 2019

Alisa Shen  
City of Berkeley Planning Department  
1947 Center Street  
Berkeley, CA 94704

Dear, Ms. Shen.

We appreciate all of your efforts on the Adeline Corridor redevelopment process and your continued attention to the desires of the community, the City, and Lorin District businesses, including the Ecology Center's Tuesday Farmers' Market. Thank you for the opportunity to express the needs of the farmers' market with regards to the Draft Plan for the redevelopment along the Adeline Corridor.

For 31 years, the South Berkeley Farmers' Market, operated by the Ecology Center, has built an important community gathering space and healthy food access point for the South Berkeley community. Farmers' Markets contribute to place-making in a community, are highly effective small business incubators, promote a culture of health, and drive foot traffic and customers to surrounding brick and mortar businesses. Healthy food access points, like the market help support the City's chronic disease prevention strategies to reduce diet related health disparities. We appreciate the support of the City of Berkeley at our three markets, and look forward to working together to ensure that the redevelopment of the Adeline Corridor includes the needs of this important community fixture.

There are a number of specific needs in terms of space, access, and safety that we urge the consultants and City to consider in the Adeline Corridor redevelopment:

- **Sufficient Farmers' Market Footprint** - We currently occupy 16,400 sq. ft. of vending space; 2,500 sq. ft. of cafe space; and 4 handicap and 8 chef parking spaces. We need this amount of space at minimum, plus sufficient fire lane/customer walkways. It is absolutely imperative that vendors are able to park their vehicle behind or very near their stall. We ideally would like to increase the farmers' market footprint at the South Berkeley market. This would allow the market vendor selection to grow, and for us to provide additional community amenities.
- **Physical Safety Measures** – Permanent infrastructure investments, like traffic controls and bollards, will help keep the market shoppers, vendors, community members and our staff safe. Other cities have installed similar systems for their farmers' markets.
- **Public Restrooms** – Having clean, accessible public restrooms in South Berkeley will not only serve public events like the farmers' market, flea market, and the annual Juneteenth Festival, but will also serve the unhoused community who live in South Berkeley and deserve access to sanitation, while the Bay-Area and State work on more long-term solutions to the housing crisis.
- **Parking** - Parking for farmers' market shoppers and surrounding residents and businesses is essential for the market to thrive and grow. In addition, temporary handicap parking options would help our aging population. A chef loading zone would facilitate local restaurateurs who shop the market, and help to relieve traffic congestion and hazards.

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2530 san pablo avenue, berkeley, california 94702 telephone: 510·548·2220 fax: 510·548·2240  
www.ecologycenter.org

- **Permanent Signage** - Banners announcing the farmers' markets' existence on non-market days. Sufficient NO PARKING signage and traffic controls in order to mitigate illegal parking and traffic issues.
- **Cultural Features**- Public art with a farmers' market theme would significantly help with place-making, further normalize and encourage residents to make healthy food choices, and remind residents about the farmers' market on non-market days.
- **Lighting** - Increased lighting would greatly improve safety overall. Improvements of this kind can increase qualities of the neighborhood and add to the experience that shoppers and community members have in the space.
- **Power and drinking water** - Power access on Tuesday in order to support vendors and ancillary activities (bounce house, music, etc.) Access to drinking water aligns with Berkeley's *For Thirst Water First* campaign.
- **Other Permanent Amenities** - Other streetscape features like a small performance platform, seating, eating benches, landscaping, and children's play features.

A number of these items were already unanimously approved by the City Council in September of 2018. That item is also attached to this letter.

The Ecology Center's Farmers' Markets have been a community touchstone for decades – bringing together California's independent farmers, local food purveyors, artisanal food businesses, and the community in a safe, welcoming environment. We look forward to continuing this tradition and adding vibrancy and economic stimulation to the Adeline Corridor and the Lorin District. Please don't hesitate to reach out to me if you have any questions or concerns.

Sincerely,



Carle Brinkman  
Ecology Center  
Food and Farming Program Director  
carle@ecologycenter.org | 510-548-1005

# LINDA MAIO

## COUNCILMEMBER



### CONSENT CALENDAR

September 25, 2018

TO: Honorable Mayor and Members of the City Council

FROM: Council Members Maio, Harrison, Hahn, and Mayor Arreguin

SUBJECT: Farmers' Markets Investments

#### **RECOMMENDATION**

Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets. (See Background.)

#### **BACKGROUND**

This referral is advanced in recognition of the many benefits the markets bring to our community, and to ensure their long term success through municipal investment. Clearly, these requests will involve additional funding but some can be done as short term referrals, as indicated.

The specific needs are to:

- Prioritize repaving of Center Street for safety (to be worked into Public Works paving plan)
- Designate 6 additional on-street disabled parking at both the Saturday and Tuesday markets, perhaps through signage hung on existing meters (short term)
- Repair or repave Tuesday and Thursday market areas (dangerous potholes; repair is short term, repaving to be referred to Paving Plan)
- Adopt National Transportation Safety Board (NTSB) recommendations and install retractable bollards to protect markets from vehicle intrusion (Staff to develop a plan with the Ecology Center and a budget)
- Install permanent folding traffic control signage for use on market days (to be discussed with Staff and Ecology Center to determine funding needs)
- Provide free first hour of parking for market shoppers at the Center Street Parking structure (determine availability of parking stalls on Saturday mornings and, if unused, implement as short term referral)
- Provide unrestricted parking behind Old City Hall on Saturdays for customers (short term)
- Provide dedicated community policing and mental health services for Saturday and Tuesday markets (consider possibilities within staffing ability)
- Explore options for Saturday market to expand its footprint using appropriate parts of the park (Staff to discuss possible options with Ecology Center and return with plan - short term)

- Install permanent signage as occurs in other cities, communicating locations and hours of markets (Staff to discuss with Ecology Center to develop a plan and determine budget - short term)
- Increase overhead lighting for the Tuesday market (short term referral to Public Works to determine budget)
- Install additional power for the farmers and activities at Tuesday and Thursday locations (short term referral to Public Works to determine budget)

It would be helpful to have the plans and budgets for those items so designated before the Council revisits the budget again. For more than 30 years, the Ecology Center has operated the Berkeley Farmers' Markets, creating three thriving healthy food access points across Berkeley, and building an important community gathering space for the community. Farmers' markets contribute to place-making in a community, are highly effective small business incubators, promote a culture of health, increase food access, and drive foot traffic and customers to surrounding brick and mortar businesses. Berkeley's farmers' markets are a vital part of our community in their three locations. They provide wholesome foods direct from farms, engage in important educational endeavors, and provide a gathering place for residents and visitors.

University of California Davis researchers found that farmers' markets create 13 full time jobs for every \$1 million earned versus 3 jobs for those selling in other markets<sup>1</sup>. The three farmers' market employ between 70-100 market vendors depending on season and provide tens of millions of servings of fresh healthy foods every year. These markets are a centerpiece to efforts to reduce diet related health inequities detailed in the 2018 Berkeley Health Status Report<sup>2</sup>, and provide a health positive community space for all people to enjoy.

For over three decades, the Berkeley farmers' markets have inserted community vibrancy, food access, and economic development without permanent infrastructure or dedicated city resources. Recently, Berkeley has again become ground zero for sometimes violent political clashes creating new challenges for the Center Street market in particular. This, along with the intermittent and long term closure of Center Street, and the general wear and tear of the physical infrastructure at all three sites, necessitates reinvestment in our city's beloved public market space to ensure safe, thriving farmers' markets that continue to lift up and improve these important community fixtures.

#### **ENVIRONMENTAL SUSTAINABILITY**

No environmental sustainability impact.

#### **FINANCIAL IMPLICATIONS**

Staff time. Infrastructure investments unknown at this time; TBD.

#### **CONTACT**

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<sup>1</sup> <http://sfp.ucdavis.edu/files/238053.pdf> [PDF]

<sup>2</sup> [https://www.cityofberkeley.info/Health\\_Human\\_Services/Public\\_Health/Public\\_Health\\_Reports.aspx](https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Public_Health_Reports.aspx)

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## Letter B8

**COMMENTER:** Carle Brinkman, Ecology Center

**DATE:** June 27, 2019

### **Response B8.1**

The commenter expresses support for the Specific Plan policies related to preserving space for the South Berkeley Farmer's Market. The commenter requests that the Specific Plan be revised to include an expanded area, development of permanent infrastructure, public restrooms and increased parking for the South Berkeley Farmer's Market.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

July 19, 2019

VIA ELECTRONIC MAIL: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)

Alisa Shen/ Adeline Corridor  
Planning Department  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

**RE: Public Comment on Adeline Corridor Specific Plan environmental impact report, submitted by Friends of Adeline**

Dear Alisa Shen,

We the Friends of Adeline have reviewed the Berkeley draft environmental impact report (EIR) to the Adeline Corridor Specific Plan (Specific Plan). We feel that it does not represent what our community views as appropriate to develop our South Berkeley resources.

Our vision is that the development of the Adeline Community will rekindle what various factors have destroyed in South Berkeley over the past 25 years. Specifically, we seek to address the fact that during that time the percentage of African-Americans in the city decreased from 25 to 7 percent.

The city's vision, expressed in this draft EIR, is focused on transit and housing for out-of-town workers – not our own workforce and residents. Instead, we envision a plan that includes ways to reverse and stop the displacement of African Americans and low-income people and creates a right of return. There must be concrete support for Black institutions, including local businesses and nonprofits.

We envision a development that benefits the communities of South Berkeley including the so-called "Adeline Corridor." Housing, new and old, must be affordable for low-income current residents.

We envision economic development within the Adeline community that prepares youth and adults for employment and strengthens vulnerable populations.

We envision an Adeline Community with sustainable infrastructure that provides health care and facilities, green spaces and recreation.

Profits from this project should largely remain in the Adeline community through strong encouragement of nonprofit development and community benefit agreements with for-profit developers.

We envision an Adeline Community plan that supports and nurtures the arts, which are integral to our community's culture. We recognize that improvements in public space and art must happen in concert with anti-displacement measures to prevent them from contributing to gentrification.

We envision development that strengthens and brings together the communities along Adeline Street, and that does not continue the division of the earlier BART corridor. The enhancement of South Berkeley, its economy, its culture, its sustainability, and its healthfulness must be at the heart of the new development of the Adeline Community.

In its solicitation for input on a publication entitled. “Creating Equitable, Healthy, and Sustainable Communities; strategies for Advancing Smart Growth, Environmental Justice, and Equitable Development”, the U.S. Environmental Protection Agency provided the following question: “Does this document provide the most useful strategies for low-income, minority, tribal, and overburdened communities seeking to create equitable, healthy, and sustainable development? Are there other land use or planning strategies the document should include? If so, please describe them.” We feel this is the question that should have been posed to the community by the City of Berkeley in soliciting feedback on the Specific Plan and draft EIR. It is the question that our comments below seek to answer.

Below are our specific comments on the Adeline Corridor Specific Plan Draft Environmental Impact Report. We also fully endorse the comments of Jassmin Poyaoan, Director of Community Economic Justice Clinic at the East Bay Community Law Center, as articulated in her separate letter.

**Displacement is a significant economic and social effect of this plan and must be considered and mitigated in the DEIR.**

The DEIR must recognize *and act on* the fact that legacy of slavery has continued into the present with red lining, the foreclosure crisis, the criminal justice system, and now displacement.

Section 1.3.1 (Impacts Resulting from Gentrification and Displacement) of the draft EIR states: “In general, socioeconomic effects are beyond the scope of the CEQA environmental review process unless a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts (CEQA Guidelines Section 1513(a), CEQA Section 21082.)” (p 1-6). In Section 4.3 (Population and Housing), the draft EIR analysis finds that the potential displacement impacts would be less than significant; however, it only evaluates the potential for displacement caused by the demolition of existing housing units.

There is a clear and significant link between the environmental impacts of the draft Adeline Corridor Plan (ACP) and the effects of displacement in our community. Therefore, displacement must be studied and mitigated as a part of the EIR.

**First, there is a direct link between the physical changes proposed in the ACP and the socioeconomic effects of these changes in the form of increased housing costs and economic displacement:**

1. South Berkeley is one of the few affordable, racially diverse neighborhoods in Berkeley. While the diversity of the area has decreased dramatically over the last 25 years, it continues to be one of the most diverse areas of the city. According to the existing conditions report, the Adeline Corridor community was 47% African American in 1990, while the city as a whole was 20% African American. In 2000, the Adeline Corridor community was 34% African American, while the city was 13%. And in 2013, the Adeline Corridor community was 20% African American while the city’s percentage had dropped to 8%.
2. A significant number of residents who live in South Berkeley are renters or low-income homeowners and are at risk of displacement if housing costs increase. According to the existing conditions report, 67% of the plan area’s population are renters, and 20.1% of the population is below the poverty line. Median household income in the plan area is \$16,800 less than the city’s. 47% of the population in the plan area are housing cost burdened (pay more than 30% of their income on housing costs), and 23% are severely cost burdened (pay more than 50% of

1



their income on housing costs). 70.2% of residents who make less than 30% of median family income are cost burdened, and 60% are severely cost burdened.

3. The ACP will cause housing costs to increase due to the physical changes proposed in the plan, namely to development standards and to the streetscape along Adeline.
  - a. A recent study in Chicago quantified the effects of upzoning (zoning for increased density and height) at the neighborhood level and found an “increase in property values in upzoned areas [that was] roughly equivalent to the increase in allowed density.”<sup>1</sup> He found that “statistically significant, robust evidence that a byproduct of upzoning is growth in property values on affected parcels... [specifically] evidence for an increase in transaction prices of already-existing individual residential units affected by the change.”<sup>2</sup> Speculation and property values increased as a direct result of upzoning. We can assume that these costs will be passed on to tenants and new homeowners. The author concludes that “in any area that city officials are considering for increased density, they should take seriously the concerns of local residents who are worried that their housing costs will increase.” The ACP’s proposed changes to development standards would have a similar effect on housing affordability in the Adeline Corridor community.
  - b. Improvements to the streetscape will also have a detrimental effect on housing affordability in the area. In Atlanta, the development of the city’s Beltline increased housing values 17.9-26.6%, depending on the area.<sup>3</sup> Similar effects have been seen in Chicago<sup>4</sup> and in New York around the High Line.<sup>5</sup> While we welcome safety improvements, the effect of street improvements on affordability must be mitigated.
4. The ACP has already caused housing costs to rise due to speculative activity. According to the ACP, “between 2012 and 2018, the median home price in ZIP code 94703 (which includes most of the Adeline Corridor) more than doubled, from \$517,000 to \$1,140,000.” (pg. 2-8 in the ACP). This increase has been faster than any other zip code in the city. Using data from the California Association of Realtors, we found that the while the housing price index has risen throughout Berkeley since 2000, it rose 7% faster in the 94703 zip code than in the city as a whole. The ACP as currently proposed will lead to speculation and increases in housing costs for area residents.

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<sup>1</sup> Freemark, Y. (2019). Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction. *Urban Affairs Forum*. <https://urbanaffairsreview.com/2019/03/29/upzoning-chicago-impacts-of-a-zoning-reform-on-property-values-and-housing-construction/>

<sup>2</sup> Freemark, Y. (2019). Upzoning Chicago: Impacts of a zoning reform on property values and housing construction. *Urban Affairs Review*. <https://doi.org/10.1177/1078087418824672>

<sup>3</sup> Immergluck, Daniel and Balan, arunaya, "Sustainable for whom? Green urban development, environmental gentrification, and the Atlanta Beltline" (2017). *Urban Studies Institute*. 14. [https://scholarworks.gsu.edu/urban\\_studies\\_institute/14](https://scholarworks.gsu.edu/urban_studies_institute/14)

<sup>4</sup> Rigolon, A., & Németh, J. (2018). “We're not in the business of housing:” Environmental gentrification and the nonprofitization of green infrastructure projects. *Cities*, 81, 71-80. <https://doi.org/10.1016/j.cities.2018.03.016>

<sup>5</sup> Betsky, Aaron. (2016). The High Line Effect: Are Our New Parks Trojan Horses of Gentrification? *Metropolis*. Also see Loughran, K. (2014). Parks for Profit: The High Line, Growth Machines, and the Uneven Development of Urban Public Spaces. *City & Community* 13:1 doi: 10.1111/cico.12050

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5. Among its many effects, the displacement that the plan would cause would disrupt and separate families, and disrupt children’s education as they are forced to move to a different school system.

Section 4.10 of the DEIR analyzes the population and housing impacts of the ACP; it must include analysis of the impacts of the physical changes of the plan on the existing population (namely, increased displacement), and require mitigation. Importantly, the analysis of displacement must go beyond any direct displacement caused by demolition of existing housing for new development, to include an analysis of the indirect displacement caused by rising housing costs due to the plan.

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**Second, the socioeconomic effects of this plan will cause a physical change in the environment**

(*Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985) 172 Cal. App. 3d 151).<sup>6</sup>

Namely, displacement will cause people to move further away from the neighborhood, increasing the amount of driving (vehicle miles traveled, or VMT) that people will do, which will increase greenhouse gas emissions and contribute to climate change. In addition, it is well established that household income correlates with car ownership rates, per capita VMT, and transit usage. In general, lower-income households own fewer cars, drive less, and use public transportation at higher rates.<sup>7</sup>

1. Displaced residents will likely move outside of the neighborhood, to the edge of the region. Research from UC Berkeley, the Federal Reserve Bank of San Francisco, and Urban Habitat all document the trend of a growing number of low-income people and people of color in the Bay Area moving out of the urban core of the region and to suburban and exurban places such as Antioch.<sup>8</sup> Displacement and lack of affordable housing options in urban core cities, including Berkeley, is a key driver of this “suburbanization of poverty.”
2. Residents who move to the outer suburbs will have longer commute times and increase vehicle miles traveled (VMT) and greenhouse gas emissions (GHG). Even as those displaced increasingly

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<sup>6</sup> Quoting from CEQA Guidelines 15131 Discussion: “In *Citizens Association for Sensible Development of Bishop Area v. Inyo* (1985) 172 Cal. App. 3d 151, the court held that “economic or social change may be used to determine that a physical change shall be regarded as a significant effect of the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment.” In this case, the Court held that an EIR for a proposed shopping center located away from the downtown shopping area must discuss the potential economic and social consequences of the project, if the proposed center would take business away from the downtown and thereby cause business closures and eventual physical deterioration of the downtown.” Link to URL: <http://resources.ca.gov/ceqa/guidelines/art9.html>

<sup>7</sup> TransForm and California Housing Partnership Corporation (CHPC), *Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy* (2014), available at <http://www.chpc.net/dnld/AffordableTODResearch051514.pdf>; City of San Diego, *San Diego Affordable Housing Parking Study* (2011), available at <http://www.sandiego.gov/planning/programs/transportation/mobility/pdf/111231sdafhfina.pdf>; Nonprofit Housing Association of Northern California, *Miles from Home: The Traffic and Climate Impacts of Marin’s Unaffordable Housing* (2011), available at [http://nonprofithousing.org/wp-content/uploads/Documents/Reports/Miles\\_from\\_Home.pdf](http://nonprofithousing.org/wp-content/uploads/Documents/Reports/Miles_from_Home.pdf).

<sup>8</sup> See: Urban Displacement Project, <https://www.urbandisplacement.org/>; “Suburbanization of Poverty in the Bay Area” Federal Reserve Bank of San Francisco, 2012, <https://www.frbsf.org/community-development/blog/suburbanization-of-poverty-in-the-bay-area/>; “Race, Inequality, and the Resegregation of the Bay Area” Urban Habitat, 2016, <https://urbanhabitat.org/sites/default/files/UH%20Policy%20Brief2016.pdf>.

move to the edge of the region to find a place they can afford to live, jobs remain centered in the urban core.

3. Longer commute times will increase vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions.
4. Displacement and longer commute times will also have adverse effects on the mental and physical health of people displaced. It will also reduce civic participation.
5. Displacement and upzoning that increases market-rate housing will increase the number of affluent households in the area, and higher income individuals use cars more and generate more GHG emissions. The Center for Neighborhood Technology showed in a 2014 study that among households living within a 1/4 mile of transit, "Higher Income households drive more than twice as many miles and own more than twice as many vehicles as Extremely Low-Income households" and "Lower Income households drive 25-30% fewer miles when living within 1/2 mile of transit than those living in non-TOD."<sup>9</sup> The displacement of low-income people away from public transit will increase vehicle miles traveled as they are forced to drive in from exurban areas for their jobs, and the higher income people moving into a gentrifying neighborhood are more likely to continue to use cars, either their own or Lyfts and Ubers, rather than public transit.

Section 4.5 of the draft EIR analyzes the GHG emissions impact of the ACP; it must include analysis of the socioeconomic impacts of the plan (namely, displacement) on GHG, and require mitigation.

**Third, the socioeconomic effects of African American displacement caused by this plan will create negative impacts on historical resources in the neighborhood, namely historically significant events and institutions such as Juneteenth, the Ashby flea market, numerous historically significant African American churches, Berkeley Black Repertory [Theatre] Group, Berkeley Farmers Market, Imhotep Chiropractic and the future African American Wholistic Resource Center.**

The California Environmental Quality Act (CEQA) requires a lead agency to analyze whether historical sites, events and resources connected to important figures from our past may be adversely impacted by a proposed project. Under CEQA, a "project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment" (California Public Resource Code [PRC] Section 21084.1).

The Friends of Adeline are convinced that the plan poses serious risks and impacts to the historic fabric of the Adeline community.

1. South Berkeley's historical resources include events such as Juneteenth, the Ashby flea market, numerous historically significant African American churches, Berkeley Black Repertory [Theatre] Group, Berkeley Farmers Market, Imhotep Chiropractic and the future African American Wholistic Resource Center. These resources and other cultural anchors of the community are threatened by the lack of foresight and lack of protections. CEQA guidelines 15064.5(a) grants the lead agency the ability to determine a resource is a historical resource, even if it is not listed or determined to be eligible for listing in the state or local register of historical resources, as

<sup>9</sup> "TransForm and California Housing Partnership Corporation (CHPC), Why Creating and Preserving Affordable Homes Near Transit is a Highly Effective Climate Protection Strategy (2014), available at <http://www.chpc.net/dnld/AffordableTODResearch051514.pdf>.

defined in Public Resources Code sections 2020.1(j) or 5024.1.<sup>10</sup> We assert that the African American cultural heritage of South Berkeley, including Juneteenth, the Ashby flea market, numerous historically significant African American churches, Berkeley Black Repertory [Theatre] Group, Berkeley Farmers Market, Imhotep Chiropractic, the future African American Wholistic Resource Center, and other important African American institutions, should be determined to be a historical resource in the draft EIR.

2. The significance of these historical resources is dependent on a local African American residential community. According to CEQA Guidelines 15064.5(b), if a project may cause a substantial adverse change in the significance of an historical resource, it would be deemed to have a significant effect on the environment. An adverse change can include relocation of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
3. Displacement of the African American community would diminish the significance of these historically important events and institutions in South Berkeley. It is unfathomable to have a Juneteenth celebration in South Berkeley without African Americans living in the community. Likewise, the Ashby flea market, Black Repertory Theater, numerous historically significant African American churches, Imhotep Chiropractic and the future African American Wholistic Resource Center rely on local African American residents in order to continue to operate. The relocation of African Americans due to displacement would be a significant, adverse impact.

Section 4.3 of the draft EIR analysis the cultural resources impacts in the ACP; it must include analysis of the socioeconomic impacts of the plan (namely, African American displacement) on cultural resources, and require mitigation.

### **The current policies and programs listed in the plan will not adequately mitigate these displacement impacts.**

Section 4.10 of the draft EIR (Population and Housing) analyzes two thresholds related to displacement in the ACP (p. 4.10-9):

- “Threshold 2: Would the Specific Plan displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?”
- Threshold 3: Would the Specific Plan displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?”

The draft EIR determines that the impact of the ACP on these thresholds is less than significant. However, the analysis that leads to that determination is inadequate because:

1. The EIR does not include sufficient information to assess the impact of the plan on displacement. Please see Ms. Poyaoan’s letter for more on this and related points.

<sup>10</sup> CEQA Guidelines 15064.5(a)(4): “The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.”

2. The determination is based on programs mentioned in the plan that it has no ability to implement or that would not substantially reduce the socioeconomic impacts of displacement in the ACP. The plan does not have the authority to create newly proposed policies such as a local preference program for people who are at risk of displacement or have been displaced. While these policies are important and will hopefully move forward, they cannot be considered in the draft EIR's determination of significant impact. The plan's actions around affordable housing production are inadequate because they would fail to produce enough low-income housing to match the current income distribution of the area.
3. The threshold does not include analysis of displacement impacts in the areas immediately adjacent to the plan area. The threshold analysis only looks at the people living in the Specific plan; it should be expanded to include people in the study area to determine if there would be indirect displacement impacts in the surrounding neighborhoods.
4. The threshold analysis does not consider aspects of the plan that will have an adverse effect on housing affordability and displacement in the immediate adjacent areas, namely: streetscape improvements and increased development standards. As discussed above, the increases in density and height proposed in the ACP and the streetscape improvements will increase land values and housing costs, leading to increased displacement. These impacts should be evaluated in the draft EIR when making a determination of significant impact.

Section 4.10 of the draft EIR must be revised to include an analysis of these considerations.

**In order to adequately address these impacts of displacement, the draft EIR should include the following as additional mitigations:**

1. Developers should not be allowed to pay a mitigation fee in the corridor; all developments must be required to provide a minimum of 20% on site affordable, at 10% low-income and 10% very low-income.
2. The DEIR should consider an alternative focused on low-income housing that would mitigate significant impacts related to land use, population and housing, and greenhouse gas emissions. Please see Ms. Poyaoan's letter for more on this and related points.
3. The depth of affordability of the new housing built should reflect the distribution of incomes in the study area. According to the existing conditions report, the income distribution of the study area is:

Table 1. Percent households at various income levels

	<b>Study Area</b>	<b>City of Berkeley</b>	<b>Alameda County</b>
<b>Less than \$20,000</b>	27.6%	21.2%	14.2%
<b>\$20,000 to \$34,999</b>	12.6%	11.1%	11.1%
<b>\$35,000 to \$49,999</b>	13.0%	9.2%	10.3%
<b>\$50,000 to \$74,999</b>	12.7%	14.5%	16.0%
<b>\$75,000 to \$124,999</b>	17.6%	17.8%	22.2%
<b>Greater than \$125,000</b>	16.5%	26.2%	26.2%

4. The city must take proactive steps to find ways to build permanently affordable housing, including Community Land Trusts, co-operatives, tenant opportunity to purchase, non-profit

housing development, and other forms of permanently affordable housing. Positive steps include:

- Dedicating 33% of the Housing Trust Fund dollars and project-based vouchers to permanently affordable housing in the plan area;
  - Streamline permitting for 100% permanently low-income housing; and
  - Technical assistance to educate tenants on opportunities to purchase their buildings.
5. The plan must include ways to reverse the displacement of African Americans and low-income people who have been displaced. There must be a concrete plan to support Black institutions, including local businesses, nonprofits, such as Healthy Black Families, The Drop-In Center, Inner-City Services, Berkeley Black Repertory [Theatre] Group, Imhotep Chiropractic, and the forthcoming African American Wholistic Resource Center, etc. This plan must include:
    - A right to return policy for people who have been displaced or are at risk of displacement. The policy must include the ability to move into a home that is at a price they can afford.
    - A reparations tax or fee on sale of property over \$1 million, to provide restitution for African Americans and others negatively impacted by redlining. Property owners impacted by historical redlining would be exempt.
  6. Any development at the Ashby BART site must, first and foremost, guarantee a future for the Berkeley Flea Market, created with, by, and for the flea market vendors. Any housing built on the site must be 100% below market rate housing for people with incomes below \$70,000 per year.
  7. The plan should challenge housing developers to find ways to build the housing we need and stop filling the pockets of for-profit developers.
  8. The plan should create a concrete, feasible pathway to support the African American Wholistic Resource Center. The City of Berkeley should donate a building to the African American Community. A recent feasibility study made the case for developing an African American Wholistic Resource Center in South Berkeley to encourage a thriving diverse community and a stabilizing force in the black community in South Berkeley. The Center would be a free community meeting place funded and supported by the city and other public and private organizations. Programs and services will be operated primarily by African American residents and groups in Berkeley. Culturally-congruent services are provided to black residents in their neighborhood settings. The Center will promote community empowerment and will increase black residents' and local groups' community involvement.

### **This plan will have significant impacts on parks and recreation in South Berkeley that must be mitigated.**

The City of Berkeley has a goal of 2 acres of parkland per 1,000 people. The plan area has 7.4 acres of parkland (Table 7-1 "Existing Parks New Plan the Adeline Corridor Plan Area", p 7-2) for 14,075 residents, a ratio of roughly 0.5 acres per 1,000 residents.<sup>11</sup> The ACP would add approximately 3,466 people to the plan area without an increase in parkland, thus leading to a ratio of 0.4 acres of parkland per 1,000 people.

<sup>11</sup> The number 14,075 comes from the Existing Conditions Report, which uses a defined study area of 4 adjoining census tracts: 4234, 4235, 4239.01, 4240.01) and ACS 2009-2013 data.

5 As stated on p. 4.11-8 of the DEIR, “In 1986, City of Berkeley voters passed the Berkeley Public Parks and Open Space Preservation Ordinance (“Measure L”) which requires the Berkeley City Council to preserve and maintain existing public parks and open space, and to give high priority to acquiring parks and maintaining open space in census tracts with less than the minimum ratio identified in the 1977 Berkeley Master Plan of 2 acres per 1,000 residents.”

The EIR must identify parks and recreation as a significant impact in the ACP, and mitigate it by requiring the plan to identify a minimum of 1.8 acres in new parkland, include the location and acreage, to ensure the ratio of parkland to residents in South Berkeley does not deteriorate due to this plan.

**This plan must analyze impacts on services for unhoused people due to the plan, and provide mitigations**

6 In addition to fire, police, education, parks, and aging services, other vital services should be evaluated under Section 4.11 (Public Services and Recreation). Namely, services that support unhoused people in our community, including nonprofit social services, religious centers, city services, and public infrastructure such as public toilets, should be included in this section, and the impacts analyzed.

60% of the city’s unhoused population is African American and from the neighborhood. Services to support them must be funded, they must be prioritized for services, and they must get housing in a right to return policy.

**Mitigations required in the DEIR must be required and actionable in the plan**

7 Finally, the DEIR should clarify that all mitigations required in the DEIR must be added to the ACP prior to plan adoption. Mitigation measures GHG-1 and GHG-2 in Section 4.5, Greenhouse Gas Emissions, require all-electric building and electric vehicle readiness, yet these requirements are not reflected in the actual Specific Plan document itself. These, and all other mitigations added to the EIR as identified elsewhere in this comment letter, must be reflected in the plan document prior to plan adoption.

We look forward to seeing these changes made to the EIR and Specific Plan.

Friends of Adeline

## Letter B9

**COMMENTER:** Friends of Adeline

**DATE:** June 19, 2019

### **Response B9.1**

The commenter asserts that the Specific Plan will have a significant impact on displacement within the Plan Area and that displacement should be studied and mitigated in the Draft EIR. The commenter provides information related to the demographics and housing costs of the Plan Area. The commenter implies the Draft EIR should include an analysis of indirect displacement caused by rising housing costs due to the proposed Specific Plan.

Please refer to Topical Response B: Population, Housing, and Displacement Impacts for responses to comments about displacement impacts.

### **Response B9.2**

The commenter states the opinion that the socioeconomic effects of the proposed Specific Plan will result in physical changes to the environment. The commenter argues that displacement impacts caused by the Specific Plan would result in increased VMT and greenhouse gas emissions as residents commute longer distances to go to work. The commenter requests that the Draft EIR analyze the indirect impacts of the plan on VMT and greenhouse gas emissions.

Please see Topical Response B: Population, Housing, and Displacement Impacts.

### **Response B9.3**

The commenter argues that displacement and socioeconomic impacts of African American displacement in particular will result in adverse impacts on historic resources within the Plan Area. Specifically, the commenter notes that displacement would diminish the attendance to historically significant events and community organizations within the Plan Area.

Impacts to historic resources are discussed on pages 4.3-24 through 4.3-26 of the Draft EIR. Per CEQA Guidelines Section 15064.5, historic resources are defined as a resource listed in or determined to be eligible by the State Historic Resources Commission for listing in the California Register of Historical Resources, a resource included in a local register of historical resources as defined in section 5020.1(k) of the Public Resources Code, or an object, building, structure, site, place, record, or manuscript which a lead agency determines to be historically significant. One of the criteria for determining “[a]ny object, building, structure, site, area, place, record, or manuscript” is historically significant is whether it “[i]s associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.” The thresholds for significant in CEQA Guidelines Section 15064.5 are based on whether a project results “[d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource.” Although events can contribute to the historical significance of an area or place, they are not by themselves historical resources as that term is used in the CEQA guidelines. Therefore, the analysis of impacts to historic resources in the Draft EIR is adequate under CEQA. However, supporting longstanding community events and assets is a priority of the Draft Plan, which includes vision, goals, policies and actions that emphasize supporting existing community institutions, such as the Berkeley Flea Market, the Juneteenth Festival and other community-serving non-profits, as well as future institutions that

the community has been working to make a reality such as the African American Holistic Resource Center. See also Topical Response F: Specific Plan-Related Comments.

#### **Response B9.4**

The commenter states an opinion that current policies and programs listed in the Draft Plan will not adequately mitigate displacement impacts. The commenter requests additional mitigation in order to address the impacts of displacement, such as ensuring space for the Berkeley Flea Market, supporting African American institutions, and supporting the African American Holistic Resource Center.

The discussion of Impact PH-2 in Section 4.10, *Population and Housing*, concludes that the proposed Specific plan would not displace substantial numbers of people because a) the proposed Specific Plan would increase housing stock in the Plan Area overall; b) the City of Berkeley has a number of existing regulations to help protect residents from displacement, and c) the goals, policies, and actions of the Specific Plan are designed to promote affordable housing and prevent displacement. Please refer to Topical Response B: Population, Housing, and Displacement Impacts for responses to comments about displacement impacts. The commenter also refers to letters B4 and B5; please see responses to letters B4 and B5.

#### **Response B9.5**

The commenter provides an opinion that implementation of the Adeline Corridor Specific Plan would result in a significant impact related to parks and recreation.

Please refer to Topical Response C: Parks and Recreational Facilities Impacts for responses to comments about parks and recreational facilities impacts.

#### **Response B9.6**

The commenter suggests that the Draft EIR should include an analysis of impacts on services for unhoused people.

The objective of the Specific Plan is to promote economic opportunity, safer streets, and more housing choices within the Plan Area. Strategies to achieve this goal include but are not limited to achieving a 50 percent cumulative affordable housing target for new housing construction in the Adeline Corridor, and leveraging public land to produce affordable housing serving very-low and extremely low-income households. Specific plan objectives and strategies support the continued presence of services for unhoused people within the Plan Area.

Appendix G of the State CEQA Guidelines includes a threshold related to public services. As stated in the CEQA Guidelines, a significant impact would occur if the project would result in the need for new or physically altered governmental facilities the construction of which could cause significant environmental effects. Therefore, CEQA requires an analysis of the potential for adverse physical impacts associated with the provision of new or physically altered facilities, or substantial physical deterioration of existing facilities not necessarily issues related to funding, staffing, or the provision of services themselves. The commenter does not provide substantial evidence or analysis showing that implementation of the Draft Plan would cause an increase in demand for services related to unhoused people that would lead to the need to construct or expand existing facilities such that a significant physical impact to the environment would occur.

The Specific Plan does not include any policies related to development of new or physically altered facilities providing services to unhoused people. Future development projects, including those involving provision of services for unhoused people, would be subject to environmental review under CEQA.

**Response B9.7**

The commenter suggests that the mitigation in the Draft EIR be included in the Specific Plan itself.

As discussed on pages 1-8 and 1-9 of the Draft EIR, the Draft EIR is an informational document for use in the City's review and consideration of the Adeline Corridor Specific Plan. All mitigation measures included in the Draft EIR will be outlined in a separate Mitigation Monitoring and Reporting Program (MMRP). Per CEQA Guidelines Section 15074(d), during plan implementation, the City will use the MMRP as a guide to confirm implementation of mitigation measures.

July 19, 2019

Alisa Shen/Adeline Corridor  
Planning Department  
1947 Center Street, 2<sup>nd</sup> floor  
Berkeley, CA 94704

Subject: RCD Comments on Adeline Corridor Specific Plan & EIR

Dear Ms. Shen,

As a Berkeley-based nonprofit developer and owner of affordable housing, Resources for Community Development (RCD) is supportive of the efforts to create a new Adeline Corridor Specific Plan. In the spirit of making sure the plan supports the creation and preservation of more homes that are affordable to low-, very low-, and extremely low-income residents, RCD offers the following comments on the draft Plan and Environmental Impact Report.

Adeline Corridor Specific Plan

1

Discussed in Chapter 3 on Land Use, the plan’s proposed Incentive Development Standards will support the development of more 100% affordable housing in the Adeline Corridor. The proposed development standards will enable 100% affordable housing developments at the scale, density, and height that is feasible. The sooner the plan is adopted, the sooner consistent affordable housing proposals can be approved.

Adeline Corridor Specific Plan EIR

2

- Mitigation Measure GHG-2 Electric Vehicle Readiness & EV Chargers (page ES-9-10) – We are concerned this is requiring more chargers than the number of parking spaces at a particular development, especially low-income housing near transit. This requirement should be less for affordable housing.

3

- GHG-3 Solar Photovoltaic Power – It is unclear how much PV this mitigation requires to be installed. Please make sure affordable housing can be permitted to install only the amount that is financially feasible.

4

- GHG-4 Cool Roof Technologies – There may be situations in which “cool roofing” is impractical, such as if the roof is covered with photovoltaic solar panels. Please allow some flexibility, especially for affordable housing. The historically temperate climate of inner East Bay, such as Berkeley, has not necessitated cool roofs to maintain comfort without air conditioning, so RCD is less familiar with the pricing of cool roofs. It may be helpful to allow exceptions for affordable housing in case of financial hardship.

5

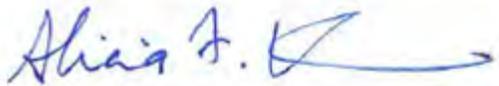
- Section 2.3.5 Transportation- Recommended Interim Improvements (Pedestrian, Bicycle, Automobile) – The Plan recommends pedestrian crossing improvements along Adeline; we support this, as it will certainly benefit our residents in the area. Please clarify that it is not the responsibility of any one new building, especially if it is low-income housing, to construct these pedestrian improvements.

6

- Section 2.4 Buildout Projections – The projected increase of housing units through 2040 is only 1,450 (with only 200 allocated to the North Adeline sub-area). Taking the proposed incentive development standards into consideration the neighborhood may see a higher projection as foreseeable. It is good that the projected number of new homes is not a cap. Also, it would be helpful if the EIR could be detailed enough to conclude if a developer’s traffic study is sufficient in its traffic generation projection for a new building.

Thank you for your efforts to help the Adeline Corridor neighborhood grow as a community that includes affordable housing along with other priorities.

Sincerely,



Alicia Klein  
Associate Director of Housing Development

## Letter B10

**COMMENTER:** Alicia Klein, Resources for Community Development

**DATE:** July 19, 2019

### Response B10.1

The commenter expresses support for Specific Plan policies regarding development of 100 percent affordable housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### Response B10.2

The commenter expresses concern that Mitigation Measure GHG-2 Electric Vehicle Readiness and EV Chargers will require more charging stations than parking spaces for affordable housing developments within the Plan Area. The commenter requests that this mitigation measure be revised to include exceptions for affordable housing development projects.

In response to this comment, changes have been made to Mitigation Measure GHG-2. Please refer to Section 5, *Draft EIR Text Revisions* for these revisions. The changes to the mitigation measure base the number of EV chargers on the number of parking spaces, not the number of units. Therefore, the mitigation measure would not result in a situation where more charging stations than parking spaces are required.

### Response B10.3

The commenter requests clarification on how many solar PV panels are required in each development under Mitigation Measure GHG-3. The commenter requests that this mitigation measure be revised to include exceptions for affordable housing development projects.

Mitigation Measure GHG-3 requires 100 percent of new construction to be constructed consistent with the solar PV requirement set forth in the 2019 Energy Code, which will become effective on January 1, 2020. These require all new residences to have solar photovoltaic systems, but those systems cannot produce more electricity than the home is expected to consume on an annual basis. Additional information can be found on the California Energy Commissions website: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

### Response B10.4

The commenter asserts that there are situations where “cool roofing” technology may be impractical and requests that the mitigation measure be revised to include exceptions for affordable housing developments.

Mitigation Measure GHG-4 in the Draft EIR requires new construction to incorporate cool roof material. In response to this comment, Mitigation Measure GHG-4 has been removed. Please refer to Section 5, *Draft EIR Text Revisions* for these revisions. As explained in the edits to Table 4.5-1, Title 24 contains requirements for the thermal emittance, three-year aged reflectance, and Solar Reflectance Index (SRI) for roofing materials used in new construction and re-roofing projects. Future development in the Plan Area would be subject to these requirements. Further, development and public improvements under the proposed Specific Plan would likely increase landscaping and shade trees in the Plan Area.

### **Response B10.5**

The commenter supports the Specific Plan policies regarding pedestrian improvements on Adeline Street. The commenter requests that the Specific Plan be revised to clarify the party responsible for financing pedestrian improvements and requests that exceptions be granted to affordable housing developments.

The City has not determined the funding mechanism for these proposed improvements at this time.

### **Response B10.6**

The commenter requests if the EIR includes details to conclude if a developer's traffic study is sufficient in its traffic generation projection for a new building.

The Draft EIR is detailed enough for a future developer to compare its traffic study with traffic impacts analyzed in the EIR. Future development projects in the Plan Area would be able to rely on the traffic/transportation analysis in the EIR to the extent that impacts are consistent with what was studied in the EIR and permissible under CEQA.

July 19, 2019

Attn: Alisa Shen/Adeline Corridor Planning Department  
1947 Center Street, 2<sup>nd</sup> floor  
Berkeley, CA 94704

RE: Comments on the Adeline Corridor Specific Plan Environmental Impact Report (EIR)

Dear Ms. Shen,

The Sierra Club submits the following comments on the Adeline Corridor Specific Plan (ACSP) Environmental Impact Report (EIR).

**Build-Out Projection (Table 1-1)**

1 The ACSP and DEIR should explain how many housing projects are included and at which scenarios of the development standards detailed in tables 3.2 to 3.5? What lots and addresses are most likely to be developed? The Housing Element lists potential development sites. Which ones were selected as the best potential sites? Explain the criteria for selection. Also, please explain how the proposal is supportive of the plans of the Adeline Priority Development Area.

**Development Standards**

2 How were the density standards (du/ac) derived? Which existing projects served as examples? Do the Tables 3.2-3.5 describe the base project only? What would be the densities achievable with the density bonus and use permits for each table? In footnote 2, who would find it “unnecessary to protect neighborhood sunlight access and privacy?” How can that subjective standard be replaced with an objective one such as the daylight plane? Please provide graphics that show the setbacks in each development scenario represented against the outline of a one and two story home. Please inform us as to whether a key requirement for a Priority Development Area—no displacement—will be a key policy with the project.

**Chapter 3.3 – 3.7: Building Design**

3 Are these design ideas to be adopted as objective development standards? Who will apply these ideas and at what stage of the application process?

**Equity**

4 According to the DEIR's Section 4.10, under Population and Housing, there are 14,709 residents living in the Adeline Corridor. Of those residents, 9,369 (63.7%) are tenants living in 3,795 rental housing units, many of which are likely under rent control. The DEIR states, in Section 4.10.2, under Analysis - Impact PH-2, that "Implementation of the proposed Specific Plan could displace existing housing units or people..." That could mean thousands of people living in rent-controlled units could be displaced by development in the area. How does the Adeline Specific Plan address the 2015-2023 Berkeley Housing Element guidelines, which calls for protecting tenants from large rent increases, arbitrary evictions, hardship from relocation, and the loss of their homes and preserving existing rental housing. The Specific Plan only speaks about preserving "affordable housing" but there is nothing in the plan that refers to preserving, in particular, rent stabilized units. Can the Specific Plan include a provision for protections of current residents in rent-controlled units

4 and a one-for-one replacement for any demolished rent-controlled units?

**Ashby BART**

5 Only 4-7 stories are projected on this site, although it is a prime target for affordable housing. What heights could be achieved in each location? What would be the primary design features in each location? What will be the percentage of residential units at the BART station area that are for households having very low, low and moderate incomes, as defined by ABAG in its Regional Housing Needs Assessment?

**Chapter 5.1 Economic Opportunity**

6 The DEIR population and housing (4.10) shows that the ACSP will not produce a substantial increase in jobs, only 344 or 7% while overall job growth in Berkeley during the 20 year Plan period is projected at 48% What factors account for this low growth? What kind of commercial activities are planned or expected in the 65,000 additional square feet of commercial space? What salary level is typical for these jobs? How can better paying jobs be increased through planning strategies?

**Transportation**

7 The reconfiguration of the ACSP does not reduce the number of lanes (4). What factors led the planners to decide NOT to narrow the street by reducing vehicle lanes? Will the mitigations reduce the speed of vehicles? The DEIR uses levels of service (LOS) to evaluate intersections and total trip generation to estimate additional traffic, which seems unusual in an era where the State is trying to reduce VMT, not add to it. What are the potential reductions, if a lane in each direction is converted to transit and bike/scooter in VMT (vehicle miles traveled) and corresponding GHG emissions?

8 The positive environmental impacts of requiring no-parking or reduced-parking residential and mixed-use buildings should be analyzed. The EIR and Adeline Plan should also study improvements to transit services along the Adeline Corridor.

9 The Plan does not include circulation studies, which are deferred until a later time. This is a significant weakness, as it's hard to image how bikes will safely travel between the various bike path configurations. There is a map of bike facilities (4.12-2), which is difficult to decipher as it includes both existing and proposed bike facilities. Would the ACSP & DEIR please include bike routes that show potential circulation paths, at key intersections, especially Woolsey, which "will occur during later design phases." Without the alternatives, it's hard to evaluate the proposed modifications. The Plan does not account for scooter traffic. Which lanes will they use?

By removing the center median, a linear open space has been created along North Adeline, bordered by traffic lanes and cycle track. What pedestrian activities are expected in this area? What other benefits does the new linear open space confer? The EIR and Adeline Plan should also study improvements to transit services and the use of bikes and scooters along the Adeline Corridor.

**Public Services and Recreation**

10 The DEIR (4.11d) notes that no new parks have been created in the Plan Area, which does not have any parks. However, there are parks nearby. Please furnish a map that includes the Plan Area, these nearby parks, and the routes that residents in new developments would use to access



↑  
10, cont. these parks by foot, scooter, or bikes.

11 | **Landscape-based storm water management and Bay-landscaping**  
ACSP (7.6) does not make permeable pavement and other green infrastructure a requirement nor describe where bioswales will be installed and how they will drain into the storm drainage system. The DEIR (4.7) show the Derby and Potter creek systems bisect the Plan Area but does not relate to drainage standards for underground parking and other structures that may impact the existing culverts, nor document the condition of the culverts and the potential for damage from increased run-off from non-permeable surfaces.

Thank you for the opportunity to comment on the ACSP DEIR.

Respectfully,

A handwritten signature in blue ink that reads "M. Williams".

Matt Williams  
Chair, Transportation and  
Compact Growth Committee  
Sierra Club SF Bay Chapter

A handwritten signature in black ink that reads "Igor Tregub".

Igor Tregub  
Chair  
Sierra Club SF Bay Chapter

## Letter B11

**COMMENTER:** Matt Williams and Igor Tregub, Sierra Club

**DATE:** July 19, 2019

### Response B11.1

The commenters suggest that further explanation be provided about how many housing projects are included and at which scenarios of the development standards detailed in Tables 3.2-3.5 of the proposed Specific Plan. The commenters ask which sites are most likely to be developed and how potential development sites were identified. The commenter asks how the Plan is supportive of the Adeline Priority Development Area (PDA).

The City cannot predict with certainty the exact type or timing future projects that will be proposed in the Plan Area since most of the property in the area is privately-owned. Nonetheless, all future proposed projects will be reviewed by the City under the normal review procedures for new development applications and will be evaluated for consistency with the proposed Specific Plan goals and policies. A description of the regulatory setting related to Priority Development Areas is included in Section 4.8, *Land Use and Planning*, of the Draft EIR. The PDAs are areas along transportation corridors which are served by public transit that provide opportunities for transit-oriented development. Designated PDAs in Berkeley include: University Avenue, San Pablo Avenue, Telegraph Avenue (which was later amended to include the Southside area), Adeline Street, South Shattuck Avenue and Downtown. The Plan Area includes two separate PDAs: the Adeline Street PDA and the South Shattuck PDA. These PDAs were designated by the City of Berkeley because they provide opportunities for infill development consistent with the objectives of Plan Bay Area. While ABAG and MTC approved the City's designation of the Plan Area as a PDA, all future planning and regulatory decisions for the area remain under the authority of the City of Berkeley.

Please see Topical Response F: Specific Plan-Related Comments for more information about potential sites for infill development in the Plan Area.

### Response B11.2

The commenters pose several questions about how the density standards were derived, what densities would be achievable with the density bonus and use permits for each table describing the development standards, how there could be a finding that it would be unnecessary to protect neighborhood sunlight access and privacy, and asks if this "subjective standard" can be replaced with one such as a daylight plane. The commenters request that a graphic be provided to illustrate setback requirements used in the Specific Plan. The commenters ask if no displacement will be a key policy with the project.

These comments primarily pertain to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. With respect to displacement, please see Topical Response B: Population, Housing, and Displacement Impacts.

### Response B11.3

The commenters ask whether the design ideas presented in the Specific Plan will be adopted as objective standards and who will enforce them during plan implementation.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

#### **Response B11.4**

The commenters suggest that the Specific Plan include policies protecting rent stabilized rental units as well as existing affordable housing units within the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

#### **Response B11.5**

The commenters ask what heights could be achieved at the Ashby BART station and what will be the percentage of units at the BART station will be affordable units.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

#### **Response B11.6**

The commenters ask how the employment assumptions in the Draft EIR were calculated and what types of businesses are expected to occupy proposed commercial spaces. The commenters also request data on the average salary of jobs generated with implementation of the Specific Plan.

With respect to the employment assumptions in the Draft EIR, as explained in Section 4.10, *Population and Housing*, of the Draft EIR, based on estimates provided by Fehr & Peers in their traffic models, the 65,000 net new square feet of commercial space would generate 195 new jobs. The other parts of the comment pertain to the proposed Specific Plan itself. Please see Topical Response F: Specific Plan-Related Comments.

#### **Response B11.7**

The commenters request explanation for Specific Plan policies which maintain the four travel lanes on Adeline Street within the Plan Area; asks why the Draft EIR uses LOS instead of VMT; and asks what the effects of reducing travel lanes would have on GHG emissions.

The proposed right-of-way improvements presented in the Specific Plan maintains the number of lanes in the northern portion of the Plan Area four (two in each direction) and reduces the number of lanes in the South Adeline from six to four. Additionally, lane widths are reduced from existing widths of 12 and 14 feet to 10 or 11 feet (in order to accommodate buses); the additional space gained is generally allocated to new and/or enhanced, protected bike lanes and landscape/buffer areas—or even land that could potentially be used for new parks, plazas or other development. The long-term right-of-way design concept was determined based on discussions with regional transportation and transit agencies, City staff, transportation consultants, and with input from the public. Please see Topical Response D: Transportation/Traffic Impacts with respect to the suggestion or removing travel lanes and to answer the question of why the Draft EIR relies on LOS rather than VMT.

With respect to GHG emissions, as discussed in Section 4.5, *Greenhouse Gas Emissions*, the proposed Specific Plan, which does involve a reduction of one lane in each direction in the southern portion of the Plan Area from Fairview to the Berkeley/Oakland border, as well

as placing housing near transit, would result in a reduction of per capita VMT than without the proposed Specific Plan and with mitigation, impacts would be less than significant with the current Plan components. The overall effect of reducing travel lanes on GHG emissions depends on a multitude of factors. The Draft EIR analyzes the effects of the proposed Specific Plan only and found that the proposed Specific Plan would reduce per capita VMT, which would correlate to a reduction in GHG emissions.

### **Response B11.8**

The commenters suggest the EIR and Specific Plan study the options of requiring no-parking or reduced-parking for residential and mixed-use building as well as improvements to transit services along the corridor.

As stated in Section 2, *Project Description*, of the Draft EIR, the site development standards included in the Specific Plan would have the overall effect of reducing parking requirements by introducing parking maximums for commercial (1.5 spaces per 1,000 square feet) and residential (one space per unit except in the Ashby subarea where the maximum would be 0.5 spaces/unit) and no minimum parking requirements for commercial developments and for residential developments in the Ashby BART subarea. The Specific Plan also proposes travel demand management (TDM) strategies to reduce parking demand and single-use automobile trips, such as proposing parking maximums and reducing parking requirements for new development projects and encouraging shared parking and unbundling of parking when possible, as well as other transportation demand strategies such as offering transit passes and/or transit subsidies. In addition, the proposed right-of-way improvements along the corridor include transit improvements such as enhancements to bus stop, bus bulbs to allow for buses to stop in the auto lane, and signal to accommodate transit signal priority (TSP), where buses can receive preferential treatment along the corridor. Therefore, the proposed Specific Plan includes the suggestions presented by the commenters and the impacts associated with these improvements have been analyzed throughout the Draft EIR.

### **Response B11.9**

The commenters state the opinion that because the proposed Specific Plan defers circulation studies this is a weakness of the Plan and states the opinion that it is “hard to imagine” how bikes will safely travel between bike path configurations. The commenters also ask what pedestrian activities are anticipated in the linear open space created by removing the existing center median. The commenters suggest the EIR and Plan should study improvements to transit services.

Please see Response B11.8 with respect to the comment that the EIR should study improvements to transit services. One of the goals of the Specific Plan is to “improve mobility for persons of all means and abilities.” The Transportation chapter of the Specific Plan proposes interim and long-term improvements to the transportation network. Consistent with the City’s Complete Streets policy, the Specific Plan focuses on providing safe and convenient travel for all modes. The Specific Plan would enhance the transportation network for pedestrians, cyclists, and transit riders, while continuing to accommodate automobile traffic in the Plan Area. The proposed Specific Plan includes conceptual improvements but the specific engineering and design details will be determined prior to construction. This is a typical process for similar types of Specific Plans that provide the overall planning framework while exact engineering details are determined in consultation with City staff, the public, and decision-makers prior to implementation.

**Response B11.10**

The commenters request that the Draft EIR be revised to include a map showing the location of existing parks in the vicinity of the Plan Area with possible transportation access routes.

Figure 3.3 of the proposed Specific Plan includes a map of several parks in the vicinity of the Plan Area. Although it does not show the specific routes to travel to these parks, they are accessible via multiple roadways and sidewalks in and adjacent to the Plan Area as well as by bus routes that travel along Adeline Street (see Section 4.12, *Transportation and Traffic*, of the Draft EIR for additional information on bus service to the Plan Area).

**Response B11.11**

The commenters note that the Specific Plan does not include policies which require installation of permeable pavement and other green infrastructure facilities with the Plan Area. The commenters suggest that the Draft EIR be revised to include discussion of drainage standards for underground parking structures and potential impacts to existing culverts.

The commenter is incorrect that the Specific Plan does not include green infrastructure policies. Proposed Specific Plan Public Space Policy 7.6 includes provisions to integrate landscape-based stormwater management into the public spaces, right-of-way improvements, and to integrate green infrastructure into public realm improvements.

As noted throughout the Draft EIR, the Specific Plan is a policy document and does not involve direct physical changes to the environment. However, future development projects proposed under the Specific Plan, including those that involve construction of underground parking structures, would be required to adhere to state and Berkeley Municipal Code requirements related to green infrastructure and Low Impact Development (LID) requirements to reduce stormwater runoff. Potential impacts related to drainage standards for underground parking structures would be analyzed and mitigated on a project by project basis. Should dewatering be required for underground parking structures, dewatering would be required to occur in accordance with state, regional, and local requirements to prevent water quality impacts. Further, several provisions of the Berkeley Municipal code (including Chapters 17.08 and 17.20 as described in Section 4.7, *Hydrology and Water Quality*, of the Draft EIR) include regulations to protect existing open and closed culverts and manage stormwater.

To: City of Berkeley Planning Commission  
From: South Berkeley Now!  
Attachment included

In re: Draft Adeline Corridor Plan and Draft EIR

June 3, 2019

Dear Planning Commission:

We write to you to express our concerns about the Adeline Corridor Plan as members of South Berkeley NOW!, a neighborhood organization with over 150 members who live in Berkeley south of Dwight street, and who have gathered 1000 signatures in support of housing on Ashby BART NOW!

The Adeline Corridor planning process began over five years ago with the goal of updating the zoning, traffic management, and commercial capacity of the corridor to help the city achieve its housing, climate, and pedestrian/cyclist safety goals in the area. In the intervening period the housing crisis has dramatically increased, with homelessness and displacement on the rise. We have also encountered a road safety crisis, as more pedestrians and cyclists have been injured and killed by drivers on our streets. And the impacts of the climate crisis have become much more evident.

One year ago, the City also declared a Climate Emergency, with the express purpose of taking a leadership role regionally and nationally in moving quickly to address climate change with available means. The City’s own climate plan, along with numerous other studies, found that cars are the number one source of pollution in our city, and that infill housing development near transit is the number one intervention the city can take to reduce this pollution.

After reviewing the Adeline Corridor plan in detail, we are deeply concerned that the plan does not respond in a meaningful way to any of these related crises.

1 | There are important elements of the plan that we believe will help preserve the character of the neighborhood. However, the core elements of zoned capacity, street width, and building heights appear to have been weighted in favor of limiting the amount of new housing in the neighborhood and in favor of avoiding changes that would reduce pollution, vehicle speeds, and the footprint of private vehicles in the neighborhood.

Our conclusion is that the plan will not address our housing crisis, nor will it improve pedestrian safety at the most important intersections. And it will not set the city on the path to reducing transportation related greenhouse gas emissions, one of the most important climate change challenges for the Bay Area and the state as a whole. Our specific concerns include the following:

- 2 | 1. The Plan does not increase the rate of production of housing significantly, but rather envisions 70 units per year over its 20 year planning horizon, for a total of 1450 units - which is no change from current zoned capacity, and an order of magnitude less than the potential capacity of this transit-rich, walkable corridor.
- 3 | 2. This low figure means that the new Plan is not providing incentives for more housing production. In fact, the new Plan creates disincentives for more housing production by continuing to limit the base height of buildings to 3 stories on Adeline Street.
- 4 | 3. In addition, the Plan does not propose any zoning for the Ashby BART, which is one of the largest undeveloped opportunity sites in all of Berkeley. This means that any proposed housing development at Ashby BART will require an additional EIR and will be further delayed.

- 5
4. The lack of adequate zoning and building height limits will hamstring the city's efforts to identify funding partners for the street redesign and pedestrian improvements we desperately need. Given the city's budgetary constraints, this implies that the city has no intention of developing these improvements.
- 6
5. The plan retains all four lanes of traffic on Adeline from Dover to Derby Street, missing the opportunity to dramatically transform Adeline to a two lane street, allowing Ashby Station to be developed into a truly pedestrian oriented transit village. How can we create a pedestrian friendly transit village with a 4-lane road running through the middle? While traffic calming measures will provide some benefit, the most significant impact on travel speed is to reduce travel lanes. Our neighborhood has been a drive-through zone for high-speed traffic for too long. We need more significant reductions in travel lanes.

7

Given the public health crisis unfolding on South Berkeley's streets, with the steady increase in the number of pedestrians and bicyclists being maimed and killed on Ashby, Adeline, and Martin Luther King Jr. Way, this plan calls into question the city's commitment to being a bike-able, walkable, "Vision Zero" city. Under current conditions, the main intersections at Ashby, Adeline, MLK Jr Way, and Alcatraz do not meet the most basic safety standards for pedestrians or bicyclists. Our neighborhood is being used as a thoroughfare for speeding traffic on all four of those streets.

**The Adeline Corridor and Ashby BART area have excellent transit; one of the best groceries in the Bay Area; the Flea Market; the Farmers Market; coffee shops, hair salons, restaurants, and locally owned businesses; churches; and amazing community institutions and non-profits like the Ed Roberts campus, Juneteenth festival, Healthy Black Families, the Black Rep and Ashby stage theaters. Getting to those places is dangerous for people on foot, bike or wheelchair. We need a visionary plan that brings those elements together into a truly walkable neighborhood.**

8

While the plan includes some traffic calming measures, it does not eliminate a single lane of traffic on MLK or on North Adeline, which combined provide a total of 8 lanes of travel. Moreover the draft Plan does not project adequate housing for Berkeley to qualify for the state and regional transportation funds needed to make Adeline, Ashby, MLK and Alcatraz safer for pedestrians, bicyclists, transit-dependent citizens, seniors and children. As residents of the Adeline corridor who share a vision of making our community a vibrant, equitable, diverse, affordable, sustainable place to live, work, and raise a family, we are committed to engaging with the Adeline Corridor Planning Process to ensure that the plan achieves its stated objectives and is not used as a cover to justify the status quo. We look forward to working with you to amend the plan to ensure it can achieve these goals.

Thank you very much for your hard work and commitment to making Berkeley the best city it can be.

Respectfully,

The Steering Committee for South Berkeley NOW!

Ariella Granatt, Betsy Thagard, Deborah Matthews, Jodi Levin, Jon Lau, Matt Lewis, Peter Waller, and Teresa Clarke

Attachment: Summary of Recommended Revision to Draft EIR and Draft Corridor Plan

**Summary of Recommended Revisions to Draft EIR and Draft Adeline Corridor Plan.**

SBN requests the Commission consider the following top priority revisions to the Draft EIR and to the proposed Zoning. Additional recommendations on other important items will be included in our comprehensive written comments.

- 9 | 1. HOUSING PROJECTION: Add a Project Alternative to the EIR that increases the housing projection to at least 2000 units area-wide. Studying this scenario would require only limited additional analysis of traffic impacts but will allow the community to have more flexibility over the next twenty years to pursue higher density affordable housing.
- 10 | 2. TRAFFIC LANES: Include analysis of two additional design scenarios to improve pedestrian safety and community character on Adeline Street
  - a. Option 1: A single lane of traffic in each direction on Adeline Street between Dover and Woolsey, which will allow Ed Roberts Campus and the rest of the Ashby BART housing to become a thriving hub of community activity. This would provide more space for Flea Market and similar events. Accommodations can be included for emergency vehicle access and potential future transit improvements, while limiting normal through traffic to two lanes. Parking lanes could be converted during rush hour if necessary as is done with Ashby Avenue.
  - b. Option 2: Extend Option 1 from a single lane of traffic in each direction from Dover to Ward Street on Adeline Street. This would include all the benefits provided in Option 1, as well as expand sites for future open space and for larger mixed use development on the Walgreens and Berkeley Bowl sites.
- 11 | 3. TRAFFIC IMPACT ANALYSIS: Clarify why the DEIR relies on Level of Service (LOS) rather than the Vehicle Miles Traveled (VMT) to analyze traffic impacts. State has mandated VMT as the standard for evaluating traffic impact. Please provide background on why the City of Berkeley has not moved to adopt state mandated standards.
- 12 | 4. BASE ALLOWABLE DENSITY: SBN! supports the provision of a standard for Allowable Density and we believe the base DUA standards are appropriate. However, it is critical to clarify how this allowable density standard will be applied in practice and to ensure that project applicants will not be required to calculate allowable density on a site by site basis utilizing a “base project”, a process that has led to much confusion on the part of the public, developers and the City in general.
- 13 | 5. DENSITY MUST BE CONSISTENT WITH DEVELOPMENT STANDARDS: Related to item 4, the Height, number of stories, and FAR limits proposed in Table 3.2 need to be increased to be consistent with the allowable density. A 35 foot height limit will only yield two stories of housing on a typical lot in the Adeline Corridor, with most of the ground floor being dedicated to required commercial uses, services, bike and auto parking. The resulting density will be limited to 60-70 DUA maximum, based on an average net unit size of 850 SF. Heights in chart should be increased at least one more story, with a corresponding increase in FAR.
- 13 | 6. STORIES AND HEIGHTS SHOULD CORRESPOND TO BUILDING CODE TYPES AND DESIGN GUIDELINES: A 5-story building should be allowed 55 feet if we want an appropriate ground level of at least 15 feet in height. The 75 foot height limit does not correspond to the Type 1 and

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Type 3 building construction that allow the last occupied floor to be 75 feet. Add 10 feet for the last occupied level to equal 85 feet.

14

7. ON-SITE PARKING MINIMUMS: Standards for on-site parking for residential uses should be reduced to zero for sites within ¼ mile of BART and major transit stops. This will alleviate traffic impacts and will lead to housing that is more affordable by design, allowing developers to provide only the amount of parking that is needed by future residents' demand.

15

8. SIMPLIFY TIER STRUCTURE : The proposed Tier structure is confusing and complicated, would have unintended consequences, and applies a stricter standard in the south Berkeley area compared to the rest of the transit corridors in Berkeley, thus dis-incentivizing development for the Adeline area. Staff has confirmed that the higher tiers are likely not feasible.

16

9. WORK-FORCE HOUSING: The Plan does not provide any incentive for affordable housing for the 60-120% of AMI households. A city inclusionary incentive is the best way to provide for these households when public housing funding and subsidies are limited to 60% AMI and below.

17

10. DIVERSITY INDEX: One of the goals of the Plan is to maintain and increase diversity but The Plan does not include a provision for reporting on diversity. Include this in the Plan.

## Letter B12

**COMMENTER:** Ariella Granett, et. al., South Berkeley Now!

**DATE:** June 3, 2019

### **Response B12.1**

The commenters presents the opinion that zoned capacity, street width, and building heights appear to have been weighted in favor of limiting the amount of new housing and in favor of avoiding changes that would reduce pollution, vehicle speeds, and the footprint of private vehicles. The commenters assert the Plan will not address the housing crisis or improve pedestrian safety or reduce GHG emissions.

This comment is an introductory statement and an opinion on the Specific Plan not on the Draft EIR. The commenter provides additional detail regarding their assertions. Please see subsequent responses for specific responses to issues raised.

### **Response B12.2**

The commenters argue that the plan does not do enough to incentivize an increase in the number of housing units built within the Plan Area over current zoned capacity.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B12.3**

The commenters argue that the Specific Plan creates disincentives for development of new housing units in the Plan Area by limiting the base height to three stories.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B12.4**

The commenters note that the Specific Plan does not include zoning for the Ashby BART station area and that any future development on this site would require additional environmental review and will be further delayed.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. As described in Section 2, *Project Description*, of the Draft EIR, development standards for the Ashby BART Station will be finalized in collaboration with the City, BART, and the community as a subsequent implementation step.

### **Response B12.5**

The commenters suggest that building height and zoning policies included in the Specific Plan will hinder finding funding partners for street redesign and pedestrian improvements within the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B12.6**

The commenters state that the Specific Plan be revised to reduce Adeline Street to two travel lanes from four travel lanes.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. In terms of the suggestion for reducing the number of traffic lanes on Adeline Street, this is a comment on the proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor, such as reducing traffic lanes. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

**Response B12.7**

The commenters express concern for the safety of bicyclists on Ashby, Adeline, Martin Luther King Junior Way and Alcatraz Avenue.

Please see Topical Response D: Transportation/Traffic Impacts.

**Response B12.8**

The commenters state an opinion that streets within the Plan Area are unsafe for people on foot, bike or wheelchair, and reiterate a suggestion that the number of vehicle lanes be decreased. The commenter also suggests that the Plan does not project adequate housing for Berkeley to qualify for state and regional transportation funds.

Please see Topical Response D: Transportation/Traffic Impacts. With respect to the comment that the Plan does not provide adequate housing to qualify for state and regional transportation funds, it is unclear which funds the commenters are referring to.

**Response B12.9**

The commenters state that an alternative should be added to the EIR to increase the housing projection to at least 2,000 units.

In Section 6, *Alternatives*, of the Draft EIR, the City identified and analyzed a reasonable range of alternatives that were designed to reduce the significant physical environmental effects associated with the proposed Specific Plan. The significant impacts identified in the Draft EIR included construction noise and traffic. Adding additional housing units may worsen environmental impacts in these issue areas. Please also see Topical Response E: Buildout Assumptions.

**Response B12.10**

The commenters suggest the EIR include an analysis of two additional design scenarios to improve pedestrian safety and community character on Adeline Street.

Please see Topical Response D: Transportation/Traffic Impacts.

**Response B12.11**

The commenters ask for clarification on why the Draft EIR relies on LOS rather than VMT.

Please see Topical Response D: Transportation/Traffic Impacts.

**Response B12.12**

The commenters provide an opinion that they support the provision of a standard for allowable density but state the opinion that it is critical to clarify how the standards will be applied in practice and also state an opinion that the allowed building heights in the Plan Area should be increased.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B12.13**

The commenters state an opinion that stories and heights should correspond to building code types and design guidelines.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B12.14**

The commenters state an opinion that standards for on-site parking for residential uses should be reduced to zero for sites within ¼ mile of BART and major transit stops.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B12.15**

The commenters state an opinion that the proposed tier structure for development standards is confusing and complicated.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B12.16**

The commenters state the opinion that the Specific Plan does not provide an incentive for affordable housing for the 60-120% above median income households and that it should provide a city inclusionary incentive.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

**Response B12.17**

The commenters state the opinion that the Plan should include a provision for reporting on diversity.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Letter B13

Teresa Clarke  
[southberkeleynow@gmail.com](mailto:southberkeleynow@gmail.com)  
Thu 7/18/2019 5:31 PM

Adeline Plan DEIR Comments from South Berkeley Now!

Dear Planning Staff:

Please find attached our comments letter for the Adeline Corridor Specific Plan Draft EIR.

Dear City Clerk:

Please submit our comments letter to the Planning Commission and the City Council and Mayor.

Please confirm receipt.

Thank you,

Teresa Clarke

Date: July 18, 2019  
To: Alisa Shen, City Planner for the Adeline Plan and City of Berkeley Planning Commission  
CC: The City Council and Mayor  
From: The Steering Committee for South Berkeley NOW! - Ariella Granett, Betsy Thagard, Deborah Matthews, Jodi Levin, Jon Lau, Matt Lewis, Peter Waller, and Teresa Clarke  
RE: **Adeline Corridor Specific Plan - Comments on Draft EIR**

Dear Planning Staff and Members of the Planning Commission:

We write to you as members of South Berkeley NOW!, a neighborhood organization with over 150 members who live in Berkeley south of Dwight street, and who have gathered over 1,000 signatures in support of housing development on Ashby BART NOW!

We have a vision for the South Berkeley neighborhood as a diverse, equitable, safe, walkable and welcoming community, a vision shared by many in our community. The Adeline Corridor and Ashby BART area have excellent transit; one of the best groceries in the Bay Area; the Berkeley Flea Market; the Farmers Market; coffee shops, hair salons, restaurants, locally owned businesses; churches; and amazing community institutions like the Ed Roberts campus, Healthy Black Families, the Black Rep and Ashby Stage theaters. Our neighborhood hosts the largest Juneteenth celebration in the region and is looking forward to accommodating new institutions like the African American Holistic Resource Center. We support an Adeline Corridor plan that brings those elements together into a welcoming, equitable & walkable neighborhood.

The Adeline Corridor planning process began over five years ago with the goal of updating zoning, supporting local business, and improving the public realm to help our community and city achieve its housing, climate and pedestrian/cyclist safety goals. In the intervening period the housing crisis has dramatically increased, with homelessness and displacement on the rise. We have also encountered a road safety crisis, as more pedestrians and cyclists have been injured and killed on our streets. Over the same time period, the impacts of the climate crisis have become much more evident. One year ago, the City declared a Climate Emergency, with the express purpose of taking a leadership role regionally and nationally to address climate change with all available means. The City's own climate plan, along with numerous other studies, has identified building more infill housing near transit as the most important single step the city can take towards addressing the climate crisis.

We support the general goals set forth in the Draft Adeline Corridor Plan and we applaud the emphasis on affordable housing, support for local businesses and the innovative "Opportunity to Return" policies for displaced residents. However, we are deeply concerned that the core elements of zoned capacity, street widths, and building heights do not provide an adequate response to the crises of housing, climate and public safety. Our specific concerns include the following:

- **CONCERN # 1 LOW HOUSING BUILD-OUT PROJECTIONS EXTEND THE STATUS QUO:** The build-out projections in the DEIR envisions the equivalent of 70 units per year over the 20 year planning horizon, for a total of 1450 units - a modest change from the 1,200 units of development projected to occur under the current zoning, with no Adeline Corridor plan. A DEIR that essentially extends the status quo

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another 20 years does not provide the incentives for increased housing production that is necessary to realize the potential of this transit-rich, walkable corridor.

2

● **CONCERN #2 DRAFT PLAN CREATES DISINCENTIVES FOR HOUSING PRODUCTION:** The Draft Plan creates disincentives for housing production by continuing to limit the base height of buildings to 3 stories in much of the plan area.

3

● **CONCERN #3 ADELINE STREET IS TOO LARGE & FAST THROUGH THE HEART OF A TRANSIT VILLAGE:** The overly wide Adeline right of way is an artifact of the railroad era, directly associated with the pattern of discrimination and redlining that afflicted minority communities “on the wrong side of the tracks”. South Berkeley has been treated as a throughway for too many years. We need more significant reductions in travel lanes and a focus on creating a walkable transit hub at the heart of our community.

4

● **CONCERN #4 T.O.D. PROJECT WILL NOT BE COMPETITIVE FOR TRANSPORTATION FUNDS:** The draft Plan fails to position the City of Berkeley to be fully competitive for the state and regional transportation funds that will be needed to fundamentally reshape the public right of ways at Adeline, Ashby, MLK and Alcatraz because of the Plan’s low build out projection and inadequate zoning and building height limits.

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT**

Based on these concerns, SBN! requests that the DEIR provide additional analysis that will allow decision makers and community members to evaluate options that make meaningful progress towards addressing the goals set forth in the Draft Plan, and the pressing issues of climate, housing and safety.

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1. **REVISE BUILD OUT PROJECTION:** Given the housing and climate crisis, the community goals for building affordable housing, and the need to generate funding for street improvements and other public benefits through development fees, it is critical for the DEIR to include a second build out scenario of at least 2,500 residential units in the Project Area. It is common for a major DEIR to evaluate more than one project scenario. Studying this scenario under the current DEIR will allow decision makers and the South Berkeley community to evaluate a build out scenario that makes our neighborhood more walkable, affordable, diverse, transit-supportive, and sustainable. We ask for the following actions related to the build out projections:

a. **INCLUDE BUILD OUT ANALYSIS IN THE DEIR:** The “Project Build Out” or foreseeable maximum development of 1,450 units was not released as part of the Notice of Preparation. As a result, Community members and agencies had no opportunity to comment on this projection until the full DEIR was completed and no supporting analysis has been shared to support the build out projection. There is no description of opportunity sites included in the DEIR and there is no analysis of how the build out projection ties to the Housing Element. The DEIR provides insufficient information for decision makers and the public to judge whether the projected build out numbers accurately reflect the 20 year development potential of the corridor under the new zoning. We request that the analysis supporting the build out projection of 1,450 units be included in response to comments along with the following specific information:

- Parcels and acreage identified as development opportunity sites, including all sites identified in the City’s 2015-2023 Housing Element,

- Density assumptions for each opportunity site compared with maximum density by subarea allowable under draft Specific Plan Table 3.5, and
- Development yield rates consistent with Raimi Associates letter to City dated September 10, 2018.

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cont.

b. **DEVELOP & ANALYZE A SECOND BUILD OUT PROJECTION:** Our analysis of potential sites in the project area indicates that 2,500 units of new housing can be accomplished over the next 20 years, primarily by focusing on high density development at Ashby BART and on the larger sites along North Adeline and South Shattuck. This analysis does not involve removing historic buildings or existing housing units and is based on an average density of approximately 125 DUA, a modest assumption given that the Affordable Housing incentives in the draft plan allow densities over 200 DUA. Moreover, this analysis does not include additional housing sites that may be available as a result of reducing right of way along Adeline. We request that the DEIR be amended to include a build out projection that accounts for the significant density incentives built into Specific Plan Table 3.5, along with supporting analysis. Without this additional build out scenario, the public and decision makers will have insufficient information to evaluate the impacts and benefits of higher density housing development in the Adeline Corridor.

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c. **DEMONSTRATE PLAN'S CONSISTENCY WITH MTC GRANT GOALS & STANDARDS:** The MTC grant for Adeline Corridor Plan was based on achieving MTC goals of maximizing TOD development. Without the supporting analysis for the current build out projection and without a second more robust build-out projection, it is not clear how MTC or the public can evaluate whether the Plan is consistent with the goals of the study. We request that the Plan clarify how it is consistent with MTC goal and standards relative to the planning grant.

7

d. **CLARIFY ADDITIONAL EVALUATION REQUIRED FOR PROJECTS THAT EXCEED THE BUILD-OUT PROJECTION:** City Staff has indicated that the build out projection of 1,450 units indicated in the Project Description should not be considered a cap and that projects may exceed this cap under the Infill Density exception. Mixed use projects often require more than one conditional use permit and therefore may be ineligible for the Infill Exemption. Projects that exceed the 1,450 cap and that are not eligible for the Infill exemption will likely be required to provide supplement environmental analysis which creates more legal risk and more uncertainty. We request that the DEIR and Draft Plan clarify the additional environmental evaluation that would be required for projects that exceed the Build Out Projection.

8

e. **RECOGNIZE THAT L.O.S. CRITERIA IS OUTDATED:** It is important for the DEIR to explicitly recognize that the projected traffic impacts are based on outdated Level of Service (LOS) criteria rather than the state mandated Vehicle Miles Traveled (VMT). We request that both of the build out scenarios be evaluated based on VMT, allowing decision makers and community members to accurately assess the correlation between density and traffic volumes.

9

f. **BE ACCURATE IN DISCUSSING VMT & GREENHOUSE GAS EMISSIONS:** Greenhouse Gas Emissions policy discussed in Table 4.5-1 holds that a decrease in VMT can be expected because "the Specific Plan would support mixed-use, transit-oriented development." This statement is incorrect *unless the build out projection is significantly increased for higher density, increased*

*transit service and walk to destinations.*<sup>1</sup> We request that the DEIR language be modified to avoid overstating of benefits of GHG reduction under the current build out scenario.

2. **TWO LANE SCENARIO @ ADELINE:** Another way that the DEIR limits the ability of decision makers and the public to evaluate the Specific Plan is the failure to test the effects of reducing traffic lanes along Adeline between Shattuck to MLK, to two lanes (a single lane in each direction). Analysis of this scenario will inform decision makers of potential effects of additional pedestrian, bicycle, and/or dedicated bus lane improvements and will provide latitude in the future to implement additional traffic calming or expand alternative transit modes. SBN! requests that the DEIR include analysis of a two lane design scenarios for Adeline Avenue from MLK Jr Way to Ward street that will improve pedestrian safety, reduce the speed of traffic flowing through the heart of our neighborhood and will allow Ashby BART to become a true community center for our neighborhood. This two lane scenario has two sub-areas; Adeline at Ashby BART, and North Adeline. The initial concept for each sub area is outlined below:

- **Adeline at Ashby BART**

A single lane of traffic is provided in each direction on Adeline Street between MLK Jr Way and Ashby, located along the east side of the current right of way, adjacent to the Ed Roberts Campus. Turn lanes may be provided at the intersection with MLK JR Way and with Ashby as required to provide transitions to the larger roadways. Passenger loading and parallel parking would be provided on both sides of the street, with sufficient width to accommodate transit stops. The cycle track proposed in the Draft Plan remains along the west side of the right of way. The remaining portion of the right away along the western edge is utilized as a linear public plaza and a permanent home for the Berkeley Flea Market. Emergency vehicle access would be accommodated as necessary, including potential access at the public open space.

- **North Adeline Street**

A single lane of traffic is provided in each direction on Adeline St. from MLK Jr Way to Ward Street. Between Russell St. and Ward St. these traffic lanes would be located along the west side of the current right of way. Turn lanes would be provided at the intersection with Shattuck and with Ashby as required to provide transitions to the larger roadways. Passenger loading and parallel parking would be provided on both sides of the street, with sufficient width to accommodate transit stops. The cycle track proposed in the Draft Plan remains along the west side of the right of way. Portions of the surplus public right away along the eastern edge of the right away could be converted to private development parcels to be developed for housing or other uses.

<sup>1</sup> Correlation between density and VMT (John Holtzclaw, et al, "Location Efficiency: Neighborhood and Socio-Economic Characteristics Determine Auto Ownership and Use," *Transportation Planning and Technology journal*, Volume 25, 2002)

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cont.

- a. The four lane design scenario included in the Draft plan provides insufficient information to allow public and decision makers evaluate design scenarios that address critical safety issues in our neighborhood and to identify the environmentally superior alternative.
- b. Development along the Adeline corridor will significantly increase the number of pedestrians and bicyclists in this area and will increase the opportunities for accidents. The City will not achieve its Vision Zero goals without bolder action to reduce vehicle speeds and prioritize pedestrian safety.
- c. The current scenario is not consistent with the City Bike Plan and fails to prioritize bike safety on major bike corridors. DEIR analysis should include analysis of how safety for bicyclists is addressed by each of the Adeline design scenarios. Reducing Adeline to two lanes could be considered a mitigation with the effect of reducing vehicle speeds area-wide.
- d. The DEIR analysis shows that current north/south traffic counts on Adeline are significantly lower than on MLK Jr Way. The Draft Plan and the DEIR fail to take into account these lower traffic counts as a basis for studying environmental superior options that address city policy regarding bike and pedestrian safety.
- e. DEIR analysis should include a clear comparison of the four lane and two lane alternatives with an equal level of detail for each, preferably in table format that can be readily evaluated by the public. Our goal is to give the public and decision makers the opportunity to readily evaluate the trade-offs and select the preferred option based on community priorities.
- f. The concept plan for two lane option should be developed with input from community representatives.
- g. BART policy for station area development is to focus on superior bike and pedestrian access which is supported by the two lane scenario. Incorporating this alternative in the DEIR will give BART the necessary information to evaluate and develop the environmentally superior alternative.
- h. Alameda County Transportation Committee (Alameda CTC) has adopted a Countywide Transit Plan that designated Adeline as a regional transit corridor, which calls for consideration of dedicated bus lane where feasible. The potential for future dedicated bus lanes can be reserved by analyzing lane reductions along this section of Adeline. Public open space could be provided with the understanding that it is available for future BRT line or other public transportation improvements.
- i. Not analyzing lane reductions under the DEIR will shut the door on future pedestrian, bicycle, bus, and open space improvements, and continue auto-oriented as-is conditions, which encourage faster moving vehicles and, therefore, increase the risk of serious and fatal injuries to pedestrians and bicyclists.
- j. SBN recognizes that developing and analyzing this additional design scenario will require additional analysis and additional time, including potential recirculation for comment. We believe it is worth the effort. No single issue unites our community more strongly than traffic calming and safety for pedestrians and bicyclists.

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cont.

- k. The Ed Roberts Campus is a nationally recognized campus focusing on services for the disabled. Currently it is cut off from the neighborhoods to the west by the four lanes of Adeline. Reducing traffic lanes at Adeline will allow this nationally recognized institution to be fully integrated into our community, and to better meet its mission of serving the disabled community.
- l. Reducing traffic lanes at Adeline will create an opportunity for a public open space over 50 feet wide and up to 1,000 feet in length. In combination with public plaza at the west lot, this can provide a permanent and highly visible home for the Berkeley Flea Market, allowing this community institution to grow and thrive.
- m. Utilizing more of the public right of way for public open space will allow more of the west parking lot to be developed for mixed income housing and local businesses.
- n. Narrowing Adeline Street will set the stage for closing Adeline Street to through traffic for community events such as the Juneteenth Celebration. With appropriate planning for transit and emergency access, the entire 110 foot wide Adeline right of way can be utilized as a community event space on a more frequent basis.
- o. Our analysis of opportunity sites in the neighborhood demonstrates that North Adeline has the potential for development of up to 1,000 new housing units. Narrowing the street in this area will allow this underutilized right of way to become an active extension of the evolving South Shattuck neighborhood.
- p. Narrowing North Adeline may allow the existing parcels at Walgreens and Berkeley Bowl to be expanded, creating 1.0-2.0 acres of additional developable land.
- q. The open space greenway proposed along north Adeline in the Draft plan is unlikely to be well utilized. Narrower streets and more mixed use development will create a more pedestrian friendly environment.

**3 COMMENTS ON PROPOSED ZONING STANDARDS IN THE DRAFT PLAN THAT IMPACT DEIR ANALYSIS:**  
SBN! requests that the DEIR analysis consider the following comments on zoning provisions in the Draft Plan as they relate to the build out projections, traffic impacts and other environmental issues

11

- a. **DRAFT PLAN TABLE 3.2 - BASE ALLOWABLE DENSITY:** We support the provision of a standard for allowable density and we believe the base DUA standards are appropriate. However, it is critical to clarify how this allowable density standard will be applied in practice and to ensure that project applicants will not be required to calculate allowable density on a project by project basis utilizing a “base project” (a process that has led to much confusion on the part of the public). Clarification of how the Base Allowable Density will be implemented is necessary to allow decision makers and community members to evaluate the build out projections analyzed in the DEIR.
- b. **DRAFT PLAN TABLE 3.2 - HEIGHT, STORIES, AND ALLOWABLE F.A.R. MUST BE CONSISTENT WITH BASE DENSITY :** Related to item a., the height, number of stories, and FAR limits proposed in Table 3.2 need to be increased to be consistent with the allowable density. A 35 foot height limit will only yield two stories of housing on a typical lot in the Adeline Corridor, with most of the ground floor being dedicated to required commercial uses, services, bike and auto parking.

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cont.



The resulting density will be significantly less than the base allowable density. Height and FAR should be increased to correspond to the base allowable density.

- c. **ALLOWABLE STORIES AND HEIGHTS SHOULD CORRESPOND TO TYPICAL CONSTRUCTION TYPES:** As an example, if the zoning intends to allow a five-story building, the maximum height should be 57 feet; allowing for an appropriate ground level of at least 15 feet in height (as recommended in table 3.6) plus 10 foot floor to floor for residential units, plus an additional 2 feet for normal roof construction. As a second example, the 75 foot height limit does not correspond to the mid-rise housing limit which allows housing up to 75 feet in height measured to the highest floor, plus an additional 10-15 for the top floor construction, for a total allowable height of 85-90 feet.
- d. **REDUCE ON-SITE PARKING MINIMUMS:** To alleviate traffic impacts and to allow construction of housing that is affordable by design, standards for on-site parking for residential uses should be reduced to zero for sites within ¼ mile of BART and major transit stops.
- e. **SIMPLIFY DENSITY BONUS TIER STRUCTURE:** The proposed tier structure is confusing and appears to apply a stricter standard compared to other transit corridors in Berkeley, thus disincentivizing development for the Adeline area. We request a development feasibility study addendum be added to the Plan demonstrating that the tier structure will function as intended and that it does not constitute a governmental constraints to Housing production which would be contrary to Housing Element Policy

As residents of the Adeline corridor who share a vision of making our community a vibrant, equitable, diverse, affordable, sustainable place to live, work, and raise a family, we are committed to engaging with the Adeline Corridor Planning Process to ensure that the plan achieves its stated objectives. We look forward to working with you to amend the DEIR and plan to ensure it can achieve these goals. Thank you very much for your hard work and commitment to making Berkeley the best city it can be.

Respectfully,

The Steering Committee for South Berkeley NOW!

Ariella Granett, Betsy Thagard, Deborah Matthews, Jodi Levin, Jon Lau, Matt Lewis, Peter Waller, and Teresa Clarke

Please note that SBN will be submitting additional comments on the Draft Plan in a separate letter.



## Letter B13

**COMMENTER:** The Steering Committee for South Berkeley NOW!

**DATE:** July 18, 2019

### **Response B13.1**

The commenter requests that the Specific Plan be revised to increase maximum allowed density in the Plan Area to further incentivize development.

Please see Topical Response E: Buildout Assumptions.

### **Response B13.2**

The commenter asserts that height limits in the Specific Plan create disincentives for housing production by limiting the base height to three stories.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B13.3**

The commenter requests that the Specific Plan be revised to include fewer vehicle travel lanes on Adeline and “focus on creating a walkable transit hub” in the Plan Area.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. In terms of the suggestion for reducing the number of traffic lanes on Adeline Street, this is a comment on the proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor, such as reducing traffic lanes. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

### **Response B13.4**

The commenter argues that the Specific Plan does not position the City and future development projects to receive state and federal grant funding.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. With respect to the comment that the Plan does not provide adequate housing to qualify for station and regional transportation funds, it is unclear which funds the commenters are referring to.

### **Response B13.5**

The commenter requests a more thorough explanation of the process used to calculate the estimated build out of 1,450 units in the Plan Area. The commenter also requests that the following information be provided:

- Parcels and acreage identified as development opportunity sites, including all sites identified in the City’s 2015-2023 Housing Element.
- Density assumptions for each opportunity site compared with maximum density by subarea allowable under draft Specific Plan Table 3.5, and

- Development yield rates consistent with Raimi Associates letter to City dated September 10, 2018.

In addition, the commenter requests that the City develop and analyze a second build out projection that reflects a build out of 2,500 new housing units.

Please see Topical Response E: Buildout Assumptions for information about how the buildout assumptions were calculated and the suggestion to add a second build out projection. With respect to the requests for additional information about the proposed Specific Plan and opportunity sites, those are not specifically comments on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B13.6**

The commenter requests that the Specific Plan be revised to reflect consistency with the MTC goals and standards relative to the planning grant.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B13.7**

The commenter states an opinion that projects proposed under the Specific Plan may “require more than one conditional use permit and therefore may be ineligible for the Infill Exemption.” Projects that require multiple use permits and/or administrative use permits may be eligible for infill exemptions (CEQA Guidelines Section 15332). This exemption, other exemptions, and CEQA streamlining provisions in the Guidelines may apply to projects proposed pursuant to the Specific Plan, whether or not the buildout projections are exceeded in the future, on a case by case basis. These include provisions contained in sections 15182 and 15183, among others. The commenter also requests that the Draft EIR and Specific Plan be revised to clarify what level of evaluation would be required for projects which exceed the buildout projection of 1,450 units. Because this would be speculative, it is not appropriate to include in the Specific Plan or EIR.

Please see Topical Response E: Buildout Assumptions.

### **Response B13.8**

The commenter states that Level of Service (LOS) criteria are outdated and that the analysis should be based on VMT. The commenter requests that the Draft EIR be revised to include VMT analyses associated with a higher buildout scenario.

As described in Topical Response E: Buildout Assumptions, the Draft EIR is based on a buildout assumption of 1,450 new housing units. Therefore, the VMT analysis was only provided for this scenario. Section 4.12, *Transportation of the Traffic*, of the Draft EIR bases the transportation analysis on several thresholds including LOS criteria and Streetscore criteria to measure bicycle and pedestrian impacts. The City of Berkeley is in the process of developing guidelines for use of VMT standards for CEQA and will have those standards in place by 2020 as mandated by the state. Both LOS and VMT analyses are included in the Draft EIR; however, significance conclusions are based on the (LOS-based) standards that are currently in place. Please also see Topical Response D: Transportation/Traffic Impacts for information about why the analysis is based on LOS.

**Response B13.9**

The commenter disagrees with the Draft EIR conclusion that VMT would be reduced with the encouragement of mixed-use transit-oriented development because the buildout assumptions are not high enough. The commenter requests that the Draft EIR language be modified to avoid overstating the benefits of GHG reduction under current buildout.

As demonstrated in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR, the GHG analysis is based on consistency with the 2017 Scoping Plan and based on a number of policies and goals of the scoping plan including measures to reduce VMT. As shown in Table 4.12-12 in Section 4.12, *Transportation and Traffic*, of the Draft EIR, the proposed Specific Plan would reduce per capita VMT in the Plan Area and in Berkeley compared to future (2040) conditions without implementation of the proposed Specific Plan. The commenter does not provide specific information or analysis challenging the Draft EIR analysis on which to provide a more detailed response. Please also see Topical Response E: Buildout Assumptions.

**Response B13.10**

The commenter requests that the Draft EIR be revised to include an analysis of a two-lane configuration for Adeline Avenue from Martin Luther King Junior Way to Ward Street and provides additional information to support the two-lane concept.

Please see Topical Response D: Transportation/Traffic Impacts.

**Response B13.11**

The commenter requests that the Draft EIR and Specific Plan be revised to include base allowable densities, heights and FAR consistent with base densities, maximum heights consistent with standard construction types, reduced parking minimums, and a simplified density bonus tier structure.

The Draft EIR analyzes the development standards as presented in the proposed Specific Plan. This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Teresa Clarke  
[southberkeleynow@gmail.com](mailto:southberkeleynow@gmail.com)  
Fri 7/19/2019 7:58 AM

Adeline Plan DEIR Comment letter with 89 signatories from SBN!

Dear Planning Staff-

I submit this [Adeline Plan DEIR comment letter](#) on behalf of the 89 signatories.

Dear City Clerk

We have also addressed this letter to Planning Commission and City Council. Please include in the Planning Commission and City Council packets.

Thank you

Teresa Clarke

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*SOUTH BERKELEY NOW! IS AN ALL VOLUNTEER COMMUNITY ORGANIZATION MADE UP OF SOUTH BERKELEY RESIDENTS WHO HAVE COME TOGETHER TO ADVOCATE FOR HOUSING, EQUITY, DIVERSITY, AND INVESTMENT IN SOUTH BERKELEY*

**To: City of Berkeley elected officials, commissioners, and staff**

**RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)**

June 2019

We write to express our concerns about the Adeline Corridor Plan and Draft EIR. While we are in general agreement with the main goals of the Plan, the specific policy proposals for zoning, street width, diversity/equity, and affordability will result in less housing than we need, more traffic than we want, and diminished diversity in south Berkeley .

1. **WE NEED TO MAXIMIZE HOUSING NEAR TRANSIT:** The Plan and Draft EIR do not include enough new homes in this transit-rich corridor. We are in a housing crisis because our city has not allowed enough homes to be built. We need more housing near transit NOW!
2. **WE NEED HOUSING FOR EVERYONE:** The Plan does not commit the City to building low-income housing, nor does it include housing for middle income workers. For low-income families, South Berkeley deserves at least \$50 million of the Measure O funds to address the historical racial segregation impacts of red-lining, disinvestment, and displacement in south Berkeley. Middle income workers (teachers, city employees, office and retail workers) also cannot afford to live in Berkeley, but the Plan does not include housing for them either.
3. **ENSURE EQUITY AND DIVERSITY:** The Adeline Corridor Plan and Draft EIR needs an Inclusion Equity & Diversity Impact Report to disrupt patterns of racial inequity in housing and community development. The plan must weave together metrics and data with implications that impact people of color, long term residents, and small businesses to ensure equity and diversity in South Berkeley.
4. **WE NEED SAFER STREETS, A GREENWAY AND A WALKABLE NEIGHBORHOOD:** The Plan proposes too many lanes of traffic on Adeline Street. That street requires only one lane of vehicular traffic in each direction with a middle turn lane. The rest of Adeline could become a Green Way with wide sidewalks, bike lanes, and room for outdoor flea market and farmer's market vendors.

The Adeline Corridor Plan and Draft EIR must be revised to include more housing, affordability for all, an Equity & Diversity Impact Report, and fewer traffic lanes. Thank you for making sure this happens.

Sincerely,

- 1) David Soffa  
2930 Otis St.  
Berkeley, CA 94703
- 2) Bhima Sheridan  
1811 Fairview  
Berkeley, CA 94703
- 3) Dan Cowles  
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Berkeley, CA 94703
- 4) Betsy Thagard  
1937 Carleton Street  
Berkeley, CA 94704
- 5) Mark Trainer  
1885 Alcatraz Ave.  
Berkeley, CA 94703
- 6) Shelly Kaller  
2928 Otis St  
Berkeley, CA 94703
- 7) Serena Lim  
2974 Adeline Street  
Berkeley, CA 94703
- 8) Tommaso Sciortino  
Lorin District
- 9) David and Marija Hillis  
2147 Parker Street  
94704
- 10) Jeff Hobson  
2220-F Sacramento Street

94702

- 11) Jeremy Kaller  
2928 Otis St  
Berkeley, CA 94703
- 12) Jodi Levin  
2927 Otis St.  
Berkeley, CA 94703
- 13) Aaron Eckhouse  
94609 (formerly of 94703)
- 14) Jane Scantlebury  
2927B Otis St.  
Berkeley, CA 94703
- 15) Elliott Schwimmer  
1307 Ward St  
Berkeley, CA 94702
- 16) Mira Stein  
1307 Ward St  
Berkeley, CA 94702
- 17) Debra Sanderson  
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Berkeley, Ca 94705
- 18) Duff Reiter  
1931 Parker Street  
Berkeley, CA 94704
- 19) Greg Magoffna  
1931 Dwight Way Apt 4  
Berkeley, CA 94704
- 20) John Bidwell  
2334 Valley St.

Berkeley, CA 94702

21) Ariella Granett  
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Berkeley, CA 94703

22) Jon Lau  
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Berkeley, CA 94703

23) Matthew Lewis  
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24) Shang-Mei Lee  
1501 Blake Street #306  
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25) Marci Eppinger  
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26) Cliff Moser  
2705 California St.  
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27) Jim Koman  
1182 Ocean Ave.  
Oakland, CA 94608

28) Abbie Turiansky  
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29) Blaine Merker  
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30) Carol Mancke  
1721 63rd Street

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32) Teresa Clarke  
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33) Topher Brennan  
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35) Nathaniel Kane  
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36) Jennifer Guitart  
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Berkeley CA 94703

37) Stephanie Allan  
1712 Channing Way  
Berkeley CA 94703

38) Andrew Pinost  
1912 Fairview Street  
Berkeley, CA 94703

39) Gregory Lemieux  
1113 Channing Way  
Berkeley, CA 94702

40) Liz White and Mike Ray  
1915 Carleton Street  
Berkeley, CA, 94704

41) Chris Harrelson and Sara Rahimian  
1614 Spruce St  
Berkeley, CA 94709

42) Pierre Thiry  
1635 Ward Street  
Berkeley CA 94703

43) Charles Siegel  
Bonita Ave.  
Berkeley, CA 94709

44) Heidi Fuchs and Thomas Vilkmán  
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Berkeley, CA 94705

45) Rebecca Franke  
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Berkeley, CA 94702

46) Devon Lake  
1624 Acton St  
Berkeley, CA 94702

47) Maia Small  
5200

48) Regina Park  
2313 Oregon Street  
Berkeley, Ca 94705

49) A. J. Fox  
3046 Telegraph Ave  
Berkeley, CA 94705

50) Zach Franklin  
2956 California Street  
Berkeley, CA 94703

51) Barry Fike  
1723 Allston Way  
Berkeley, CA 94703

52) David Brown  
3136 Ellis Street  
Berkeley, CA 94703

53) Phyllis Orrick  
1625 Kains Ave.  
Berkeley CA 94702  
Ed

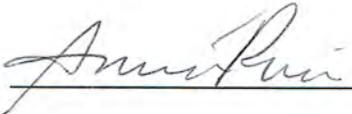
54) Liza Lutzker  
2596 Milvia St.  
Berkeley, CA 94704

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**RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)**  
 June 2019

We write to express our concerns about the Adeline Corridor Plan and Draft EIR. While we are in general agreement with the main goals of the PLAN, the specific policy proposals for zoning, street width, and affordability will result in less housing than we need and more traffic than we want.

- 1- **WE NEED TO MAXIMIZE HOUSING NEAR TRANSIT:** The Plan and Draft EIR do not include enough new homes in this transit-rich corridor. We are in a housing crisis because our city has not allowed enough homes to be built. We need more housing near transit NOW!
- 2- **WE NEED HOUSING FOR EVERYONE:** The Plan does not commit the City to building low-income housing, nor does it include housing for middle income workers. For low-income families, **South Berkeley deserves at least \$50 million of the Measure O funds** to address the historical racial segregation impacts of red-lining, disinvestment, and displacement in south Berkeley. Middle income workers (teachers, city employees, office and retail workers) also cannot afford to live in Berkeley, but the Plan does not include housing for them either.
- 3- **ENSURE EQUITY AND DIVERSITY:** The Adeline Corridor Plan and Draft EIR needs an **Inclusion Equity & Diversity Impact Report** to disrupt patterns of racial inequity in housing and community development. The plan must weave together metrics and data with implications that impact people of color, long term residents, and small businesses to ensure equity and diversity in South Berkeley.
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The Adeline Corridor Plan and Draft EIR must be revised to include more housing, affordability for all, and fewer traffic lanes. Thank you for making sure this happens.

Name	Address	Signature	City Council District
55) Eden Ogbar	4354 Wesley Way El Sobrante CA 94803		1
56) Nicole Sullivan	1522 63rd St 94703		3
57) ANDRÉ RIVERS	APT 206 3132 MARK JR WAY		3
58) Mina Caulfield	3030 Tremont St		3
59) Debrah Matthews	2711 McGehee Ave		3

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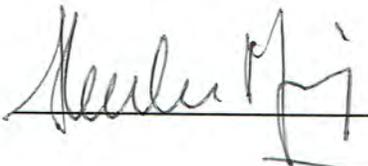
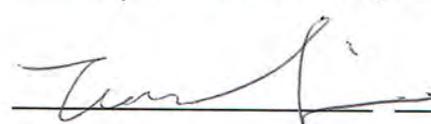
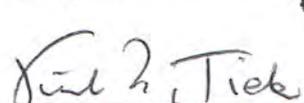
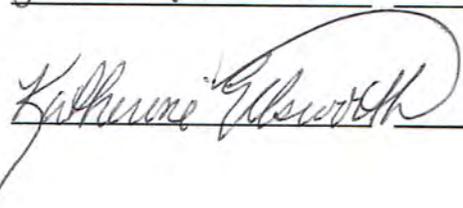
Name	Address	Signature	City Council District
1) <u>ANIELLA GARRETT</u>	<u>1811 FARVIEW</u>	<u>[Signature]</u>	<u>3</u>
2) <u>JANE SCANTLEBURY</u>	<u>2927 S OTIS ST</u>	<u>[Signature]</u>	<u>3</u>
3) <u>Bethany Andres-Berk</u>	<u>1640 62<sup>nd</sup> ST</u>	<u>[Signature]</u>	<u>94703</u>
3) <u>Ayana ONE</u>	<u>313 COVE COURT</u>	<u>[Signature]</u>	<u>94578</u>
4) <u>Ida KUKUK</u>	<u>1631 LINCOLN ST</u>	<u>[Signature]</u>	<u>94703</u>

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The Adeline Corridor Plan and Draft EIR must be revised to include more housing, affordability for all, and fewer traffic lanes. Thank you for making sure this happens.

Name	Address	Signature	City Council District
(65) ALEXANDRO DE GIORGI	740 58TH STREET		_____
(66) STEFANIA DE PETRIS	740 58TH STREET		_____
(67) Tonylon	2053 Blake St.		_____
(68) Vincent N. Tietz	6 Captain Dr. #438		_____
(69) Katherine Ellsworth	P.O. BOX 2213 Berkeley, CA 94702		_____

**To: City of Berkeley elected officials, commissioners, and staff**

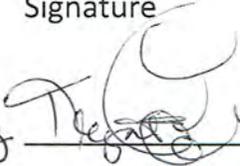
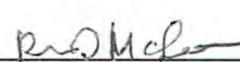
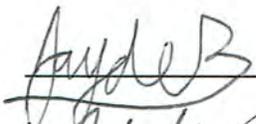
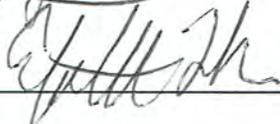
**RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)**

June 2019

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Name	Address	Signature	City Council District
70) Krystal Celenan	1629 Sixth St. #8 Berkeley		
71) Fenei Meher	1614 Alcatraz unit c		
72) Zen Spence-Harris	3800 Kingsland Ave		
73) Jayle B... Oakland	Oakland		
74) Elizabeth Revir	3815 San Pablo Ave		

To: City of Berkeley elected officials, commissioners, and staff

RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)

June 2019

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Name	Address	Signature	City Council District
75) Jesse McFarland	1832 63rd St	Jesse McFarland	2
76) Joel Rubenzahl	3159 Lewiston	Joel Rubenzahl	
77) Elizabeth Diamond	1601 Fairview	Elizabeth Diamond	3
78) Yolanda Acker	3109 Acton St	Yolanda Acker	
79) Darryl Hillman	3234 Adeline St	Darryl Hillman	3

To: City of Berkeley elected officials, commissioners, and staff

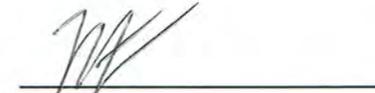
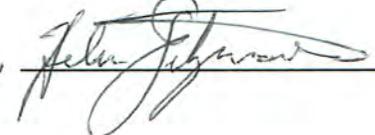
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Name	Address	Signature	City Council District
80) Valerie Carr	237 Monte Vista Dr		
81) Rebecca Mathews	3112A ELLIS ST		
82) TODD MATHEWS	3112 ELLIS		
83) Sharm Patel	3077 Capp St		
84) Helen Fitzmaurice	6245 Baker St, Oakland, CA 94608		

**To: City of Berkeley elected officials, commissioners, and staff**  
**RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)**  
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Name	Address	Signature	City Council District
85) <u>Intete Disher</u>	<u>1631 Lincoln St, Berkeley 94703</u>		_____
86) <u>Jake Peterson</u>	<u>178 63rd St</u>		_____
87) <u>Nico Calambokidis</u>	<u>1883 San Pedro</u>		_____
88) <u>Patricia</u>	_____		<u>S. Berkeley</u>
89) <u>Charlotte Hyuse</u>	<u>1166 63rd St Oakland</u>		_____

## Letter B14

**COMMENTER:** Teresa Clarke, South Berkeley NOW!

**DATE:** July 19, 2019

### **Response B14.1**

The commenter suggests that further incentives are needed to maximize housing near transit.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B14.2**

The commenter states that the Specific Plan does not commit the City to build low-income housing and does not include housing for middle-income workers.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B14.3**

The commenter suggests the Specific Plan needs an Inclusion Equity and Diversity Impact Report to ensure equity and diversity in South Berkeley.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B14.4**

The commenter provides an opinion that the Specific Plan proposes too many lanes of traffic on Adeline Street and suggests one lane in each direction with a middle turn lane, such that the rest of the Corridor could become a greenway with sidewalks, bike lanes, and room for the flea market and farmer's market.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. In terms of the suggestion for reducing the number of traffic lanes on Adeline Street, this is a comment on the proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor, such as reducing traffic lanes. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

Linda Franklin  
[godzilinda@gmail.com](mailto:godzilinda@gmail.com)  
Fri 7/19/2019 1:04 PM

Public Comment on Adeline Corridor Specific Plan environmental impact report, submitted by the Steering Committee of Berkeley Citizens Action

July 19, 2019

VIA ELECTRONIC MAIL: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)

Alisa Shen/ Adeline Corridor

Planning Department

1947 Center Street, 2<sup>nd</sup> Floor

Berkeley, CA 94704

RE: Public Comment on Adeline Corridor Specific Plan environmental impact report, submitted by the Steering Committee of Berkeley Citizens Action

Dear Alisa Shen,

The Steering Committee of Berkeley Citizens Action makes the following observations of the DEIR for Adeline Corridor. We support the vision and recommendations submitted by Friends of Adeline. In particular we highlight the following comments:

1 Displacement is a significant economic and social effect of this plan and must be considered and mitigated in the DEIR.

The current policies and programs listed in the plan will not adequately mitigate these displacement impacts. To adequately address these impacts of displacement, the draft EIR should include the following as additional mitigations:

2 1. Developers should not be allowed to pay a mitigation fee in the corridor; all developments must be required to provide a minimum of 20% on-site affordable, at 10% low-income and 10% very low-income.

3 2. The depth of affordability of the new housing built should reflect the distribution of incomes in the study area. According to the existing conditions report, the income distribution of the study area has more lower-income households than the city of Berkeley as a whole. See table below

4 3. The city must take proactive steps to find ways to build permanently affordable housing, including Community Land Trusts, co-operatives, tenant opportunity to purchase, non-profit housing development, and other forms of. Positive steps include:

- Dedicating 33% of the Housing Trust Fund dollars and project-based vouchers to permanently affordable housing in the plan area;
- Streamline permitting for 100% permanently low-income housing; and

- Providing technical assistance to educate tenants on opportunities to purchase their buildings.

4. The plan must include ways to reverse the displacement of African Americans and low-income people who have been displaced. There must be a concrete plan to support Black institutions, including local businesses, nonprofits, such as Healthy Black Families, The Drop-In Center, Inner-City Services, etc. This plan must include:

- A right to return policy for people who have been displaced or are at risk of displacement. The policy must include the ability to move into a home that is at a price they can afford.
- A tax or fee on the sale of property over \$1 million, to provide restitution for African Americans and others negatively impacted by redlining. Property owners impacted by historical redlining would be exempt.

5. Any development at the Ashby BART site must guarantee a future for the Flea Market, created with, by, and for the flea market vendors.

6. Any housing built on the at the Ashby BART site must be 100% below-market-rate housing for people with incomes below \$70,000 per year.

7. The plan should challenge housing developers to find ways to build the housing we need and stop filling the pockets of for-profit developers.

This plan will have a significant impacts on parks and recreation in South Berkeley that must be mitigated.

The EIR must identify parks and recreation as a significant impact in the ACP, and mitigate it by requiring the plan to identify a minimum of 1.8 acres in **new parkland** includes the location and acreage, to ensure the ratio of parkland to residents in South Berkeley does not deteriorate due to this plan.

This plan must analyze impacts on services for unhoused people due to the plan, and provide mitigations. 60% of the city’s unhoused population is African American from the neighborhood. The DEIR should assure that adequate services are funded, that area homeless prioritized for services, and they get housing, and the right to return.

Mitigations required in the DEIR must be required and actionable in the plan

Table 1. Percent households at various income levels

	Study Area	City of Berkeley	Alameda County
<b>Less than \$20,000</b>	27.6%	21.2%	14.2%
<b>\$20,000 to \$34,999</b>	12.6%	11.1%	11.1%
<b>\$35,000 to \$49,999</b>	13.0%	9.2%	10.3%
<b>\$50,000 to \$74,999</b>	12.7%	14.5%	16.0%
<b>\$75,000 to \$124,999</b>	17.6%	17.8%	22.2%
<b>Greater than \$125,000</b>	16.5%	26.2%	26.2%

We look forward to seeing these changes made to the EIR and Specific Plan.

Steering Committee of Berkeley Citizens Action

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<b>\$50,000 to \$74,999</b>	12.7%	14.5%	16.0%
<b>\$75,000 to \$124,999</b>	17.6%	17.8%	22.2%
<b>Greater than \$125,000</b>	16.5%	26.2%	26.2%

We look forward to seeing these changes made to the EIR and Specific Plan.

Steering Committee of Berkeley Citizens Action

--

Linda Franklin

## Letter B15

**COMMENTER:** Linda Franklin, Steering Committee of Berkeley Citizens Action

**DATE:** July 19, 2019

### **Response B15.1**

The commenter expresses support for previous comments on the Draft EIR submitted by Friends of Adeline and states that displacement is a significant economic and social effect that must be considered and mitigated in the EIR.

Please see responses to Letter B9 for responses to the letter from Friends of Adeline. With respect to displacement impacts, please see Topical Response B: Population, Housing, and Displacement Impacts.

### **Response B15.2**

The commenter suggests that developers should not be allowed to pay a mitigation fee for affordable, but that affordable housing must be provided on-site.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B15.3**

The commenter suggests affordable housing policies in the Specific Plan to incentivize development of affordable housing for lower-income households which are more numerous in the Plan Area than elsewhere in the City.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B15.4**

The commenter requests that the Specific Plan be revised to include policies which create permanently affordable housing, specifically for African American and low-income people.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B15.5**

The commenter urges the City to require any future development of the Ashby BART station guarantee space for the Flea Market.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B15.6**

The commenter requests that development of the Ashby BART station include 100% below market rate housing for people with incomes below \$70,000 per year.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B15.7**

The commenter states that the Plan should challenge housing developers to find ways to build more housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response B15.8**

The commenter states an opinion that the Specific Plan will have significant impacts on parks and recreation. The commenter states an opinion that the Draft EIR include mitigation measures requiring 1.8 acres of new parkland and include location and acreage in the mitigation.

Please refer to Topical Response C: Parks and Recreational Facilities Impacts for responses to comments about parks and recreational facilities impacts.

### **Response B15.9**

The commenter states that the Plan must analyze impacts on services for unhoused people due to the Plan and mitigation should be required in the Draft EIR.

Please see Response B9.6.

Marjorie Alvord  
[malvord@mindspring.com](mailto:malvord@mindspring.com)  
Fri 7/19/2019 3:51 PM

Comments on Adeline Corridor Specific Plan

To: City of Berkeley  
Date: July 19, 2019  
RE: Comments on Adeline Corridor Specific Plan

Congratulations to all involved for developing the draft Adeline Corridor Specific Plan that, in proposing new alternatives for housing development as well as street redesign to include bicycle infrastructure with some additional open space and street trees, goes a long way to addressing community concerns and interests.

My primary comment/question on the Specific Plan is:

Given the City of Berkeley's declaration of a Climate Emergency, the fact that the U.S. Congress is currently considering such a declaration, recent issuance of reports [fall, 2018, via U.N. Intergovernmental Panel on Climate Change & U.N. Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services] indicating that global heating and environmental degradation is proceeding far more rapidly than many understood, along with a recent Union of Concerned Scientists report [see <https://www.ucsusa.org/sites/default/files/attach/2019/07/killer-heat-analysis-full-report.pdf>] indicating that urban heat island effects pose a public health threat to us all, can more be done in the AC Specific Plan to mitigate those threats, to reduce further area greenhouse gas emissions, to promote greater carbon capture and to build resilience in our community?

It seems that a street redesign which puts even more focus on allocating space to vegetation and the urban tree canopy along with the maintenance of permeable surfaces to the extent possible would better serve the community in mitigating the climate emergency, while building community resilience to global heating. Can a permeable surfaces & vegetation/tree-focused street redesign be considered as an alternative?

The draft Plan makes reference to a Green Infrastructure (GI) Plan which is in progress, scheduled to be completed by fall, 2019. Does this quickly-developing GI Plan mostly fulfill minimum permit compliance obligations? Can the AC Specific Plan be more proactive with GI? Could the ACSP, for example, outline a plan for greater vegetation, tree canopy and pervious surfaces to provide relief from the greater flooding and heat island effects these reports indicate we will likely experience in and near the Specific Plan area? In any event, can the Specific Plan document itself provide greater information on redesign plans and standards for green infrastructure much as the "land use" section of the draft Specific Plan provides information on building design plans and standards?

Another comment related to street redesign is that while the draft Specific Plan acknowledges that vehicle speeds along the major thoroughways often significantly exceed speed limits, it is not clear how the redesign is intended to promote slowed vehicle speeds. Especially in light of the City's Vision Zero goals, can a proposed street redesign include further traffic-slowing features, and/or can such features be more specifically identified in the Specific Plan? Also, perhaps the recent reports of accelerating global heating and the need for aggressive action to reduce greenhouse gas emissions suggest that the idea of a dedicated bus lane along Adeline should be reconsidered.

Finally, the separation of "transportation" from "public space" into different sections may be confusing to some as transportation thoroughways (i.e., roads) are typically public spaces. While useful for analytical purposes, the bifurcation might be seen as unfortunate in this case given the history of public space used for transportation purposes along the corridor as having significantly disrupted the local community. A major question driving the development of the Adeline Corridor Specific Plan has been how to reduce the historic disruption, whether and how to design &/or redesign all public spaces to include a mix of housing, transportation uses, open space, vegetation/tree canopy, and so forth, for the greatest community benefit. Can the Specific Plan be modified to reflect that roadways and sidewalks are also public spaces?

Thank you for considering my comments.

Respectfully submitted,  
Marjorie Alvord

## Letter C1

**COMMENTER:** Marjorie Alvord

**DATE:** July 19, 2019

### Response C1.1

The commenter asks if more can be done to mitigate the urban heat island affect and reduce greenhouse gas emissions and suggests an alternative that includes a focus on increased permeable surfaces be considered in the Draft EIR. The commenter suggests plan for greater vegetation, tree canopy, and pervious surfaces to provide relief from flooding and heat island effects.

The proposed Specific Plan includes right-of-way improvements along Adeline Corridor that would add landscaping. As shown in Section 5, Draft EIR Text Revisions, the proposed Specific Plan was found to be consistent with policies aimed to reduce the heat island effect. Further, impacts related to GHG emissions were found to be less than significant with mitigation. As discussed in Section 4.7, *Hydrology and Water Quality*, of the Draft EIR, impacts related to hydrology, water quality, and flooding were found to be less than significant. As stated in Section 6, *Alternatives*, of the Draft EIR, the CEQA Guidelines require that the lead agency identify and evaluate a reasonable range of alternatives intended to reduce the significant environmental impacts of proposed project (the Specific Plan) while still satisfying most of the basic project objective. Because the Specific Plan would not result in significant hydrology or flooding effects, alternatives to reduce these impacts were not considered in the Draft EIR. Nonetheless, as discussed in the Draft EIR, future projects will be required to comply with existing regulations related to stormwater runoff control during construction and operation as well as current and future green infrastructure projects enacted by the City.

With respect to heat island effects, please see the changes to Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR that are summarized in Section 5, Draft EIR Text Revisions of this document.

### Response C1.2

The commenter requests that the Specific Plan be revised to include policies which further reduce vehicle speeds along Adeline. The commenter also suggests that a dedicated bus lane along Adeline be considered to reduce GHG emissions.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. In terms of the suggestion for bus rapid transit, this is a comment on the proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor, such as including a dedicated bus lane. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

### Response C1.3

The commenter asks that the Specific Plan be revised to reflect roadways and sidewalks as public spaces.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. The Specific Plan acknowledges that public space includes streets and sidewalks in addition to medians, public squares, parks and green spaces, playground and infrastructure (as noted in the introductions of Chapter 7 Public Space on p.7-2; and of Chapter 6 Transportation p.6-2).

Marjorie Alvord  
[malvord@mindspring.com](mailto:malvord@mindspring.com)  
 Fri 7/19/2019 4:07 PM

Adeline Corridor Spec Plan draft EIR comments

TO: City of Berkeley, Attention - Alisa Shen/Adeline Corridor Planning Department  
 DATE: July 19, 2019  
 RE: Comments on Adeline Corridor Specific Plan Draft Environmental Impact Report

Given recent reports (see comments on draft Adeline Corridor Specific Plan, attached below, incorporated by reference), would it be more beneficial to the community and decision makers alike for the Adeline Corridor Specific Plan EIR to evaluate some further alternatives, especially permeable surface and vegetation/tree-focused street redesign alternatives, with and without a street lane devoted to public transportation?

A PERMEABLE SURFACE & VEGETATION/TREE-FOCUSED STREET REDESIGN ALTERNATIVE—

What would be the environmental impact of a permeable surface and vegetation/tree-focused street redesign alternative which: [1] eliminated parking bays and medians in the South Shattuck region, making such space available for vegetation, possibly community gardens; [2] included the currently-proposed “public space opportunity areas” and eliminated proposed local drive aisles, in the North Adeline region, and perhaps provided further perpendicular alignment as proposed in a recent Berkeleyside op-ed -- <https://www.berkeleyside.com/2015/06/08/op-ed-mending-the-urban-fabric-on-adeline-street>; [3] eliminated parking bays, low-speed drive aisles and medians in the South Adeline region, perhaps adopting some of the street redesign principals proposed in another Berkeleyside op-ed - <https://www.berkeleyside.com/2017/05/03/opinion-realigning-streets-adeline-corridor-create-pleasant-urban-experience>, making such space available for multiple uses, including greater vegetation and tree canopy and perhaps community gardens?

Could such alternative provide significant relief from urban heat island effects? Might the further narrowing of overall throughways lessen the likelihood of vehicle drivers being inclined to use speeds significantly greater than the 25 mph limit? To what extent is such an alternative more or less consistent with General Plan goals? What would impacts be to projected increases in incidence of flooding events in the Potter Creek watershed area in and near the Plan area? What would impacts be to pedestrian safety and to what extent would such alternative be consistent with the City’s Vision Zero goals? Would such alternative be an environmentally superior alternative using either the LOS analysis or if the legislatively-authorized VMT analysis? What would be the impact if this alternative included a dedicated bus lane?

OTHER COMMENTS AND QUESTIONS ON THE ACSP DRAFT EIR –

Given the City of Berkeley’s declaration of a Climate Emergency and new reports on accelerating global heating (see comments on draft Adeline Corridor Specific Plan, attached below), should the EIR be using VMT analysis to a greater extent? Should the shift to VMT analysis be happening more rapidly in order for the AC Specific Plan EIR to benefit from that analysis and increase the likelihood that decision-makers and community can fully evaluate the impact of the Plan and different alternatives on overall greenhouse gas emissions and climate resilience?

What analysis was used to determine that a dedicated bus lane alternative would “increase traffic in the Plan Area to an extent undesirable?” Does the analysis change if VMT analysis is used and, if so, how?

4

How does the Specific Plan DEIR address cumulative impacts related to potential new transit-oriented development on BART properties? Could such developments north along the Richmond line strain capacity of BART trains to serve new residents' transportation needs, and what might that impact be on passenger car use on local streets in/around the Specific Plan area? Could more congested BART trains result leading to outsized vehicle trip growth (and VMT) in the Adeline Specific Plan area which should be mitigated?

5

Since the AC Specific Plan area is within the Potter Creek watershed and that incidences of flooding within the area, such as happened in 2004-05 when Malcolm X School flooded twice within a 12 month period, and later in 2014, and so forth, are likely to increase with global heating, should the Plan place greater emphasis on permeable surfacing of streets and sidewalks?

Thank you for considering my comments and questions.

Respectfully submitted,  
Marjorie Alvord

To: City of Berkeley  
Date: July 19, 2019  
RE: Comments on Adeline Corridor Specific Plan

Congratulations to all involved for developing the draft Adeline Corridor Specific Plan that, in proposing new alternatives for housing development as well as street redesign to include bicycle infrastructure with some additional open space and street trees, goes a long way to addressing community concerns and interests.

My primary comment/question on the Specific Plan is:

Given the City of Berkeley's declaration of a Climate Emergency, the fact that the U.S. Congress is currently considering such a declaration, recent issuance of reports [fall, 2018, via U.N. Intergovernmental Panel on Climate Change & U.N. Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services] indicating that global heating and environmental degradation is proceeding far more rapidly than many understood, along with a recent Union of Concerned Scientists report [see <https://www.ucsusa.org/sites/default/files/attach/2019/07/killer-heat-analysis-full-report.pdf>] indicating that urban heat island effects pose a public health threat to us all, can more be done in the AC Specific Plan to mitigate those threats, to reduce further area greenhouse gas emissions, to promote greater carbon capture and to build resilience in our community?

It seems that a street redesign which puts even more focus on allocating space to vegetation and the urban tree canopy along with the maintenance of permeable surfaces to the extent possible would better serve the community in mitigating the climate emergency, while building community resilience to global heating. Can a permeable surfaces & vegetation/tree-focused street redesign be considered as an alternative?

The draft Plan makes reference to a Green Infrastructure (GI) Plan which is in progress, scheduled to be completed by fall, 2019. Does this quickly-developing GI Plan mostly fulfill minimum permit compliance obligations? Can the AC Specific Plan be more proactive with GI? Could the ACSP, for example, outline a plan for greater vegetation, tree canopy and pervious surfaces to provide relief from the greater flooding and heat island effects these reports indicate we will likely experience in and near the Specific Plan area? In any event, can the Specific Plan document itself provide greater information on redesign plans and standards for green infrastructure much as the "land use" section of the draft Specific Plan provides information on building design plans and standards?

Another comment related to street redesign is that while the draft Specific Plan acknowledges that vehicle speeds along the major thoroughways often significantly exceed speed limits, it is not clear how the redesign is intended to promote slowed vehicle speeds. Especially in light of the City's Vision Zero goals, can a proposed street redesign include further traffic-slowing features, and/or can such features be more specifically identified in the Specific Plan? Also, perhaps the recent reports of accelerating global heating and the need for aggressive action to reduce greenhouse gas emissions suggest that the idea of a dedicated bus lane along Adeline should be reconsidered.

Finally, the separation of "transportation" from "public space" into different sections may be confusing to some as transportation thoroughways (i.e., roads) are typically public spaces. While useful for analytical purposes, the bifurcation might be seen as unfortunate in this case given the history of public space used for transportation purposes along the corridor as having significantly disrupted the local community. A major question driving the development of the Adeline Corridor Specific Plan has been how to reduce the historic disruption, whether and how to design &/or redesign all public spaces to include a mix of housing, transportation uses, open space,

vegetation/tree canopy, and so forth, for the greatest community benefit. Can the Specific Plan be modified to reflect that roadways and sidewalks are also public spaces?

Thank you for considering my comments.

Respectfully submitted,  
Marjorie Alvord

## Letter C2

**COMMENTER:** Marjorie Alvord

**DATE:** July 19, 2019

### **Response C2.1**

The commenter suggests an additional alternative to the proposed project involving redesigned streetscapes with more trees and vegetation, no parking bays and medians in the South of Shattuck region and the elimination of drive aisles in the North Adeline region.

Please see Response C1.1 for a response to the suggestion of a new alternative. The commenter's opinions related to the policies of the proposed Specific Plan will be forwarded to the City's decision-makers for their consideration.

### **Response C2.2**

The commenter asks if VMT analysis could be used to a greater extent and if the VMT analysis could be happening more rapidly such that it could be considered in the Specific Plan decision making process.

Please see Topical Response D: Transportation/Traffic Impacts.

### **Response C2.3**

The commenter asks what analysis was used to determine that dedicated bus lanes would increase traffic in the Specific Plan to an undesirable extent.

Please see Topical Response D: Transportation/Traffic Impacts.

### **Response C2.4**

The commenter asks how Draft EIR addresses cumulative impacts related to potential new transit-oriented development on BART properties, specifically, impacts of increased BART ridership and passenger car use local streets in the Plan Area.

Section 4.12, *Transportation and Traffic*, of the Draft EIR includes an analysis of impacts related to passenger cars on local roadways. As discussed therein, some impacts to local roadways would be significant and unavoidable with implementation of the proposed Specific Plan due to the increase in passenger vehicle trips. However, the proposed Specific Plan would not conflict with policies, plans, or programs related to public transit, including BART service. A local and regional goal is to promote more housing near public transit. The Specific Plan is designed to implement these regional goals. It is not anticipated that a potential increase in BART ridership associated with the Plan would cause congestion on BART such that more people would choose to drive. As described on the BART website, BART is currently investing in improvements that will increase train frequencies and capacities to meet ridership demand.<sup>3</sup>

### **Response C2.5**

The commenter suggests that the Plan should place greater emphasis on permeable pavement of streets and sidewalks to reduce flooding impacts.

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<sup>3</sup> BART "Transbay Corridor Core Capacity Program" webpage: <https://www.bart.gov/about/projects/corecapacity>

The Draft EIR analyzes impacts related to flooding from stormwater runoff in Section 4.7, *Hydrology and Water Quality*. As discussed in that section, impacts were found to be less than significant.

Rolf Bell  
Rolf.bell12@gmail.com  
6/15/2019 7:43pm

Subject: Adeline Corridor Feedback

1  
Ashby Bart needs to be a combination of high density affordable housing for both young adults & seniors while creating more dynamic open space. Downtown Boulder is an excellent example of out door yoga classes, children's play areas information seating, focused on the pedestrian and not the automobile. The combination of street vendors, foundation, public art, affordable to high end restaurants brings out 100s of people to enjoy each day. Important to increase public transportation options (free shuttle up and down Adeline & Shattuck??) or light street rail while diminishing the enormous amount of space devoted to the auto is ESSENTIAL (jogging paths, bike paths, scooter paths) to transforming the Adeline corridor to a vibrant community destination. Plan an area for outdoor performances (juggling, musicians, dancing, music concerts, etc) and repurpose restaurants with out door seating into the wider sidewalks like Kurfusterndamm, Berlin. But you must take back 40-60% of the space the GM & Ford motor 50s-70s suburban auto planning model has imposed on us.

2  
It will be easy for planners to declare that we must have these wide auto corridors based on current traffic patterns plus parking that the merchants demand; the hard work is to completed re imagine the Adeline corridor with 60% less autos and ten fold to fifty fold the pedestrian traffic which in turn brings **superior** merchant opportunity than an auto based land use approach. CHANGE the paradigm of how we move around Berkeley, not

2 ↑ with AC Transit buses as the main concept but other more user friendly options that have been successful all around the world. Investigate the worlds top 20 pedestrian urban environments and incorporate their best ideas. IF all you do is tweak the givens, throw in a little more high density affordable housing with some minor open space adjustments then you will leave the Adeline Corridor as a wasted opportunity for the next 75 years...

3 REIMAGINE something wonderful that can host a global sidewalk chalk art contest, an annual music concert with a dozen mini stages, 100 Japanese sushi stands with a drumming procession, a global roundtable discussing the 50 most ingenious inventions to combat global warming..., an award event honoring young and old women of color in leadership.or??) recreate a vision as big as landing on the moon in a decade so that the Adeline corridor becomes a vibrant destination full of community events...

If the vision stays wedded to the car, the Adeline corridor will be just what everyone drives thru and never enjoys.

Rolf Bell  
510.540-1111

## Letter C3

**COMMENTER:** Rolf Bell

**DATE:** June 15, 2019

### **Response C3.1**

The commenter provides opinions that Ashby BART should be developed with high density affordable housing, dynamic open space, and that public transportation options (such as a shuttle or light rail) should be provided.

This comment does not pertain to the Draft EIR but provides opinions on how development of the Ashby BART area should occur. The proposed Specific Plan includes policies to increase the amount of public space and public programmed to support community life, economic opportunity and environmental sustainability. The commenter's opinions related to the policies of the proposed Specific Plan will be forwarded to the City's decision-makers for their consideration.

### **Response C3.2**

The commenter opines that the traffic patterns should be shifted and that the City take more extreme measures and implement policies which further increase density, housing affordability and improve pedestrian environments in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C3.3**

The commenter requests that the City consider how new cultural events and festivals could be held in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Tue 6/4/2019 8:24 PM  
Paul Bickmore [paulbickmore@gmail.com](mailto:paulbickmore@gmail.com)  
Improve the Adeline Plan with taller buildings and less parking!

Hello,

After going to the community meeting last week, I have come to oppose the Adeline Plan as it is.

1 | First, minimum parking requirements should be removed. I use Adeline to ride my bike to go grocery shopping, and to walk to and from Ashby BART. Imposing minimum parking requirements punishes me for not driving. It also punishes poor people who may not be able to afford cars: parking is very expensive, and forcing housing providers to build more of it negates the effect of the affordability requirements that distinguish this plan from so many others. Additionally, it is imperative that we not waste space so close to Adeline BART Station. Transit works best when people can walk to it easily, and cars take up a lot of space that could be used for people's homes.

2 | Second, the base allowed building heights are too low. We must recognize that in order to bring down the cost of housing and prevent displacement, the city must look different. We can do more than set a mere three or four stories for the base building height. Most of these lots are deep--we have car dealerships on Adeline!--and the residential buildings nearby are two stories tall and occupy most of their lots. This is perfect for allowing four to six stories as a base height along the corridor.

3 | Third, the maximum base heights as well as density bonus heights should incrementally rise closer to Adeline because many of these lots' Adeline-fronting sides are farther from the residential areas to the east and west. This should coincide with the removal of floor area ratios, restrictions on dwelling units per acre, and maximum lot coverage. If more housing is provided on a site without building higher, this should be encouraged, not restricted. Height should be the governing factor for the buildings along Adeline.

The basic idea of the Adeline Corridor Specific Plan is sound. We need more market rate housing, and we need a lot more affordable housing. But we can do a lot more. Allow taller buildings, without density restrictions, and eliminate all parking minimums.

Thank you,

Paul Bickmore

## Letter C4

**COMMENTER:** Paul Bickmore

**DATE:** June 28, 2019

### **Response C4.1**

The commenter requests that the Specific Plan be revised to remove all minimum parking requirements in the Plan Area and that space close to the Ashby BART station not be wasted.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C4.2**

The commenter states the opinion that the base allowed building heights in the Specific Plan are too low.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C4.3**

The commenter requests that the Specific Plan be revised such that building heights, density and FAR is increased gradually with the highest maximum requirement concentrated along Adeline.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Thu 5/30/2019 3:00 PM

Lee Bishop [bishoplm@gmail.com](mailto:bishoplm@gmail.com)

More housing & safer streets needed in Adeline Corridor Plan

I write to you to express my concerns about the Adeline Corridor Plan. While I am in general agreement with the main goals of the plan, the specific policy proposals for zoning, street width, and affordability will result in less housing than we need and more traffic than we want.

1- WE NEED TO MAXIMIZE HOUSING NEAR TRANSIT: The PLAN does not incentivize enough homes to be built over the next 20 years. In this transit rich area, we need to maximize the number of homes on the corridor and on Ashby BART, not stick with the status quo of low density.

2- WE NEED HOUSING FOR EVERYONE AT ALL INCOME LEVELS: The PLAN does not commit the City to fund the affordable housing we need and deserve in our neighborhood. And the PLAN does nothing to address the housing needs of lower- and middle-income workers (60-120% AMI) who do not qualify for government subsidized housing.

3- WE NEED SAFE STREETS, GREENWAY, AND A WALKABLE NEIGHBORHOOD: The PLAN proposes too many lanes of traffic on Adeline. The highest priorities should be pedestrian safety, bike lanes and green space, NOT accommodating thru traffic.

While I am pleased to see the Plan almost done, it needs significant revisions and therefore the draft needs to be remanded to consider more housing, affordability for all, and fewer traffic lanes.

Sincerely,  
Lee Bishop  
94702

## Letter C5

**COMMENTER:** Lee Bishop

**DATE:** June 30, 2019

### **Response C5.1**

The commenter provides an opinion that the Specific Plan does not incentivize enough homes to be built over 20 years and that housing near transit should be maximized.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C5.2**

The commenter provides an opinion that the Specific Plan does not commit the City to fund affordable housing and do not do enough to address the needs of lower- and middle-income workers.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C5.3**

The commenter states an opinion that the Specific Plan proposes too many lanes of traffic on Adeline Street and that the Plan should prioritize bike infrastructure, walkability, and public transit improvements.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. However, several commenters suggest the Plan include fewer lanes of travel along Adeline or that the Draft EIR include an alternative that involves fewer lanes of travel, this is partially addressed in Topical Response D: Transportation/Traffic Impacts.

Kristal Caidoy  
[kcaidoy@live.com](mailto:kcaidoy@live.com)

Adeline Corridor Specific Plan and Draft Environmental Impact Report (DEIR)

Hi,

1 | I visit Berkeley once or twice a month to visit friends, shop and events. I support the vision of the Adeline Corridor Specific Plan. I bicycle on Adeline because it is the fastest way for me to get from North Berkeley to South Berkeley. I some times use the adjacent bike blvds. Adeline has potential to be more than an urban village. I see potential for bicycle tracks and bus rapid transit along this corridor to get residents, workers, homeless, students and everyone to and from Berkeley. The weather here is great to be outdoors. Affordable housing for all and create policies to help residents stay if they want. Air pollution is a major concern, so we need people using transit, walking, biking, scooter-riding and etc.

Kristal Caidoy

## Letter C6

**COMMENTER:** Kristal Caidoy

**DATE:** July 19, 2019

### **Response C6.1**

The commenter states the opinion that they support the vision of the proposed Specific Plan and describes the potential for bicycle tracks and bus rapid transit along the corridor. The commenter also expresses support for affordable housing and alternative transit to reduce air pollution.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. In terms of the suggestion for bus rapid transit, this is a comment on the proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor, such as including a dedicated bus lane. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

Michael Caplan  
[michaelcaplant@comcast.net](mailto:michaelcaplant@comcast.net)  
 6/30/2019 5:17PM

Comment on Draft Adeline Corridor Specific Plan

Dear Ms Shen -

As a resident of Harper Street in South Berkeley for the past 32 years, I commend you and the entire City Team for developing and moving forward with this Draft Adeline Corridor Specific Plan. In general, I think the Plan fairly captures the neighborhood's history, needs and opportunities.

**The Adeline Corridor Plan should include more specific and detailed language regarding the need and opportunity to provide affordable housing options for 'moderate income' households (80%-120% of AMI) - often referred to as 'workforce housing'.**

The Plan's emphasis on creating more affordable housing along the Corridor is excellent and the 50% affordability goal is both laudable and inspiring. The Plan's affordability discussion appropriately emphasizes the needs of low and very low-income households while noting that a variety of income levels will be addressed in meeting the 50% affordability goal. However, the Plan would benefit from a more active discussion of the value and need for workforce housing as an important part of that mix. The real challenge is that creation of new housing with a 'moderate' level of subsidized affordability is not possible through most available funding sources. Private developers generally ignore the moderately affordable price point in favor of more expensive units. Consequently, as was pointed out at the recent public meeting, this type of housing just isn't being produced in Berkeley at the present time. This Plan is the opportunity to specify how to do this in more detail.

Families in households with 'moderate incomes' include school teachers, nurses, government workers, small business people and other workers who provide critical services to our community and support our local economy. As we all know, Berkeley is now experiencing huge unmet housing demand from such people - including many who have roots in South Berkeley. In recent years this has forced innumerable families and individuals to move out of Berkeley permanently, or required them to make long and



unsustainable commutes. While South Berkeley has historically been a neighborhood where working families were able to find housing opportunity, this is sadly no longer the case. To better address the issue of unmet housing demand across the affordability spectrum, the Adeline Corridor Plan should include more detailed and clearly articulated language specifying income-restricted workforce housing as an important part of its visionary affordable housing goal.

Thank you,

Michael Caplan

## Letter C7

**COMMENTER:** Michael Caplan

**DATE:** June 30, 2019

### **Response C7.1**

The commenter requests that the Specific Plan be revised to include more detailed language and policies to provide affordable housing options for moderate income households or “workforce housing”.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Julia Cato  
[otacja@yahoo.com](mailto:otacja@yahoo.com)  
Fri 7/19/2019 4:35 PM

Adeline Corridor Plan Draft EIR

First, I would like to say that I wholeheartedly support and endorse the comments on the Adeline Corridor Plan Draft EIR submitted by the Friends of Adeline. Their document is both thorough and compelling.

1 | It is particularly critical to protect the community residing in this area from any further displacement. This community has a rich history and it is well worth preserving. We need the people who live there to be able to stay; it will make the whole city culturally and humanly richer to keep these current residents in their community. Indeed, why go to all the trouble of "developing" a district if it is not for the benefit of the people who are living there? Who else should benefit? Why should all of this be created for people who are not currently residents of the area, and most likely not even currently citizens of Berkeley?

So who benefits from the Plan as it is currently proposed [aside of course from the developers and their cohorts]? Not apparently the current residents . Clearly, the people most affected should benefit far more than they appear to in the current Plan.

I expect you to heed the concerns of Friends of Adeline expressed in their document and that you make the changes proposed by them.

2 | Furthermore, as a longtime tenant and tenant advocate, I also insist that you do not demolish a single unit that is currently protected by rent control. Our stock of these valuable [to the community] units is dwindling, and we must do everything we can to preserve them, especially in communities with lower incomes. I am sure that there are many such units in the area the Plan covers. Protect them!

Julia Cato  
Steering Committee Berkeley Tenants Union; CARA; BCA; Gray Panthers

"An imbalance between rich and poor is the oldest and most fatal ailment of all republics." Plutarch  
"First they ignore you. Then they laugh at you. Then they fight you. Then you win."

--Mahatma Gandhi

## Letter C8

**COMMENTER:** Julia Cato

**DATE:** July 19, 2019

### **Response C8.1**

The commenter expresses concern over displacement and states general disagreement with the Specific Plan policies and suggests that the Specific Plan does not serve the existing community. The commenter references the concerns presented by Friends of Adeline.

Please see Topical Response B: Population, Housing, and Displacement Impacts for a response about displacement insofar as it relates to the environmental analysis. As described in Topical Response F: Specific-Plan Related Comments, opinions about the Specific Plan content will be forwarded to City decision-makers for their consideration. For a response to the concerns raised by Friend of Adeline, please see the responses to Letter B9.

### **Response C8.2**

The commenter objects to the demolition of rent controlled apartment units.

The proposed Specific Plan does not involve individual projects that would lead to the demolition of rent controlled units. Please see Topical Response B: Population, Housing, and Displacement Impacts for additional information.

Battles Family  
[battles.ca@sbcglobal.net](mailto:battles.ca@sbcglobal.net)  
Thu 7/18/2019 8:51 PM

Adeline Corridor DEIR

Dear Ms. Shen,

I very much appreciate the years of work you have put into the Adeline Corridor Plan. I agree with the plan to modify the roadway and the attempts to improve pedestrian and bike routes. I appreciate the measured increase in density and do not agree with those who want much more housing. My main concerns are with the Cultural/Historical Chapter and the Land Use Chapter as follows:

1. The DEIR states that there will be less than significant impact to the Cultural Resources of the area because of "adherence to the City's General Plan policies, existing City requirements, and to the strategies and vision of the proposed Specific Plan". However, neighborhood groups have never been successful in using these plans to influence ZAB decisions. Planning Director Burroughs himself has said that the General Plan and Area Plans are not enforceable because they are not implemented in the Zoning Ordinances. Cultural Resources and historical centers stand to be decimated without specific protections.
2. I do not see how the height limits proposed will be enforceable, especially when several buildings have already been proposed (and some already approved) that exceed the height limits. These higher buildings are already being used by developers to justify more development beyond the limits set by the plan.
3. I am also concerned that there does not seem to be adequate plans to achieve the goal of 50% affordable units in the Adeline Corridor and I would like to see more requirements for affordable units in every multi-family development in the Corridor.

Thank you for this opportunity to comment,

Janis Ching

## Letter C9

**COMMENTER:** Janis Ching

**DATE:** July 18, 2019

### **Response C9.1**

The commenter claims that the General Plan and Area Plans are not enforceable because they are not implemented in the Zoning ordinance. The commenter expresses concern that if Specific Plan policies are not enforceable, important cultural resources within the Plan Area will be destroyed.

The proposed Specific Plan includes changes to the zoning ordinance that would be made to implement the provisions of the Specific Plan. Future projects in the Plan Area would be subject to the applicable provisions of the Specific Plan as codified in the City's Municipal Code. As discussed in Section 4.2, *Cultural Resources*, of the Draft EIR, future projects that may affect cultural or historic resources would be subject to review by the City's Landmark Preservation Commission prior to approval.

### **Response C9.2**

The commenter expresses concern for the increased building height currently being proposed in the Plan Area and asks how height limits included in the Specific Plan will be enforced. The commenter claims that several buildings have been proposed that exceed height limits.

Development projects in Berkeley that are subject to discretionary approval are reviewed for consistency with the applicable General Plan and zoning regulations by the City's Planning Department and by City decision-makers. If State Density Bonus concessions or exceptions to the height limits (allowed under the existing zoning regulations) are proposed, these are also reviewed and approved by City decision makers at the time they are considered.

### **Response C9.3**

The commenter expresses concern about reaching the Specific Plan goal of 50 percent new affordable units in the Plan area and requests that the Specific Plan be revised to include more requirements for affordable housing units in every new multi-family development in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Larisa Cummings  
[pidcummings@gmail.com](mailto:pidcummings@gmail.com)  
Thu 7/18/2019 7:24 AM

Comments on draft EIR and specific plan

Thanks for the opportunity to comment. I have two main concerns.

1 One, I do not "buy" having to trade less density for more affordability because this has been presented to us without any hard evidence -- no studies, nothing except a ppt by a person (I forgot his name) who backs up the numbers by what he claims would have to be done to attract developers. I saw his presentation twice - once at the planning commission meeting (I watched the video) and same at the S. Berkeley Sr Ctr meeting after the plan was released. If we follow his logic, which we are asked to do, we could end up with only 20% "affordable" at less density - less density that perhaps we need to avoid extra disasters (see below) - in no uncertain terms the overarching goals of the plan to preserve the character of this community would be defeated. Gentrification would not only continue, this would seal the deal.

2 Second, the EIR is very thin on how much housing is truly manageable -- especially regarding infrastructure. For example, on the question of the schools, it simply says that they will get additional funding. Is it enough? What does the district say would be needed if x or y additional children live here? The EIR estimates only 200 some. How was that figure arrived at? We have already seen heavy impacts on the district when the recession hit in 2008, actually losses of revenue and losses of programming as the wealthier put their kids in the public schools and Title 1 funds were lost. The wealthier did not make up the difference. Also and most concerning, the EIR is practically devoid of basic analysis of emergency services, especially in connection with disasters. Berkeley and other cities in the East Bay between the water and the hills are particularly vulnerable due to reduced escape routes. Adeline is acknowledged to be one. The EIR states only that there will still be capacity for emergency vehicle to pass. What about all the people fleeing? What about the hospitals and other emergency services? We live in a high risk city. There really is a limit to how many people can live here. Without further analysis, the EIR is totally inadequate.

3 Larisa Cummings  
2913 Newbury Street

## Letter C10

**COMMENTER:** Larisa Cummings

**DATE:** July 18, 2019

### Response C10.1

The commenter expresses general dissatisfaction with the housing and density policies proposed in the Specific Plan.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### Response C10.2

The commenter claims that the Draft EIR inadequately addresses impacts to infrastructure and schools. The commenter raises concerns about school funding with the addition of students under the Plan.

As noted on pages 4.11-12 and 4.11-13 of the Draft EIR, implementation of the Specific Plan would result in the addition of approximately 277 new students (based on BUSD's blended student generation rate of 0.191 for all housing types). These students would be distributed throughout the schools that serve the Plan Area depending on their grade level and on their location.

Depending on which school the new students attend, the increase in students could create capacity issues for these schools or exacerbate existing capacity issues. However, pursuant to Senate Bill 50, applicants for individual development projects would be required to pay school impact fees established to offset potential impacts from new development in the Plan Area on school facilities. Moreover, under SB 50 payment of such fees is "...deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, pursuant to CGC §65994(h), impacts relating to school capacity would be less than significant.

### Response C10.3

The commenter claims that the Draft EIR inadequately addresses impacts related to evacuation routes.

Impacts related to physical interference with emergency evacuation routes are discussed on pages 4.6-12 and 4.6-13 of the Draft EIR.

Adeline Street is designated as an emergency access route to move people and emergency response equipment in a disaster. General Plan Policy T-28 identifies actions for emergency access. These include not installing diverters or speed humps on streets identified as Emergency Access and Evacuation Routes. While traffic increases associated with buildout of the Specific Plan would affect streets within the Plan Area, Adeline Street, Ashby Avenue, and Shattuck Avenue would still serve as evacuation routes in case of emergency.

Furthermore, as discussed in Section 4.12, *Transportation and Traffic*, of the Draft EIR, although the Specific Plan envisions narrowing through lanes along the corridor to 10 or 11 feet, and elimination of travel lanes along some segments of Adeline Street, the corridor would continue to accommodate fire equipment and emergency response vehicles sufficiently that the effectiveness of the streets as Emergency Access and Evacuation

Routes would be maintained. The Specific Plan would continue to provide multiple access points throughout the Plan Area for emergency vehicles.

Therefore, the Specific Plan does not include policies or programs that would impair or interfere with emergency response or emergency evacuation. Impacts would be less than significant.

Letter C11

July 19, 2019

To: Alisha Shen, Planning Department  
From: Shirley Dean  
Re: Comments re Adeline Corridor Specific Plan  
Via: E-mail: [alelinecorridor@cityofberkeley.info](mailto:alelinecorridor@cityofberkeley.info)

Dear Ms. Shen,

I know you are aware of the importance of the Adeline Corridor Specific Plan (ACSP), and I want to begin my comments by thanking you for the extension of time to hear from the public. It is very much appreciated.

From my experience of four years on the Planning Commission and Board of Adjustments (now called the Zoning Adjustments Board), 15 years as a Council Member, and eight years as Mayor, I have seen a great many plans for the area which is now covered by the ACSP. As you know, this area was once a thriving retail-commercial area surrounded by pleasant neighborhoods made up of tree-lined streets and well-cared for homes. BART construction devastated the commercial vitality of much of the area and various revitalization plans and proposals subsequently failed, including a proposal for designation of the area as a redevelopment area such as the one in West Berkeley. While this left many residents and businesses feeling that while they were pleased that some proposals failed, the true solutions of their problems were being ignored. Throughout the various proposals, many of the residential neighborhoods remained strong and inviting places. However, more recently, because of their relative affordability, the pleasant residential neighborhoods that surround the commercial areas became more and more attractive to high income individuals who began to displace long-term residents. Today, the City of Berkeley has become well-known throughout the country for its high housing prices as people fled the housing problems of San Francisco and environs, and find there is insufficient housing being built in communities close to Silicon Valley. Even the *Daily Cal* recently pointed out that students have been driving out residents when they pool their funds as the UC Berkeley campus increases enrollment, but does not provide housing. It is well known that significant displacement has resulted. This displacement must be reversed for the sake of everyone in Berkeley. I am concerned that the ACSP does not adequately address this issue.

One of the Five Strategic Goals of the Plan is to preserve and promote adaptive re-use of historic structures. That's admirable and it should be a goal, but it should, in addition, recognize that preserving the existing historic neighborhoods of the area should be included within that goal. Structures are important, but the structures that comprise the neighborhood both in their appearance and occupancy is the historic foundation for the neighborhoods that must be preserved in today's world. This is important throughout the abutting residential neighborhoods but especially for the transition zone between commercial and residential. Where are the protections for privacy, adequate sunlight and noise between the two? I note in the ACSP that structures along the commercial areas will be eligible to receive density and height incentives if they provide a larger percentage of affordable housing. Within the ACSP, without incentives, those building can rise as high as 5, 6 or 7 stories depending upon location. I do not see that the impacts with or without those additional height or density incentives on nearby lower height uses will be even studied, let alone mitigated. Adverse impacts from too high or too large developments could well result on lower nearby/adjacent commercial uses or residential uses.

1  
↓

1 ↑

These could also include the creation of shadowed corridors along sidewalks that rob pedestrians and residents in other multi-unit buildings of the vitality that sunshine brings to an area. Good planning should not create a wall of high buildings, nor negatively impact on adjacent existing uses.

2

I also note that the requirement for multi-unit buildings to pay either an affordable housing mitigation fee or include affordable housing units on-site remains. I strongly recommend that the plan advocate for including affordable housing units on-site. The payment of a fee to put the units at some other location results in years of delay that such housing gets built, if ever. To date, the City of Berkeley has not constructed the number of affordable housing units established by ABAG housing requirements in spite of fees paid by developers of a significant amount of new construction. I understand that state law gives the developer a choice as to paying a housing mitigation fee or building the units on site. However, I suggest that due to the fact that this causes very long delays in building affordable housing, that the City of Berkeley formally seek exemptions from that law so that housing that serves diverse incomes can be built on site. One reason for such an exemption might well be the historic nature of the neighborhoods that are involved and the heavy displacement and destruction of those neighborhoods that has been, and is, taking place, most particularly in this area. The least the City can do is to try and the least the ACSP can do is to ask that it be done, as well as to cite incentives for on-site inclusion of affordable housing be considered.

3

One such incentive might be a community benefits fee. Where multi-story buildings are going to be allowed there should be a community benefit fee, which possibly could be waived in whole or part, if the developer chose to place a range of affordable housing units on site. Or, in the instance where a community benefit fee was not waived, such funds must be for use ONLY within the ACSP area to support recreation, education, health, or senior services, etc. that might be provided by non-profit organizations. I think a flexible approach allowing a range of conditions, some waived, some imposed, but which would be tailored specifically to the location of the proposed structure would be advisable. Berkeley is a built-up city and conditions vary from block to block. One size does not fit all, and I would like to see that that such flexibility exists. It might be argued that developers require a certain certainty in having their proposals reviewed. That might be countered by establishing design guidelines and timelines for review. Good planning principals should be established and the flexible approach attempted. I don't see any of this addressed in the ACSP.

4

I also see that the ACSP states that "preference" in new housing should be given to local residents. While that might work for residents who have not been displaced and who still live within the area, it probably will only be a pipe dream for those who have been displaced and found homes elsewhere. For those who have been displaced and are currently homeless, there should not be a "preference" there should be a guaranteed right. In fact, this should be a guaranteed right for any person who can establish that they were displaced from their former home.

5 ↓

In terms of the current flea market, I see that the ACSP proposes that it could possibly exist in a future plaza. I would recommend that its exact location be determined, so that the community and the managers of the market have some certainty of the future. It would seem to

5 ↑ me that the current location is best, but the residents should be involved in that decision. I would also recommend that the market become diverse in that it should begin to significantly expand their activities concerning food and art choices over and above what they are now doing. This would give more residents a chance to earn additional income but it also should aim at giving start-up entrepreneurs a stronger pathway to future success. Public art installations are good, but better yet, are artisans selling their wares in what would become a destination spot easily reached by people using BART from all over the Bay Area. That's an exciting and unique economic boost to an area that cannot be matched by shopping in any retail store, even those that are high-end. Strengthening such a unique feature will require greater attention by not only the City but the flea market managers and vendors themselves and the neighborhoods. It can be done, and the ACSP needs to place more emphasis on promotion of such an approach. If located at the BART Station it could easily incorporate the existing cluster of antique shops into a center into a sustainable, exciting shopping experience that would be a retail destination without huge buildings and large parking lots.

6 It is recognized that the area is park and open space poor. This should be treated in the ACSP as a priority item as recent study after study have shown the great physical and mental health benefits, particularly for children, of parks and open spaces that are easily accessible from every residential neighborhood. Gardens on tops of roofs may meet open space requirements for residents of specific multi-family apartment buildings, but they do not meet the needs of a whole area. Parks and open spaces are vital parts of a specific plan to serve a whole area and their locations should be planned and mapped just as commercial and residential uses are mapped. While that may not be possible at this point in time to do, general locations and numbers should be described in the ACSP, so that the detailed work will not be lost in the future.

7 Lastly, the ACSP is deficient in that it does not define a way for the plan to proceed in the future. Previous plans have gone astray when the activity of writing, reviewing and approving a plan dies down and is left in the hands of future decision makers who as time goes by will not have participated in or even known about the origins of the adopted plan. Please consider establishing a continuing group made up of business owners, residents (homeowners and tenants), and service providers who will act as an oversight group to ensure that the adopted plan is implemented as intended. This is a new idea but one that merits some consideration because it marries history and the here and now with a vision for the future.

Thank you for your consideration of these views,

Sincerely,  
Shirley Dean  
[Shirley.dean@sbcglobal.net](mailto:Shirley.dean@sbcglobal.net)

## Letter C11

**COMMENTER:** Shirley Dean

**DATE:** July 19, 2019

### **Response C11.1**

The commenter states an opinion that existing that existing neighborhoods should be preserved and that there should be protections for privacy, adequate sunlight, and noise. The commenter expresses concern for compatibility between buildings with heights as up to seven stories next to buildings with lower heights.

Impacts associated with increasing building heights in the Plan Area were analyzed throughout the EIR, including in Section 4.9, *Noise*, where impacts associated with operational noise were found to be less than significant. With respect to shadows and sunlight access, please refer to Topical Response A: Aesthetics Impacts. Presence of additional residences in close proximity to existing residences may incrementally reduce privacy levels; however, privacy is not an environmental issue and is therefore outside of CEQA's purview. Nonetheless, decision-makers may consider quality of life issues such as loss of privacy for nearby residents when making a decision on future projects in the Plan Area.

### **Response C11.2**

The commenter requests that the Specific Plan be revised to include policies which further promote construction of affordable housing units instead of payment of in lieu fees.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C11.3**

The commenter requests that the Specific Plan be revised to include a community benefit impact fee on new development within the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C11.4**

The commenter requests that the Specific Plan be revised to include policies which give preference for residents who have been displaced from the Plan Area as well as those who are homeless.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. Please also refer to Topical Response B: Population, Housing, and Displacement Impacts for responses to comments about displacement impacts as analyzed in the Draft EIR.

### **Response C11.5**

The commenter requests that the Specific Plan be revised to identify a specific location for the Flea Market.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C11.6**

The commenter requests that the Specific Plan be revised to include a map showing the location of future and proposed open space within the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. In addition, please refer to Topical Response C: Parks and Recreational Facilities Impacts for responses to comments about parks and open space impacts and Section 5, Draft EIR Revisions, for a figure showing the location of parks and open space facilities in the vicinity of the Plan Area.

### **Response C11.7**

The commenter requests that the City establish a citizen advisory group to oversee implementation of the Specific Plan.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

May 30, 2019

Landmarks Preservation Commission  
Fatema Crane, Secretary  
Land Use Planning Division  
1947 Center Street  
Berkeley, CA 94704

RECEIVED

MAY 30 2019

LAND USE PLANNING

Planning Commission  
Alene Pearson, Secretary  
Land Use Planning Division  
1947 Center Street  
Berkeley, CA 94704

Alisa Shen  
Planning Department  
1947 Center Street, 2nd floor  
Berkeley, CA 94704

**Re: Adeline Corridor Draft Plan and Draft EIR**

Dear commissioners and staff members:

This is to make various comments, involving historic resources, about the Draft Adeline Corridor Specific Plan and the related Draft Environmental Impact Report. These remarks are by me as an individual citizen (and do not purport to be by or for any organization with which I'm affiliated).

Though historic resources are a major and vital aspect of the plan area, the draft plan's portion that's titled "Historic Resources, Historic Preservation, and Adaptive Reuse" disappointingly is itself just a three-page subchapter and includes various mistakes and unclarities.

1 While that subchapter's first regular sentence (on page 3-19) claims that "Figure 3.3 shows the [sic] many structures of historical merit that exist in the Adeline Plan Area," that sweeping claim is quite wrong. The plan area likely contains many historically meritorious structures that Figure 3.3 *doesn't* show. Indeed the same page 3.19's own last paragraph implicitly admits this.

Figure 3.3's very title—"Known and Potential [sic] Historic Resources"—is misleading. This map confusingly applies its own broad-sounding "Potential Historic Resource" category to *just four* buildings. The plan area very likely also contains various *other* such resources.

2 An attempted rationale is given by this footnote to the Draft EIR's Table 4.3-2 (which table lists just four potential resources): "This table reflects potential significance for [*just?*] architectural merit and retention of integrity based on reconnaissance survey only." And how hasty was that recon?

3 The draft plan's Figure 3.3 unfortunately fails to apply its own "Landmark/Structure of Merit" category to three properties that, within quite recent years, *have* been so designated:  

- Hull Undertaking Co. & Little Chapel of the Flowers (Landmark), at 3031-51 Adeline Street;
- University Laundry (Landmark), at 2526 Shattuck Avenue;

↓

3,  
cont.



- George A. Mattern/Berkeley Bank Building (Structure of Merit), at 2500 Shattuck.

As for properties that Figure 3.3 calls “Known [sic] Contributor to [sic] Historical District,” this map depicts *only some* of these properties as being *within* areas that it shows as “Historical Districts Listed in the California Register.” It depicts the several *other* allegedly known contributors as being *outside of* any historical district that this map shows. So *what* historic district or districts (maybe ones that are plausible but haven’t yet been listed in the California Register?) do or would those other contributors contribute *to*? Compounding the confusion is how a sentence on the Draft EIR’s page 4.3-25 says, “Three [sic] potential [sic] historic districts are present in the Plan Area, illustrated in Figure 4.3-2.” But the ensuing sentence says that these are areas that already *have* been determined eligible as such. *This whole matter needs clarifying.*

4

One of Figure 3.3’s depicted “Known contributor[s] to Historical District” is the (now-Landmarked) University Laundry building at 2526-30 Shattuck—which is near to the (not so depicted but in fact now Structure of Merit-designated) George A. Mattern/Berkeley Bank Building at 2500 Shattuck. Nearby along Dwight are three long-designated Landmarks: the Barker Building at the northwest corner of Dwight and Shattuck, the Luther M. Williamson Building at 2120-22 Dwight, and the Williams Building at 2128 Dwight. Even though two of those buildings are slightly outside the plan area, the situation here leads me to suggest designating a historic district that would include Shattuck’s west side from Blake to at or near Haste Street, *and* Dwight’s south side from a parcel’s depth west of Shattuck to somewhere east of the Williams Building.

The result could be named the *Dwight Station Historic District*. It would valuably celebrate the (originally rather isolated) commercial cluster that long ago formed around the old interurban rail line’s station here. And as such it would tellingly complement the two comparable historic districts that Figure 3.3 already depicts where commercial clusters formed around the rail line’s other stops within the plan area: Newbury Station (at Ashby) and Lorin Station.

As for the *Lorin Historic District*, which Figure 3.3 shows as including just a single block face, I suggest somewhat extending it. One such extension could include within it the building that used to be a cinema called the Lorin Theater and, as such, historically was quite important to the area’s commercial identity.

5

Looking now at the Draft EIR’s Table 4.3-1, it has at least three mistakes to correct:

- The table fails to indicate the “BLM” (Landmark) status of the Hull Undertaking Co. & Little Chapel of the Flowers property at 3031-51 Adeline;
- It fails to say “BLM” for the now-Landmarked University Laundry at 2526-30 Shattuck;
- It totally omits the George A. Mattern/Berkeley Bank Building at 2500 Shattuck, which should be coded as “BSOM” and arguably also as “3D.”

Table 4.3-1 lists Berkeley Iceland with code “BLM,” which is correct, but also with code “1S,” which seems inaccurate. The table’s “1S” code means “Individually listed in the NRHP & [sic] CRHR.” Iceland *is* listed in the *California Register*. But if I remember correctly, the property owner objected to listing and, as a result, for the *National Register* Iceland was *only found eligible*. For this situation, Table 4.3-1 may need a new status code.



5,  
cont.

On the Draft EIR's page 4.3-15 the statement that "Eight also [sic] have City . . . Landmark status and one [meaning the Hoffman Building at 2988-90 Adeline] is a . . . Structure of Merit" should be changed to "Nine have Landmark status and two are Structures of Merit." This change involves now recognizing that 2526-30 Shattuck is a designated Landmark and 2500 Shattuck is a designated Structure of Merit.

The Draft EIR's Figure 4.3-1 has at least these problems:

- It fails to show the now-Landmarked University Laundry at 2526-30 Shattuck as a "Known [not 'Potential'] Historic Resource."
- It totally omits 2500 Shattuck (now a Structure of Merit), which it should call a "Known Historic Resource."
- The map's *title* is confusing and relates unclearly to the map legend's categories.
- The map's "Potential Historic Resources" is quite problematic—for reasons that I've stated above in commenting on the Draft Specific Plan's own map category "Potential Historic Resource."

All-caps text of the Draft EIR's "Impact CR-1" says the plan area contains "25 KNOWN HISTORICAL RESOURCES," but that "25" should be increased for consistency with above-explained needed revisions in Table 4.3-1. The same change should be made to the number "25" within the regular text that's immediately below Impact CR-1's all-caps wording.

Sincerely,

JOHN S. ENGLISH

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

## Letter C12

**COMMENTER:** John English

**DATE:** May 30, 2019

### Response C12.1

The commenter states an opinion that the historic resources provisions in the proposed Specific Plan are too brief and contain multiple mistakes. The commenter asserts that Figure 3.3's title of "Known and Potential Historic Resources" is misleading and is limited to just four buildings when the Plan Area likely contains other such resources.

The commenter's opinions about the historic resources protection provisions in the proposed Specific Plan are noted. They are not comments on the Draft EIR but will be forwarded to the City's decision makers for consideration as described in Topical Response F: Specific Plan-Related Comments.

The commenter is correct that the Plan Area could contain additional historic resources; however, other potential historic resources have not been identified at this time. Although the Specific Plan and Draft EIR show only known and potential historic resources, that does not mean that other such resources cannot be identified at a later date. This information is provided to show the existing conditions of the Plan Area as currently known.

### Response C12.2

In reference to the footnote on Table 4.3-2 of the Draft EIR, which shows potential historic resources based on a reconnaissance survey, the commenter asks about the timeframe of the survey.

The reconnaissance survey referenced is a windshield survey by JRP Historical Consultants conducted in 2015 as part of the 2015 Existing Conditions report and is described in Section 4.3.5 of Chapter 4, Land Use, of the Existing Conditions Report.

### Response C12.3

The commenter asserts Specific Plan Figure 3.3 does not include three properties that have been designated as "Landmarks/Structures of Merit" in recent years.

The resources shown in Figure 3.3 of the Draft Specific Plan were based on information provided in the Existing Conditions report prepared in 2015. The commenter correctly identifies three properties that have been designated as Landmark/Structure of Merit since 2015. In response to this comment, Figure 3.3 of the Draft Specific Plan has been revised to reflect this information and is reflected in the next draft of the proposed Specific Plan (See Topical Response F. Specific Plan-Related Responses for this revision). In addition, Figure 4.3-1 on Page 4.3-16 and Table 4.3-1 in Section 4.3 *Cultural Resources* of the Draft EIR have been revised to reflect this information (See Chapter 5, *Draft EIR Text Revisions* of this document).

Notwithstanding this revision, the findings and conclusions of the Draft EIR which found that impacts to historic structures would be less than significant with implementation of Plan policies and compliance with existing City of Berkeley regulations is still accurate.

**Response C12.4**

The commenter expresses confusion about the historical districts labeled in Figure 3.3 of the Draft Specific Plan and in the Draft EIR and provides opinions about the names and locations of potential historic districts in the Plan Area.

As shown in Figure 4.3-2 in Section 4.3, *Cultural Resources*, and described on Page 4.3-18 of the Draft EIR, the districts are have been identified as eligible for potential listing on the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) but have not yet been listed as such. Nonetheless, as described in Impact CR-1 of the Draft EIR, the analysis takes into account potential historic districts in the analysis and determines that impacts to historic districts would be less than significant.

**Response C12.5**

The commenter asserts that there are errors in Table 4.3-1 and Figure 4.3-1 of the Draft EIR regarding the designation status of historic resources.

The commenter is correct, and Table 4.3-1 in the Draft EIR and Figure 4.3-1 have been revised in response to this comment. Please refer to Section 5, *Draft EIR Text Revisions*, for these changes. Figure 3.3 of the proposed Specific Plan has also been updated and the updated figure will be shown in the next draft of the proposed Specific Plan. Nonetheless, the corrections to the table and the figure do not change the findings or conclusions of the Draft EIR.

**Shen, Alisa**

**From:** John English <johnenglish94704@gmail.com>  
**Sent:** Sunday, June 02, 2019 4:56 PM  
**To:** Crane, Fatema; Pearson, Alene; Shen, Alisa  
**Subject:** Adeline Corridor Documents

Landmarks Preservation Commission  
 June 2, 2019

Fatema Crane, Secretary  
 Land Use Planning Division  
 1947 Center Street  
 Berkeley, CA 94704

Planning Commission  
 Alene Pearson, Secretary  
 Land Use Planning Division  
 1947 Center Street  
 Berkeley, CA 94704

Alisa Shen  
 Planning Department  
 1947 Center Street, 2nd floor  
 Berkeley, CA 94704

Re: FURTHER COMMENTS ON ADELINE CORRIDOR DOCUMENTS

Dear commissioners and staff members:

Though during the last few days I've already sent you various comments about the Draft Adeline Corridor Specific Plan and/or Draft EIR, I now have these additional remarks.

The documents leave unclear the specific status of HISTORIC DISTRICTS and contributors thereto. The Draft Plan's page 3-19 claims that Figure 3.3 shows "the . . .

[plan area's] existing [sic] historic districts." That map itself indicates them as "Historical Districts listed [sic] in the California Register" (and depicts "Known contributor[s] to Historical District").

The Draft EIR's Figure 4.3-1 classifies these three areas as "Known [sic] Historic Resources." But Figure 4.3-2 calls these areas just "CRHR or NRHP- Eligible [sic] Historic Districts." And a sentence in the middle of page 4.3-25 refers to them as just "potential [sic] historic districts."

Language on pages 4.3-18 and 4.3-25 appears to say that those three areas have been determined "eligible [sic]" for California Register OR National Register status. Page 4.3-18 says that those determinations were made in 2005 or 2006 "by the OHP [Office of Historic Preservation]." But did and does official determination of eligibility ALSO require action by the State Historic Resources Commission itself?

The Draft Plan's page 2-23 claims that the Lorin District is a "state-registered [sic] historic district." But is this really accurate?

Finally, I'm now unsure what code the Draft EIR's Table 4.3-1 should indicate for Berkeley Iceland. On page 2 of my May 30 letter to you I said that because the property owner had objected to listing, Iceland was regarding the National Register merely found eligible--but that it did get actually listed in the California Register. (I seem to recall being told so

↑some years ago, at about the time when the Iceland nomination was being considered.) But City staff should now check to see whether or not owner objection can veto actual listing in the California Register.

John S. English

2500 Hillegass Avenue, Apt. 3

Berkeley, CA 94704-2937

## Letter C13

**COMMENTER:** John English

**DATE:** May 30, 2019

### Response C13.1

The commenter claims the Specific Plan and Draft EIR make are unclear regarding the status of historic districts in the Plan Area. The commenter suggests a sentence be added to Page 4.3-25 to reference to them as potential historic districts.

As stated on Page 4.3-25 of the Draft EIR: “Three potential historic districts are present in the Plan Area, illustrated in Figure 4.3-2. The City of Berkeley has not formally established these areas as historic districts, but they have been determined to be eligible as historic districts and are, thus, considered historical resources under CEQA.”

### Response C13.2

In reference to text on Page 4.3-18 and 4.3-25 of the Draft EIR which lists areas determined to be eligible historic districts, the commenter asks if an official determination of eligibility requires action by the State Historic Resources Commission (SHRC).

The areas were determined to be potential historic districts, but no formal action has been taken by the SHRC on these areas to at this time.

### Response C13.3

The commenter asks for confirmation that the Lorin district is a state-registered historic district.

The Lorin district is not a state-registered historic district at this time, but is a potential historic district. As stated in the Draft EIR, there are three areas that have been determined eligible historic districts by the Office of Historic Preservation, but they have not been officially designated as such at this time.

### Response C13.4

The commenter requests that City staff confirm whether the property owner of Berkeley Iceland has the power to veto listing of the property on the California Register of historic places.

According to the OHP website, “consent of owner is not required, but a resource cannot be listed over an owner’s objections. The SHRC can, however, formally determine a property eligible for the California Register if the resource owner objects.<sup>4</sup>” Nonetheless, if a property is listed on the NRHP it is automatically listed on the CRHP. Therefore, the Berkeley Iceland property is listed on the CRHR.

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<sup>4</sup> California Office of Historic Preservation. California Register of Historical Resources webpage. Available: [http://ohp.parks.ca.gov/?page\\_id=21238](http://ohp.parks.ca.gov/?page_id=21238)

**Pearson, Alene**

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**From:** John English <johnenglish94704@gmail.com>  
**Sent:** Friday, May 31, 2019 10:49 PM  
**To:** Crane, Fatema; Pearson, Alene; Shen, Alisa  
**Subject:** MORE COMMENTS ON ADELINE CORRIDOR DRAFT PLAN

Landmarks Preservation Commission  
May 31, 2019

Fatema Crane, Secretary  
Land Use Planning Division  
1947 Center Street  
Berkeley, CA 94704

Planning Commission  
Alene Pearson, Secretary  
1947 Center Street  
Berkeley, CA 94704

Alisa Shen  
Planning Department  
1947 Center Street, 2nd floor  
Berkeley, CA 94704

Re: MORE COMMENTS ON ADELINE CORRIDOR DRAFT PLAN

Dear commissioners and staff members:

This is to supplement my May 30 letter to you by pointing out two additional problems that I've now noticed:

1 | . The Draft Plan's "CHAPTER 8: IMPLEMENTATION" in itself appears to say nothing specifically regarding HISTORIC RESOURCES. Thus it fails to mention even the relevant implementing measures that are proposed or described by page 3-19's two bulleted paragraphs.

2 | . A sentence on the Draft Plan's page 2-23 says that "the Lorin district [is] a state-registered [sic] historic district including several [sic] landmarked structures." But Figure 3.3 depicts that state-registered district itself as having within it only two landmarks.

Sincerely

John S. English

2500 Hillegass Avenue, Apt. 3

Berkeley, CA 94704-2937

## Letter C14

**COMMENTER:** John English

**DATE:** May 31, 2019

### **Response C14.1**

The commenter expresses an opinion that Chapter 8 of the Draft Plan does not contain information regarding historic resources.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C14.2**

The commenter asserts there are inconsistencies in the Specific Plan regarding the number of landmark structures in the Lorin district on page 2-23.

The commenter is correct, and Table 4.3-1 in the Draft EIR and Figure 4.3-1 have been revised in response to this comment. Please refer to Section 5, *Draft EIR Text Revisions*, for these changes. Figure 3.3 of the proposed Specific Plan has also been updated and the updated figure will be shown in the next draft of the proposed Specific Plan.

Nonetheless, the corrections to the table and the figure do not change the findings or conclusions of the Draft EIR.

S. Omowale Fowles  
[ofowles@hotmail.com](mailto:ofowles@hotmail.com)  
 Friday, July 19, 2019 3:47 PM

Second Submission: Omissions and Time Support Re: Adeline Corridor Plan, City Budget Approved, and More Berkeley News

**From:** S. Omowale Fowles [<mailto:ofowles@hotmail.com>]  
**Sent:** Friday, July 19, 2019 3:47 PM  
**To:** Edith Gaines <[egng5@yahoo.com](mailto:egng5@yahoo.com)>; St. Paul AMEC <[stpaulame@Comcast.net](mailto:stpaulame@Comcast.net)>; Rev Anthony Hughes <[revtony@aol.com](mailto:revtony@aol.com)>; Doris Tabor-Floyd <[floyddt@comcast.net](mailto:floyddt@comcast.net)>; Friends of Adeline <[friendsofadeline@gmail.com](mailto:friendsofadeline@gmail.com)>; Berkeley Mayor's Office <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)>; Bartlett, Ben <[BBartlett@cityofberkeley.info](mailto:BBartlett@cityofberkeley.info)>; Davila, Cheryl <[CDavila@cityofberkeley.info](mailto:CDavila@cityofberkeley.info)>; Harrison, Kate <[KHarrison@cityofberkeley.info](mailto:KHarrison@cityofberkeley.info)>; Robinson, Rigel <[RRobinson@cityofberkeley.info](mailto:RRobinson@cityofberkeley.info)>; Droste, Lori <[ldroste@cityofberkeley.info](mailto:ldroste@cityofberkeley.info)>; Hahn, Sophie <[SHahn@cityofberkeley.info](mailto:SHahn@cityofberkeley.info)>; Kesarwani, Rashi <[RKesarwani@cityofberkeley.info](mailto:RKesarwani@cityofberkeley.info)>  
**Cc:** Manager, C <[CManager@cityofberkeley.info](mailto:CManager@cityofberkeley.info)>; Burroughs, Timothy <[TBurroughs@cityofberkeley.info](mailto:TBurroughs@cityofberkeley.info)>  
**Subject:** Corrected Re: Second Submission: Omissions and Time Support Re: Adeline Corridor Plan, City Budget Approved, and More Berkeley News

**From:** S. Omowale Fowles <[ofowles@hotmail.com](mailto:ofowles@hotmail.com)>  
**Sent:** Thursday, July 18, 2019 1:43 PM  
**To:** Edith Gaines; St. Paul AMEC; Rev Anthony Hughes; Doris Tabor-Floyd; Friends of Adeline; [mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info); [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info); [cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info); [kharrison@cityofberkeley.info](mailto:kharrison@cityofberkeley.info); [rrobinson@CityofBerkeley.info](mailto:rrobinson@CityofBerkeley.info); Councilmember Lori Droste; [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info); [rkesarwani@CityofBerkeley.info](mailto:rkesarwani@CityofBerkeley.info)  
**Cc:** [manager@cityofberkeley.info](mailto:manager@cityofberkeley.info); [tburroughs@cityofberkeley.info](mailto:tburroughs@cityofberkeley.info)  
**Subject:** Second Submission: Omissions and Time Support Re: Adeline Corridor Plan, City Budget Approved, and More Berkeley News

18 July, 2019

Dear All, Again,

In addition to our original request, i.e. that you add to the fifth bullet point of the Draft Adeline Corridor Plan, the organizations and businesses which you omitted (please see below), we respectfully request that you allow us, the tax-paying/voting public, an extended study period of **at least 45 days** to review this plan, to review previous suggestions made by the public at City Council meetings and public hearings, and to reiterate those points so that you can **include those suggestions in the Final version of the Plan**, especially those that are more economically feasible than others currently in the Adeline Corridor Draft.

The Fifth Bullet Point (see below) has omitted the Berkeley Black Repertory Group, Imhotep Chiropractic, Healthy Black Families, Drate Pharmacy and People's Bazaar as well as the NAACP Office, the Berkeley Drop-In Center, and several other critical, long-term entities [more to be named later] along the Adeline Street Corridor. Please be sure that they are included as part of the present and the future.

Draft Text Edited

2

5th Bullet Point: "Supporting local institutions and community organizations such as the **Berkeley Black Repertory [Theatre] Group**, Farmers Market, **Imhotep Chiropractic, Healthy Black Families, Drate Pharmacy, and People's Bazaar** as well as the NAACP Office, the **Berkeley Drop-In Center, African Hair Braiding Shop, East Bay Community Law Center of Berkeley Law School, The Yoruba BATA Drumming Center+ [+corrected: Oya Nike], The Guitar Store, et. al.** and the future African American **Wholistic\*\*** Resource Center."

Thank you.

Ms. S. Omowale Fowles, Berkeley Resident  
Executive Director, Civic Action Coalition

-----

\*\* *Spelling change: "Wholistic"* as in complete and comprehensive, lacking nothing.

---

**From:** Edith Gaines <[egng5@yahoo.com](mailto:egng5@yahoo.com)>  
**Sent:** Thursday, July 18, 2019 11:11 AM  
**To:** St. Paul AMEC; Rev Anthony Hughes; Omowale Fowles; Doris Tabor-Floyd  
**Subject:** Fwd: Adeline Corridor Plan, City Budget Approved, and More Berkeley News

Sent from my iPhone

Begin forwarded message:

**From:** Berkeley Mayor Jesse Arreguin <[mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)>  
**Date:** July 17, 2019 at 7:32:01 PM PDT  
**To:** [egng5@yahoo.com](mailto:egng5@yahoo.com)  
**Subject:** Adeline Corridor Plan, City Budget Approved, and More Berkeley News  
**Reply-To:** [mayor@cityofberkeley.info](mailto:mayor@cityofberkeley.info)



## 2019 State of the City Address: Building Our Future Together



I am excited and honored to give this year's Berkeley State of the City Address at Shotgun Players in South Berkeley. With the Adeline Corridor planning process underway, discussions on developing housing at Ashby BART and South

Berkeley's rich history, it seemed fitting to host this important event there. The theme of the speech is "Building our Future Together". Travelling around Berkeley there is a lot of exciting projects underway: improvements to our Senior Centers, parks, major street and capital projects, and housing projects throughout our city, including non-profit affordable housing.

When I ran for Mayor, I promised that we would plan the future of our city together, in an inclusive manner. We have seen the results of bad planning, including when BART proposed to build train tracks above ground, dividing our city. But the Berkeley community organized and succeeded in undergrounding the tracks in South Berkeley. That is what happens when we can unite behind a common goal and come together, we can achieve great things. I am optimistic for the future, and we must plan an equitable future for South Berkeley and the entire city in a community-driven fashion. The dreams and priorities must come from the people and drive the planning and decision making. That is my commitment to you as your Mayor.

I am excited to present our accomplishments and priorities for the next year and beyond.

Tickets are sold out, but there still are opportunities to watch and follow along. You can watch the [live-stream on my Facebook page](#). You can also follow on Twitter using the hashtag #BerkSotC, and I will be [live-tweeting from my account](#). For those with tickets, we ask you are seated by 5:55pm so we can start the program promptly.

What: State of the City 2019: Building Our Future Together

Where: Shotgun Players, 1901 Ashby Ave

When: Monday, July 22nd, doors open at 5:30pm, program at 6pm.

Watch: <https://www.facebook.com/berkeleymayor/>

# Draft Adeline Corridor Plan Released; Prioritizing Affordable Housing, Community Input



After a four-year community process, the [first draft of the Adeline Corridor Plan](#) has been released. This comprehensive land use plan presents a vision for an equitable and dynamic South Berkeley, and reflects the extensive public comment and outreach. Here are a few highlights of the Plan:

- Setting a goal of 50% of new housing as affordable, to serve current residents and former residents who have been displaced.
- Transforming the Ashby BART parking lot into affordable housing and a community plaza for events such as the Berkeley Flea Market.
- Redesigning Adeline Street into a multimodal thoroughfare, increasing accessibility for pedestrians, bicyclists, and buses.
- Developing a South Berkeley Business Improvement District to support existing small businesses.
- Supporting local institutions and community organizations such as the Farmers Market and the future African American Holistic Resource Center

Thank you to the community for your tireless efforts in advocating and helping move forward the vision to support a diverse and culturally rich neighborhood. Scroll down to the Meeting/Events section for more details on how to provide your input on the plan.

## City Budget Approved; Focusing on Public Safety, Housing, Sustainability and Equity



Our budget is a reflection of our values. That is why on June 25th, the Council unanimously adopted our City's budget for the next two years with a priority on the issues that constituents care the most about. After months of feedback from the community in asking what you want to see funded, we listened and responded. Major themes included a focus on public safety, especially around pedestrian and cyclist safety. We have secured funding to move forward with Vision Zero, making major investments in traffic calming. In light of the impacts

of climate change increasing the risk of urban wildfires, we are increasing funding for vegetation management and emergency response resources.

We are also investing in programs that the community cares about. After years of campaigning, we have secured funding to have West Campus pool open year-round, giving South and West Berkeley residents the same opportunities as North Berkeley residents have (the King pool in North Berkeley is currently open year-round). There are additional investments to the arts, allocating \$500,000 to the Civic Arts Grants program plus support for various events such as the Bay Area Book Festival.

We are also making an unprecedented contribution towards anti-displacement measures, with \$900,000 going towards various anti-displacement and eviction defense programs. With the passage of Measures O & P in 2018, we are making our biggest investment ever in affordable housing and homeless services.

For more information about the budget, read my [blog on our budget recommendations](#).

## Upholding the Values of a Sanctuary City



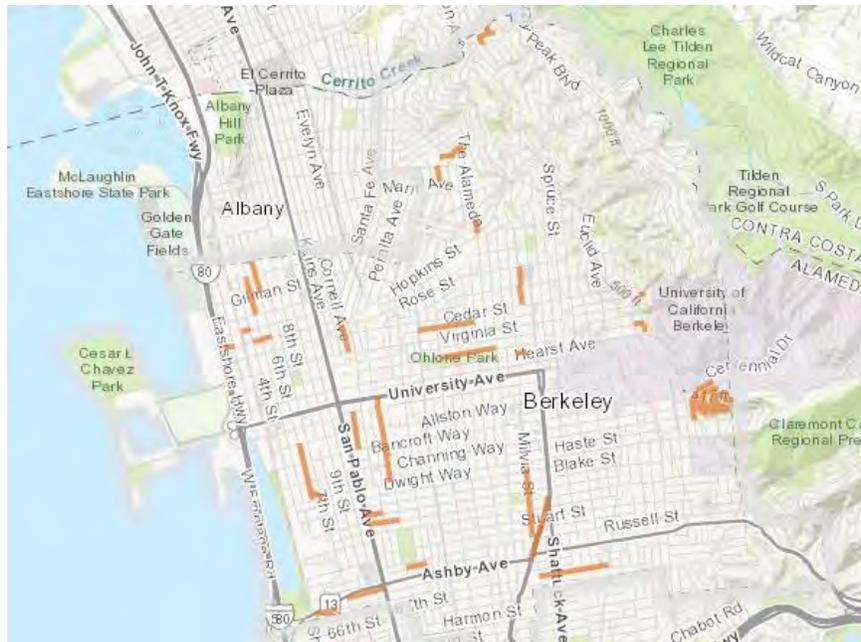
Berkeley is a proud Sanctuary City with a legacy of protecting the most vulnerable members of our society. We were the first U.S. city to become a Sanctuary City in 1971, to protect sailors resisting the Vietnam War. In recent years, we have expanded and strengthened our status as a Sanctuary City, working with organizations to develop policies and programs to protect our immigrant and undocumented community. We continue to affirm the belief that all families should feel safe and welcome in our community. Our diversity and inclusiveness gives us strength.

We are ready to respond in protecting our community and our values. If you see ICE activity, call the Alameda County Immigration Legal & Education Partnership (ACILEP) Hotline at 510-241-4011. [My website provides a list of resources](#) you can use to protect yourself and your neighbors.

Berkeley will always have its doors open. The concept of helping our neighbors and lifting up those who are less fortunate than us are deeply ingrained in our history. These are not just Berkeley values, or even Californian or American values. These are human values. For centuries, America has served as a beacon to the world, as a place of hope, refuge, and freedom. We have a moral and ethical obligation to keep shining that beacon, and will never waiver in doing so.

I recently [posted a blog](#) reaffirming our Sanctuary City status and what you can do to help.

## The Summer of Paving



This summer, we're paving 40 Berkeley streets that account for 6.6 miles throughout the City. This is in addition to the 20 miles we paved since 2016, part of a surge in street paving that's been made possible by Berkeley and Alameda County voters.

These projects, [which you can see laid out on a map](#), will improve the quality of our roads. They'll make it easier and safer for people to move throughout our city by foot, bike, car or bus. Some examples of work being done includes:

- Adeline Street between Shattuck and Ashby avenues will get bus boarding islands to reduce conflicts between buses and bikes while also increasing the reliability of bus routes. This key stretch will also get protected bike lanes in both directions.
- We're adding high visibility crosswalks to many streets and taking other measures, such as enhancing a Sixth Street bike lane so that it's more visible to drivers.
- Milvia Street between Blake and Russell streets will get paved, helping bicyclists along this important part of the city's **bike boulevard network**.
- Hearst between Shattuck and Milvia will get protected bike lanes, further extending **a protected bike lane network moving people to and from campus**.

All of this work is in addition to [a dramatic reconfiguration of Shattuck Avenue that's underway](#) and will increase pedestrian safety, improve AC Transit connections to BART and eliminate a curvy bottleneck for northbound traffic.

## Investing in Our Waterfront



The Berkeley Waterfront, including the Marina and McLaughlin Eastshore Park, is a treasure and an important regional destination for maritime use and recreation. It includes breathtaking views of the Bay, public trails, aquatic and landside recreation, and magnificent open spaces. This year we are making major investments to our waterfront. From repaving the notoriously bumpy University Ave next year to planning for a new Pier and Ferry terminal, expect to see exciting progress at the Marina over the next few years.

Much of the work being planned at the Marina is thanks to voter approval of Measure T1 and Regional Measure 3. We are also working with Hargreaves Associates, an internationally renowned design firm which lead the restoration of San Francisco's Crissy Field, in the development of the Berkeley Marina Area Specific Plan (BMASP) that will provide a blueprint for future enhancements through a robust public process.

[Read my blog](#) for more information on the work we are doing to improve the Marina for generations to come.

## Mayor's Awards Recognizes Student Achievement



Every year, our office, in conjunction with the Berkeley Unified School District and UC Berkeley, organizes the Mayor's Student Recognition Awards, which is part of a long-standing tradition of recognizing student achievement. The Mayor's Awards were started by Salvador Murillo, Berkeley Unified School District's (BUSD) first Family Outreach administrator, who is also known for his actions in the United Farm Workers and the RAZA Coalition of Berkeley. Murillo was well-known throughout South and West Berkeley because of the local non-profits that organized in his living room during the 1960s through the 1980s. As a Berkeley Times article reported, Murillo became interested in education, so his living room soon welcomed several Berkeley teachers such as BHS teacher Andres Sanchez; Murillo and Sanchez founded the Coalition of Hispanic Organizations.

Murillo and his wife Esperanza raised six children, but also opened their home to children in the neighborhood who needed shelter or a fresh meal. Berkeley Times

wrote that it was common for an additional dining table to be set up in the Murillo living room in order to accommodate community members. Murillo was heavily invested in the lives of Berkeley’s children, and he noticed that students from economically challenged families were not acknowledged as often compared to students from wealthy families. Thus, Murillo created the Mayor’s Awards to address this discrepancy.

This year, Berkeley held its 23rd Annual Mayor’s Student Recognition Awards and celebrated the achievements of 297 BUSD students – a record number of students. The ceremony brought together leaders from the City of Berkeley; University of California, Berkeley; and BUSD in order to award students for their dedication and hard work in their community. Students were recognized for their contribution in leadership, community service, communication, performing/visual arts, sports, extraordinary effort, and citizenship.

## Utility Providers Advice on Fire Safety



While wildfires have always been a threat in California, the destruction we have witnessed in Santa Rosa in 2017 and Paradise in 2018 has caused utility

companies to take extra measures going forward. PG&E has announced that in the event of extreme weather, they will conduct a Public Safety Power Shutoff (PSPS) which could impact Berkeley. PG&E is calling on customers to prepare for losing power for up to 48 hours. [Click here](#) to learn more about how to prepare for disruptions in PG&E service.

Our water supply may be impacted by a PSPS. While EBMUD has a contingency plan to store water during red flag warnings, they are encouraging residents to store two gallons of water per person per day (which is something people should have in their earthquake emergency supply kits). In the event of a PSPS, conserve water by turning off irrigation and minimizing usage.

## Fare and Schedule Changes at AC Transit



In order to continue providing safe and efficient bus service, beginning July 1st, AC Transit has made the following changes to its fares:

Adult Single Ride

\$2.50 (cash)

\$2.25 (clipper)

Senior/Youth/Disabled Single Ride

\$1.25 (cash)

\$1.12 (clipper)

Adult Day Pass

\$5.50 (cash)

\$5.00 (clipper)

Senior/Youth/Disabled Day Pass

\$2.75 (cash)

\$2.50 (clipper)

Adult Transbay

\$5.50 (cash)

\$5.00 (clipper)

Senior/Youth/Disabled Transbay

\$2.75 (cash)

\$2.75 (clipper)

For a full list of fare changes, [click here](#).

Several service changes were made beginning June 16th, including several routes in Berkeley that could impact your commute. Routes impacted in Berkeley include lines 12, 72M, 72R, and F. For full details on the changes, [click here](#).

## Upcoming Meetings and Events



### **Adeline Corridor Plan Comment Period**

**Now-July 19**

<https://www.cityofberkeley.info/AdelineCorridor/>

We want to hear from the community on their thoughts on the recently released Draft Adeline Corridor Specific Plan and Draft Environmental Impact Report. Your input is essential in developing a plan that will benefit the community.

You can send written comments via email at [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info) or by mail at:

Attn: Alisa Shen/Adeline Corridor

Planning Department

1947 Center Street, 2nd floor

Berkeley, CA 94704

## Office Hours

**Sunday, July 21, 2pm-4pm**

**Saul's Deli, 1475 Shattuck Ave**

Please join me and Vice-Mayor Susan Wengraf for a coffee chat. Come by anytime between 2pm-4pm to share your thoughts, grab a drink, or even just say hello.

## Contact Us

My office is here to serve you. [Visit our website](#) for frequently used phone numbers to city departments and to stay up to date with our blogs.

Jesse Arreguin, Mayor

*Mayor@cityofberkeley.info*

Jacquelyn McCormick, Chief of Staff

*JMcCormick@cityofberkeley.info*

Stefan Elgstrand, Legislative Aide/Communications

*SElgstrand@cityofberkeley.info*

Tano Trachtenberg, Legislative Aide

*TTrachtenberg@cityofberkeley.info*

Lars Skjerping, Senior Advisor

*LSkjerping@cityofberkeley.info*

Molly Jones, Assistant to the Mayor

*MJones@cityofberkeley.info*

2180 Milvia Street, 5th Floor, Berkeley, CA 94704

Phone: 510-981-7100

[jessearreguin.com](http://jessearreguin.com)

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## Letter C15

**COMMENTER:** Omowale S. Fowles

**DATE:** July 19, 2019

### **Response C15.1**

The commenter requests an extended study period be granted for public review of the Specific Plan and all related City Council and public hearing comments.

The public comment period for the Draft EIR was extended to 62 days. It started on May 17, 2019 and ended on July 19, 2019.

### **Response C15.2**

The commenter suggests an edit to the Specific Plan to include additional organizations in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Fri 5/24/2019 6:01 AM

Pablo Diaz Gutierrez <ihaveajob@gmail.com>

Writing in support of biking/pedestrian infrastructure along Adeline

Dear Planning Department,

1 | My name is Pablo Diaz-Gutierrez, and I'm a resident and homeowner on zip code 94703. I am pleased to learn that there is provisioning for sufficient safe biking and walking space along the corridor. This is fundamental to improve safety for all (since most everyone is a pedestrian at some point) and to enable car-free living in Berkeley. I expect that the popular biking route along Russell is carefully addressed at the intersection as well. Currently crossing both Adeline and Shattuck is a dangerous proposition, and it would be a shame that we let this opportunity pass without improving upon those corners.

2 | My only wish is that in a future phase we address the need for denser housing near transit. I grew in Granada, Spain, a city of comparable population size, but much more walkable because pretty much every block is 3 to 10 stories tall, with corner stores everywhere. My dream is for Berkeley to one day achieve that.

Regards,  
Pablo Diaz-Gutierrez

## Letter C16

**COMMENTER:** Pablo Diaz Gutierrez

**DATE:** May 24, 2019

### **Response C16.1**

The commenter expresses support for provisions for safe biking and walking space along the corridor and suggests that the intersection at Russell Street be addressed to improve bicycle safety.

The proposed long-term transportation improvements summarized in Section 2, *Project Description*, of the Draft EIR focus on improvements along Adeline Corridor including improving pedestrian and bicycle crossing across the corridor. This includes the intersection of Adeline and Russell Street, as shown on Figure 2-9. The exact design of the crossing at this intersection would be determined at a later design phase with public input.

### **Response C16.2**

The commenter states an opinion that the need for denser housing near transit be addressed.

The proposed Specific Plan includes goals and policies to place additional housing in an area served by transit. This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Pablo Diaz Guterrez  
[Pablo@diazgutierrez.com](mailto:Pablo@diazgutierrez.com)  
7/2/2019 10:52AM

Writing in support of higher building limits

Dear planning department,

1 | I was going over the extensive documentation provided for the Adeline corridor plan, and it caught my attention that the building heights along the entire corridor are entirely insufficient to support our growing population, and a city life that's amenable to anyone other than car owners. A truly visionary plan would allow 8-10 stories along the entire row, as this is the only way our small businesses will have enough local customers to thrive in the age of big lots and online shopping.

2 | Further, our housing affordability crisis is ultimately linked to a lack of supply. We moved to South Berkeley a few years ago, and we would have loved to purchase a medium sized condo near transit, but that wasn't available and instead we are regrettably contributing to the gentrification of the city we came to love. If the city does not allow for dense housing to be built in areas where people can walk, bike or take transit to go to work and live their lives, then the city is implicitly admitting that they are ok with lower income residents being priced out.

Thank you for reading,  
Pablo Diaz-Gutierrez  
94703 resident

## Letter C17

**COMMENTER:** Pablo Diaz Gutierrez

**DATE:** July 2, 2019

### **Response C17.1**

The commenter requests that the Specific Plan be revised to include higher building height limits along Adeline Street in order to support the growing population.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C17.2**

The commenter expresses concern for a lack of affordable housing in Berkeley and states that if dense housing is not encouraged near transit then lower income residents will be priced out.

An objective of the Specific Plan is to “Encourage development of a variety of types of housing at a range of income levels, especially for those at very low income levels and who are at high risk of involuntary displacement.” Please also see Topical Response B: Population, Housing, and Displacement.

Tue 5/28/2019 12:24 PM

Jeff Hobson [jeffhobson2@gmail.com](mailto:jeffhobson2@gmail.com)

Car driver says: more homes & safer streets needed in Adeline Corridor Plan

Dear Planning Commission and City Councilmembers,  
I'm writing to express my concerns about the Adeline Corridor Plan.

While I used to live near the Ashby BART station (at Prince + Wheeler), I now live elsewhere in Berkeley. Most of my interaction with the Adeline Corridor is when I drive through it in a car on the way to somewhere else. I also sometimes bike, walk, or take the bus along or across Adeline. And my kids often bike through the corridor on their way to visit friends or after-school activities.

As a driver who contributes to the pass-through traffic on the corridor, and as a Berkeley resident and parent, I support:

- 1 | • Safer streets, fewer car travel lanes on Adeline, a Greenway, and a walkable neighborhood. I agree with South Berkeley Now that the highest priorities should be pedestrian safety, bike lanes and green space, NOT accommodating thru traffic. I hope those changes do slow down traffic, because car traffic on Adeline frequently moves too fast.
- 2 | • Maximize homes near transit. It is silly to plan for a base height level of only 3 stories in such a transit-rich environment. We desperately need more places for people to live, especially places close to transit where people can live without having to use a car as often, or possibly at all.
- 3 | • Maximize affordability: the plan doesn't commit Berkeley to fund the affordable housing the neighborhood needs and deserves. The plan should make sure to address needs for lower- and middle-income workers who do not qualify for government-subsidized housing.

While it is good that the city is almost done with the plan, it needs significant revisions to consider more housing, affordability for all, and fewer traffic lanes.

Thank you for your consideration,  
Jeff Hobson  
2220 Sacramento Street  
Berkeley CA 94702

## Letter C18

**COMMENTER:** Jeff Hobson

**DATE:** May 28, 2019

### **Response C18.1**

The commenter requests that the Specific Plan be revised to include fewer vehicle travel lanes on Adeline, a greenway and more walkable neighborhoods.

This comment pertains to the right-of-way improvements envisioned in the proposed Specific Plan itself and is not a comment on the Draft EIR. However, with respect to the suggestion that the Plan include fewer lanes of travel, the environmental implications associated with this option are discussed in Topical Response D: Transportation/Traffic Impacts.

### **Response C18.2**

The commenter requests the Specific Plan be revised to include more housing near transit.

The proposed Specific Plan includes goals and policies to place additional housing in an area served by transit. This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C18.3**

The commenter requests that the Specific Plan be revised to include more affordable housing.

An objective of the Specific Plan is to “Encourage development of a variety of types of housing at a range of income levels, especially for those at very low income levels and who are at high risk of involuntary displacement.” This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Wed 5/29/2019 5:58 PM

Bruce Hoffman [bhoffman@workingmachines.com](mailto:bhoffman@workingmachines.com)

Adeline Corridor project goals

1

I would like to suggest that a substantial focus be on home ownership. I think the community is best served when most residents are owners rather than renters. For affordable housing as well as market rate housing.

Kind Regards,  
Bruce Hoffman  
CEO Working Machines Corporation  
(510) 704-1178

## Letter C19

**COMMENTER:** Bruce Hoffman

**DATE:** May 29, 2019

### **Response C19.1**

The commenter states an opinion that a focus of the Specific Plan be on home ownership rather than rentals for both affordable and market-rate housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Nazreen Kadir  
[nazreenkadir@gmail.com](mailto:nazreenkadir@gmail.com)  
Fri 7/19/2019 9:56 AM

Comments on Adeline Corridor Specific Plan and Draft EIR

**Comments on the City of Berkeley Adeline Corridor Specific Plan (May 2019 Public Review Draft) and Draft Environmental Impact Report (DEIR) – July 19, 2019**

**Background:**

In 2007, Berkeley City Council designated six priority development areas (PDAs), two of which were South Shattuck and the Adeline Corridor. Predating this are the following plans:

1. South Berkeley Plan 1990
2. South Shattuck Strategic Plan 1998
3. Berkeley General Plan 2001
4. Berkeley General Plan 2003

In 2014, the City of Berkeley, under the previous Mayor, received a Metropolitan Transportation Commission (MTC) \$750K grant to develop a 20-year Specific Plan incorporating South Shattuck and Adeline Corridor into the Adeline Corridor Specific Plan (“the Plan”) and launched a community planning process in 2015. MIG consultants (Berkeley) were retained to assist in preparing the Plan. From Jan 2015 to April 2016 a series of Community Engagement events were held (see Table 1-2, 1.10, Adeline Corridor Specific Plan). MIG subcontracted with BAE Urban Economics (experts in this field) to fill in an Affordable Housing and Anti-Displacement Strategies component. It has not been possible to obtain a report of MIG’s work but on June 30, 2019, a copy of BAE’s Draft Memorandum dated April 20, 2016, to Alisa Shen and Amy Davidson, City of Berkeley, was made available. Current Mayor Arreguin was sworn in Fall 2016. It appears not much was done with the Plan after the BAE April 2016 Draft Memorandum until a 2017 Re-Imagine Adeline community gathering. Exactly one year ago, on July 18, 2018, the Planning Commission held a hearing at which Lead Planner, Alisa Shen, presented the scope of the Plan and stated:

*... And I just want to underline that **there are no specific development projects that are being proposed as part of the plan.** ... So the summary of the EIR analysis is that **the EIR will analyze environmental impacts of the project, which is the specific plan** (my emphasis) Transcript of Proceedings, p.9.*

**Comments:**

In other words, the DEIR corresponds to a **project** i.e. the Adeline Corridor Specific Plan containing ‘no specific projects.’ This ‘project’ EIR is allowed under the California

1



Environmental Quality Act (CEQA) ‘streamlined approval process’ and is referred to as a ‘macro level’ Program EIR as opposed to a project/site EIR. The present DEIR is a typical environmental impact study, but the Plan seems more a proposal or concept paper, especially where housing is concerned. An EIR is only as good as the Plan to which it relates. The widespread confusion this conundrum poses has been evident in numerous public comments – the July 2018 Planning Commission hearing, the August 2018 community gathering with Mayor Arreguin, BART Director Simon, City Councilmember Bartlett and Planning Dept Director Burroughs (YouTube videos), the May 29, 2019, South Berkeley Senior Center Community Meeting, and especially at the June 23, 2019, community gathering at the South Berkeley Community Church.

In 2015, the City of Berkeley approved its Housing Element Update for the period 2015-2023; we’re now at mid-point. In 2018, CA AB 2923 was passed giving BART authority over Transit Oriented Development (TOD). For the Plan, this means the Ashby BART site, one of the four sections of the Adeline Corridor. In other words, the City of Berkeley cannot dictate what BART does at the Ashby site, although the Plan makes bold promises that ~ 60% of total Plan housing will come from the Ashby BART site. Furthermore, the Plan states that, once approved, it ‘supersedes all previous plans’ covering corresponding areas in the Plan. This is a risky proposition that impacts zoning changes for a proposal that lacks specificity. Many stakeholders are dissatisfied with the Plan resulting from a five-year effort paid for with the MTC grant.

1 It needs to be acknowledged that, AB 2923 zoning/time constraints notwithstanding, Berkeley does NOT have a transit or transportation crisis. Indeed, this is a 20-year plan to develop a ‘transit connector’ to presumably connect ‘healthy and vibrant communities.’ However, the needs of the very neighborhoods and communities the transit connector is supposed to connect have been silent in the Plan. What Berkeley DOES have is a serious shortage of housing for very/low income people, as well as a homelessness emergency.

Since 2014, when the Plan was conceptualized, several variables feeding into the assumptions in the Plan, have changed. Gentrification, displacement and homelessness have worsened. It is incumbent on the City’s Planning Dept to revisit the analysis provided by BAE in the April 2016 Draft Memorandum, build on this foundation, complete the Financial Feasibility section, especially in view of newly available housing funds from the Governor, consider BAE’s suggestions for community benefits arrangements, and NOT depend on BART to help solve Berkeley’s housing crisis over the next 20 years. This scenario is not plausible, given the City’s pressing housing needs, and with a DEIR that is likely to be inadequate for future development at the Ashby BART site.

↓ The process leading to this Plan has been chaotic and confusing, and it has produced distrust. At the August 2018 community gathering to discuss the Ashby BART site, someone from the audience asked if the MTC or transit agencies have influenced the Plan, to which the Planning Director said ‘No.’ This belied the fact that in 2017, when planning for the Adeline Corridor

↑ resumed, the Planning Dept recruited an intern for the specific purpose of ‘interacting with transit agencies’ so their input can be incorporated in the Plan.

At this juncture, it behooves the City to pause, engage the target communities and neighborhoods in each of the four sections of the Adeline Corridor that WILL be impacted by the Plan, to build consensus and develop a community benefits framework in a participatory manner for EACH section. Whereas the transit connector may have certain uniform characteristics along the entire corridor, the neighborhoods are not homogeneous. It does not make much sense for the City Council to certify and approve a Program EIR for a non-specific Plan. Who benefits from this approach? Furthermore, the Implementation Action items under LU-2 Ashby BART Station Area Planning, Table 8.1 (Adeline Corridor Specific Plan) should be undertaken BEFORE the City Council approves the Plan, not after. Currently, BART’s intention is a placeholder in the Plan. If the 2017 revised purpose of the Plan, as opposed to MIG’s 2015 original scope-of-work, is to change the City’s zoning laws to comply with AB 2923 for BART’s TOD projects, that should be its stated goal and short-term housing projections as well as Flea Market re/location should be made transparent. The current Plan is a hybrid of the original vision for the Adeline Corridor coupled with a fast-track TOD implementation, post-AB 2923, with a matching Program DEIR.

Given the City’s housing crisis, the Administration may want to consider establishing a Housing Task Force, reporting directly to the Mayor, to coordinate the various housing initiatives with the relevant agencies and commissions e.g. Planning Dept, Planning and Zoning commissions, Economic Development dept, Berkeley Housing Authority, Rent Stabilization board, and Housing Advisory and Aging Commissions, to ensure the correct priorities are assigned to this problem. This does not mean ignoring the prevailing external factors e.g. MTC, Association of Bay Area Governments, BART, or California legislation. It does mean putting the needs of the residents, the homeless, and small businesses first. It does require the City’s urgent attention to stop the hemorrhaging from gentrification and displacement in South Berkeley. Fast-tracking a transit connector with an outdated South Berkeley Plan, assuming the connector will connect ‘healthy and vibrant’ communities everywhere is municipal malpractice.

Respectfully,

Nazreen Kadir

Berkeley resident, retired consultant.

## Letter C20

**COMMENTER:** Nazreen Kadir**DATE:** July 19, 2019**Response C20.1**

The commenter provides background information on the planning efforts in around the Plan Area over time and expresses the opinion that the process involved in developing the proposed Specific Plan has been flawed and that the Plan itself is too broad and lacks detail. The commenter suggests that the City should establish a Housing Task Force to coordinate with various City departments and commissions. The commenter also suggests that it is not appropriate for the EIR for the Specific Plan to be a program EIR.

As stated in Section 1, *Introduction*, of the Draft EIR, as provided in CEQA Guidelines Section 15168, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the City (as lead agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the City with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. The proposed Specific Plan does not involve specific development projects but is instead includes a planning framework and a projected buildout for future development in the Plan Area. Therefore, a Program EIR is appropriate for this analysis.

With respect to the suggestion that the City should establish a Housing Task Force, this comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Michael Katz  
[mqkatz@gmail.com](mailto:mqkatz@gmail.com)  
 Wed 7/17/2019 9:43 PM

Adeline Corridor DEIR comments

Dear Alisha Shen,

The Adeline Corridor Plan's Transportation element is ill thought-out and unacceptable.

This DEIR proposes to reduce Adeline Street's transportation capacity by 33%, simply to create a curiously ill-defined "Public Space Opportunity Area," which "may include landscaped areas, plazas and programmed events." The authors arrogantly wave away the lost capacity as "excess right-of-way."

Adeline Street is – like it or not – a vital transportation corridor in and out of Berkeley. It serves buses as well as private cars, and enables commuting by Berkeley residents who need to work in other cities to support ourselves.

What responsible planning document would propose to cut 33% of capacity with no specific offsetting goal? It seems clear what's happened here: There is no goal, and no real planning.

This document simply reflects the casual anti-automobile bias of its Berkeley-dwelling consultant (Philip Erickson), who has an amply-expressed personal axe to grind; and of certain planners on the City's staff. Just block 33% of the carrying capacity; force the remaining evil motorists into artificial congestion; and...um, we'll do...you know, *something* with the repurposed land that previous generations' real planners had laid out to serve transportation needs.

So procedurally, this DEIR element reflects both conflicts of interest and a lack of professional analysis or results. It seems to embody specific consultant and staff goals, rather than the public's aspirations or input. I should note here that I'm writing as a daily bicycle and public-transit commuter. However, I value transparency in policy-making, and honesty in evaluating environmental impacts.

In terms of those environmental impacts, I see no real gain from forcing traffic into artificial congestion. Conversely, there are real CEQA-relevant detriments. Slower-moving traffic is less-efficient traffic. Therefore, this plan proposes to worsen pollutant emissions – a local impact directly affecting South Berkeley's underserved communities of color – and to magnify Berkeley's carbon footprint.

Especially with no clearly-defined goal for the converted space, the environmental detriments of drastically narrowing Adeline arguably outweigh any benefits. This element should not be pursued or implemented.

It's very odd that Berkeley residents are being informed of this DEIR just 48 hours before the deadline for comments. I would like to thank the Mayor and his office for at least getting the word out (in his July 17 newsletter) before the public was entirely excluded from this process.

Respectfully yours,  
 Michael Katz  
 Berkeley resident

## Letter C21

**COMMENTER:** Michael Katz

**DATE:** July 17, 2019

### Response C21.1

The commenter objects to Specific Plan transportation policies which would result in 33% reduction in vehicle capacity on Adeline as well as the “lack of clarity” with regard to how new public space would be utilized. The commenter implies the EIR was developed with conflicts of interest and lack of professional analysis.

The Public Space chapter of the proposed Specific Plan provides information on how new public spaces could be programmed to support community life. The Draft EIR was prepared by the City in consultation with professional consultants and staff with expertise in CEQA and transportation analyses in accordance with CEQA requirements. As stated in Section 4.12, *Transportation and Traffic*, of the EIR, the proposed Specific Plan would result in a reduction in vehicle lanes which would result in significant and unavoidable traffic congestion impacts for several intersections in the Plan Area. The purpose of CEQA is to analyze and disclose these potential physical environmental effects to the environment. Nonetheless, the commenter’s opinions about the Plan will be forwarded to decision-makers for their consideration.

### Response C21.2

The commenter suggests there are no benefits from reducing traffic lanes and creating congestion and states that slower-moving traffic is less efficient, and that therefore the proposed Specific Plan would increase pollutant emissions.

The benefits to the reduction in lane capacity along Adeline Corridor are summarized in the proposed Specific Plan and in Section 2, *Project Description*, and Section 4.12, *Transportation and Traffic*, of the Draft EIR. As explained therein, the proposed Specific Plan would improve bicycle and pedestrian connections and safety. The commenter’s claims that slower speeds would create additional pollution is unsubstantiated. Air quality impacts associated with the proposed Specific Plan are analyzed in Section 4.1, *Air Quality*, of the Draft EIR. Impacts were found to be less than significant.

### Response C21.3

The commenter questions why he did not receive a notice regarding the preparation of the Specific Plan and Draft EIR earlier in the planning process.

The notification process undertaken by the City is summarized in Section 1.0, Introduction, of this Responses to Comments Document. Notification of the public comment period was provided in mid-May 2019, not two days before the deadline, contrary to what the commenter states.

Thu 5/30/2019 7:08 AM  
Watson Ladd [watsonbladd@gmail.com](mailto:watsonbladd@gmail.com)  
Zoning feasibility

Dear City of Berkeley,

I have lived in the southernmost apartment in Berkeley for 3 years, by 63rd and King. I am disappointed that the Adeline Corridor plan has FAR and affordability requirements that together make development infeasible. The affordable apartments in this area are larger complexes of minimum 4 units that almost completely cover the lot, and when built did not need to reserve 30% of their units for extremely low income individuals.

1 I would like to see the base zoning consistent with SB 50, and the FAR aligned with height. We do not need FAR, open space, and height

limits: two of the three imply the third. I would like to see density completely unlimited for projects using the incentive, which should be aligned to the state density bonus. We are next to a major boulevard that will have a park: we do not need to waste space on small gardens.

This is not a high rent area: it is unclear that the affordability requirements are feasible and will result in affordable housing, while there is a disparate need for housing across the region. A feasibility analysis should have been done. 5 stories on Adeline is an appropriate density, as has been recognized by the building of the Harriet Tubman Homes and approval of 2901 Adeline.

Sincerely,  
Watson Ladd

## Letter C22

**COMMENTER:** Watson Ladd

**DATE:** May 30, 2019

### **Response C22.1**

The commenter argues that the FAR and affordability requirement policies included in the Specific Plan make development infeasible. The commenter suggests revising the Specific Plan to include zoning consistent with SB 50 and to remove policies related to FAR, open space, and height.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Date: Monday, June 24, 2019, 4:52 PM  
 From: chimey lee <[chimey2@yahoo.com](mailto:chimey2@yahoo.com)>  
 Subject: More Funding for Public Works Dept. Ford Bikes, Adeline Corridor  
 To: [council@cityofberkeley.info](mailto:council@cityofberkeley.info), "City Clerk"  
 <[clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info), [citymanager@cityofberkeley.info](mailto:citymanager@cityofberkeley.info)>

To the City of Berkeley, Mayor Jesse, all Councilmembers, City Manager, Public Works Dept., City Clerk,

Please excuse as I am still recovering from a flu generated from the Heat Wave of Jun 9th, and physical injuries, so will not be able to attend any meetings.

I am a elderly senior, chronic disabled , and have been trying to ride my bike (as my main mobility and "wheelchair"; and endorse and request more funding for Public Works staffing, with the hopes that it will facilitate FINALLY, the requested POT HOLE repairs that I requested for Blake Street, down to San Pablo three years ago, (they even gave my numbers to record the requests (twice).

I am also speaking for many seniors who are not able to ride the Ford electric bikes.

When Ford staff came years ago, I went to the meetings, where the Ford staff promised (!!!) that seniors would be able to ride their bikes.

So far, I have not seen any seniors my age who are riding these bikes, mainly because unlike the promises that they would be light enough, and to date this has not be possible. I sincerely request that this will be looked into.

I did attend the June 18th meeting regarding the Adeline Corridor, and to help the Commission to think out of the box. Most of the commission members were from European descent.

It may not be feasible at this time, but for the increased quality of life for all of our residents, I urged them to research that many European cities have been able to plan and transform their cities to have car, vehicles be prohibited from the city at large. The cities are completely

transformed for the complete comfort of residents to walk or scooter about , ride bikes without cars, with many tall trees as with the city of Sacramento to from the hot Sun, and more heat waves that with the increasing Climate, Global warming will be descending on our cities with greater intensities in the very near future. Seattle Streets buckled in just a "short" heat wave.

Scientists have forecasting many many millions killed by 2050 and it is thought that their investigations and studies have been far under estimated.

2 | Of course, am also requesting more affordable housing on the Ashby and North Berkeley Bart station properties!

3 | We also have a Water scarcity increasing.  
I will be sending more emails including the request to thoroughly research the internet Gen 5 before allowing in our city.

Thank you for all your kind attentions Chimey Lee  
1501 Blake Street #306  
Berkeley, Ca. 94703-1888  
510-665-5914

## Letter C23

**COMMENTER:** Chimey Lee

**DATE:** June 24, 2019

### **Response C23.1**

The commenter expresses concern over several issues including pot holes, the ability of seniors to ride Ford electric bikes, the lack of diversity on the City of Berkeley Planning Commission, and a suggestion that the City mimic European Cities that promote walking, biking, and scootering.

The commenter does not provide any specific comments on the proposed Specific plan or EIR; however, it should be noted that the proposed Specific Plan is intended to promote alternative transportation in the Plan Area. Nonetheless these comments will be forwarded to the City's decision makers for their consideration as described in Topical Response F: Specific Plan-Related Comments.

### **Response C23.2**

The commenter requests more affordable housing on the Ashby and North Berkeley BART Station sites.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C23.3**

The commenter expresses concern for water scarcity increasing.

Water supply issues were analyzed in Section 4.13, *Utilities and Service Systems*, of the Draft EIR. The Draft EIR concluded that water supplies were adequate to serve the proposed project.

Fri 5/17/2019 4:46 PM  
Mike Lee [oldbumformayor@gmail.com](mailto:oldbumformayor@gmail.com)  
Flea market concerns

Greetings

I appreciate the extremely hard work in preparing this report.  
I wish to comment at this time on a specific aspect of it that is the Berkeley Flea Market

1 For some time now we discover that the current management of the market is suspect at best. Community Services United (CSU) is in fact misrepresenting itself consistently to the City of Berkeley, State of California and the Internal Revenue Service. Not only are they not in compliance with their own articles of incorporation and bylaws but do not hold a current City of Berkeley business license. Additionally they in fact are not a 501(c)3 since they have consistently and knowingly failed to file the legally mandated paperwork. As a for profit corporation there is no documented evidence it has satisfied any of its tax obligations. It has and continues to withhold from the City of Berkeley and the State of California massive amounts of sales tax revenue. It has and continues to take this action knowingly and deliberately. The proof of this not being a case of harmless error is that CSU also fails to meet its obligations as mandated by the Internal Revenue Service.

In order for CSU to participate within this plan three things must happen

1. An immediate audit of the last 20 years
2. Removal of the current board and replacement with South Berkeley Non Profits
3. Those persons responsible for this situation notably the President be held completely responsible both legally and financially.

If CSU as currently formatted is included in this plan they will essentially be rewarded for their suspect behavior.

Mike Lee  
510 501 4717

**CLEAN OUT YOUR CLOSET!**

Donations of gently used items for our yard sale are now being accepted. Proceeds to fund homeless services. What we don't sell and can be used by curbside communities is given away freely

Letter C24

**COMMENTER:** Mike Lee

**DATE:** May 17, 2019

**Response C24.1**

The commenter suggests that the Berkeley Flea Market is operating without a permit and in violation of its 501 (c)3 tax exempt status.

Although this comment pertains to the Berkeley Flea Market, which operates in the Ashby BART parking lot in the Plan Area, this comment does not pertain to the proposed Specific Plan or to the Draft EIR.

Adam Lenz  
[mradamlenz@gmail.com](mailto:mradamlenz@gmail.com)

June 28, 2019 1:53PM

Adeline Specific Plan Comments

Dear Staff:

Berkeley and North Oakland deserve more from this effort. The plan seems status quo in design and in concept attempts to manipulate the fundamentals of economics.

My comments are as follows:

- 1 | 1) Remove Adeline St. above the BART station between Ashby and MLK Jr. and create a car free Bike/Ped plaza.
- 2 | 2) The draft has essentially downzoned the plan area in an effort to try and get developers to use a new inclusionary housing formula based on how much profit they feel the developer deserves. This market manipulation isn't going to lead to more housing, the formula should be removed, and should have a baseline of higher development density.
- 3 | 3) Provide zoning for the BART station area is needed to avoid further delays of the much-needed development.
- 4 | 4) Emulate the [West Oakland BART station concepts](#) to help inform them on what should be proposed at Ashby BART.
- 5 | 5) The plan is also missing any aspirational ideas or big concepts and isn't much different than the 1990 plan. Be more creative, zone up, allow for housing, decrease road sizes, make the spaces more people.
- 6 | 6) Drafted an EIR that is programmatic and evaluate all the zoned housing so developers can utilize that EIR for development purposes.

Respectfully submitted,

Adam Lenz  
Golden Gate District Resident

## Letter C25

**COMMENTER:** Adam Lenz

**DATE:** June 28, 2019

### **Response C25.1**

The commenter suggests that the Specific Plan be revised to include a conversion of Adeline Street between Ashby and Martin Luther King Jr. Way to a bike/pedestrian only plaza.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. In terms of the commenter's suggestion, this is a comment on the proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

### **Response C25.2**

The commenter expresses the opinion that Specific Plan policies will not lead to more housing and that baseline development densities should be increased.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C25.3**

The commenter suggests zoning should be provided for the BART station area to incentivize development.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C25.4**

The commenter suggests following the example of West Oakland BART station concepts for development at the Ashby BART station.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C25.5**

The commenter expresses an opinion that policies proposed in the Specific Plan are not aspirational enough and must be upgraded from those proposed in the 1990 plan.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C25.6**

The commenter suggests the Draft EIR should be programmatic so that developers can utilize the EIR.

As noted on Page 1-2 of the Draft EIR, pursuant to Section 15168 (c) of the CEQA Guidelines, the Draft EIR is a programmatic document. Therefore, subsequent activities could be found to be within the Draft EIR scope and additional environmental documents may not be required.

Mon 6/3/2019 1:42 PM  
Serena Lim [sernecat@gmail.com](mailto:sernecat@gmail.com)  
Denser housing & safer streets for Adeline Corridor Plan

Hello,

I was born and raised in Berkeley, a couple blocks from Le Conte Elementary and the original Berkeley Bowl. I'm writing to express my concerns about the Adeline Corridor Plan. My dad was an architect and had his own firm located just north of Ashby on Adeline Street, and my brother and I now have our own small business on Adeline and hope to someday live and work in the building where our father once ran his firm. Needless to say, we feel deeply invested in the neighborhood. We appreciate its diversity, historic and cultural significance, and potential to support a growing community and greater vibrancy at this threshold between Berkeley and Oakland.

While I applaud and support the main goals of the plan, I am very concerned that the specific policy proposals for zoning, street width, and affordability will result in less housing than we need and more traffic than we want. I recently completed the graduate program in architecture and sustainable design at the University of Oregon, a program that emphasizes sustainability through forward-looking urban design that challenges the status quo in pragmatic, thoughtful ways. I don't believe policy should prescribe change, but in this moment of reevaluation we have a profound opportunity to encourage and enable leaps of progress if and when the South Berkeley community supports and demands them.

1 | 1- PREPARE TO MAXIMIZE HOUSING NEAR TRANSIT: The PLAN does not incentivize enough homes to be built over the next 20 years. In this transit rich area, we need to maximize the number of homes on the corridor and on Ashby BART, not stick with the status quo of low density. It is simply not economical (or feasible) to construct new buildings that won't meet the long-term housing needs in the area.

2 | 2- WE NEED HOUSING FOR EVERYONE AT ALL INCOME LEVELS: The PLAN does not commit the City to fund the affordable housing we need and deserve in our neighborhood. And the PLAN does nothing to address the housing needs of lower- and middle-income workers (60-120% AMI) who do not qualify for government subsidized housing. (More dwellings per acre also means more income that can be used to internally subsidize affordable units!)

3 | 3- WE NEED SAFE STREETS, A GREENWAY, AND A WALKABLE NEIGHBORHOOD: The PLAN proposes too many lanes of traffic on Adeline. Let's be more forward-thinking! As bike infrastructure, walkability, and public transit improve – and fewer and fewer people own cars – the highest priorities should be pedestrian safety, bike lanes and green space, NOT accommodating through traffic and parking.

While I am pleased to see the Plan almost done, it needs significant revisions and therefore the draft needs to be remanded to consider more housing, affordability for all, and fewer traffic lanes.

Thank you for your time, hard work, and careful consideration!

## Letter C26

**COMMENTER:** Serena Lim

**DATE:** June 30, 2019

### **Response C26.1**

The commenter provides an opinion that the Specific Plan does not incentive enough homes to be built over 20 years and that housing near transit should be maximized.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C26.2**

The commenter provides an opinion that the Specific Plan does not commit the City to fund affordable housing and do not do enough to address the needs of lower- and middle-income workers.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C26.3**

The commenter states an opinion that the Specific Plan proposes too many lanes of traffic on Adeline Street and that the Plan should prioritize bike infrastructure, walkability, and public transit improvements.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. However, several commenters suggest the Plan include fewer lanes of travel along Adeline or that the Draft EIR include an alternative that involves fewer lanes of travel, this is partially addressed in Topical Response D: Transportation/Traffic Impacts.

Thu 5/30/2019 11:05 AM  
Joanna Louie [chamelean75@gmail.com](mailto:chamelean75@gmail.com)  
Comments on Adeline Corridor project

I like what the plan is for the streets. I like the protected bike lane idea the most. I just wish the bike lane was protected all the way along Shattuck to Rose Street where the Safeway is located.

1 | The only thing I don't like about the plan is the flea market. The planning documents say that the community likes the flea market. From I have seen, the flea market is an easy way to sell stolen goods. Has a survey been given to show vast community support for the flea market? I haven't spoken to anyone who likes the flea market. I support more housing on that lot and a smaller flea market in the parking lot.

## Letter C27

**COMMENTER:** Joanna Louie

**DATE:** May 30, 2019

### **Response C27.1**

The commenter asks whether a study has been done to substantiate claims about the public's support for the flea market.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Date: Mon 6/17/2019 6:44 PM  
From: Sabrina Maras [sabrina.maras@gmail.com](mailto:sabrina.maras@gmail.com)  
Subject: comments Adeline Corridor Plan  
To: adeline corridor <[adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)>

Dear City Planners,

1 | I live on Woolsey at MLK. I have lived in Berkeley for over 25 years, born in Napa, CA. I have traveled the world and have seen cities that have plenty of housing, and plenty of charm. I loved the character of Berkeley--charming old buildings--until the new condos and office buildings started springing up on Shattuck Ave. The architecture is so ugly, cold and characterless, reminding me of a computer chip. A brutalist, soul-less city architect designed these hideous boxes.

I beg the city to NOT build these horrid boxes all the way from Shattuck down Adeline. Berkeley will lose its charm and uniqueness if you go for the status quo. There are ways to make the condos look charming/interesting/aesthetically pleasing. Don't make Berkeley another downtown San Diego--full of brutalist apartments and gawdy restaurants and mass-produced everything. Please. SAVE BERKELEY'S UNIQUE CHARACTER.

Also, remember that some people need to drive due to disability. So please help plan how thousands more commuters are going to all fit into the Ashby Bart parking lot condos.

Sabrina Maras

## Letter C28

**COMMENTER:** Sabrina Maras

**DATE:** June 17, 2019

### **Response C28.1**

The commenter expresses an opinion that the modern architecture allowed in Downtown Berkeley is “ugly, cold, and characterless.” The commenter requests that this style of architecture not be continued through the Plan Area.

While the commenter’s objection to the architecture of recent developments in the Downtown area is noted, it pertains to existing conditions and not the future impacts associated with the proposed Specific Plan that are analyzed in the Draft EIR. Future development in the Plan Area will be subject to approval by the City of Berkeley which may involve review by the City’s Design Review Commission. Please also see Topical Response A: Aesthetics Impacts. All comments will be forwarded to the City’s decision makers for their consideration, along with the commenter’s assertions regarding aesthetics and architecture.

James McGrath  
[macmcgrath@comcast.net](mailto:macmcgrath@comcast.net)  
 Mon 6/24/2019 9:58 AM

Adeline Corridor Plan

Adeline Corridor comments

I write these comments as an individual, but informed by my experience as an advocate for Berkeley's parks, and in recognition of the concerns of Parks and Waterfront Commissioners.

1 The Adeline Corridor masterplan would add 1450 additional housing units, about a 3.5% increase in Berkeley's housing stock—a laudable development in the Bay area's tight housing market. Those units would be added within walking distance of the Ashby Bart station, minimizing the carbon footprint of the residents. However, this part of Berkeley is sadly devoid of sufficient park space, and unless the public areas within the planning area are carefully designed and built, the new residents will increase pressure on parks throughout Berkeley. Although Measure F has staunched the bleeding of a steady decrease in funding for park maintenance, it will be years before the accumulated problems in the park system can be fixed.

Therefore, it is important that the public space within the planning area be designed, built, and maintained to meet the needs of the new residents. There are currently two public gathering areas in the planning area—used as a Flea Market and Farmer's Market. Clearly there is a need for public gathering space.

2 The plan's proposal to put a portion of the corridor on a "street diet" provides an opportunity to provide that public space. However, designs relying on a corridor within the median may not be the best approach. Berkeley has about 9 miles of street medians, but the increasing incidence of droughts and tight budgets within the Parks division mean those areas have relatively little value for recreation, habitat, or green infrastructure. The draft plan has some general language that supports use of these areas for public space, but that language should be tightened to *require* both sufficient public space, and a public process for review of the design.

3 Berkeley does not have an ordinance that requires an in-lieu fee to make sure that new residential units pay a fair share of the costs of the park system that they will utilize. Therefore, it is important that the underlying financing structure includes sufficient tax revenues to cover an equitable portion of park maintenance, as well as public areas within the corridor. There are 230 acres of parks in Berkeley, and about 41,000 dwelling units. It could be argued that if the new residents were to provide park facilities in the same proportion as those that already exist, they should provide over 6 acres of new parks. Or perhaps they should improve a similar acreage in the vicinity of the Adeline Corridor.

I am not suggesting that we burden the new housing units, and particularly those that are affordable, with such a large contribution to parks. But I am suggesting that providing sufficient park area should be an element of the plan. One way to accomplish this might be to ensure that redevelopment of the Adeline Corridor includes Greg Brown Park, and integrates improvements in that park that make it a community asset as part of the project.

## Letter C29

**COMMENTER:** James McGrath

**DATE:** June 24, 2019

### **Response C29.1**

The commenter expresses support for placing housing near the Ashby BART station but concern for the lack of existing and proposed public space in the Plan Area.

This comment pertains to the proposed Specific Plan and not the Draft EIR. Please see Topical Response F: Specific-Plan Related Comments. Nonetheless, the Draft EIR does analyze impacts of the proposed Specific Plan as it relates to parks and recreational facilities. Please refer to Topical Response C: Parks and Recreational Facilities Impacts for a response to concerns about the adequacy of parks and recreational facilities within the Plan Area.

### **Response C29.2**

The commenter expresses concern over designs in the center median and requests the Specific Plan be revised to include language that requires both sufficient public space and a public process for review of its design.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C29.3**

The commenter states that the City does not currently require an in-lieu fee for new residential units to pay towards park improvements and requests that the Specific Plan be revised to include a policy requiring developers to pay an in-lieu fee for park system improvements.

The commenter is correct that the City does not currently require in-lieu park fees for new development. Although this comment is a suggestion for the proposed Specific Plan and does not directly relate to the Draft EIR, as described in Topical Response C: Parks and Recreational Facilities Impacts, impacts to parks and recreational facilities were found to be less than significant with plan implementation.

Date: Tue 6/25/2019 8:51 AM  
From: Justin McManus <justinleemcmanus@gmail.com>  
Subject: Adeline Corridor Suggestion  
To: adeline corridor <adelinecorridor@cityofberkeley.info>

Hi,

1 | With the likely development of apartments at Ashby BART Station, I think it would be wise to consider maximizing the retail space with functions that most benefit the wider community such as childcare, etc.

Thank you

## Letter C30

**COMMENTER:** Justin McManus

**DATE:** June 25, 2019

### **Response C30.1**

The commenter suggests allowing retail spaces in the Plan Area to be used for community-serving uses such as childcare facilities.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

To: Whom it May Concern  
From: Toni Mester  
July 19, 2019

RE: Comments on the Adeline Corridor Specific Plan DEIR

The Plan and its DEIR reflect the concerns of the community about displacement and affordable housing by proposing incentive development standards for new housing (Tables 3.2-3.5), but not those of neighbors who have raised issues in appeals of the very developments that serve as references and models for future buildings.

1 It's unclear how the planners derived the number of new units in each segment that add up to 1,450 new units for the Plan Area in Table 1-1. Which lots precisely were chosen from the inventory of potential housing that is periodically assessed in the housing element? How many square feet in each lot and how many square feet total? In other words, what is the development footprint of the Plan Area? What % of the projected 1,450 units is expected to be affordable (below market rate) in each segment? Which of the development scenarios (Tables 3.2-3.5) are likely to be chosen by private or non-profit developers and why? How many public or non-profit development applications are expected? What factors would influence the applications from private, public, and non-profit developers? Are the expectations for the use of these standards realistic, based on the experience in Berkeley and other Bay Area cities?

2 Do the development standards in the four tables describe the base project in each segment, but not the project with the density bonus? In that case, the tables should be expanded to show the likely build out with a 35% density bonus including columns for height and FAR. For example, the base standards (Table 1.1) are 120 du/acre but would be 162 du/acre in South Shattuck with a 35% density bonus, 135 du/acre in North Adeline and so on. For an accurate comparison with the heights, density, and FAR of recently completed or approved projects, the tables should also show the likely heights, density, and FAR after the density bonus, not just the base.

To compare the proposed standards with some nearby completed or approved projects, I created a table that shows their densities, heights, and FAR after the density bonus. Did the planners use these and/or other projects to model the proposed standards, which specifically? To adequately compare the standards, the planners should also compare the heights of the model projects and the heights when the density bonus is added to the proposed standards.

3 The proposed base heights and FAR (mass) of buildings in South Shattuck are greater than the proposed standards along Adeline, similar to other projects in the area like 2015 Blake and 2451 Shattuck. But with the incentives, the height and mass would approximate the size of buildings in the downtown. Projects built according to the standards in Table 3.3 would continue the scale of downtown southward, creating a clash in transition with the mostly one and two story homes in adjacent neighborhoods. Projects could reach 7 stories with an FAR above 3.5 and densities of 229 du/acre. That's higher, more massive, and denser than Parker Place (2598 & 2600 Shattuck) and should be reduced. Consider the controversies surrounding 2701 Shattuck Avenue at 5 stories, 2.4 FAR, and 211 du/acre, which now in its 2<sup>nd</sup> iteration and 3<sup>rd</sup> appeal. How can buildings at the proposed standards be made more acceptable to adjacent neighbors?

The standards for the higher incentives would produce buildings up to 9 stories in South Shattuck and 7 or 8 stories along Adeline. Such massive proportions exceed most of the downtown buildings and would not be acceptable to the community, who want 4-7 stories at the Ashby BART station according to the Plan. The proposed scale for the incentive buildings is excessively large, and the setbacks inadequate to create an aesthetic and balanced transition to the neighborhoods.

4 Rather than rigid setbacks, the Plan should use the daylight plane featured in the El Cerrito San Pablo Avenue Specific Plan and other cities. For many years, the City of Berkeley has required developers to create shadow studies that do not result in any objective measurement to determine if the shadowing of a neighboring property or the public right of way is significant enough to warrant a redesign. The Plan should institute objective standards for shadows on the east side of Shattuck and Adeline similar to those in the University Avenue Plan north side and other cities. Please include the California Solar Rights Act in the regulatory framework and explain how it relates to design standards and access to sunlight. Many cities such as Richmond refer to the Act in their General Plan.

The City has formed the Joint Subcommittee on Implementing State Housing Laws (JSISL) that is charged with developing objective standards, but the development standards in the Plan continue the unfortunate tradition of vague and subjective standards such as the footnotes of tables 2.2-2.5 that state "...new construction shall be set back from the shared property line by 20 feet for the portion of the building that exceeds 35 feet unless a Use Permit is granted to reduce the setback where it is found to be unnecessary to protect neighborhood sunlight access and privacy." The conditional clause beginning with UNLESS is written in the passive voice. WHO determines what is necessary to protect neighborhood sunlight access and privacy? These weasel words undermine the

property rights of neighborhood homeowners and should be replaced with objective protections such as the daylight plane.

5 | In determining densities, how will co-living arrangements be counted? In such buildings, there are many bedrooms and fewer bathrooms and often just one kitchen. What will constitute a unit if units/acre is used as a density standard? How will the densities of dormitory and other group living situations be calculated?

6 | What community benefits will be required at each of the development incentive levels?

7 | In Plan chapters 3.3 and 3.4 design and neighborhood transitions, are these assured outcomes or just hopeful ideas? Are they enforceable? Who will decide whether the proposed building fulfills this conceptual framework?

It would be helpful if the Plan could include graphics that depict the building envelopes produced by each of the base projects next to a single story home and a two-story house.

8 | In the street configurations, how many new trees will be planted and what species? My other DEIR comments are contained in the Sierra Club letter.

9 | In general, the Adeline Corridor Specific Plan is disconnected to its surrounding neighborhood, as if transit corridor/avenue development related to or solved the problems of the neighborhoods. It doesn't. The Berkeley experience shows a clash of interests as large developments produce traffic, parking demands, noise, shadowing, and view blockage. The displacement of low-income residents will not be solved by these large developments; neither will they provide enough affordable housing that the neighbors desire. Development may exacerbate the problem as students and singles living in apartments enter a well-paid workforce, marry, and look for houses nearby.

[Attachment: density, heights, and FAR table.](#)

Densities, heights and FAR of residential projects near the Adeline Corridor Plan Area after the density bonus has been applied to the base project

Address	units	lot area	acreage*	density units/acre	height/stories	FAR
2072 Addison	66	10,230	.23	287	7	6
2028 Bancroft	37	7215	.16	231	6	
2150 Kittredge	165	32,598	.74	223	7	
2538 - 42 Durant	32	6292	.14	229	5	3
2015 Blake	155	41,747	.95	163	7	
2035 Blake	82	22,688	.52	158	5	3.8
2352 Shattuck No.	137	30,481	.69	199	8	5.9
2352 Shattuck So.	69	16,564	.38	182	8	5
2451 Shattuck	100			169	5	4.5
2598 Shattuck	28		.21	136	5	3
2600 Shattuck	112		.72	156	5	3.6
2628 Shattuck	78	16,340	.37	211	6	4
2701 Shattuck	57	11,826	.27	211	5	2.4
2902 Adeline	54	14,065	.32	169	6	4.5
3031 Adeline	42	12,257	.28	150	5	3

\*acreage is calculated by dividing lot area by 43,560 square feet (one acre) the density is then calculated by dividing the number of units by the acreage. if the acreage is omitted, the density was listed in Table 4-3, 4-4 or 4-5 of the 2015- 2023 housing element

## Letter C31

**COMMENTER:** Toni Mester

**DATE:** July 19, 2019

### **Response C31.1**

The commenter requests clarification on the methods used to calculate the buildout assumption of 1,450 units in the Plan Area and asks a number of questions about how the proposed Specific Plan will be implemented.

Please see Topical Response E: Buildout Assumptions. The City cannot predict future projects that will be proposed in the Plan Area. Nonetheless, all future proposed projects will be reviewed by the City under the normal review procedures for new development applications and will be evaluated for consistency with the proposed Specific Plan goals and policies. Please see also Topical Response F: Specific Plan-Related Comments regarding additional information about opportunity sites for infill development.

### **Response C31.2**

The commenter asks for further clarification on the calculations used to project maximum density within the Plan Area. The commenter requests that the density tables be revised to show the likely heights, densities, and FAR after density bonuses have been applied.

This comment does not pertain to the Draft EIR. Please note that the Specific Plan notes that the proposed tiers (Tier 1, 2 and 3) of density bonuses “are to be used in lieu of (and not on top of) the State Density Bonus. See also Topical Response F: Specific Plan-Related Comments.

### **Response C31.3**

The commenter disagrees with Specific Plan policies which allow for continuation of 7-story buildings along Adeline and Shattuck, stating that this will clash with adjacent one- and two-story residences to the north and south. The commenter states the opinion that the proposed scale for the incentive buildings is too large and that the setbacks are inadequate to create an aesthetic and balanced transition between neighborhoods.

This comment does not specifically pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. With respect to the implication that the proposed building heights may have aesthetic impacts, and for clarifying information about the California Solar Rights Act, please see Topical Response A: Aesthetics Impacts.

### **Response C31.4**

The commenter asserts that the City should revise the Plan to include objective standards for shadowing impacts from development in the Plan Area. The commenter suggests revising the Plan to include a daylight plane policy and revising the Regulatory Setting of Section 4-1 of the Draft EIR to include the California Solar Rights Act.

The suggestions about proposed Specific Plan components do not directly relate to the Draft EIR but will be forwarded to City decision-makers for their consideration as described in Topical Response F: Specific Plan-Related Comments. See Topical Response A: Aesthetics for information about the California Solar Rights Act.

For response to concerns about shadowing impacts from new development allowed under the Specific Plan on existing solar facilities, please refer to Topical Response A: Aesthetics Impacts.

### **Response C31.5**

The commenter asks how co-living housing units will be counted toward development density under implementation of the Specific Plan.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C31.6**

The commenter asks what community benefits will be required at each development incentive level.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C31.7**

The commenter asks if the design and neighborhood transition goals included in Chapters 3 of the Specific Plan are enforceable requirements for future development.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C31.8**

The commenter asks how many new trees will be planted with the proposed street reconfiguration. The commenter references the Sierra Club letter.

This comment does not pertain to the Draft EIR. For responses to the Sierra Club letter, please see responses to Letter B4. As noted in the proposed Specific Plan, the conceptual roadway redesign is a high-level design that will need further engineering and design study to determine design details such as exact intersection geometries, bicycle facility types and alignments, pedestrian crossing facilities, and the exact location and number of street trees and public space.

### **Response C31.9**

The commenter disagrees with the general effectiveness of the plan, especially as it relates to traffic, parking, noise, shadows, and affordable housing availability.

Issues related to traffic and noise were analyzed in the Draft EIR in Section 4.9, *Noise*, and 4.12, *Transportation and Traffic*. The commenter does not raise specific objections to the analysis or conclusions in those sections. With respect to shadows, please see Topical Response A: Aesthetics Impacts. The comment pertaining to affordable housing availability does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Pamela Michaud  
pamelamichaud@sbcglobal.net  
Fri 7/19/2019 3:44 PM

Adeline Corridor EIR, Impact PS-5 - Senior Centers

From: Pamela Michaud, 1819 63<sup>rd</sup> Street, Berkeley, CA [pamelamichaud@sbcglobal.net](mailto:pamelamichaud@sbcglobal.net)  
To: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)  
Subject: Adeline Corridor EIR, Impact PS-5

1) **Impact PS-5, p. ES-18**

a) The EIR PS-5 contains the following inaccurate statement on page ES-18: ***“However, existing senior facilities would have adequate capacity to accommodate an incremental increase in demand in the Plan Area.”***

1

i) I am concerned that the Adeline Project plans to add more senior residents, especially with a concentration of vulnerable Senior citizens who are low-to-very low income with a target of 50% affordability, when the City of Berkeley has not maintained needed safety community centers in South Berkeley as it has in North and Northwest Berkeley.

2

ii) I am concerned that the Adeline Project plans to add more low-income senior residents when the recreational facilities in both Central and South Berkeley are sub-standard compared to those in North Berkeley.

[https://www.cityofberkeley.info/Parks\\_Rec\\_Waterfront/Recreation/Community\\_Centers.aspx](https://www.cityofberkeley.info/Parks_Rec_Waterfront/Recreation/Community_Centers.aspx)

(1) Example – Community Centers: Currently the City of Berkeley is using property tax-funded T-1 Bond funds (passed to address infrastructure needs) and FEMA funds to perform seismic retrofits of the North Berkeley Senior Center in North Berkeley, the Live Oak Park Community Center in North Central Berkeley, and has completed a seismic retrofit at James Kennedy Community Center in Northwest Berkeley. The Community Centers including the Senior Centers are where residents who have lost their housing due to a disaster such as an earthquake are supposed to go for shelter.

(a) Despite South Berkeley taxpayers paying into the T-1 Bond on their Property Taxes, neither the South Berkeley's Senior Center nor the Frances Albrier Community Center in South Berkeley have been seismically retrofitted and I know of no plans to do so. If the South Berkeley Senior Center is not habitable post a major earthquake, where will the added South Berkeley residents go for shelter, especially if they lack financial resources?





2

(i) In my opinion, prior to housing more vulnerable people in South Berkeley, Berkeley must first correct these structural inequities that with current population numbers put our community at risk.

(2) Example – Recreational Facilities: Currently the City of Berkeley has year-round swimming facilities for Seniors, including set times and activities for Seniors only, in North Berkeley at King Pool, and summer-only swimming facilities for Seniors and others in Central Berkeley at West Campus Pool, yet Willard Pool in South Berkeley has been filled with dirt for over a decade. [Aquatics Programs - City of Berkeley, CA](#)

(i) In order to take advantage of either of these facilities, South Berkeley low-income to very-low-income Seniors would need to travel to North Berkeley, a cost and effort that most often would obviate participation in these programs.

1. In my opinion, prior to housing more vulnerable Seniors in South Berkeley, the City of Berkeley must first provide to South Berkeley the same recreational facilities as it provides to North Berkeley and make these facilities easily available to South Berkeley residents, including Seniors.

## Letter C32

**COMMENTER:** Pamela Michaud

**DATE:** July 19, 2019

### Response C32.1

The commenter disagrees with the Draft EIR conclusion that “existing senior facilities would have adequate capacity to accommodate an incremental increase in demand in the Plan Area.” The commenter expresses concern that senior resident populations would increase under the Plan such that the capacity of existing senior facilities will be exceeded.

Appendix G of the State CEQA Guidelines does not explicitly require an analysis of the adequacy of *existing* senior centers to serve Proposed Project (i.e., implementation of the Draft Specific Plan). Instead, it requires an analysis of the potential for adverse physical impacts associated with the provision of new or physically altered facilities, or substantial physical deterioration of existing facilities. As explained in Section 4.11, *Public Services and Recreation*, of the Draft EIR, higher population of senior citizens in the Plan Area would result in incrementally greater demand for services at the South Berkeley Senior Center. However, this public facility already serves all of south Berkeley, and an incremental increase in senior citizens living in the Plan Area would not substantially increase its overall service population. Therefore, implementation of the Specific Plan would not result in the need for new or expanded senior facilities. The Draft EIR therefore concludes that this impact would be less than significant.

Further, should a physical expansion of the South Berkeley Senior Center be determined necessary in the future, the site of the senior center is developed and in an urban area. It is not anticipated that the expansion of an existing building would cause additional significant environmental impacts beyond those identified in this EIR. The environmental effects of expanding an existing building would be consistent with the impacts analyzed and disclosed in other sections of this EIR, which would be less than significant or less than significant with mitigation with the exception of certain traffic-related impacts. When and if an expansion occurs, and funding is identified, the City would conduct a complete evaluation of the environmental impacts under CEQA.

### Response C32.2

The commenter expresses concern that existing recreational facilities would be inadequate to serve the population projected with build out of the Specific Plan. The commenter states that T-1 bond funding has not been properly spent to retrofit existing recreational facilities such as South Berkeley’s Senior Center, Frances Albrier Community Center, and South Berkeley Senior Center within the Plan Area.

Please refer to Topical Response C: Parks and Recreational Facilities Impacts for a response to concerns about the adequacy of parks and recreational facilities within the Plan Area. Furthermore, for clarification purposes, the Council-approved list of projects for Phase 1 of the T-1 bond funding does include design and planning for the Frances Albrier Community Center renovation and seismic retrofit. The T-1 bond funding includes three phases. City staff recommended that one senior center and one community center be improved in each of the three phases. Staff proposed staggering these projects so that residents would not have to endure multiple disruptions to similar services at the same time. These centers provide essential services on a daily basis to thousands of community members.

In order to determine how best to phase the senior center and community center projects for the T1 bond funding, several factors were considered by the public, more than 13 City Commissions, and the City Council. The Frances Albrier Community Center was selected for Phase 1 funding for planning and design only, because there is more opportunity for significant renovation there. Completing an extensive community process, design, permitting and construction within the 3-year timeline for bond expenditures was considered infeasible. Following this Phase I work, the Frances Albrier project is expected to be construction-ready. The South Berkeley Senior Center was not proposed for Phase I because it was undergoing extensive interior renovation with a \$500,000 Community Development Block Grant. Should seismic retrofitting of the South Berkeley Senior Center occur in the future, those upgrades would not result in a significant environmental impact.

Pamela Michaud  
pamelamichaud@sbcglobal.net  
Fri 7/19/2019 3:43 PM

Adeline Corridor EIR-Impact PS-4, p. ES-18 -no new parkland & plan ignores mandate to correct greenspace disparities in SE Berkeley

From: Pamela Michaud, 1819 63<sup>rd</sup> Street, Berkeley, CA  
To: [adelinacorridor@cityofberkeley.info](mailto:adelinacorridor@cityofberkeley.info)  
Subject: Adeline Corridor EIR, Impact PS-4

1) **Impact PS-4, p. ES-18**

- a) The EIR PS-4 contains the following inaccurate statement on page ES-18: ***“However, the Specific Plan would result in the development of new parkland to meet demand for recreational spaces in the Plan Area.”***
  - i) In my opinion, and after reading both the entire Specific Plan and the EIR:
    - (1) There is no new parkland specified in the plan; **and**
    - (2) In fact, the plan calls for eliminating most of an existing greenspace and the buffering service it provides to the Berkeley neighborhoods to the east of the BART tracks; **and**
    - (3) The plan ignores the Berkeley City Council’s direction to correct ***“disparities in access to greenspace,” especially in Southeast Berkeley, and specifically as part of the Adeline Corridor project; and***
    - (4) The EIR itself acknowledges that the ***“distribution of recreational facilities across Berkeley is uneven”...(EIR p. 4-11-7) “Parks near the Plan Area tend to be small and residents and users of the Plan Area, particularly South Shattuck Avenue, have to travel further than some Berkeley residents to parks that are not committed primary to school use (City of Berkeley 2015a) (EIR p. 4-11-8).***
    - (5) The Plan hopes to change the building codes **only for C-SA parcels in South Berkeley**, so that buildings will have a low-to-very-low income required 20% and hoped-for 50% target with no ‘fee out’ as is allowed in the rest of Berkeley. Yet low-to-very-low income residents will not be able to afford to use even public transit to other areas of Berkeley that have parks and recreational facilities.

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- b) The plan calls for eliminating the greenspace on Adeline Street just west of where the BART tracks go underground, currently the site of the “Here/There” artwork and the current “First They Came for the Homeless” encampment, and then ‘straightening out’ concurrent Martin Luther King/Adeline to run immediately adjacent to the BART wall in order to:
  - i) Create a safer intersection by creating 90 degree turns in the intersection;
  - ii) Create a more rational ‘plaza’ space alongside Stanford.
    - (1) First, the city of Berkeley does not own all this greenspace, just a narrow right-of-way strip; most is owned by BART, and the space was created at the construction of BART in the late 1960-early 1970s as required in the building and maintenance of BART. Please note are 3 BART gates into the side and top of the BART tracks as they descend into the tunnel heading to and from Ashby station – 1 on the West side where this greenspace is. These gates give access to the BART tracks and tunnels as needed for maintenance, and, even more

2



importantly, in the event of an emergency on the BART tracks or in BART trains in the tunnel. For emergencies, the greenspace on both the east and west sides of the BART tracks will be used as a staging area by first responders. For example, if injured riders were pulled out of the tunnel, they could be triaged on the 2 greenspaces, and emergency vehicles and first responders could gather on the greenspaces.

(2) Second, when BART was first created, each BART car was supposed to carry 54 riders. Now, BART cars carry 150 riders when 'packed' as the cars frequently are during commute hours on the Richmond line.

(a) In my opinion, BART has more, not less need of staging areas when dealing with a four-to-ten-car BART train that can carry 600-1,500 riders or even 2 'packed' ten-car BART trains that could carry up to 3,000 riders.

(3) Second, BART has not listed its parcels on its website listing BART Excess Land so the City of Berkeley does not have access to even buy the BART land.

<https://www.bart.gov/about/business/tod/land>

(4) Third, BART and the City of Berkeley co-created this greenspace and the wider road and the greenspace immediately across the BART tracks as noted in the BART and the City of Berkeley existing 1966-1971 MOU. BART purchased these areas, provided the original landscaping for these areas, and the City of Berkeley is supposed to maintain the landscaping and provide first responder attention to the areas.

(5) Fourth, the neighborhood in an area lacking trees and greenspaces would lose the west side greenspace and the ten-plus mature trees on the greenspace.

(6) Fifth, straightening out concurrent Martin Luther King Jr. Way/Adeline Street would increase the speed of the traffic along that stretch of road.

(7) Sixth, the west and east side greenspaces both act as 'mini-green-lungs' to absorb and buffer auto fumes and noise generated from the close proximity of Martin Luther King Jr. Way, Adeline Street, Stanford, and Alcatraz Avenue, thus reducing their impact on the Berkeley neighborhoods to the east of the BART tracks.

(a) In yet another historic inequity, the South Berkeley neighborhoods immediately adjacent to the BART tracks and tunnel area did not get the promised and paid-for on Berkeley property taxes undergrounded BART trains enjoyed by all the other areas of Berkeley. These neighborhoods hear BART up to almost 20 hours a day.

iii) In my opinion, future use of the greenspace west of the BART tracks, currently specified in the plan as to be removed, should be a dog park for South Berkeley, just like the dog park provided to North Berkeley on the Ohlone parkway. This allows both community use of the space, and access by BART and City of Berkeley first responders.

c) In addition, the EIR and the Specific Plan completely ignore the city's mandate to correct **"disparities in access to greenspace, especially in Southeast Berkeley"**, an area that falls within the Specific Plan.

i) For City Council's mandate to correct disparities in access to greenspace, see attached document from City Council November 14, 2017 Action Calendar, item from Ben Bartlett and Kate Harrison, Subject: Referral to the City Manager: Equitable Access to Greenspace, page 1 of 14, **"Future parks and greenspace**

2,  
cont.

3

3,  
cont.

*investments should be targeted at reducing disparities in access to greenspace. The Southeast Quadrant of Berkeley (Attachment 1) should be prioritized for any such investments, as it has the least access to parks and greenspace, both by number and by acreage...The City should investigate strategies for expanding park capacity including assessing prime areas for developing new parks and greenspaces, such as in the Adeline Corridor and Santa Fe ROW. The Adeline Corridor Plan must consider and account for increasing greenspace in the Southeast Quadrant of Berkeley, and explore innovative ways for integrating greenspace into our urban environment."*

4

- d) Finally, the Plan while not providing parks and recreational facilities in the Plan Area, wants to change the building codes **only for C-SA parcels in South Berkeley**, so that new multi-resident buildings will have a low-to-very-low income residents required 20% and hoped-for 50% target with no 'fee out' as is allowed in the rest of Berkeley. Yet low-to-very-low income residents will not be able to afford to use even public transit to other areas of Berkeley that have parks and recreational facilities.
- i) This strategy will create 'project-like' buildings in South Berkeley, without recreational amenities. Low-income residents will be forced to the streets when they need to 'escape' their dwellings. The Plan does not provide a safe, enriching publicly-funded environment for the economically vulnerable residents, and this in turn will cause the businesses in the area to struggle and fail because sidewalks will be used to 'replace' parks and recreational facilities.
  - ii) This strategy will further damage the relationship between South Berkeley residents of every income level and the City government.

2131661  
General  
Agreement  
6 R 9052

AGREEMENT

THIS AGREEMENT made and entered into this 20th day of April, 1971, by and between the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, hereinafter called District, and the CITY OF BERKELEY, a municipal corporation, hereinafter called City,

WITNESSETH:

WHEREAS, District and City have heretofore entered into an agreement dated May 3, 1966, setting forth the respective duties, responsibilities and obligations of District and City in regard to the construction of District's rapid transit facilities in the City of Berkeley as part of its Berkeley-Richmond line; and

WHEREAS, Paragraph XIV of said agreement provides that: "In the event that, pursuant to the election by City to extend the subway construction beyond the termini set forth in Alternate B, as provided in the agreement dated October 22, 1964, hereinabove referred to, some of the provisions of this agreement will not be applicable and, to such extent, District and City will negotiate and enter into a supplemental agreement"; and

WHEREAS, City has elected to extend the subway construction beyond the termini set forth in Alternate B, and pursuant to such election, District prepared plans and specifications for such extended subway construction, including subway stations in South Berkeley (Ashby Station) and North Berkeley (North Berkeley Station); and

WHEREAS, District let contracts for and is in the process of completing construction on the extended subway lines, the transition

1.

structures, and the subway stations; and acquisition - Hearst - ...  
WHEREAS, it is necessary and desirable that this supplemental  
agreement be entered into to modify some of the provisions of the  
agreement of May 3, 1966, as contemplated by and provided for in  
paragraph XIV of said agreement.

NOW, THEREFORE, in consideration of and pursuant to the mutual  
covenants, conditions and terms hereof, District and City agree that  
the agreement between the parties dated May 3, 1966, shall be modi-  
fied as follows:

1. Paragraph I.A. thereof shall be amended to read as follows:

I. GENERAL.

A. The following Exhibit drawings to this agreement are  
on file in the offices of the City Clerk of City and the Secretary of  
District and by this reference are made a part hereof as if attached  
hereto and are as follows:

1. Exhibit A (Revised), Sheets 101-1 through 116-1,  
303-1 through 319-1, 321-1 through 327-1, and 401-1 through 417-1,  
"Berkeley-Richmond Line."
2. Exhibit B (Revised), "Tabulations of Quantities  
and Costs."
3. Exhibit C (Revised), "Property Acquisition -  
Grove in Vicinity of 62nd Street."
4. Exhibit D, "Property Acquisition - Grove-Adeline,  
east side, 62nd Street to Harmon Street."
5. Exhibit E, "Property Acquisition - Hearst Avenue,  
Milvia to Shattuck Avenue."

6. Exhibit F, "Property Acquisition - Hearst-Bela-by Ware, Milvia Street to Sacramento Street," text from Delaware Street

7. Exhibit G, "Property to be granted to City by District - North Berkeley Station Area," to be deleted and paragraph III.E.

8. Exhibit H, "Property to be granted to City by District - Ashby Station Area," to be deleted and paragraph III.F.

9. Exhibit I, "Property to be granted to City by District - Vicinity of Northside Avenue and Neilson Street."

10. Exhibit J, "Strawberry Creek Culvert Design," paragraphs III.D, and G. thereof shall be amended to read as follows:

UTILITY WORK. At the intersection of Northside Avenue, the Strawberry Creek Culvert, located at Oakley Street, and, unless District shall elect to Strawberry Creek Culvert, District at its expense shall rebuild, enlarge and relocate the Strawberry Creek Culvert pursuant to plans and specifications therefor prepared by it as shown on Exhibit J, 4, 5 and 6 of District's G. Utility Easements, as shown on Exhibit A.

On acceptance of the storm drain constructed by District in its right-of-way and The Atchison, Topeka and Santa Fe Railway Company's right-of-way between Hopkins Street and approximately fifteen (15) feet north of Neilson Street, District shall acquire and convey to City a utility easement approximately seven (7) to eight (8) feet in width for City's operation, maintenance and repair of the storm drain located in said easement. Said easement is delineated and shown on Exhibit A. District shall convey to City a sewer easement exactly

three (3) feet in width along the entire frontage of property owned by District on the east side of Sacramento Street from Delaware Street northerly. Said easement is delineated and shown on Exhibit A. Paragraph III.H. thereof shall be deleted and paragraph III.I. shall be relettered paragraph III.H. City shall issue all necessary Ordinance. Paragraph IV.A. thereof shall be amended to read as follows: **IV. LANDSCAPING.** District shall be or require the contractors to **A. Areas to be landscaped.** District at its cost and expense shall landscape the following: (a) Certain areas south of Alcatraz Avenue, the gore of Grove and Adeline Streets at Woolsey Street, and unless District elects to proceed as provided in paragraph IV.D., certain areas north of the portal of District's North Transition Structure, all as shown on Exhibit A.

(b) Planter boxes at Entrances 2, 4, 5 and 6 of District's Central Berkeley Station as shown on Exhibit A. District shall: District at its cost and expense shall plant street trees on the perimeter of the North Berkeley and Ashby Station parking lots, areas without the prior written approval of District.

5. Paragraph IV.C. shall be amended to read as follows: **C. Maintenance.** District shall maintain all landscaping described in paragraph IV.A.1. until the time it is accepted by City Manager of City, provided such work is accepted or rejected by the City Manager within thirty (30) days after completion thereof. The City Manager

shall accept the landscaping described in paragraph IV.A.1. upon complete performance of any contract pursuant to which such landscaping is being done; provided such landscaping has been performed in accordance with the plans and specifications therefor. Upon acceptance of said landscaping by the City Manager, City shall assume all responsibility for the maintenance thereof in accordance with the provisions hereof; provided, however, that District shall be or require its contractors to be responsible for the repair of any landscaping work necessitated because of defective workmanship or use of defective materials for a period of ninety (90) days from and after the acceptance of such work by the City Manager.

Those areas shown in the Exhibit Drawings to be landscaped by District will be maintained by City in a condition equal to that of other landscaped areas maintained by City in the public right-of-way.

City shall not cause or permit any sign, notice, advertisement or anything of similar nature to be affixed or fastened to District facilities within the landscaped areas. No street furniture, playground equipment or any other facilities shall be added to the landscaped areas without the prior written approval of District.

In the event District intends to utilize these landscaped areas for other purposes, City shall be advised in writing ninety (90) days in advance to permit removal by City if it desires to do so of any trees, plant material, sod or any other materials relating to such landscaped areas which will become property of City.

District shall repair or pay City to repair any and

all damage to landscaping or irrigation systems that may be caused by District, its agents or contractors.

2. City shall maintain all street trees planted by District pursuant to Paragraph IV.A.2. upon completion of any contract pursuant to which the street trees were planted.

6. Paragraph IV.D. shall be amended to read as follows:

D. Landscaping to be constructed by City at District's election.

At the election of District, City will, upon written notice from District, prepare plans and specifications for the construction and installation of landscaping on those areas north of the portal of District's North Transition Structure as shown on Exhibit A and described in Paragraph IV.A.1(a) hereof, which plans and specifications will be subject to the written approval of District. Upon receipt of District's written approval of said plans and specifications, City will award the contract for the aforesaid landscaping within the 1971-72 fiscal year and will administer the construction and installation of the aforesaid landscaping in accordance with the approved plans and specifications. Within ninety (90) days of District's approval of said plans and specifications, District will pay City the sum of Thirty-Five Thousand Dollars (\$35,000.00), which payment shall be District's total contribution to City for the costs of said landscaping, including but not limited to the costs of preparing plans and specifications therefor and the costs of construction and installation. Prior to the approval of said plans and specifications hereunder, District must determine that said plans and specifications will require landscaping of a nature and quality commensurate with District's contribution therefor.

In the event that District obtains a beautification grant from the Federal Department of Housing and Urban Development for said landscaping, City agrees to comply with all applicable requirements, rules and regulations of the Department of Housing and Urban Development with regard to the HUD grant to District and further agrees to include in any and all construction contracts for work hereunder all such special provisions, terms and conditions required by HUD to be included in construction contracts in connection with such grant.

Upon completion of said landscaping, City will assume full responsibility for the maintenance thereof at no cost to District, in accordance with the provisions of paragraph IV.C.

Paragraphs V.E. and V.F. shall be amended to read as follows:

OTHER WORK.  
E. Walkway.

District at its expense shall construct a walkway at least four (4) feet in width completely improved and lighted within District's right-of-way between Neilson Street and Curtis Street as delineated and shown on Exhibit A. Upon completion of said walkway and acceptance thereof by the City Manager, District shall convey to City and City shall accept an easement for City's maintenance thereof, and City shall thereafter maintain said walkway in its entirety.

F. Street Lights, Traffic Signals, Fire Alarm Facilities and other City Electrical Installations.

City shall perform all work required for relocation, modification, revision, restoration or installation of street lights, traffic signals, fire alarm facilities and other City electrical in-

installations required to accommodate District's construction of its transit facilities, and installation of temporary traffic signals incidental to the construction of such transit facilities as indicated below, all at District's expense. In no event shall District's obligation hereunder exceed the amounts indicated below. All materials salvaged from temporary traffic signal installations shall become the property of District.

1. Existing and New Street Lights, Traffic Signals, Fire Alarm Facilities and Other City Electrical Installations.

The cost to District for relocation, modification, revision, restoration and installation of street lights, traffic signals, fire alarm facilities and other City electrical installations as required in connection with the performance of District's contracts in Berkeley shall not exceed One Hundred Ninety-four Thousand Dollars (\$194,000.00).

2. Temporary Traffic Signals.

Temporary traffic signals shall be installed at the following locations when, in the opinion of the Director of Public Works of City, such signals are required for the proper accommodation and control of public traffic in passing through or adjacent to the construction area or in bypassing the construction area:

- a. Shattuck Avenue at Ward Street.
- b. Shattuck Avenue at Channing Way.
- c. Channing Way at Fulton Street.
- d. Hearst Avenue at Milvia Street.
- e. Grove Street at Berkeley Way.

**f. Sacramento Street at Delaware Street.**

**g. Milvia Street at Center Street.**

The cost to District for such temporary traffic signals shall not exceed Thirty-five Thousand Dollars (\$35,000.00).

8. Paragraph VI thereof shall be amended to read as follows:

**VI. LAND ACQUISITION.**

**A. Adeline Street, 62nd Street and Grove Street.**

District has acquired and intends to acquire certain properties on Adeline Street, 62nd Street and Grove Street for the construction of its transit facilities and necessary street realignment. City desires that additional portions of the same properties be acquired on behalf of City for street widening purposes. The properties on Adeline Street, 62nd Street and Grove Street acquired or to be acquired for such purposes are shown on Exhibits C and D. City agrees to pay District as its entire share for said portions of said properties the sum of One Hundred Three Thousand Dollars (\$103,000.00).

**B. Hearst Avenue between Shattuck Avenue and Milvia Street.**

District has acquired certain properties on Hearst Avenue for the construction of its transit facilities and necessary street realignment. City desires that additional portions of the same properties be acquired on behalf of City for street widening purposes. The properties on Hearst Avenue acquired for such purposes are shown on Exhibit E. City agrees to pay District as its entire share for said portions of said properties the sum of Twelve Hundred Dollars (\$1,200.00).

C. Hearst Avenue and Delaware Street between Milvia Street and Sacramento Street.

District has acquired certain properties on Hearst Avenue and Delaware Street for the construction of its transit facilities and necessary street realignment. City shall have the option to acquire from District portions of said properties for street purposes. Such properties are shown on Exhibit F. City shall have until June 30, 1972, to exercise its option to acquire said properties and the price therefor shall be the sum of Four Hundred Thirty-two Thousand Dollars (\$432,000.00).

9. Paragraphs VIII.A. and C. thereof shall be amended to read as follows:

VIII. PAYMENT OF COSTS.

A. Street Work and Engineering.

The cost of all street work and engineering costs for streets adjacent to the South Transition Structure to be performed by District and borne by City shall be offset against the cost of all street work to be performed by City and borne by District. The difference between such costs is set forth in Exhibit B and is the sum of Fifty-four Thousand Nine Hundred Eighty-one Dollars (\$54,981.00). Said sum shall be paid to City by District not later than one hundred fifty (150) days after the date of this agreement.

C. Land Acquisitions.

The cost of land acquisitions to be borne by City as provided in paragraph VI hereof shall be paid by City to District as follows:

1. Acquisitions pursuant to subparagraph A not

later than one hundred fifty (150) days after the date of this agreement.

2. Acquisitions pursuant to subparagraph B not later than one hundred fifty (150) days after the date of this agreement.

3. Acquisitions pursuant to subparagraph C within one hundred fifty (150) days after City exercises its option to acquire said property.

10. Paragraph IX.C. thereof shall be amended to read as follows:

IX. ABANDONMENT, CLOSURE AND DEDICATION OF STREETS.

C. Conveyance of Properties and Easements.

1. All properties and easements to be conveyed to City by District to be used by City for public street, walkway, storm and sanitary sewer purposes, as delineated on Exhibits A, C, D, E, G, H and I, shall be conveyed within one hundred fifty (150) days after the date of this agreement.

2. In the event that City exercises its option as provided in paragraph VI.C., District shall convey to City the fee title to all properties as to which the option is exercised upon payment by City of the purchase price thereof.

11. Paragraphs X.A. and X.B.6. thereof shall be amended to read as follows:

X. PROSECUTION OF WORK AND MAINTENANCE.

A. Traffic Control and Traffic Routes.

During periods of construction of transit facilities, District shall pay all costs incurred to meet the requirements for

traffic maintenance and control as provided in that certain document prepared by City entitled "Requirements for Traffic Maintenance and Traffic Control, BARTD Berkeley Contracts," dated April 29, 1966, and as subsequently modified and included in BARTD Berkeley contracts, District, in any future contract, shall require that all contractors and subcontractors comply with appropriate provisions of such specifications.

B. Maintenance.

C. Miscellaneous.

a. Ashby Station structure in Adeline Street shall be maintained by District except that the street wearing surface will be maintained by City.

b. District shall maintain and be responsible for the repair to all curbs, gutters, sidewalks and driveways adjacent to properties owned by it.

In all other respects, the agreement between the parties dated May 3, 1966 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals

on the day and year first above written.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

By James P. Dolerty  
President

By Eugene E. Linn  
Asst. Secretary

CITY OF BERKELEY

By Hollace J. Johnson  
Mayor

By W. C. Hanley  
City Manager

By Edythe Campbell  
City Clerk

Registered by:

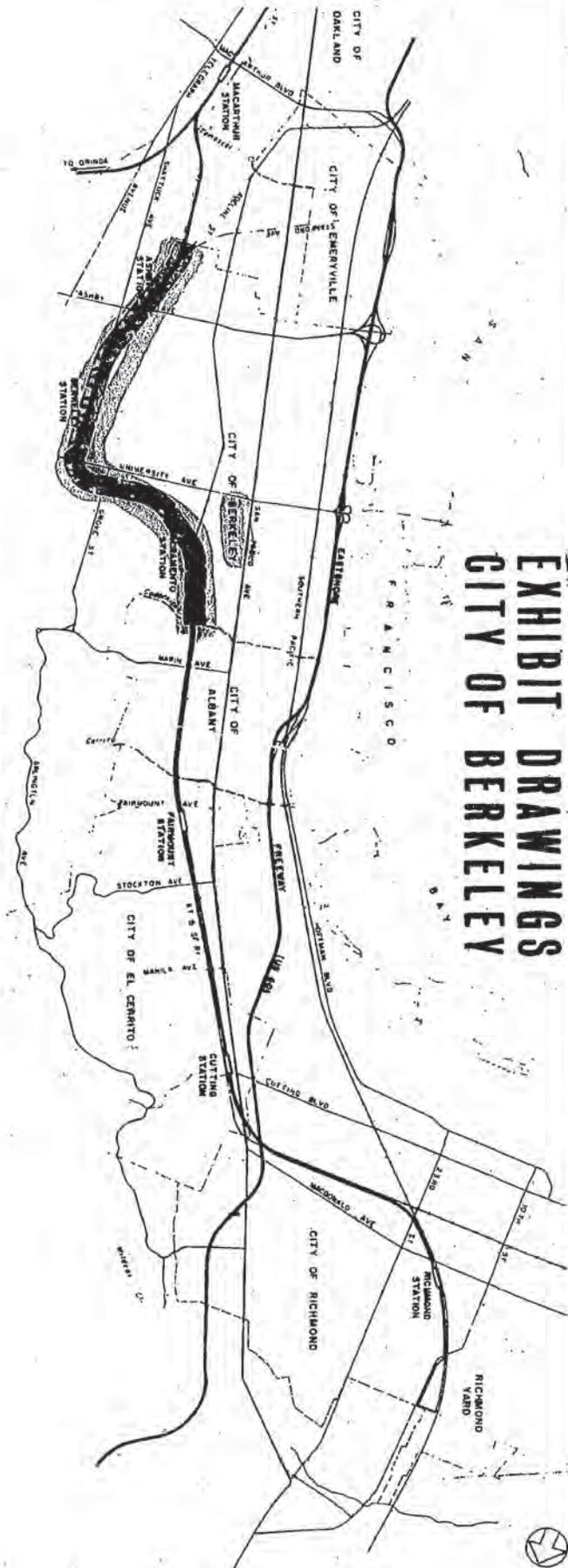
Approved as to form:

Myranda D. Ashley  
Auditor

Robert T. Anderson  
City Attorney

George G. ...  
Director of Finance

# EXHIBIT DRAWINGS CITY OF BERKELEY



## INDEX TO PLANS

- EXHIBIT REVISED 100-1**  
**SECTION 1**  
 52nd ST TO OREGON ST  
 52nd TO 52nd 1/2 OREGON ST TO SACRAMENTO ST.  
 52nd 1/2 TO 52nd 3/4 OREGON ST TO SACRAMENTO ST.  
 40th TO 41st 1/2 SACRAMENTO ST. TO SHERBURN-ALBANY LINE  
 TRAILBLAZER OR QUARTER AND COSTIS  
 PROPERTY ACQUISITION- 5000 N. VICINITY OF 62nd ST. (1 OF 1)  
 PROPERTY ACQUISITION- 5000 ARCADE EASTSIDE 52nd ST. TO HANCOCK ST. (1 OF 2, 2 OF 2)  
 PROPERTY ACQUISITION- HANCOCK ST. TO 52nd ST. (1 OF 1)  
 PROPERTY ACQUISITION- HANCOCK ST. TO SACRAMENTO ST. (OF 3, 2 OF 3, 3 OF 3)  
 PROPERTY TO BE GRANTED TO CITY BY DISTRICT-NORTH WOODLEY STATION AREA (9 SHEETS)  
 PROPERTY TO BE GRANTED TO CITY BY DISTRICT-ASBY STATION AREA (9 SHEETS)  
 PROPERTY TO BE GRANTED TO CITY BY DISTRICT-VICINITY OF NORTHSIDE AVE & NELSON ST. (1 OF 1)  
 STATIONARY CHECK DRAWING DESIGN (1 OF 1)

## SYMBOLS AND ABBREVIATIONS

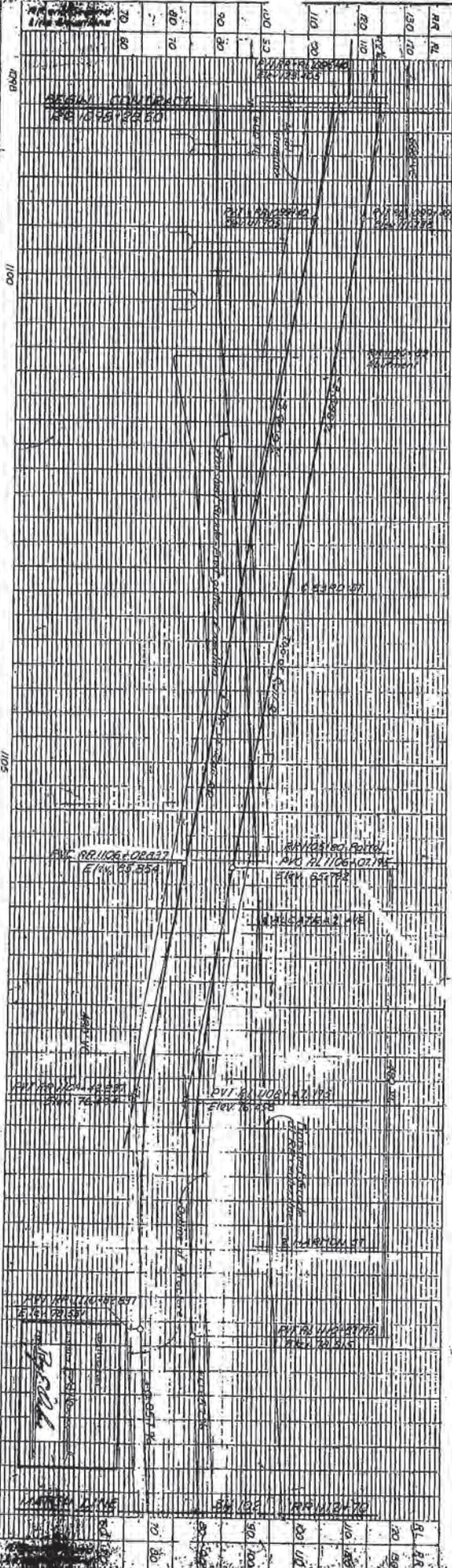
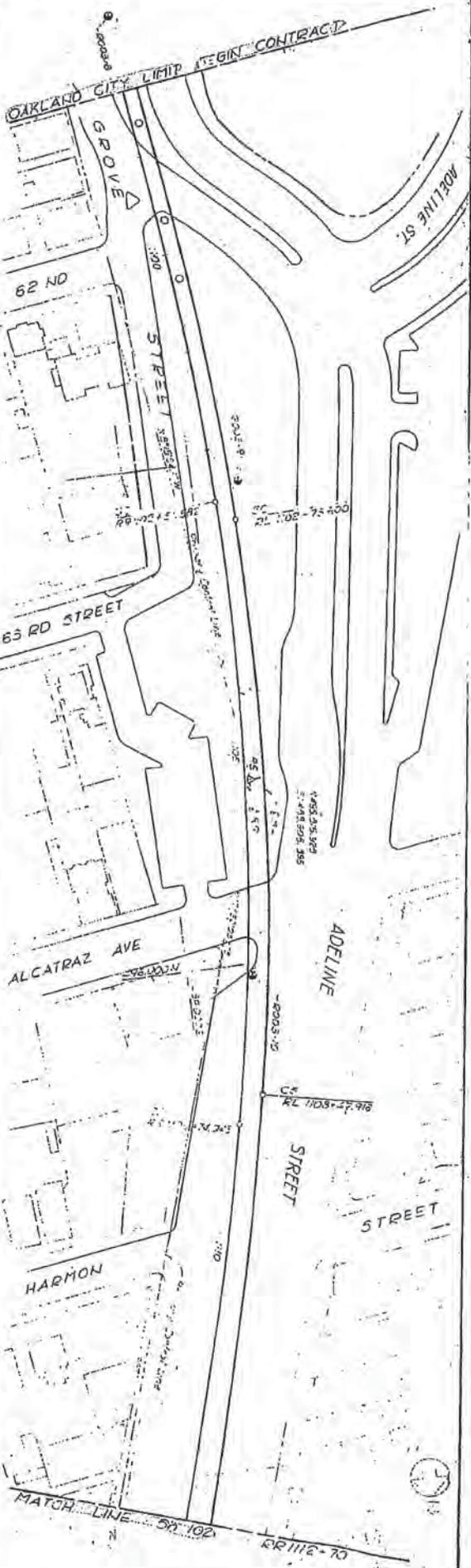
- CITY LIMITS
- BART TRACK ON STATION SQUARE
- EXISTING CAR LINE
- NEW CAR LINE
- EXISTING/STREET RIGHT OF WAY
- NEW STREET RIGHT OF WAY
- EXCESS PROPERTY LINE
- STREET CLOSURE

SCALE: 1" = 800'  
 DISTRICT: SAN FRANCISCO BAY AREA RAILROAD TRANSIT DISTRICT

DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: 7-16-65

ALTERNATIVE C

DATE: 7-16-65	REVISIONS:	NO.	DESCRIPTION
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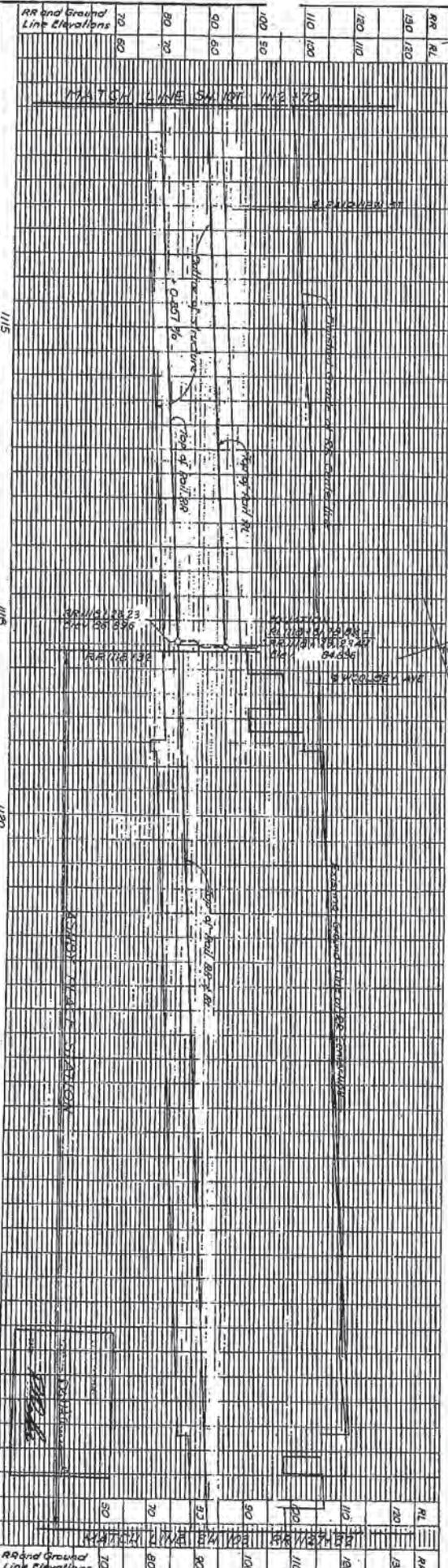
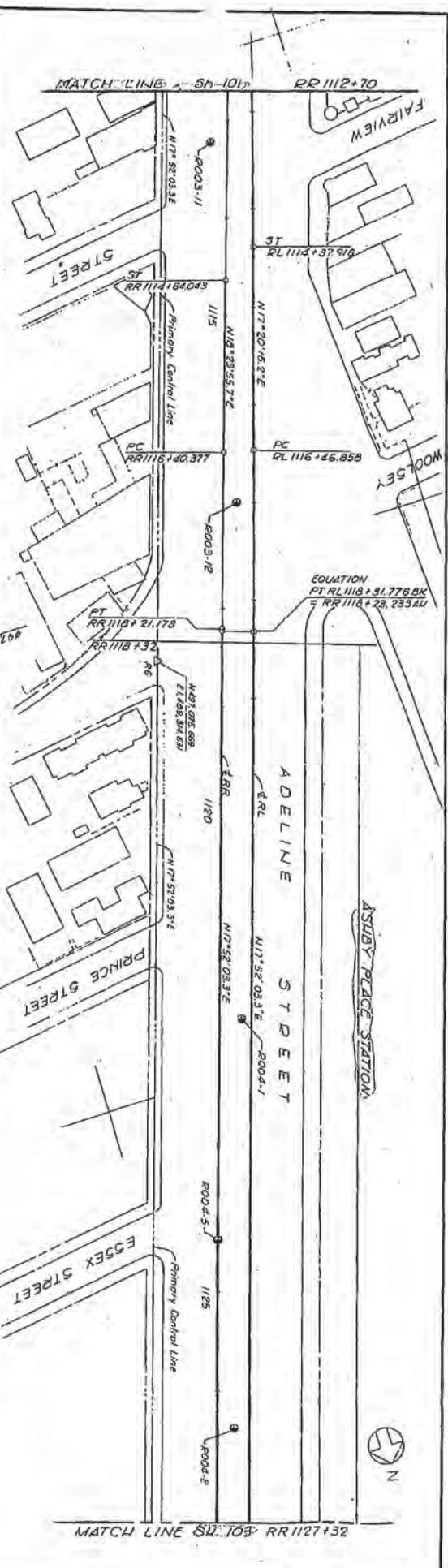
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SAN FRANCISCO BAY AREA RAYD TRANSIT DISTRICT

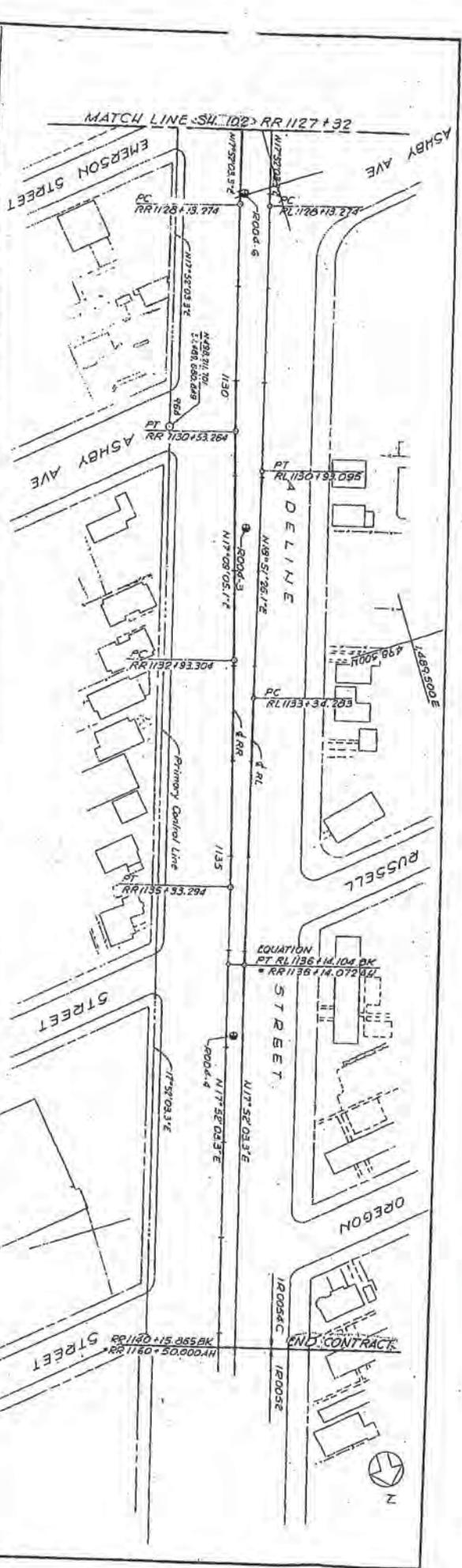
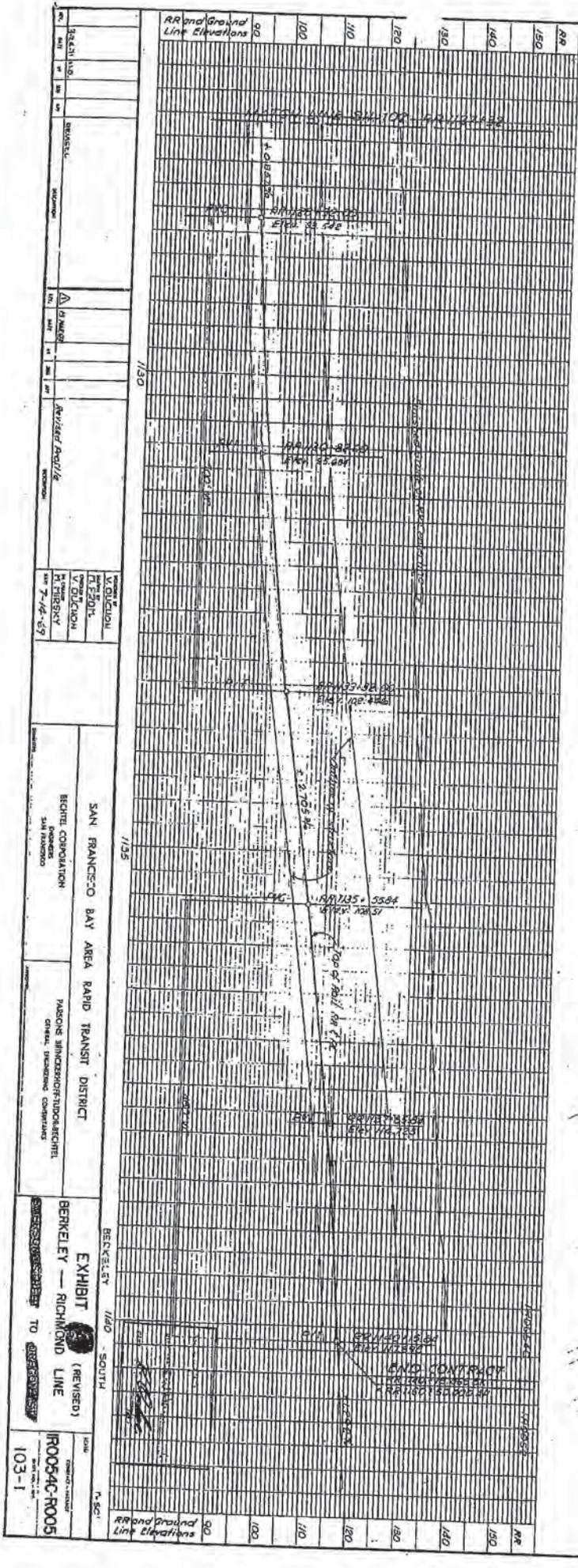
EXHIBIT (REVISED)

BERKELEY - RICHMOND LINE

101-1

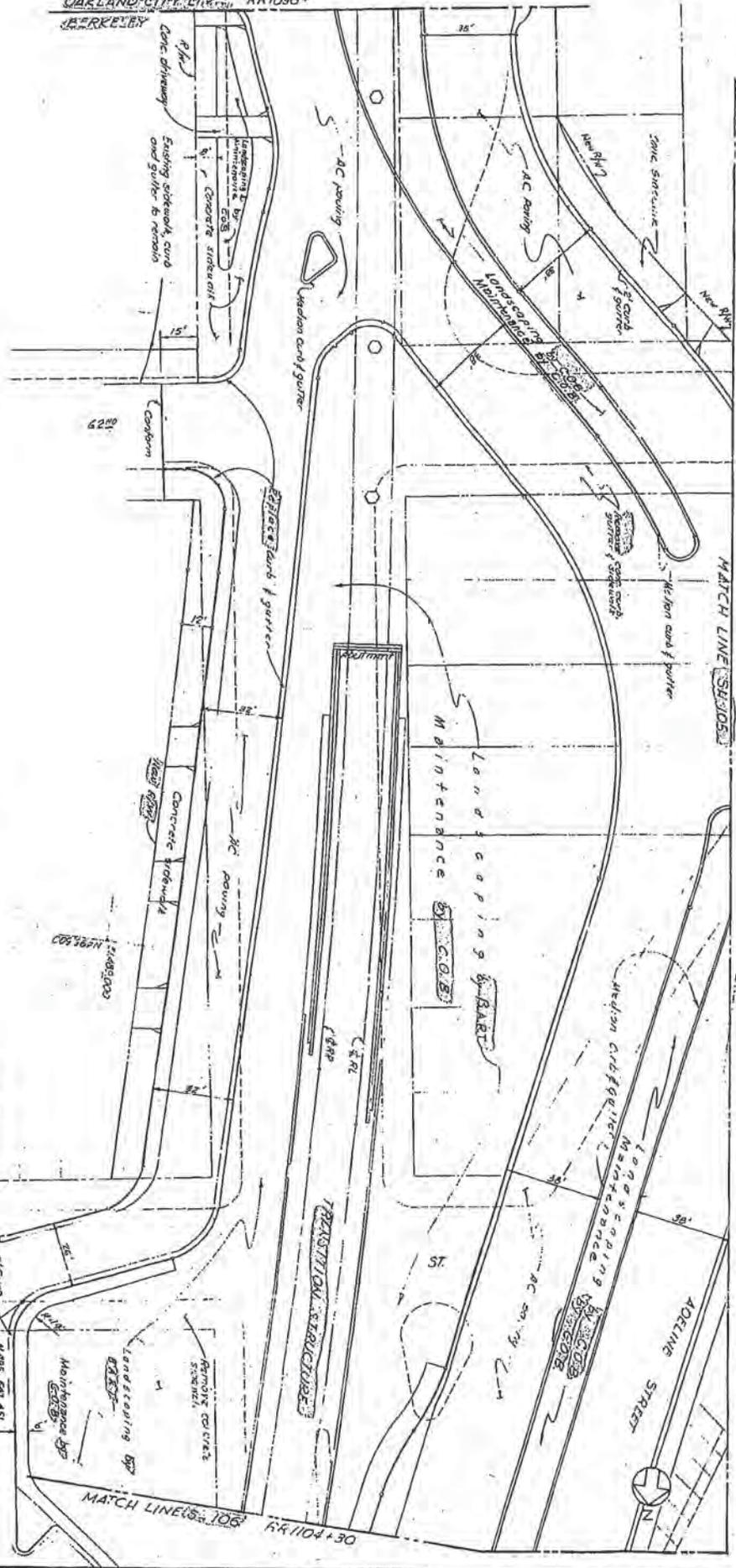


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OAKLAND CITY LIMIT RR1098+

BERKELEY



**NOTE:**  
All work on this sheet shall be in accordance with the specifications and standards of the District except as indicated.

DESIGNED FOR:  
DISTRICT: California  
DATE: 1/14/69

EXISTING AND NEW SIDEWALKS

<p>SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT</p> <p>ROUTE COMMISSION</p> <p>1410 CALIFORNIA STREET, SAN FRANCISCO, CALIF. 94109</p>		<p>EXHIBIT (REVISED)</p> <p>BERKELEY-RICHMOND LINE</p> <p>FROM 104-1 TO 104-11</p>	
<p>PROJECT NO. 104-1</p> <p>DATE 1/14/69</p>		<p>REFERENCE DRAWINGS</p> <p>104-1</p>	









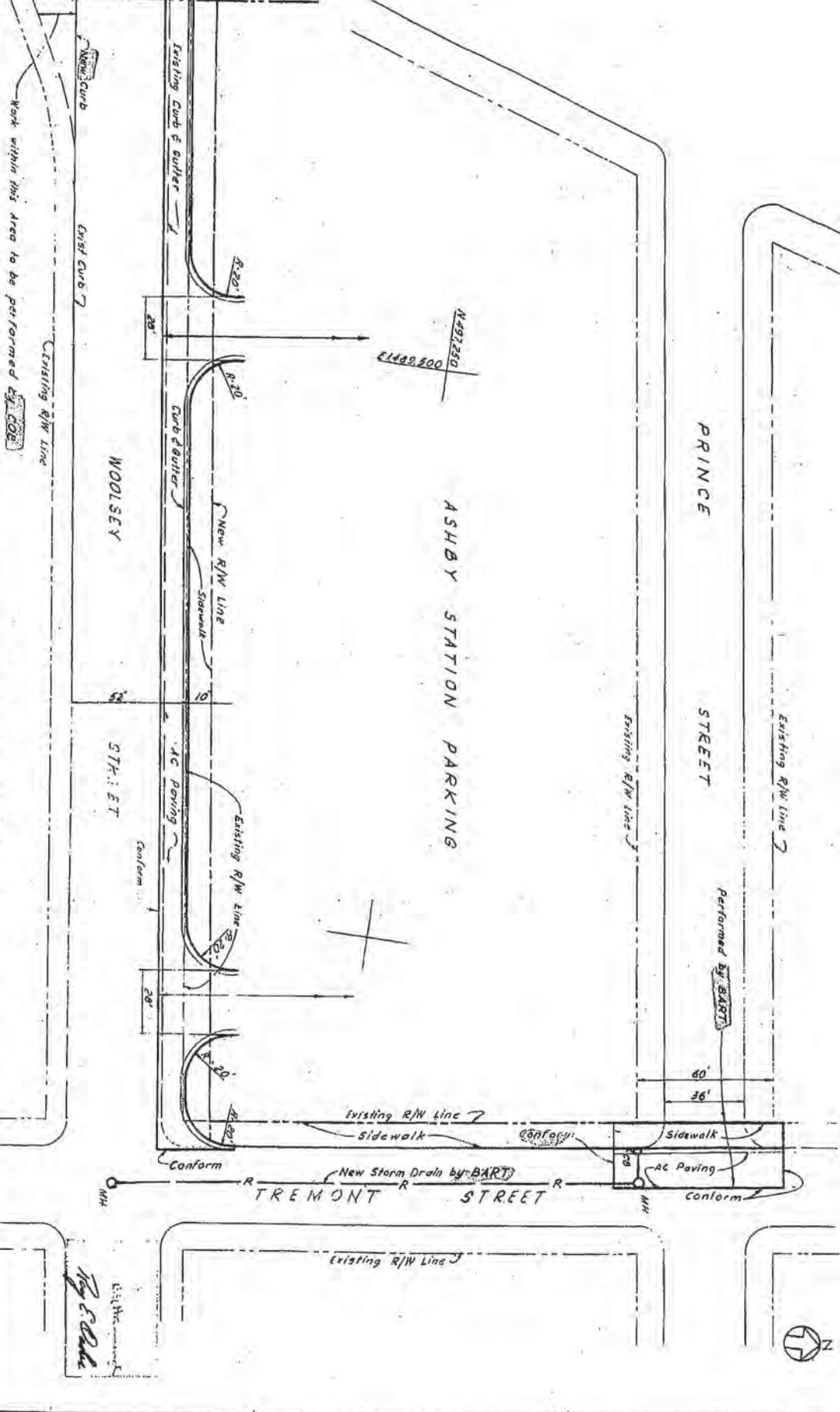








MATCH LINE SHEET 108



Work within this area to be performed by BART

All work on this sheet by BART except as noted

DATE	BY	REVISION
1-2-79	RAJ	1
1-2-79	RAJ	2
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SAN FRANCISCO BAY AREA RAPID-TRANSIT DISTRICT  
 TUDOR ENGINEERING COMPANY  
 SAN FRANCISCO

PAASONS BRINCKERHOFF-TUDOR-DECHTEL  
 SPECIAL SERVICES CONSULTANTS

EXHIBIT (REVISED)  
 BERKELEY - RICHMOND LINE

PROJECT NO. 00506R005  
 SHEET NO. 113-1







## Letter C33

**COMMENTER:** Pamela Michaud

**DATE:** July 19, 2019

### **Response C33.1**

The commenter disagrees with the conclusion that “the Specific Plan would result in the development of new parkland to meet demand for recreational spaces in the Plan Area.” The commenter requests that the Draft EIR be revised to reflect the fact that no park land is specified in the plan.

Please refer to Topical Response C: Parks and Recreational Facilities Impacts for a response to concerns about the adequacy of parks and recreational facilities within the Plan Area.

### **Response C33.2**

The commenter expresses concern for the future design of public space in the Plan Area, particularly on BART property and provides specific suggestions. The commenter requests that additional space be provided for staging activities associated with emergency response at the BART station.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C33.3**

The commenter expresses the opinion that the Draft EIR and Specific Plan ignore the City’s mandate to correct disparities in access to greenspace.

With respect to the comment that the Draft EIR should correct disparities in access to greenspace, please see Topical Response C: Parks and Recreational Facilities Impacts.

### **Response C33.4**

The commenter suggests that low and very low-income residents who may move to the Plan Area with Plan implementation would not be able to afford transportation to the City’s park facilities and therefore would be denied access to such facilities.

The comments suggestion is speculative and the commenter does not provide evidence to support this claim. A goal of the proposed Specific Plan is to improve the public realm add public spaces to the Plan Area.

Pamela Michaud  
[pamelamichaud@sbcglobal.net](mailto:pamelamichaud@sbcglobal.net)  
Fri 7/19/2019 12:10 PM

Adeline Corridor EIR - incorrectly lists OAKLAND Bushroad park in list of parks

From: Pamela Michaud, 1819 63<sup>rd</sup> Street, Berkeley, CA

To: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)

Subject: Adeline Corridor EIR, Impact PS-4

1 | On the Draft EIR, page 4.11-7, under **Parks and Recreation**, the last bullet point, is listed Bushrod Recreation Center. While the EIR does state this is a City of Oakland park, in my opinion this is misleading and embarrassing, and this item should be removed.

## Letter C34

**COMMENTER:** Pamela Michaud

**DATE:** July 19, 2019

### **Response C34.1**

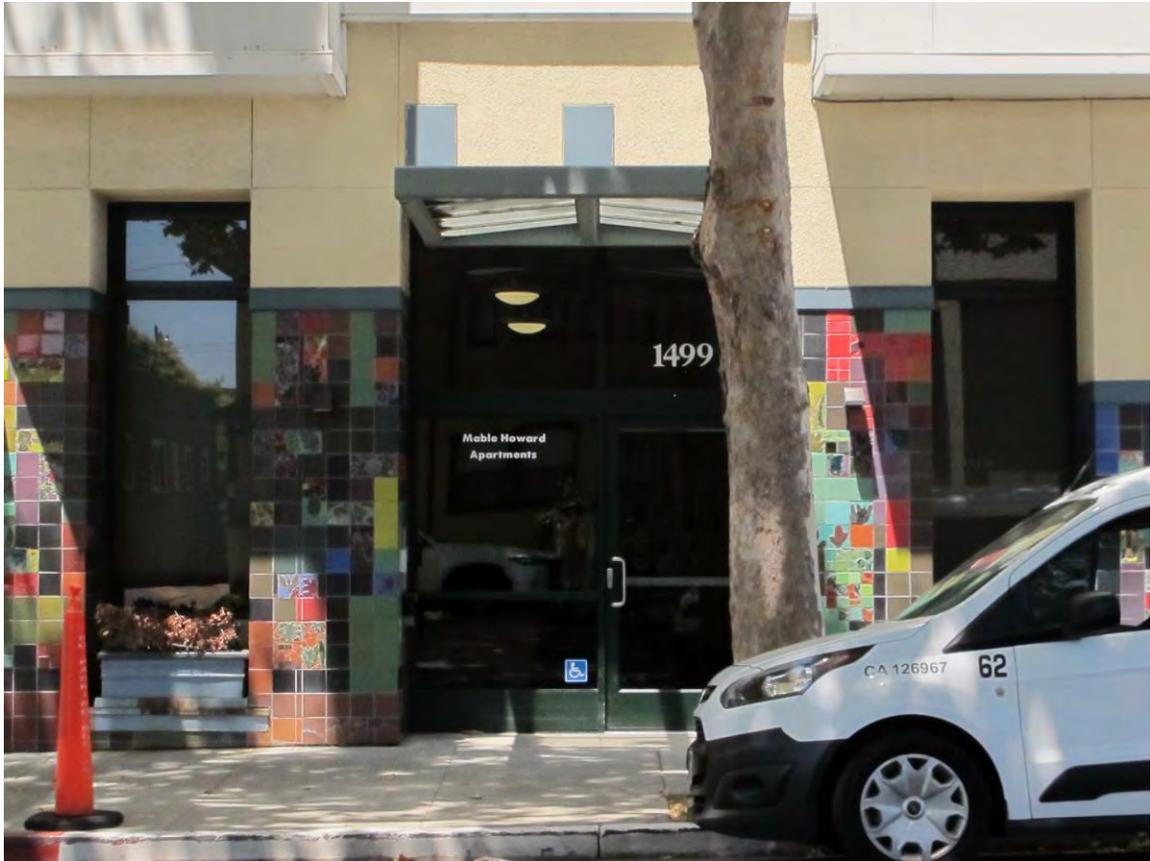
The commenter expresses concern that Bushrod Recreation Center was included in the list of area parks on Page 4.11-7 of the Draft EIR in error and requests that it be removed.

As noted throughout Section 4.11 of the Draft EIR, there are no parks or recreational facilities in the Plan Area. Therefore, the Draft EIR lists and discusses existing park facilities within the vicinity of the Plan Area that existing and future residents would likely utilize. Because Bushrod Recreational Center is located approximately one-quarter mile from the Plan Area, it is reasonable to assume that existing and future residents would utilize this facility.

While the commenter's objection to this recreational facility being listed is noted, no changes to the EIR are warranted.

From: Pamela Michaud, 1819 63<sup>rd</sup> Street, Berkeley, CA  
To: [adelinecorridor@cityofberkeley.info](mailto:adelinecorridor@cityofberkeley.info)  
Subject: 4.14.1 Aesthetics

- 1) I disagree with the EIR regarding the "4.14 Effects Found not to be Significant" on page 4.14.1" where the EIR states ***"Because implementation of the proposed Specific Plan would result in a residential, mixed-use, and employment center projects on infill sites within a public transit priority area, aesthetics impacts may not be considered significant impacts on the environment."***
- 2) Historically, the City of Berkeley has considered South Berkeley's Adeline Avenue and the surrounding neighborhoods a dumping ground for aesthetic building standards that would not be acceptable in any other area of Berkeley. In late 1998 just after buying my house in South Berkeley, I attended my first ZAB meeting and heard ZAB Commissioners state about an illegal radio tower mounted on a commercial building facing into my neighborhood, "That is appropriate down in that neighborhood."
- 3) It is time for Berkeley Planning and Zoning to right some of the wrongs committed in South Berkeley, and creating aesthetically pleasing and artistic buildings in South Berkeley along the Adeline Corridor should be a priority. This City of Berkeley government's investment in South Berkeley buildings and therefore its residents and businesses will demonstrate the City of Berkeley government's changed attitude to South Berkeley and, more importantly, encourage residents to be proud of and care for their neighborhood, attract visitors and shoppers to the area, and enable South Berkeley businesses to prosper. In addition, this investment will help repair the strained relationship between the residents of South Berkeley and the City of Berkeley's government.
- 4) The Adeline Corridor Plan should require new buildings to reflect what commercial buildings used to be in the neighborhood before several blocks were gutted by the building of Ashby BART, and the widening of Adeline Street.
  - a) In particular, the area of Adeline Street south of Ashby BART on the east side has suffered from the building of slab-sided stucco block buildings that lack ornamentation, as well as the 'Fred Flintstone' rock rubble siding of the South Berkeley US Post Office.
- 5) Instead, what this area deserves are buildings that have decorative facades including tile, as many of the existing buildings and the demolished buildings did, just like the area adjoining on Alcatraz north of Adeline. The building below at 1497-1499 Alcatraz Avenue, Berkeley, CA, would be appropriate for the entire length of Adeline Avenue from Ashby Avenue to the border of the City of Berkeley. While modern, it has detail in the walls so it is not slab-sided, and it has the lovely tile on the facade that brings 'art on the building' into the neighborhood.
- 6) In my opinion, The Adeline Corridor Specific Plan and EIR should **require** buildings, including the buildings that will be taller than the below building to have details like 1497-1499 Alcatraz in order to restore the neighborhood's historic character prior to its being almost destroyed by the Ashby BART project and subsequent neglect of aesthetics building standards.



Entrance 1499 Alcatraz Mabel Howard Apts.



1499 Alcatraz & Sacramento South side



1499 Alcatraz East side

## Letter C35

**COMMENTER:** Pamela Michaud

**DATE:** July 19, 2019

### **Response C35.1**

The commenter objects to the Draft EIR's statement that "because implementation of the proposed Specific Plan would result in a residential, mixed-use, and employment center projects on infill sites within a public transit priority area, aesthetics impacts may not be considered significant impacts on the environment."

Please refer to Topical Response A: Aesthetics Impacts for responses to comments about aesthetics impacts.

### **Response C35.2**

The commenter expresses an opinion that Adeline Street and the surrounding neighborhood have been a "dumping ground for aesthetic building standards that would not be acceptable in any other area of Berkeley."

This comment is noted but does not pertain to either the proposed Specific Plan or the Draft EIR. Nonetheless, it will be forwarded to City decision-makers for their consideration.

### **Response C35.3**

The commenter requests that the City prioritize aesthetics and artistic improvements in the Plan area and suggests that such prioritization would improve neighborhood pride and attract customers to local stores.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C35.4**

The commenter requests that the Specific Plan be revised to include additional policies which require new buildings to match the architectural style and details present on some existing and previously demolished structures within the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Aune Michener  
[aunemichener@gmail.com](mailto:aunemichener@gmail.com)  
Tue 7/16/2019 1:10 PM

Written Comment- Adeline Corridor- Michener of Prince St.

The idea of increasing affordable housing for additional density has been a running thought on policies to help the homeless since the 80's. NYC even has had 5-3 years of data on their various attempts to address the housing issues.

NYC used something called "Mandatory Inclusionary Housing" or MIH which had similar potential options for developers as seen in this draft.

I have two major issues with it:

1. Due to the the high regulation of MIH, less developers where interested. Only 3000 affordable units were created in between 2005-2013 in NYC. We should not threaten residents with displacement if we cannot guarantee to further affordable units.

2. There has been policy studies on MIH that are enormously helpful to Berkeley right now. ([https://anhd.org/sites/default/files/mandatory\\_inclusionary\\_housing\\_deep\\_affordability\\_option\\_analy sis - report.pdf](https://anhd.org/sites/default/files/mandatory_inclusionary_housing_deep_affordability_option_analysis_report.pdf)) The 20% at 40 AMI would not render more apartments if the South Berkeley Market is of Middle or Moderate Strength.

Therefore, I am of strong conviction that we should not risk displacement of our neighbors and friends for the potential benefit of big-money developers.

Sincerely,  
Resident of Berkeley, CA  
Brenna Aune Michener  
1607 Prince St #3

1

## Letter C36

**COMMENTER:** Aune Michener

**DATE:** July 16, 2019

### **Response C36.1**

The commenter requests that the Specific Plan policies concerning mandatory inclusionary housing be revised to further incentivize affordable housing development.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Tue 5/21/2019 8:11 PM  
Gary Miguel [garymm@gmail.com](mailto:garymm@gmail.com)  
comments on draft plan

Hi,  
I live in the Lorin district 2 blocks from the corridor.  
I feel strongly the plan should further increase height limits and density limits.  
A base limit of 3 and max of 6 stories in South Adeline will not be enough to incentivize the production of affordable housing, and it will not be enough market rate housing to make a difference in our housing crisis.  
I think each limit should be doubled: base limit of 6, max of 12 stories.

Thanks

1

## Letter C37

**COMMENTER:** Miguel Gary

**DATE:** May 21, 2019

### **Response C37.1**

The commenter suggests that the Specific Plan be revised to increase maximum height and density limits to further incentivize development in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Mollie Mindel  
[mgmindel@gmail.com](mailto:mgmindel@gmail.com)  
Fri 7/5/2019 4:56 PM

Attn. Alisha Chen re: Adeline corridor

Hi Alisha,

My family lives on Blake at Milvia. We are tentatively excited at the development of the Adeline Corridor. I would like to bring to your attention some issues around our block. We are an extra wide street and all day cars will speed down our street coming from Shattuck, perhaps in an attempt to avoid Dwight, not sure, but it results in a dangerous pedestrian environment. There are numerous families on our block and a church, yet none of us can spend time out front of our houses to socialize because of the speeding cars.

1 With the new developments coming on our square block about we expect 100s of new living units, which include senior housing. That means increased traffic and increased pedestrians. While it may be out of your projects purview to control traffic on Blake between Shattuck and MLK, we would like something done to prevent pass through traffic. We fear that with Blake being at the beginning of the corridor, drivers who want to avoid it for whatever reason will increasingly choose our block as a speedy escape. We will greatly support anything that helps alleviate the pass through traffic on our block.

Having spent time visiting major cities in Europe and South America, I've seen the way these corridors can bring together community and increase access to pleasant outdoor spaces within dense urban areas. We hope the Adeline Corridor will do the same.

Thank you,  
Mollie Mindel and Jacque Lacey

--

Mollie G. Mindel  
Speech-Language Pathologist  
[molliemindel.slp@gmail.com](mailto:molliemindel.slp@gmail.com)  
c.510.290.6266

## Letter C38

**COMMENTER:** Mindel Mollie

**DATE:** July 5, 2019

### **Response C38.1**

The commenter expresses concern for potential pass-through traffic along Blake and Milvia streets and requests that the Specific Plan be revised to include further measures to reduce pass-through traffic in this area.

An increase in cut-through traffic on residential streets is not considered a significant impact on the environment based on the City's significance criteria, as listed on page 4.12-21 of the Draft EIR. Nonetheless, addressing traffic calming and safety is a top priority that the City addresses through multiple initiatives. The City is currently working on the Milvia Bikeway Project which will reduce the potential for cut-through traffic on Milvia Street.

As listed on page 2-17 of the Draft EIR, the Specific Plan envisions implementation of traffic calming measures, such as chicanes, speed humps, and/or turn restrictions, with the primary goal of reducing automobile speeds and/or volumes along the residential streets near the Adeline Corridor, including Blake and Milvia Streets. Furthermore, Mitigation Measure T-2 as described on page 4.12-26 of the Draft EIR, would include an evaluation of potential traffic diversion due to installation of new signals and/or turn restrictions along the corridor, and may include implementation of traffic calming measures along the residential streets in the vicinity of the Adeline corridor.

Robbie Ordell  
ordellrobbie@protonmail.com  
6/15/2019 2:33pm

Subject: Feedback

Hi,

1 | With such a large investment of time and money to improve this corridor, I would expect a more drastic transformation of the space. Namely, it would be nice to shift all car traffic to one side so instead of a median there could actually be a long park of some design. The city is in need of more green space especially with all the proposed increased housing density.

Thank you for your consideration.

Sent with [ProtonMail](#) Secure Email.

## Letter C39

**COMMENTER:** Robbie Ordell

**DATE:** June 15, 2019

### **Response C39.1**

The commenter expresses disappointment with the roadway designs proposed in the Specific Plan stating that he would have liked to see more transformation of the roadway such as moving the travel lanes to one side, allowing creating of a linear park on the other side.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. The design the commenter is describing matches what is proposed in the Draft Plan conceptual right-of-way design as noted and shown in Policy 6.2 and Figure 6.1, respectively.

Mon 6/3/2019 4:46 PM  
Phyllis Orrick <poberkeley@gmail.com>  
Comments on Adeline Corridor Plan

Hello,

As a 25-year resident of west Berkeley, as a homeowner, and as a parent of a public employee in Berkeley (who cannot afford to live in the city in which he was raised and attended school), I urge the commission to ensure that the Adeline Corridor Plan not succumb to the perfect being the enemy of the good and NOT put an onerous requirement for affordable housing such that the project will not pencil out and not generate the amount of units that we so desperately need.

1

As with the North Berkeley and Ashby BART developments, we must ensure that this onetime opportunity to create vibrant, livable and affordable communities not get ensnared in crippling, unrealistic and unfeasible requirements.

As you know, Berkeley has not lived up to its fair share of housing creation these last 40-50 years. Just look at our population numbers: basically unchanged since the 1970s. We have a moral obligation to correct this shortcoming as rapidly as we can and with as much housing as we can create.

Thanks for your consideration.

Phyllis Orrick  
Near San Pablo and Cedar

## Letter C40

**COMMENTER:** Phyllis Orrick

**DATE:** June 30, 2019

### **Response C40.1**

The commenter urges the City to develop good but not onerous policies to incentivize affordable housing development within the Plan Area.

The proposed Specific Plan includes an objective to encourage more affordable housing in the Plan Area. This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Andrew Page  
[Andrewpage5@gmail.com](mailto:Andrewpage5@gmail.com)  
6/29/2019 11:15AM

Thanks!

1 | I'm just writing to say I think the plans look great and will be a huge improvement. I have one concern, which is about the knock on effect of this will be on MLK. I have found the traffic to be getting very aggressive coming down MLK these days. there are quite number of accidents as people coming bombing down the road between Ashby toward University. I am concerned that as the plans come into effect and the lanes narrow, etc for the Adeline/Shattuck route that it will divert more pressure to MLK. I wonder if there are pedestrian safety measures planned for that area too?

In general I support the constriction of car lanes and slowing down of traffic, but I worry when people get through the Ashby/Adeline exchange they are going to be more inclined to put the pedal down on MLK.

thanks again,  
Andrew  
--  
Andrew Page  
510.725.8289

## Letter C41

**COMMENTER:** Andrew Page

**DATE:** June 29, 2019

**Response C41.1**

The commenter expresses concerns regarding increased traffic along Martin Luther King Jr. Way with plan implementation and asks what additional pedestrian safety improvements to this corridor can be implemented.

Although not identified in the comment, it is assumed that the commenter is referring to the segment of Martin Luther King Jr. Way north of Adeline Street. Table 4.12-8 on page 4.12-24 and Table 4.12-9 on page 4.12-26 of the Draft EIR summarize average intersection delay and corresponding level of service (LOS) at study intersection under Existing and 2040 conditions, respectively. As shown in these tables, the proposed project, which would consist of addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan, is expected to have minimal effect on delay and LOS at the intersections along Adeline Street parallel to this segment of Martin Luther King Junior Way. Thus, it is expected that minimal traffic would divert from Adeline Street to Martin Luther King Jr. Way.

Theo Posselt  
[tposselt.sf@gmail.com](mailto:tposselt.sf@gmail.com)  
 Thu 7/18/2019 2:53 PM

### Adeline Corridor Plan

I am writing to provide input on the overall Adeline Corridor Plan.

Overall to be clear I have not read the full 380 page DEIR, I assume it's not expected that members of the public would have done so. Instead I'm relying on public reporting, especially this piece in Berkeleyside: <https://www.berkeleyside.com/2019/05/29/after-5-years-of-work-adeline-corridor-plan-promotes-major-ashby-bart-development-total-street-redesign>

On the one hand, I really appreciate the redesign of the street itself. The creation of the physically protected bike lanes in particular are critical and valuable. Similarly the concept of redesigning the major intersections - notably Adeline/Ashby - is critical; unfortunately it's not finalized.

However, I am very concerned about the planning for development along Adeline itself, especially housing. I am again assuming this reporting from Berkeleyside is correct:

*"The draft plan predicts the construction of 1,450 new housing units along the corridor in the next two decades. It sets a goal of 50% affordable units — typically defined as no more than 30% of a resident's income — for a range of income levels... But the proposed hundreds — up to 900 — housing units on the Ashby BART parking lot are critical if the city is to meet the 50% affordability goal, the draft plan indicates... The draft plan also proposes zoning changes for the entire corridor area, introducing a tiered system wherein developers could add more height and density to their projects if they included more affordable units. For example, developers would be allowed to build three-story buildings along most of the corridor, but could add a fourth story if 20% of the units were affordable or a fifth with 35% — up to seven stories."*

My basic observations are that the Adeline plan should plan for a significant increase in housing on the lots bordering Adeline; that 1450 units are woefully insufficient, especially if 900 are Ashby BART and only 550 are proposed to be added elsewhere; and finally that the goal of 50% below-market (affordable) units is admirable but unachievable without significant funding sources, which aren't proposed in the plan.

I am informed in this primarily by my view that we're setting the conditions for the next century of Berkeley. Whatever building we enable from the plan is unlikely to be replaced within my (kindergarten aged) daughter's lifetime or her potential children's life. Given that we have a climate emergency setting in, we need to immediately plan for denser, more energy efficient housing, to allow a substantial increase in population as the Bay's mild climate turns Berkeley into a refuge. Finally the Bay's current economic growth both enables us to build significantly right now, and also obligates us to share access to economic opportunity with others.

Given this, I would instead strongly recommend that the housing aspect of the plan is changed to encompass a much more ambitious housing plan along Adeline proper, aside from Ashby BART:

- 1
- An average height of 6 stories, which is the height of the Harriet Tubman Terrace on Adeline between Oregon and Russell
  - A baseline height of 5 stories, with a sixth allowable at 20% affordable, a seventh at 35%, an eighth at 50% affordable
  - Some standard design consideration for neighboring buildings on adjacent streets (ie, a standard step-down requirement)
  - Removal of all parking minimums from new buildings, with a potential parking maximum
  - All of this construction defined as by-right, not subject to ZAB, Council, or other reviews or impediments

2

In terms of Ashby BART itself - I would propose that the plan call for a substantial housing element (for this, potentially 550 units is the right size); and require developers to bid on the basis of the maximum affordable housing within that housing size. Given that Berkeley's Housing Trust is (to my understanding) completely committed to other housing such as the Berkeley Way project, this seems like the only feasible way to get actual housing constructed while still including a substantial below-market (affordable) element.

Between these two sets of changes, I feel confident that the goal of the number of affordable units (50% of 1450, ie 725) could be delivered, while also delivering substantially market rate units; without these changes, I highly doubt that we will see 1450 units delivered of any kind, much less the 725 affordable units we all desire.

Thank you for your time and consideration!

Regards,

Theo Posselt

Member, BNHCA

## Letter C42

**COMMENTER:** Theo Posselt

**DATE:** July 18, 2019

### **Response C42.1**

The commenter urges the City to revise the Specific Plan to include more housing than is currently proposed and suggests specific changes to the Specific plan to increase height and allowed density at certain areas in the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C42.2**

The commenter suggests that development on the Ashby BART station property consist of housing only and that developers should be selected based on their proposed mix of affordable housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Jane Scantlebury  
[jscantlebury@lmi.net](mailto:jscantlebury@lmi.net)

6/29/2019 7:04AM

Housing

Dear All,

Please allow for more housing to be built, especially affordable and low income housing. But, we need more housing than is stated in the plan.

Thank you,

Jane Scantlebury  
2927B Otis Street

1

## Letter C43

**COMMENTER:** Jane Scantlebury

**DATE:** June 29, 2019

### **Response C43.1**

The commenter states the opinion that more housing than is stated in the Plan is needed, especially affordable housing.

The proposed Specific Plan includes an objective to encourage more affordable housing in the Plan Area. This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

C Schwartz  
[cschwartz29@yahoo.com](mailto:cschwartz29@yahoo.com)  
 Fri 7/19/2019 5:02 PM

### Suggestions for Adeline Corridor

Hello,

Please consider the bellow thoughts/concerns/suggestions/questions for the above

- 1 | 1.) wanted to know if we can have a pace program for low/extra low/very low income, no income and homeless, seniors, people with disabilities?
- 2 | 2.) Medical Facility separate/together, but on the same premises to be able to treat all people in the building and elsewhere for things that people may need like shots, referrals, cuts, disease, Mental Health issues, Disaster location and Acute Care, free clinic (\*), be able to help with dementia patients, diabetes, etc. -- if we can, we would be able to service people with necessary health needs. People get older and living in Berkeley housing costs only seem to increase. If we can keep people healthy in their home, this allows for them better to not move.
- 3.) Housing Affordability - 100% Affordable  
 Can we have all levels of affordability in this project? Can it be 100% affordable?
- 4.) Services
- a.) Community (day programs for multiple needs like Ed Roberts only as well have additional day programs for people with developmental disabilities (there are not very many).
- b.) Senior Center oriented services?
- c.) Gym/health facility like the Y including services
- c1.) Spa
- c2.) pool (shallow, heated & regular or olympic)
- c3.) Wait room
- c4.) Basketball
- c5.) Waling area or Track
- c6.) One- Stop -- (similar to a travel center)
- a.) Showers
- b.) TV
- c.) Movies
- d.) Shop for food
- e.) Rest areas
- f.) laundry (services or public laundry mat that does both )
- g.) food services
- 1a.) Garden fresh organically grown foods
- 2a.) Soups
- 3a.) Breads etc
- 5.) Open Space:  
 Not sure if we can do this bc we need a lot of affordable housing
- 6.) Kids area - Kid Friendly swings, park, courtyard, maybe a workout facility, pool???

↑ 7.) Dogs - area for small and large doggies with poop bags

2 | 8.) Make a requirement that we have so many people with Disabilities, Seniors, Low income (etc.), Artist,

9.) Live/work

10.) Right of Return

Sincerely,

Christine Schwartz

## Letter C44

**COMMENTER:** Christine Schwartz

**DATE:** July 19, 2019

### **Response C44.1**

The commenter asks if there can be a Pace Program for low income households, homeless, persons, seniors, and people with disabilities.

This comment does not pertain to the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C44.2**

The commenter suggests that various amenities in or adjacent to affordable housing units to provide needed services and improved access are needed.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Tue 5/28/2019 9:10 AM

Tommaso Sciortino [sciortino@gmail.com](mailto:sciortino@gmail.com)

We need More Housing in the Adeline Corridor Plan

I write to you to express my concerns about the Adeline Corridor Plan. While I am in general agreement with the main goals of the plan, the specific policy proposals for zoning, street width, and affordability will result in less housing than we need and more traffic than we want.

1 | 1- WE NEED TO MAXIMIZE HOUSING NEAR TRANSIT: The PLAN does not incentivize enough homes to be built over the next 20 years. In this transit rich area, we need to maximize the number of homes on the corridor and on Ashby BART, not stick with the status quo of low density.

2 | 2- WE NEED HOUSING FOR EVERYONE AT ALL INCOME LEVELS: The PLAN does not commit the City to fund the affordable housing we need and deserve in our neighborhood. And the PLAN does nothing to address the housing needs of lower- and middle-income workers (60-120% AMI) who do not qualify for government subsidized housing.

3 | 3- WE NEED SAFE STREETS, GREENWAY, AND A WALKABLE NEIGHBORHOOD: The PLAN proposes too many lanes of traffic on Adeline. The highest priorities should be pedestrian safety, bike lanes and green space, NOT accommodating thru traffic.

While I am pleased to see the Plan almost done, it needs significant revisions and therefore the draft needs to be remanded to consider more housing, affordability for all, and fewer traffic lanes.

## Letter C45

**COMMENTER:** Tommaso Sciortino

**DATE:** May 28, 2019

### **Response C45.1**

The commenter provides an opinion that the Specific Plan does not incentive enough homes to be built over 20 years and that housing near transit should be maximized.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C45.2**

The commenter provides an opinion that the Specific Plan does not commit the City to fund affordable housing and do not do enough to address the needs of lower- and middle-income workers.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C45.3**

The commenter states an opinion that the Specific Plan proposes too many lanes of traffic on Adeline Street and that the Plan should prioritize bike infrastructure, walkability, and public transit improvements.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. However, several commenters suggest the Plan include fewer lanes of travel along Adeline or that the Draft EIR include an alternative that involves fewer lanes of travel, this is partially addressed in Topical Response D: Transportation/Traffic Impacts.

John Selawsky  
[websky66@gmail.com](mailto:websky66@gmail.com)  
Fri 7/5/2019 11:33 AM

comments on draft corridor specific plan

Here are some general comments that pertain to the draft Adeline Corridor specific plan:

1 | It is essential that a non-profit, community based and sensitive developer be chosen to develop the Ashby BART site, if that site is developed. Further, it must be mandated that this developer incorporate and take direction from the neighborhood and community on issues that may arise during planning.

2 | It is essential that at least 50% of any units developed at the Ashby BART site be affordable, and preferably inclusionary, units. The affordability index should be in the 20-50% of AMI. Multi-bedroom units should also be mandated, i.e., family housing.

Generally, to the degree possible, the above comments should apply to the entire Corridor.

3 | Some real enforceable and funded anti-displacement strategies and mechanisms must be mandated before any use permits are granted. That can mean, must is not limited to, rights of return, generous relocation fees, and tenant access to advice and legal services, at City and/or developers cost. There is a real danger of displacing many, many long-term community members unless this issue is taken seriously and addressed before any use permits are granted.

Any temporary or permanent displacement of existing local businesses should be addressed prior to use permitting, and adequate alternative locations secured, by the City and/or developer.

best

John T. Selawsky  
Berkeley Rent Board  
[websky66@gmail.com](mailto:websky66@gmail.com)

## Letter C46

**COMMENTER:** John Selawsky

**DATE:** July 5, 2019

### **Response C46.1**

The commenter expresses the opinion that a non-profit, community-sensitive developer be responsible for development of the Ashby BART sites.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C46.2**

The commenter expresses the opinion that at least 50% of housing units developed on the Ashby BART station property should be developed as affordable housing at 20 – 50% AMI and include multi-bedroom or family housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C46.3**

The commenter urges the city to develop enforceable and funded anti-displacement strategies such as rights of return and relocation fees.

This comment is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. However, the environmental implications associated with displacement are addressed in Topical Response B: Population, Housing, and Displacement Impacts.

John Selawsky  
[websky66@gmail.com](mailto:websky66@gmail.com)  
Fri 7/19/2019 12:31 PM



comments on DEIR and Draft Plan

[adelinacorridor@cityofberkeley.info](mailto:adelinacorridor@cityofberkeley.info)

**Alisa Shen**  
**Project Manager**  
**City of Berkeley**  
**Planning & Development Department**  
**1947 Center St, 2nd floor,**  
**Berkeley, CA 94704**

**RE: Adeline Corridor Specific Draft Plan and Draft Environmental Impact Review (DEIR)**

**Dear Ms. Shen,**

1 | According to the DEIR's section 4.10, under Population and Housing, there are 14,709 residents living in the Adeline Corridor. Of those residents, 9,369 (63.7%) are tenants living in 3,795 rental housing units, many of which are likely under rent control. The DEIR states, in Section 4.10.2, under Analysis - Impact PH-2, that "Implementation of the proposed Specific Plan could displace existing housing units or people..." That could mean thousands of people living in rentcontrolled

2 | units could be displaced by development in the area. Although mentioned in the DEIR, the Specific Plan does not address the 2015-2023 Berkeley Housing Element guideline, Rent Stabilization and Rental Housing Conservation, which calls for protecting tenants from large rent increases, arbitrary evictions, hardship from relocation, and the loss of their homes and preserving existing rental housing. The Specific Plan only speaks about preserving "affordable housing" but there is nothing in the plan that refers to preserving, in particular, rent stabilized units. We recommend that the Specific Plan include a provision for protections of current residents in rent-controlled units and a one-for-one replacement for any demolished rent-controlled units.

3 | Chapter 4.10 of the Specific Plan, calls for "Owner and Tenant Education", stating that the City should provide access to housing information and programs that are key to ensuring that both property owners and tenants understand their rights and responsibilities under the regulations for housing and tenant protections. However, the plan is lacking in development or implementation details. We recommend that the Planning and Development Department work closely with the Rent Stabilization Board and Program, Health, Housing & Community Services Department, and Berkeley Unified School District to develop and implement an effective targeted outreach program to reach all tenants and all the property owners of the 3,795 rental housing units in the Adeline Corridor. The Rent Board maintains a data base of property owners of rent stabilized units, in the target area, which will be of great value in the development and implementation of this outreach program.

Sincerely,

Paola LaVerde, Chair, Berkeley Rent Stabilization Board  
Leah Simon-Wiseberg, Vice-Chair, Berkeley Rent Stabilization Board

John T. Selawsky, Commissioner, Berkeley Rent Stabilization Board  
Igor Tregub, Commissioner, Berkeley Rent Stabilization Board

## Letter C47

**COMMENTER:** John Selawsky

**DATE:** July 19, 2019

### **Response C47.1**

The commenter notes that out of the existing residents who may be displaced as a result of development under the Specific Plan, many of these residents currently take advantage of rent control and as a result may not be able to afford replacement housing in the area

Please refer to Topical Response B: Population, Housing, and Displacement Impacts for a response to concerns about displacement under the Specific Plan.

### **Response C47.2**

The commenter notes that the Specific Plan does not refer to the City's Housing Element which calls for protection of rent controlled units. The commenter requests that the Specific Plan be revised to include policies requiring one for one replacement of rent controlled units.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C47.3**

The commenter expresses an opinion that the Specific Plan does not contain sufficient detail on implementation measures to ensure that policies regarding tenant and landlord education are carried out. The commenter points to specific data resources at the Rent Board which could be utilized in development of implementation measures.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

William Smith  
[smithwja@gmail.com](mailto:smithwja@gmail.com)  
Fri 7/19/2019 4:04 PM

**Comments on Adeline Corridor Specific Plan, Equity Focus**

William Smith  
[WJASmith@AOL.com](mailto:WJASmith@AOL.com)  
July 19, 2019

I commend the City of Berkeley for a specific development plan that provides a national model for equitable development. While the plan cannot guarantee that new development will enable all existing residents who want to remain in the Adeline corridor area to do so, the City’s innovative zoning strategies, plans to set aside public land for 100% affordable housing projects, and identified funding strategies provide a promising path to achieving that goal. The 100% affordable housing projects also promise to result in more housing affordable to those with extremely and very low incomes, the type of housing in shortest supply in the City and the housing most needed to keep the homeless population from growing.

1

I concur with the City that its strategy of blending 100% affordable projects and public land and encouraging developers to include affordable housing in private mixed use developments, will require greater transparency and accountability than a specific percentage of affordable housing applicable to all projects. I urge the City to set milestones to facilitate close monitoring of both displacement by the project and of progress to meeting the goals for affordable housing in the area. The City can work with citizens to set these milestones, such as a progress review before issuing permits for the first 1/3 and 2/3 of the 1450 residential units. If construction of the 100% affordable housing lags, the City could then take corrective action to reduce displacement, such as increased efforts to find the necessary funds or delay award of further mixed use construction until affordable housing construction had caught up.

I support the City’s plans to encourage social housing (e.g. limited land price appreciation isolated from the private market) in the Adeline Corridor Area. Examples of this type of housing include 1) housing cooperatives, 2) co-housing, 3) group housing, 4) land trusts and 4) affordable live-work units.

2

Besides aggressive support of low income tax credits to fund affordable housing, I also support the City’s efforts to find new, locally controlled funding sources and expand financing mechanisms to fund affordable housing. The City’s recent and successful efforts to develop local funding sources have made it more competitive for the low income tax credits. These existing sources include:

- Housing bond - Measure O
- Property Tax Transfer Fee - Measure P
- Public land donation (>\$10,000,000)

I also support the proposed policy to prioritize new affordable housing units for current area residents or those who have previously been displaced from the neighborhood.



2.  
cont.



By recognizing that the City must build at least 1 permanently affordable unit for every market rate unit, and providing a credible path to achieve that goal, the Adeline Corridor specific plan is a national model for equitable development.

William J. Smith  
Alameda, CA 94501  
(510)522-0390

## Letter C48

**COMMENTER:** William Smith

**DATE:** July 19, 2019

### **Response C48.1**

The commenter expresses support for specific housing policies in the Specific Plan. The commenter proposes that the City establish milestones to monitor both displacement and development of affordable housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C48.2**

The commenter expresses support for current city policies and efforts to increase funding for development of affordable and social housing throughout the city. The commenter asserts that more needs to be done to achieve a goal of one affordable housing unit built for every one market rate housing unit built.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR.

Fri 5/17/2019 8:41 PM  
Matthew Stenberg [stenberg.matthew@gmail.com](mailto:stenberg.matthew@gmail.com)  
Adeline Corridor Draft Comments

Hello-

1 | I was disappointed to see how little attention was paid to public transportation in the draft plan. While it may not be appropriate for Adeline itself given that only the F currently runs on it, I think the South Shattuck section of the plan should incorporate dedicated bus lanes (which should, obviously, continue through downtown). I ride the 18 and F regularly and am often stuck in traffic, especially by cars at intersections who will not let buses merge.

2 | I would also like to support protected bikelanes, especially on Adeline. The delivery vehicles for Berkeley Bowl and Walgreens regularly park in the bike lane. Protected bike lanes would make this less frequent. I would also say in the north adeline part, the parking lane on the northbound side could perhaps be done away with. Those spots are rarely filled and the space could be better allocated to pedestrians.

3 | The Ashby / Adeline intersection is currently uncomfortable to drive on. The striping for the left turn lane from Ashby on to Adeline northbound and the left most lane continuing on to Ashby always feel like they overlap slightly when entering the intersection. Perhaps the turn lane angle could be changed ever so slightly to reduce this conflict.

4 | I would very much support bulb outs on Adeline/ Russell.

5 | The stops you have on your map for the 18 and the F in figure 6-15 are out of date.

6 | What will become of the Here / There sculpture? It appears like in the Stanford / MLK / Adeline intersection reformation that would be lost. This should be maintained in some way.

Thank you for the opportunity to comment

## Letter C49

**COMMENTER:** Matthew Stenberg

**DATE:** May 17, 2019

### **Response C49.1**

The commenter expresses disappointment at the perceived lack of attention paid to public transit facilities in the Adeline Corridor Specific Plan. The commenter expresses support for a dedicated bus lane.

The proposed Specific Plan involves improvements to the Adeline Corridor to provide transit improvements, dedicated bike lanes, and pedestrian connectivity improvements. Section 6, *Alternatives*, of the Draft EIR considers implementation of a dedicated bus lane in the Plan Area. As stated in Subsection 6.4, this option would involve the same land uses as those proposed under the Specific Plan, but would remove an additional lane along Adeline Street for the addition of a dedicated bus lane. While the additional bus lane would decrease GHG emissions and VMT by improving transit service, the removal of one lane would worsen traffic delays and further degrade the level of service (LOS) at the study intersections along the corridor. Therefore, this scenario was rejected from further consideration. Please also see Topical Response D: Transportation/Traffic Impacts.

### **Response C49.2**

The commenter expresses support for protected bike lanes, especially along Adeline Street.

As described in Section 2, *Project Description*, of the Draft EIR, the long-term envisioned improvements along the Adeline Corridor include providing cycletracks, which are separated, protected bike lanes.

### **Response C49.3**

The commenter states an opinion that the intersection of Adeline Street/Ashby Avenue is uncomfortable to drive on and suggests the left turn angle could be changed to reduce conflicts.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments. However, Section 2, *Project Description*, summarizes the proposed long-term right-of-way improvements along Adeline Corridor, which include improvements to the intersection of Adeline Street/Ashby Avenue. As described on Page 2-20, left-turn lanes would be provided at southbound Ashby Avenue at Adeline Street.

### **Response C49.4**

The commenter expresses support for bulb outs at the intersection of Adeline Street and Russell Avenue.

The proposed long-term transportation improvements summarized in Section 2, *Project Description*, of the Draft EIR focus on improvements along Adeline Corridor including improving pedestrian and bicycle crossing across the corridor. This includes the intersection of Adeline and Russell Street, as shown on Figure 2-9. The exact design of the crossing at this intersection would be determined at a later design phase with public input.

### **Response C49.5**

The commenter notes that the bus stops listed in the Specific Plan Figure 6-15 for bus lines 18 and F are out of date.

This comment is noted but does not pertain to the Draft EIR. Although the figure may be slightly incorrect in bus stop locations, changing these would not alter the findings or conclusions of the Draft EIR, which found that impacts related to public transit associated with the proposed Specific Plan would be less than significant.

### **Response C49.6**

The commenter expresses concern the proposed right-of-way redesign in the Draft Plan will result in the loss of the “Here/There” sculpture presently located at the intersection of Adeline Street, Martin Luther King Way, and Stanford Avenue. The commenter asks if the Here/There sculpture would be preserved and suggests that it should be maintained.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. As noted in the proposed Specific Plan, the conceptual roadway redesign is a high-level design that will need further engineering and design study to refine the design. Any proposed changes in location of approved public art would require coordination with the City’s Civic Arts Program and approval by the Civics Art Commission.

Chris Sullivan

[su11l2@yahoo.com](mailto:su11l2@yahoo.com)

Tue 7/16/2019 10:58 AM

Adelaine Corridor Specific Plan: AB 2923 Question, Ashby Bart

I live on MLK in the area of the Adelaine Corridor Plan. Will the inevitable development of the Ashby Bart parking, knowing the City owns the air rights over the west parking lot, allow citizens to weigh in on the development plan, as a "Stackholder", which I believe I am?

Thanks and please elaborate on the conditions of collaboration between Bart and the City for how this will be developed.

Chris Sullivan, Architect

## Letter C50

**COMMENTER:** Chris Sullivan

**DATE:** July 16, 2019

### **Response C50.1**

The commenter asks whether stakeholders will be noticed regarding development at the Ashby BART station. The commenter also asks about how the City and BART will collaborate on this development.

Stakeholders will be noticed regarding development at the Ashby BART station as required under CEQA and the City's regular policies regarding notifying the public of proposed development projects. As described in Section 2, *Project Description*, of the Draft EIR, development standards for the Ashby BART Station will be finalized in collaboration with the City, BART, and the community as a subsequent implementation step, consistent with specific development and design objectives established for the Ashby BART subarea in the Specific Plan.

Sun 5/19/2019 10:40 PM  
Mark Trainer <mark.trainer@berkeley.edu>  
Adeline Corridor Draft Comments

Hello,

I am a resident of multiple years living at the intersection of Adeline and Alcatraz. I have a couple of comments about the proposal:

- 1 • **Adjust Affordable Housing Bonuses:** I was reviewing the supporting feasibility analysis for the affordable housing density bonus and believe Tier 1 and Tier 2 should be restructured. Projected returns for both are below those of the base project. A developer will be unlikely to accept the greater complications that come with a larger and mixed-income projects if the returns are actually lower. I'd suggest adjusting the incentive to truly encourage market-rate developers to take advantage of these Tiers by ensuring returns are higher with each subsequent tier. Perhaps further lower (or remove) the parking ratios required or lower the affordability percentages slightly (e.g. 15% and 30%) or change the distribution between low and very low income units (e.g. 60%/40% or 70%/30%). The Tier 3 makes sense because that will likely be a fully affordable project where market returns are not relevant.
- 2 • **Increase General Density:** I also believe that the overall base densities are too low given the incredible opportunity this corridor presents. This is a once-in-a-generation opportunity to bring housing to one of the most transit and amenity-rich areas of the region. I'm also worried that the housing additions projected will not be enough to support the ambitious goal of active commercial/retail along the entire corridor, especially given the changing retail landscape. I'd recommend increasing the base densities at least one story above the proposed densities. Of the four sub-areas, I think South Shattuck in particular could accommodate significantly more density without altering the existing character too much given its proximity to Downtown Berkeley and UC Berkeley and less defined corridor character.

Thank you for your consideration!  
Mark

--

**Mark Trainer**  
Master of City Planning  
UC-Berkeley, Class of 2019  
(480) 560 – 0269 | [mark.trainer@berkeley.edu](mailto:mark.trainer@berkeley.edu)

## Letter C51

**COMMENTER:** Mark Trainer

**DATE:** May 19, 2019

### **Response C51.1**

The commenter suggests that the Tier 1 and Tier 2 affordable housing density bonuses be restructured.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C51.2**

The commenter expresses an opinion that the base densities proposed in the Specific Plan are too low and should be raised. In particular, the commenter suggests South Shattuck could accommodate more density.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Igor Tregub  
[itregub@gmail.com](mailto:itregub@gmail.com)  
Fri 7/19/2019 2:21 PM

Additional Adeline Plan Comment - Regulatory Context

Please add California Solar Rights Act

[http://solar-rights.com/files/THE\\_CALIFORNIA\\_SOLAR\\_RIGHTS\\_ACT2.pdf](http://solar-rights.com/files/THE_CALIFORNIA_SOLAR_RIGHTS_ACT2.pdf)

The ACSP and the DEIR should show how it complies with solar rights in the area of open space, energy, and avoiding the shadowing of existing and potential solar roof arrays.

Thanks for your consideration!

1

## Letter C52

**COMMENTER:** Igor Tregub

**DATE:** July 19, 2019

### **Response C52.1**

The commenter requests that the Specific Plan and Draft EIR be revised to explain how the Plan would comply with solar rights in the area of open space, energy and avoiding shadowing of existing and potential future solar arrays.

Please refer to Topical Response A: Aesthetics Impacts for response to comments about shadow impacts.

To: Alisa Chen, City of Berkeley, Planning Department  
From: David Ushijima  
Date: 7/2/19  
Re: **Japanese American Culture and History in the Adeline Corridor**

As the city moves forward with the Adeline Corridor project it is vitally important that strong efforts be made to preserve the rich history, culture, and the heritage of the community stretching from Dwight Way on the Northern border to Alcatraz Ave in the Southern end. While in the most recent past, the community has consisted of a largely African-American population of residents and businesses, prior to World War II, the community was home to a thriving population of Americans of Japanese descent.

With the outbreak of War and the issuance of Executive Order 9066, the Japanese Americans in Berkeley were rounded up and forced to leave their homes and businesses and were sent first to the Tanforan Assembly Center, located in what were formerly the horse stalls at the Tanforan Racetrack, and then to makeshift prison barracks in the dessert of Utah in a government relocation camp called Topaz.

In April of 2017, at a ceremony commemorating the 75<sup>th</sup> anniversary of the relocation of Japanese Americans from Berkeley, the City of Berkeley and Mayor Jesse Arreguin issued a proclamation (see Attachment A) in honor of those residents most of whom resided in what is today called the Adeline Corridor.

The pre-war community of Japanese Americans has been documented by well-known Bay Area researcher Donna Graves in a project called Preserving California's Japantowns:

<https://www.donnagraves.org/> -  
[/http://wwwcaliforniajapantownsorg/preservinghtml/](http://wwwcaliforniajapantownsorg/preservinghtml/)

A map of the notable Japanese American owned businesses, churches, and establishments in pre-War Berkeley is located at the Japantown Atlas project:

<http://japantownatlas.com/map-berkeley.html>

I have attached a PDF file of the map as Attachment B. Steve Finacom of the Berkeley Landmarks Preservation Committee is familiar with the project and in fact helped to establish the building at 2526-30 Shattuck as a landmarked structure. Other such buildings exist in the neighborhood.

While many of the former businesses and institutions are long gone, a few institutions such as the local churches including the Berkeley Methodist United

church on Carleton, the Berkeley Higashi Honganji on Oregon St. and the Berkeley Buddhist Temple on Channing Way still remain as active members of the community.

While it should not be the intention of cultural preservation to bring back communities that have since disappeared, it should be a goal to at least commemorate and honor important and significant people and cultural resources and institutions that were a vital part of the community in the past.

1 For example, the city might consider honoring some of the Japanese American authors such as Mine Okubo, and artists such as Chiura Obata who lived their pre-War years here in Berkeley and went on to become known worldwide for their works. Or honoring Japanese and Asian American educators and musicians like George Yoshida and Herb Wong, who taught and administered in the Berkeley Public Schools and helped to establish what became the jazz program at Berkeley High School.

Numerous examples can be drawn from the community and perhaps from sources in UC Berkeley's Bancroft Archives or Eastwind Books but it is important that prominent portions of public space be devoted to displaying art, music, and history of the area's past, present, and future.

2 In addition to devoting public space to the display of the areas' art, history, and culture, it is important for the city to invest and partner with local arts groups to create a performing arts program in the community to encourage and instill young and minority artists of color to pursue their art. Having a community performance space is vital to maintaining the lifeblood of any community, and while the Downtown Arts District is an important cultural resource, having a community space in the Adeline Corridor devoted to diversity in the arts would be a significant addition.

3 Finally, in considering how to avoid the complete gentrification of the area in the pursuit of development of affordable housing, it is equally important to consider how to maintain the racial, economic, and cultural diversity that exists in the community today. It is not enough to only abide by the affordable housing guidelines and hope that that alone will maintain diversity. The city must take a proactive role to ensure that minority-owned business and cultural institutions can thrive and grow in the Adeline Corridor community of the future.

David Ushijima  
longtime resident, Central Berkeley



**RECOGNIZING THE COMMEMORATION OF THE 75th ANNIVERSARY OF THE FORCED REMOVAL AND IMPRISONMENT OF BERKELEY'S JAPANESE AMERICAN COMMUNITY**

- WHEREAS,** prior to World War II Berkeley had a thriving Japanese American community which included both permanent residents and many University of California students; and
- WHEREAS,** after the attack on Pearl Harbor, President Roosevelt signed Executive Order #9066, forcing 120,000 Japanese American residents of the West Coast, a majority of whom were American born citizens, to leave their homes and jobs, register, and be transported to guarded inland concentration camps, including 1,300 Berkeley residents despite opposition from residents, campus, and community leaders; and
- WHEREAS,** at the suggestion of Ruth Kingman, Berkeley's First Congregational Church offered its facilities and services to provide a dignified gathering place for Berkeley's Japanese American communities as they faced registration and removal, and many members of this and other local congregations came together at the church to provide hospitality, support, and witness to their fellow Berkeleyans of Japanese ancestry, and continued that support after their removal to far distant concentration camps; and
- WHEREAS,** the Berkeley Historical Society, First Congregational Church of Berkeley, and other campus, community, religious and civic organizations have joined to hold a commemoration of the 75th anniversary of the removal and imprisonment of Berkeley's Japanese Americans, and help educate the public about both the history and causes of the events of 1942 and the dangers of a reoccurrence of those mistakes.

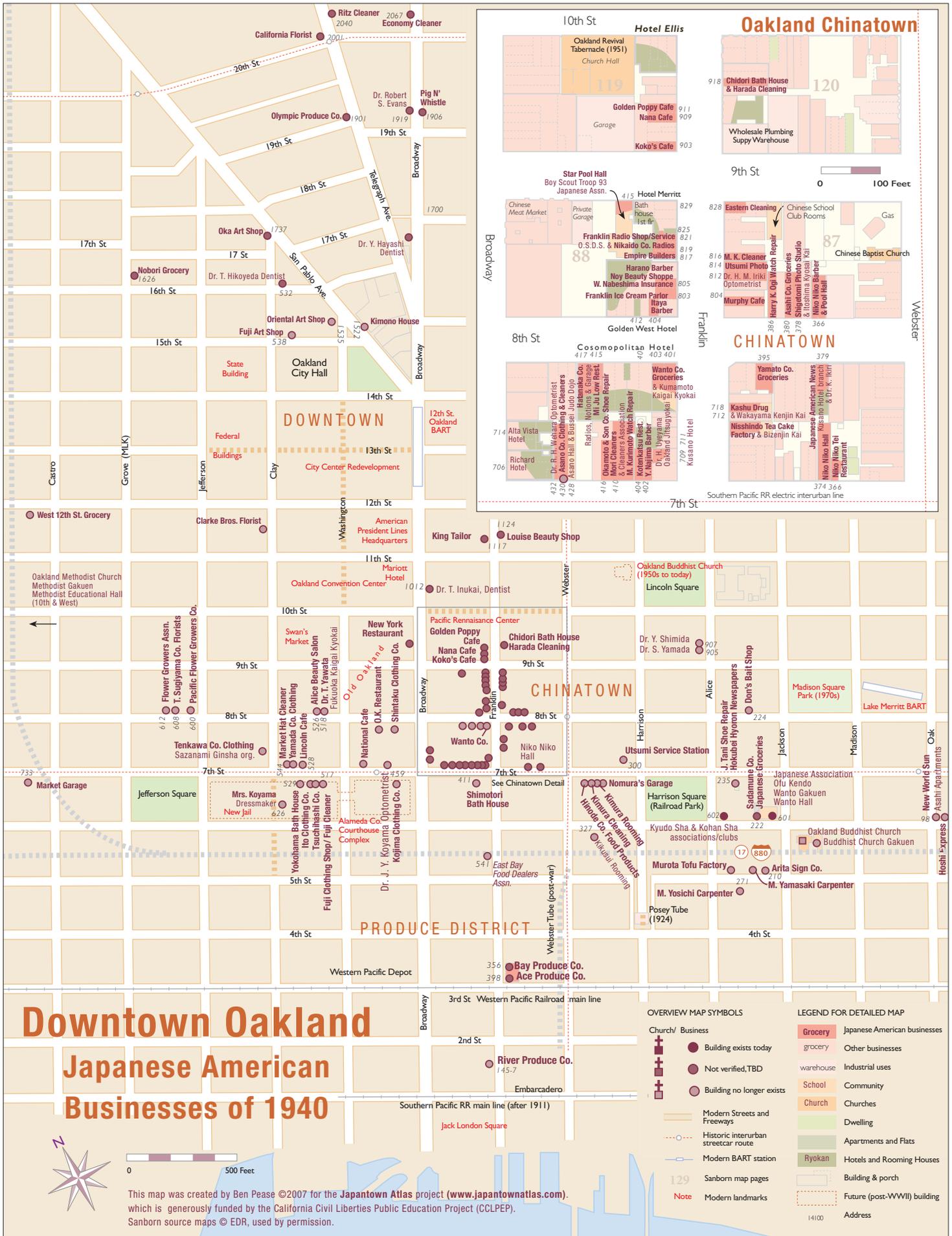
**NOW THEREFORE, BE IT RESOLVED that I, Jesse Arreguin, Mayor of the City of Berkeley, do hereby recognize the**

**75TH ANNIVERSARY OF THE FORCED REMOVAL OF JAPANESE AMERICANS IN BERKELEY**

and recognize in particular Berkeley's Japanese American community for its resilience and dignity and First Congregational Church of Berkeley for its leadership in 1942 in supporting fellow residents and citizens victimized by bigotry.

*Jesse Arreguin*  
Jesse Arreguin  
Mayor





# Downtown Oakland

## Japanese American Businesses of 1940

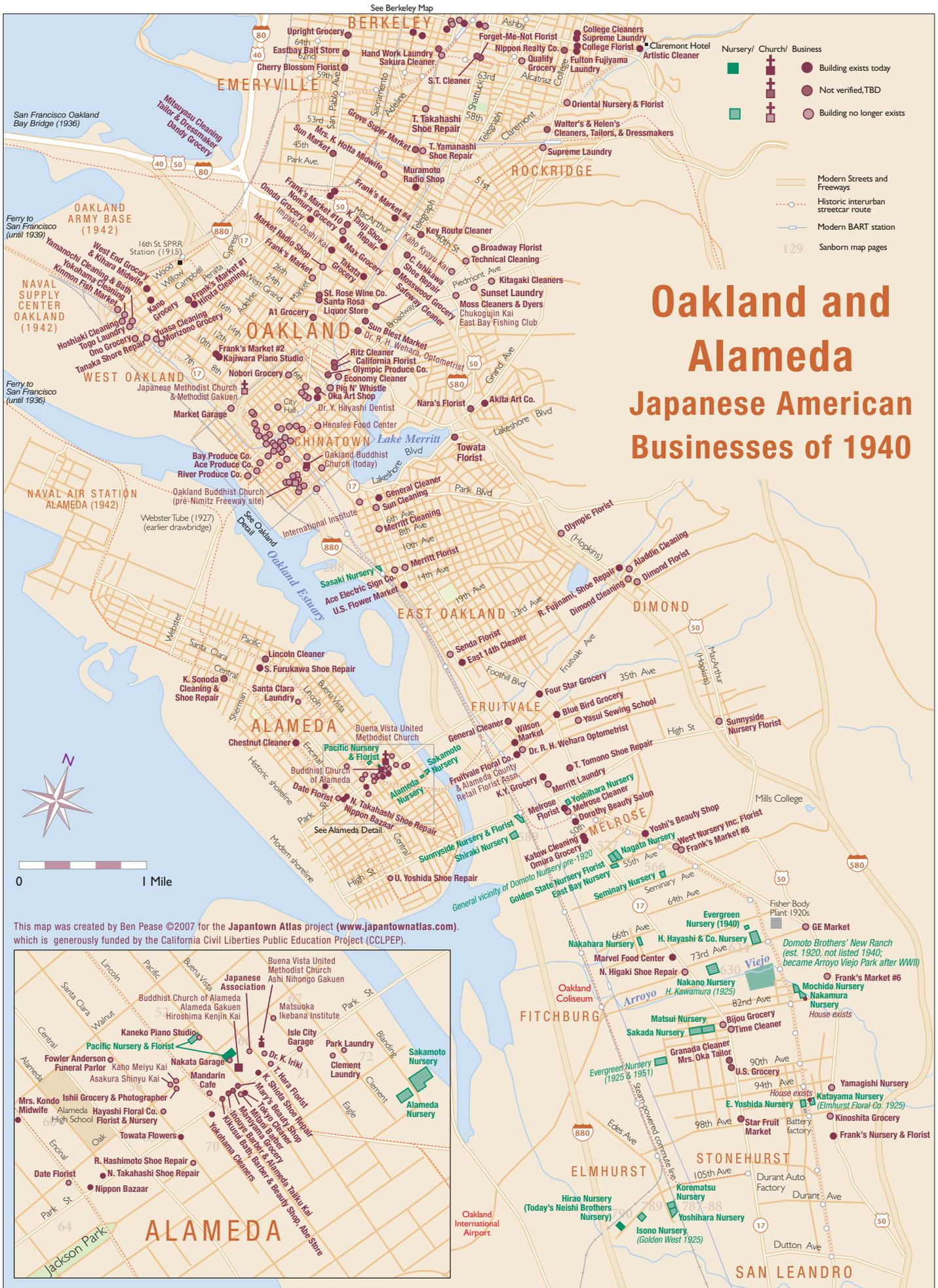
This map was created by Ben Pease ©2007 for the Japantown Atlas project ([www.japantownatlas.com](http://www.japantownatlas.com)), which is generously funded by the California Civil Liberties Public Education Project (CCLPEP). Sanborn source maps © EDR, used by permission.

**OVERVIEW MAP SYMBOLS**

- Church/ Business
- Building exists today
- Not verified, TBD
- Building no longer exists
- Modern Streets and Freeways
- Historic interurban streetcar route
- Modern BART station
- Sanborn map pages
- Note
- Modern landmarks

**LEGEND FOR DETAILED MAP**

- Grocery
- Japanese American businesses
- Other businesses
- Industrial uses
- School
- Community
- Church
- Churches
- Dwelling
- Apartments and Flats
- Ryokan
- Hotels and Rooming Houses
- Building & porch
- Future (post-WWII) building
- Address



# Oakland and Alameda Japanese American Businesses of 1940

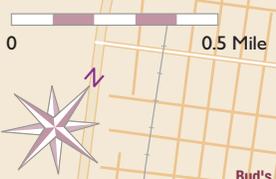
This map was created by Ben Pease ©2007 for the Japantown Atlas project ([www.japantownatlas.com](http://www.japantownatlas.com)), which is generously funded by the California Civil Liberties Public Education Project (CCLPEP).

# Berkeley

## Japanese American Businesses of 1940

- Nursery/ Church/ Business
- Nursery
  - + Church
  - Business
- Building exists today  
+ Building no longer exists  
● Building exists today  
● Not verified, TBD  
○ Building no longer exists

- Modern Streets and Freeways
- - - Historic interurban streetcar route
- Modern BART station
- 129 Sanborn map pages



This map was created by Ben Pease ©2007 for the Japantown Atlas project ([www.japantownatlas.com](http://www.japantownatlas.com)), which is generously funded by the California Civil Liberties Public Education Project (CCLPEP).

# Oakland Chinatown

## Japanese American Businesses of 1940

# DRAFT



## Letter C53

**COMMENTER:** David Ushijima

**DATE:** July 2, 2019

### **Response C53.1**

The commenter suggests the City commemorate significant people and cultural resources and that the City consider installing a commemorative monument in a future public space within the Plan Area to honor the legacy of Japanese Americans who once occupied the Plan Area.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C53.2**

The commenter suggests the City invest and partner with local arts groups to create a performing arts program to serve young and minority artists of color.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C53.3**

The commenter suggests to avoid gentrification the City take a proactive role to support minority-owned businesses and cultural institutions.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

David Ushijima  
[davushijima@gmail.com](mailto:davushijima@gmail.com)  
Mon 7/15/2019 4:31 PM

Fwd: Preserving the history, culture, and heritage of the Adeline Corridor

Alisa,

As the deadline for submission has been extended, I would like to add the following question to my comments;

- 1
- In the Adeline Corridor Draft Environmental Report, Section 2.3.2 (Land Use), how were the Maximum density numbers formulated in the Tables 2-1, 2-2, 2-3, and 2-4? Since currently the Berkeley Zoning code does not contain any density standards in terms of dwelling units per acre, the maximum density numbers proposed in the aforementioned tables would appear to allow densities on a par with the most dense areas of much larger and denser cities like San Francisco. Despite the tradeoff of density for affordable housing, the proposed density numbers look to be too high especially in the South Adeline Area.

David

David Ushijima

## Letter C54

**COMMENTER:** David Ushijima

**DATE:** July 15, 2019

### **Response C54.1**

The commenter asks how the maximum density numbers featured in Tables 2-1, 2-2, 2-3, and 2-4 of the Draft EIR were calculated. The commenter also expresses the opinion that proposed maximum densities are too high for the area.

Tables 2-1, 2-2, and 2-3 of the Draft EIR summarize the development standards in the proposed Specific Plan. These were developed by City and consultant staff, with public input. As described in Topical Response F: Specific-Plan Related comments, opinions on the Plan will be forwarded to City decision makers for their consideration.

Pam Webster  
[Pamelawebster6@gmail.com](mailto:Pamelawebster6@gmail.com)  
 6/30/2019 9:20PM

Public Comment regarding Adeline Corridor Plan

Dear Alisa Shen,

Regarding the "specific plan" for the Adeline Corridor, I respectfully submit the following comments for your consideration:

- 1 | • 3.6 Historic Resources, Historic Preservation, and Adaptive Reuse (page 3-19 of "specific Plan")
  - Preserve architectural integrity of older buildings when adapting them for new use. Please avoid mismatching of architectural styles as shown on page 3-19. The original ground level design and the added floors above it, as exhibited in this example, seem incompatible.
- 2 | • 5.4 Flea Market and Farmers Market
  - Please include new enhanced public plaza/market space if the Ashby BART parking area is developed for housing. Both markets are long-standing community assets.
- 3 | • 6.2 Street Right-of-Way Design
  - **Identify opportunities to repurpose excess right-of-way for useable public space** — Please preserve and enhance existing green median along Adeline between Derby and Russell Streets. It is wide enough now to add a pathway for pedestrian passage through the middle. By adding more landscaping, it could become a mini park/green space for respite. I already walk on this island of lawn en route to Berkeley Bowl shopping excursions. It provides a welcome break from the hectic four lanes of traffic.
- 4 | • 6.5 Pedestrian Circulation: (page 6-28 of "specific Plan")
  - **Reducing street crossing distances** — Please add Bulb-outs as an "interim Pedestrian Improvement" at the intersection of Blake and Milvia Streets. Because Milvia Street is the only alternative route for pedestrian travel between the heavy trafficked Martin Luther King Jr. Way and Shattuck Ave, it is imperative that calming enhancements be added for pedestrian and bicycle safety. The street width along the 1900 and 2000 blocks of Blake is wider than adjacent parallel streets – Dwight to its north and Parker and Carlton Streets to its south. Three new housing projects are proposed or are in early stages of development on the 2000 blocks of Blake and Dwight Way. One proposed project will provide 150 new units with underground parking, thus increasing traffic to the immediate surrounding area. A second development proposed along Milvia between Dwight Way and Blake will add six stories of senior housing. It is important to insure reasonable safety for elderly residents and children already residing in the area to walk safely within the neighborhood. I recommend shortening the distance to cross Blake within this two block corridor.

4

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- **Increasing pedestrian visibility** — Please add "New Pedestrian Flashing Beacon" at the intersection of Shattuck and Blake Streets. When crossing as a pedestrian at this intersection, I frequently encounter multiple pairs of cars passing at high speed in front of me after I have entered the cross walk. Even during non commute times, I routinely stand waving my arms within the first steps of my attempt to cross within the designated crosswalk.
  - **Lengthening pedestrian crossing signal times** — Please add more time for pedestrians to cross Adeline and Oregon Streets. Walking to the Berkeley Bowl is treacherous for those of us traveling east from the 1900 and 2000 two-block corridor west of this beloved food resource. Even at a speedy walking pace, I am unable to cover that distance within the time currently allotted at that intersection.

Thank you for considering my input.

Pam Webster

[pamelawebster6@gmail.com](mailto:pamelawebster6@gmail.com)

## Letter C55

**COMMENTER:** Pam Webster

**DATE:** June 30, 2019

### Response C55.1

The commenter suggests the City to preserve the architectural integrity of older buildings within the Plan Area by avoiding mismatching architectural styles.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### Response C55.2

The commenter suggests the Specific Plan include a new enhanced public plaza/market space if the Ashby BART parking area is developed for housing.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. As noted in the Draft Plan, *Policy 3.7 Ashby BART, Objective 2. Public Space* calls for future development of the BART parking lots to “include one or more publicly accessible spaces” such as “a large civic plaza that could be designed and programmed to accommodate the Berkeley Flea Market and potentially a relocated Farmers Market, as well as support the Juneteenth Festival and other music and entertainment events.”

### Response C55.3

The commenter suggests that the existing green median along Adeline between Derby and Russell be preserved and could be used as a pathway for pedestrian passage.

As described in Section 2, *Project Description*, of the Draft EIR, the proposed long-term right-of-way improvements along Adeline Corridor include providing landscaped medians and buffers, sidewalks, and pedestrian connectivity and both sides of Adeline Street. The proposed Specific Plan involves improvements to the Adeline Corridor to improve pedestrian walkways and connectivity. This suggestion is proposed Specific Plan itself not the Draft EIR. However, several commenters provide suggestions related to the proposed right-of-way improvements along Adeline Corridor. These suggestions and a response related to the environmental implications of such changes to the public right-of-way are discussed in Topical Response D: Transportation/Traffic Impacts.

### Response C55.4

The commenter suggests that bulb-outs to reduce street crossing distances be an “interim pedestrian improvement” at the intersection of Blake Street and Milvia Street, that a new pedestrian flashing beacon be added at the intersection of Blake Street and Shattuck Avenue, and that pedestrian crossing times be lengthened.

The short- and long-term improvements to Adeline Corridor are summarized in Chapter 2, *Project Description*, of the Draft EIR. The interim short-term improvements include pedestrian crossing improvements along Adeline Street, such as high-visibility crosswalks, curb extensions, rectangular rapid flash beacons, pedestrian hybrid beacons (PHB), and median pedestrian refuge islands. As shown on Figures 2-6 and 2-7, the interim pedestrian improvements do not include improvements at the intersection of Blake Street/Shattuck Avenue and the intersection of Blake Street/Milvia Street is outside the Plan Area.

Nonetheless, these suggestions will be forwarded to City decision makers for their consideration.

**To:** Housing Advisory Commission (HAC)  
**From:** Marian Wolfe  
**Date:** July 2, 2019  
**RE:** Financing Adeline Corridor Specific Plan Improvements

At the last HAC meeting (June 6, 2019), staff provided an overview of the Adeline Corridor Draft Specific Plan. One issue not really discussed was how improvements and affordable housing would be funded. This is always an important consideration, and so I decided to look into this issue more. I think that identifying likely funding is important not only for HAC members, but also for anyone who is advocating activities and development for this area.

The best information available at this time that addresses funding of improvements and other developments is the Draft Specific Plan, Chapter 8 (Implementation).<sup>1</sup> This chapter sorts all improvement activities into two time frames (short term - within three years, and on-going - no term specified). Housing-related activities are grouped into both time frames.

Possible funding for general improvements, economic development, and housing in the corridor is listed on four pages of the Specific Plan, starting on page 8-11. These funding sources are briefly described, and a brief discussion of the process to obtain funds is provided. What is not yet included is an actual chart that provides a “cross-walk” between funding sources and recommended improvements and developments in the Adeline Corridor Area. Funding is needed not only for new development, but also for improvements to existing infrastructure. Also, estimates of costs, particularly public costs and subsidies required, should be considered.

All funding sources (except for existing Berkeley resources) are either competitive (at the regional, state, or federal levels), require a vote of Berkeley residents, or require support from current merchants. Existing Berkeley resources that can be considered for the Corridor, such as general funds, revenues from approved measures, or Housing Trust fund revenues, will compete with existing needs already identified within the City of Berkeley.

In my opinion, the principal challenge is the funding of two non-market undertakings presented in the staff presentation. Specifically, these are affordable housing and investment in commercial activities that would help existing neighborhood businesses and/or foster new

<sup>1</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Adeline%20SP%20Public\\_8.%20Implementation\\_5.16.19.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline%20SP%20Public_8.%20Implementation_5.16.19.pdf)

businesses with a primary goal of preventing commercial displacement and limiting gentrification.

Regarding **the construction of affordable housing**, the two basic models prevalent in Berkeley are:<sup>2</sup>

- Construction of developments that are exclusively affordable and which require major subsidies, and
- Inclusionary units required of market rate developers (which require vouchers if deeper affordability is to be attained).

If only affordable housing is built in the Corridor (as some members of the public who addressed the HAC at its June 6, 2019 meeting advocated), then more subsidies will be needed to develop the housing. This could slow the pace of affordable housing development. If there were a mix of market rate developments (with an inclusionary requirement) and affordable developments, then it is possible that the pace of development could be quicker. However, if there is a downturn in the residential building cycle, then it is possible that only the affordable developments could be feasible.

Regarding **economic development**, the main activities identified in the Specific Plan do not directly help existing or new business owners, but instead work to make the area more attractive to customers. A good example of this would be a Business Improvement District (BID) which taxes property or business owners in the area. Revenues from a BID can fund amenities, such as street furniture, landscaping, and can sponsor special events – all intended to attract consumers to the area. BID revenues also provide funds to pay for better upkeep, such as sidewalk cleaning and graffiti removal. However, a BID does not provide low cost financing to a start-up business.

However, one way that private investors could increase funding directly to start-up businesses would be the use of Opportunity Zone funding authorized by the 2017 Tax Law. This program provides federal tax benefits to taxpayers who invest in projects located within one of these zones. The Corridor is located within an Opportunity Zone. Guidance for using the opportunity zone strategy has not yet been issued by the federal government, but this would potentially be one useful source for business development, particularly if private investors can be encouraged to participate. Berkeley staff, Chamber of Commerce, and other interested individuals and

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<sup>2</sup> Another way to expand the supply of affordable housing is to encourage new and nontraditional housing models and types targeted towards lower and middle-income residents. (Page 4-18, Adeline Corridor Specific Plan) However, financing for these models is more complicated and so not included in this brief memo.

↑ entities should monitor this program closely to determine whether it will be useful in helping to foster local business creation.

2

In conclusion, I encourage the HAC and other relevant commissions to understand the challenges of implementing the Adeline Corridor Specific Plan – not only from a political/policy perspective – but also with a viewpoint that considers financial feasibility. The Draft Plan provides useful background information on both.

## Letter C56

**COMMENTER:** Marian Wolfe

**DATE:** June 27, 2019

### **Response C56.1**

The commenter requests that the Plan be revised to include specific funding sources for proposed affordable housing in the Plan Area. The commenter then provides a list of funding sources which could be considered.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

### **Response C56.2**

The commenter provides an opinion that the economic development activities in the Plan do not directly help new or existing business owners but instead work to make the area more attractive to customers. The commenter suggests the potential use of Opportunity Zone funding authorized by the 2017 tax law to fund economic development.

This comment pertains to the proposed Specific Plan itself and is not a comment on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

Walter Wood  
[whwoodii@gmail.com](mailto:whwoodii@gmail.com)  
Wed 7/17/2019 8:17 PM

adeline corridor Plan comment

1 | There are already too many people living in Berkeley and the BART parking lots do not have enough parking spaces. What is being done to limit the number of people and increase the amount of parking? This Plan seems to be doing the exact opposite of what is needed, it seems to be destroying much needed parking spaces.

To repeat, we need more parking, not more housing, and not more people.

Walter Wood

## Letter C57

**COMMENTER:** Walter Wood

**DATE:** July 17, 2019

### **Response C57.1**

The commenter expresses an opinion that there are too many residents in the city and not enough parking spaces. The commenter asks what can be done to rectify this imbalance.

This comment pertains to the existing conditions in the City and not to the analysis or conclusions of the Draft EIR which are based on future conditions with implementation of the proposed Specific Plan. The future transportation improvements along Adeline Corridor are summarized in Section 2, *Project Description*, of the Draft EIR. As discussed therein, the project would maintain street parking although configurations would be changed to accommodate bike and pedestrian connections. The commenter's opinions related to parking will be forwarded to the City's decision makers for their consideration, along with the commenter's assertions regarding parking availability.

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## 4 Public Hearing Comments

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Verbal comments received at the public hearing (Planning Commission, June 5, 2019) from both members of the public and Planning Commissioners are summarized below. In general, comments were the same as those identified in the written letters and responded to in section 3, responses to comments, of this document.

- *Several commenters expressed support for the overall vision of the Specific Plan and policies related to affordable housing bike and pedestrian improvements and the preservation of the flea market within the Plan Area.*

While the commenters' support for the overall vision of the Specific Plan are noted, it does not address aspects of the analysis or conclusions of the Draft EIR on which to base a specific response. All comments will be forwarded to the City's decision makers for their consideration.

- *Several commenters requested that the Specific Plan be revised to include more affordable housing, increased density, and increased building heights.*

These comments pertain to the proposed Specific Plan itself and are not comments on the Draft EIR. Please see Topical Response F: Specific Plan-Related Comments.

- *Several commenters requested that the Draft EIR utilize vehicle miles traveled (VMT) rather than level of service (LOS) in analyzing traffic related impacts.*

Please see Topical Response D: Transportation/Traffic Impacts.

- *Several commenters expressed concern about displacement and gentrification and argued that those impacts should be analyzed in the Draft EIR.*

Please see Topical Response B: Population, Housing, and Displacement Impacts.

- *One commenter requested that the Draft EIR be revised to address the regional climate impacts resulting from Specific Plan implementation.*

Impacts related to GHG emissions and climate change were analyzed in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR. As described, impacts would be less than significant with mitigation.

- *Several commenters expressed concern for the potential for shadowing impacts due to increased building heights.*

For discussion of shadow impacts, please refer to Topical Response A: Aesthetics Impacts.

- *Several commenters expressed concern for pedestrian safety and emergency vehicle access along the Specific Plan corridor.*

Impacts related to pedestrian safety and emergency vehicle access are discussed in Section 4.12, *Transportation and Traffic*, of the Draft EIR. Impacts were found to be less than significant.

- *Several commenters expressed concern over impacts of increased development on various public services.*

For discussion of parks and recreation impacts, please refer to Topical Response C: Parks and Recreational Facilities Impacts. In terms of impacts to other public services, please see

Response C32.1 for a discussion of impacts related to senior services. Impacts related to fire and police protection services and schools were analyzed in Section 4.11, *Public Services and Recreation*, of the Draft EIR and impacts were found to be less than significant.

- *Several commenters expressed concern for potential increases in BART fares adversely impacting low income residents within the Plan Area.*

While the commenter's concern for increased BART fares is noted, it does not address aspects of the analysis or conclusions of the Draft EIR on which to base a specific response. All comments will be forwarded to the City's decision makers for their consideration.

- *Several commenters expressed concern over increased rideshare traffic within the Plan Area.*

The Existing traffic data used in the analysis accounts for the current level of rideshare activity. The 2040 forecasts were developed based on the existing traffic volumes; thus, they account for a similar level of rideshare activity in the year 2040.

- *Several commenters requested additional reports and analysis to supplement the proposed Specific Plan and Draft EIR. Commenters requested that the City prepare a "diversity impact report", and a feasibility study of the development standards proposed in the Specific Plan and draft a new policy which requires the use of local apprentices for construction of individual development projects in the Plan Area.*

A feasibility analysis of the proposed development standards was prepared and summarized in Appendix C of the Draft Specific Plan. The City has not prepared a "diversity impact report" at this time. However, overall, the proposed Specific Plan is intended to provide stronger and more effective measures to support diverse and affordable neighborhoods in the Plan Area. Furthermore, as noted in Chapter 8 of the Draft Specific Plan, the City will provide an annual progress report to the City Council regarding plan implementation. Please see Topical Response F: Specific Plan-Related Comments, for a response to Plan-related comments. See also Topical Response B: Population, Housing, and Displacement Impacts.

- *Several commenters expressed support for a different right-of-way scenario that proposed in the Specific Plan which would involve one lane in each direction along Adeline Street.*

Please see Topical Response D: Transportation/Traffic Impacts.

- *Several commenters argued the Draft EIR buildout assumptions should have included a higher number of housing units.*

Please see Topical Response E: Buildout Assumptions.

- *One commenter asked whether there has been a study to identify who is driving on Adeline Street.*

Such a study has not been conducted at this time. However, Section 4.12, *Transportation and Traffic*, of the Draft EIR includes a detailed analysis of traffic-related impacts as required under CEQA.

## 5 Draft EIR Text Revisions

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Chapter 5 presents specific changes to the text of the Draft EIR that are being made to correct errors or omissions or clarify information presented in the Draft EIR in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page section number 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~~. Page numbers correspond to the page numbers of the Draft EIR.

### 5.1 Draft EIR Text Revisions

The following revision has been made to Page 1-7 in Section 2, *Project Description*, of the Draft EIR:

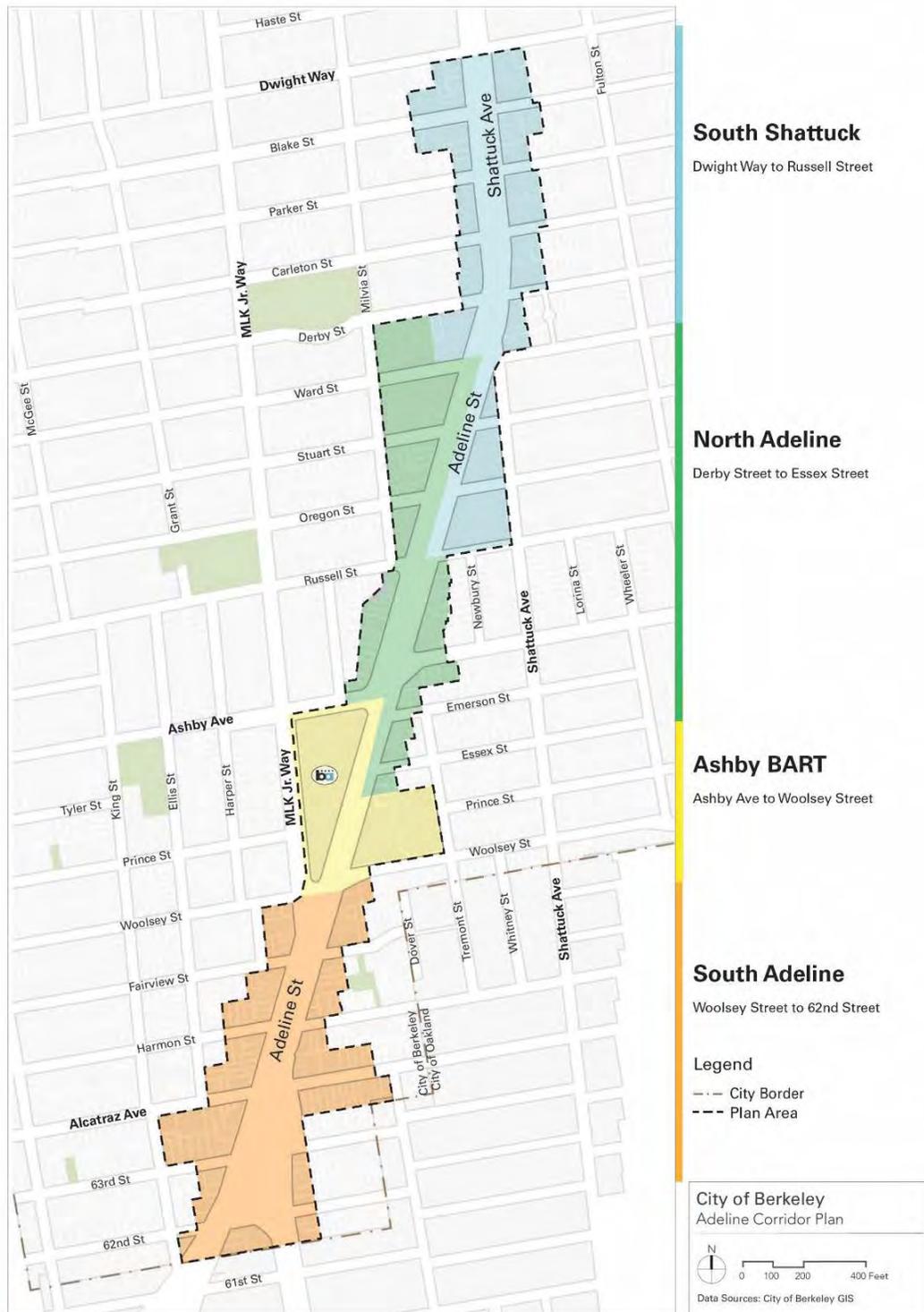
Moreover, the Plan includes a policy with several objectives to guide future new development at the Ashby BART subarea. One of these objectives calls for any new development at the west parking lot/Adeline Street adjacent right-of-way to include a large civic plaza that could accommodate the Berkeley Flea Market, or a potential relocated Farmers Market, other special events, as well as other public spaces.

The following revision has been made to Page 2-13 in Section 2, *Project Description*, of the Draft EIR:

The Specific Plan envisions further collaboration and planning between the City, BART, the Berkeley Flea Market, the Ecology Center and the community to further explore possibilities for the Ashby BART station area west parking lot/Adeline Street adjacent right-of-way.

Figure 2-5 on Page 2-12 in Section 2, *Project Description*, of the Draft EIR has been revised to the following:

**Figure 2-5 Plan Area Subareas**



The following revisions have been made to Table 2-1, Table 2-2, Table 2-3, and Table 2-4 on pages 2-15 to 2-16 in Section 2, *Project Description*, of the Draft EIR:

**Table 2-1 Specific Plan Base-Tier 1 Development Standards**

Character Area	Max Height		Max FAR	Max Density (du/acre)	Max Lot Coverage		Required Setbacks (from Lot Line)			Usable Open Space (sf per unit)	Commercial Parking		Residential Parking	
	Stories	Feet			Interior Lots	Corner Lots	Front (ft. min.)	Side (ft. min.)	Rear (ft. min.)		Min.	Max.	Min.	Max.
South Shattuck	4	45	2.5	120	<del>60%</del> 80%	<del>70%</del> 90%	0	0	10	<del>4080</del>	None	1.5 per 1,000 sf	<del>1 per 3 units</del> None	1 per unit
North Adeline	3	35	2.0	100	<del>60%</del> 80%	<del>70%</del> 90%	0	0	10	<del>4080</del>	None	1.5 per 1,000 sf	<del>1 per 3 units</del> None	1 per unit
South Adeline	3	35	2.0	100	<del>60%</del> 80%	<del>70%</del> 90%	0	0	10	<del>4080</del>	None	1.5 per 1,000 sf	<del>1 per 3 units</del> None	1 per unit
Ashby BART	Any future development in the Ashby BART area would be subject to a negotiated development agreement negotiation with BART, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7.													

**Table 2-2 Specific Plan Incentive Development Standards - Tier 12 (At Least 20% of Base Units Affordable, Mix of 50% Low and 50% Very Low)**

Character Area	Max Height		Max FAR	Max Density (du/acre)	Max Lot Coverage		Required Setbacks (from Lot Line)			Usable Open Space (sf per unit)	Commercial Parking		Residential Parking	
	Stories	Feet			Interior Lots	Corner Lots	Front (ft. min.)	Side (ft. min.)	Rear (ft. min.)		Min.	Max.	Min.	Max.
South Shattuck	5	55	3.5	170	80%	90%	0	0	10	<del>4080</del>	None	1.5 per 1,000 sf	<del>1 per 3 units</del> None	1 per unit
North Adeline	4	45	2.8	140	80%	90%	0	0	10	<del>4080</del>	None	1.5 per 1,000 sf	<del>1 per 3 units</del> None	1 per unit
South Adeline	4	45	2.8	140	80%	90%	0	0	10	<del>4080</del>	None	1.5 per 1,000 sf	<del>1 per 3 units</del> None	1 per unit
Ashby BART	Any future development in the Ashby BART area would be subject to a negotiated development agreement negotiation with BART, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7.													

**Table 2-3 Specific Plan Incentive Development Standards – Tier 23 (At Least 35% of Base Units Affordable, Mix of 50% Low and 50% Very Low)**

Character Area	Max Height		Max FAR	Max Density (du/acre)	Max Lot Coverage		Required Setbacks (from Lot Line)			Usable Open Space (sf per unit)	Commercial Parking		Residential Parking		
	Stories	Feet			Interior Lots	Corner Lots	Front (ft. min.)	Side (ft. min.)	Rear (ft. min.)		Min.	Max.	Min.	Max.	
South Shattuck	6	65	4.3	200	<del>85%</del> 90%	<del>90%</del> 95%	0	0	10	<del>40</del> 50	None	1.5 per 1,000 sf	<del>1 per 4 units</del> None	1 per unit	
North Adeline	5	55	3.4	170	<del>85%</del> 90%	<del>90%</del> 95%	0	0	10	<del>40</del> 50	None	1.5 per 1,000 sf	<del>1 per 4 units</del> None	1 per unit	
South Adeline	5	55	3.4	170	<del>85%</del> 90%	<del>90%</del> 95%	0	0	10	<del>40</del> 50	None	1.5 per 1,000 sf	<del>1 per 4 units</del> None	1 per unit	
Ashby BART	Any future development in the Ashby BART area would be subject to a negotiated development agreement negotiation with BART, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7.														

**Table 2-4 Specific Plan Incentive Development Standards – Tier 34 (At Least 50% of Base Units Affordable, Mix of 50% Low and 50% Very Low)**

Character Area	Max Height		Max FAR	Max Density (du/acre)	Max Lot Coverage		Required Setbacks (from Lot Line)			Usable Open Space (sf per unit)	Commercial Parking		Residential Parking		
	Stories	Feet			Interior Lots	Corner Lots	Front (ft. min.)	Side (ft. min.)	Rear (ft. min.)		Min.	Max.	Min.	Max.	
South Shattuck	7	75	5.0	240	90%	95%	0	0	10	<del>40</del> 50	None	1.5 per 1,000 sf	None	1 per unit	
North Adeline	6	65	4.0	200	90%	95%	0	0	10	<del>40</del> 50	None	1.5 per 1,000 sf	None	1 per unit	
South Adeline	6	65	4.0	200	90%	95%	0	0	10	<del>40</del> 50	None	1.5 per 1,000 sf	None	1 per unit	
Ashby BART	Any future development in the Ashby BART area would be subject to a negotiated development agreement negotiation with BART, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7.														

The following revisions have been made to Page 4.3-15 in Section 4.3 *Cultural Resources*, of the Draft EIR:

**a. Historical Resources**

Twenty-fivesix buildings within the Plan Area are historic resources as defined in CEQA as they have been listed in or determined eligible for listing in the National Register of Historic Places or California Register of Historic Resources and/or appear on the Local Register and therefore are historic resources as defined in CEQA. These buildings are listed in Table 4.3-1 and their locations are shown on Figure 4.3-1. ~~Of these, only Berkeley Iceland (2727 Milvia Street, constructed 1940) is listed on the NRHP. Eight~~Ten also have City of Berkeley Landmark status and ~~one~~is two are a City of Berkeley Structures of Merit.

The following revisions have been made to Figure 4.3-1 Historic and Potentially Historic Resources in the Plan Area on Page 4.3-16 of the Draft EIR:

**Figure 4.3-1 Historic and Potentially Historic Resources in the Plan Area**



The following revisions have been made to Table 4.3-1 on Page 4.3-17 of the Draft EIR:

**Table 4.3-1 Known Historical Resources**

<b>Figure 4.3-1</b>						
<b><u>1</u></b>						
<b><u>ID #</u></b>	<b><u>APN</u></b>	<b><u>Address</u></b>	<b><u>Year Built</u></b>	<b><u>Name</u></b>	<b><u>Status</u></b>	
<u>1</u>	54-1722-6	2750 Adeline St	1906	Frederick H. Dakin Warehouse	3S, BLM	
<u>2</u>	53-1598-16	2970-2976 Adeline St	1905	Adeline St	3D	
<u>3</u>	53-1598-17	2982 Adeline St	1910		3D	
<u>4</u>	53-1598-18-1	2988-2990 Adeline St	1905	Hoffman Building	3D; BSOM	
<u>5</u>	52-1592-16	3021 Adeline St	1901-02		3D	
<u>6</u>	53-1592-15	3025 Adeline St	ca. 1901		3D	
<u>7</u>	53-1592-14	3027 Adeline St	1905	William Clephane Corner Store	<del>3D</del> 1S; BLM	
<u>8</u>	53-1595-9-3	3031-3051 Adeline St	1922	Hull & Durgin Funeral Chapel & Little Chapel of Flowers	3S; <u>BLM</u>	
<u>9</u>	53-1703-7	3061 Adeline St	1910		3D	
<u>10</u>	52-1551-8-1	3192 Adeline St	1909	T.M. Lucks Nickelodeon	3S	
<u>11</u>	52-1530-5	3228 Adeline St	1903	Carlson's Block	3S; BLM	
<u>12</u>	52-1531-1	3250 Adeline St	1903	India Block	3B; BLM	
<u>13</u>	52-1531-2	3258 Adeline St	1923		3D	
<u>14</u>	52-1531-3	3264 Adeline St	1925		3D	
<u>15</u>	52-1531-4-2	3278 Adeline St	1928		3D	
<u>16</u>	52-1531-5	3280 Adeline St	1953		3D	
<u>17</u>	52-1531-6	3286 Adeline St	1906	South Berkeley Bank, Wells Fargo Bank	3B; BLM	
<u>18</u>	52-1532-4-3	3332 Adeline St	1920	Lorin Theater	3S; BLM	
<u>19</u>	53-1598-20	1979-1981 Ashby Ave	1907		3D	
<u>20</u>	53-1598-19	1985 Ashby Ave	1905	Webb Block	3B; BLM	
<u>21</u>	55-1823-13	2120-2122 Dwight Way	1905	Luther M. Williamson Building	3S; <u>BLM</u>	
<u>22</u>	53-1703-1	1900 Essex St	1936		3D	
<u>23</u>	52-1531-16	1808 Harmon St	1909	IT Theatre, Haws Plumbing	3S	
<u>24</u>	54-1723-2	2727 Milvia St	1940	Berkeley Iceland	<del>1S</del> 2S; BLM	
<u>25</u>	<u>55-1822-1</u>	<u>2500 Shattuck Ave</u>	<u>1923</u>	<u>George A. Mattern/Berkeley Bank Building</u>	<u>BSOM</u>	
<u>26</u>	55-1822-6	2526-2530 Shattuck Ave	1905	Berkeley French Laundry, The Hall, Washing Well	<del>3D</del> 3S; <u>BLM</u>	

**Figure 4.3-**

<u>1</u> ID #	APN	Address	Year Built	Name	Status
1S: Individually listed in the NRHP & CRHR					
2S: <u>Individual property determined eligible for NR by the Keeper. Listed in the CR.</u>					
3S: <u>Appears eligible for NR as an individual property through survey evaluation.</u>					
3B: Eligible for listing in the NRHP or CRHR as an individual property and as a contributor to a historic district					
3D: Eligible for listing in the NRHP or CRHR as a contributor to a historic district					
3S: Eligible for listing in the NRHP or CRHR as an individual property					
BLM: City of Berkeley Landmark					
BSOM: City of Berkeley Structure of Merit					

The following revision has been made to Page 4.3-24 in Section 4.3, *Cultural Resources*, of the Draft EIR:

**IMPACT CR-1 THE PLAN AREA CONTAINS 2526 KNOWN HISTORICAL RESOURCES, AS DEFINED IN THE CEQA GUIDELINES, AND THREE POTENTIAL HISTORIC DISTRICTS. DEVELOPMENT IN THE PLAN AREA COULD IMPACT THE IDENTIFIED HISTORICAL RESOURCES AND HISTORIC DISTRICTS AND HAS THE POTENTIAL TO IMPACT UNKNOWN HISTORICAL RESOURCES. ADHERENCE TO THE CITY’S GENERAL PLAN POLICIES AND REGULATIONS AND TO THE STRATEGIES AND VISION OF THE SPECIFIC PLAN WOULD, HOWEVER, REDUCE IMPACTS TO LESS THAN SIGNIFICANT.**

**Built Environment Resources**

Development activities resulting from implementation of the proposed Specific Plan would have a significant impact on historical resources if they would cause a substantial adverse change in the significance of a historical resource. As shown in ~~Table 4.3-2~~ Table 4.3-1, 2526 built-environment resources in the Plan Area are listed on or appear eligible for inclusion on a federal, state, or local resources list. For built environment resources, activities that cause a substantial adverse effect on the significance of a historical resource constitute an effect on the environment. Demolition of historic resources would likely result in a significant impact under CEQA and would require mitigation. No demolition of historic or potentially historic resources is proposed under the proposed Specific Plan; however, the Specific Plan would facilitate new development that could involve partial or full demolition of historic resources.

The following revisions have been made to Page 4.3-28 in Section 4.3, *Cultural Resources*, of the Draft EIR:

Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the project applicant, or his or her authorized representative, shall notify the City and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made, pursuant to Public Resources Code Section 5097.98. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities.

Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously

The following revisions have been made to Table 4.5-1 on Page 4.5-17 in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR:

<p><b>28. Goal: Facilitate urban heat reduction in building design and planning</b></p> <ul style="list-style-type: none"> <li>a. Develop strategies and goals to reduce urban heat islands through cool roofs, urban forestry (shade trees) and cool non-roof surfaces, including covered parking areas with PV systems to provide shading</li> <li>b. Require cool roofs and/or green roofs on new construction, for all buildings or a subset (commercial, multi-family, etc.) of building types</li> <li>c. Require cool paving and/or light reflective permeable surfaces in sidewalks, patios, driveways, parking lots, or other paved areas</li> </ul>	<p><del><b>Not Consistent</b> – The proposed Specific Plan would not require additional cool roof designs beyond the requirements set forth by the building energy code (Title 24).</del></p> <p><b>Consistent</b> – Title 24 contains requirements for <u>the thermal emittance, three-year aged reflectance, and Solar Reflectance Index (SRI) for roofing materials used in new construction and re-roofing projects. Future development in the Plan Area would be subject to these requirements. Further, the proposed Specific Plan would likely increase landscaping and shade trees in the Plan Area.</u></p>
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The following revisions have been made to Table 4.5-2 on Page 4.5-21 in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR:

**Table 4.5-2 2017 Scoping Plan Areas Found to be Inconsistent**

Goals, Policies, and Actions	Specific Plan Consistency
Goal 2: Support EV, Hydrogen and Biogas Vehicle Use	Not Consistent
Goal 11: Facilitate growth of renewable energy	Not Consistent
Goal 12: Facilitate energy efficiency in new and existing buildings	Not Consistent
Goal 25: Facilitate building energy efficiency, electrification, and energy storage technology	Not Consistent
<del>Goal 28: Facilitate urban heat reduction in building design and planning</del>	<del>Not Consistent</del>
Goal 32: Support EV, Hydrogen and Biogas Vehicle Use	Not Consistent
Goal 36: Support electrification of buildings and equipment	Not Consistent
Goal 37: Facilitate energy efficiency in new and existing buildings	Not Consistent
Goal 38: Encourage off-site carbon offset projects and purchasing of carbon credits to further mitigate construction emissions	Not Consistent

The following revisions have been made to Mitigation Measure GHG-1 on page 4.5-21 in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR.

*Mitigation Measure GHG-1 All-Electric New Construction*

All new buildings constructed in the Plan Area shall be built as all-electric with no natural gas connection to the building, except where new natural gas connections are permitted under the City’s Natural Gas Infrastructure Ordinance (BMC Chapter 12.80). This includes all appliances such as electric cooking, clothes drying, water heating, space heating, and air conditioning.

Projects shall not be required to employ methods of construction that exceed the requirements of the California Building Standards Code (inclusive of any local amendments approved for enforcement in the City of Berkeley) or install appliances that exceed standards for energy efficiency established under the federal Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 et seq.

~~Projects which cannot be built as all-electric due to demonstrable technological constraints for specific components shall demonstrate an equivalent GHG reduction through other means. Project proponents shall model the annual GHG emissions from natural gas from the proposed project and then reduce GHG emissions by an equivalent amount through one of the following:~~

- ~~▪ Purchase of verified, California based, carbon credits for 20 years~~
- ~~▪ Payment for the replacement of natural gas equipment with electric in existing building(s) as identified and administered by City of Berkeley staff~~

~~For projects involving low income housing participating in the Low Income Housing Tax Credit Program, project proponents may utilize the Low Income Housing Tax Credit Program ZNE Calculation in California Tax Credit Allocation Committee's (CTCAC) Sustainable Building Methods Workbook to show 100% Zero Net Energy Offset for the project.~~

~~For projects that involve natural gas components, the City of Berkeley shall review and approve plans for reducing equivalent GHG emissions prior to issuance of building permit.~~

The following revisions have been made to Mitigation Measure GHG-2 on page 4.5-22 in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR:

*Mitigation Measure GHG-2 Electric Vehicle (EV) Readiness and EV Chargers*

All new development projects in the Plan Area shall conform to the following EV infrastructure requirements or an equivalent City of Berkeley adopted ordinance which meets or exceeds those standards:

- Single Family Homes and Duplexes
  - At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2<sup>1</sup> EV charging station
  - ~~▪ One Level 2<sup>1</sup> EV ready<sup>2</sup> circuit per parking space or dwelling unit (whichever is less)~~
- Multi-Family Buildings
  - 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations
  - 80% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)
  - ~~▪ Small/medium buildings (3-40 units):~~
    - ~~▪ One Level 2 circuit per dwelling unit~~
  - ~~▪ Large buildings (Over 40 units):~~
    - ~~▪ One circuit per dwelling unit~~

- ~~25 percent Level 2 circuits~~
  - ~~75 percent Level 1<sup>3</sup> circuits or Level 2 circuits with load management~~
- Non-Residential Buildings
  - 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station) may be installed in place of 10 required Level 2 stations)
  - 40% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)
  - ~~Mixture of EVSE<sup>4</sup> and EV Capable<sup>5</sup>:~~
    - ~~10 percent of spaces with Level 2 EVSE installed~~
    - ~~10 percent of spaces with Level 1 outlets and with Level 2 conduits~~
  - ~~Conduits through inaccessible areas to support future Level 1 or Level 2 with power sharing. Percentage depends on parking structure type:~~
    - ~~On-grade parking: 50 percent Level 2 EV Capable; Panel Capacity, average 2kW per EV space~~
    - ~~Underground or deck parking: 100 percent Level 2 EV Capable; Panel Capacity, average 1kW per EV space~~

#### Footnotes for Mitigation Measure GHG-2:

<sup>1</sup> Level 2 circuit: 40+ Amp, 208/240v AC (standard household washer/dryer outlet), charges approximately 25-30 mile driving distance per hour

<sup>2</sup> EV ready: Raceway (conduit), overcurrent protection devices, wire and outlet (i.e. full circuit) have been installed, electrical service capacity (breaker space) has been provided, Electric outlet is fully ready to charge a vehicle.

<sup>3</sup> Level 1 circuit: 15-20 Amp, 120v AC (standard household outlet), charges approximately 3-4 mile driving distance per hour

<sup>4</sup> EVSE: Electric vehicle supply equipment, equipment used to charge an EV. Includes Level 1 household wall charging equipment, Level 2 charging stations and equipment, and Level 3 direct current fast charge stations and equipment (usually found at public and commercial installations).

<sup>5</sup> EV capable: Raceway (conduit) has been installed and electrical capacity (breaker space) provided. Electric outlet has been partially prepared for future EVSE.

Mitigation Measure GHG-4 on pages 4.5-22 to 4.5-23 in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR has been removed.

#### *Mitigation Measures GHG 4 Cool Roof Technologies*

~~All new buildings, with the exception of accessory buildings and structures, proposed in the Plan Area shall incorporate cool roof materials or the functional equivalent (such as vegetated roofs) which meet or exceed the requirements in the most recent CALGreen Tier 1 code as applied to the specific proposed building type. Cool roof materials shall be shown on all plans submitted for individual projects in the Plan Area.~~

The following revisions have been made to the “Significance After Mitigation” section on pages 4.5-23 and 4.5-24 in Section 4.5, *Greenhouse Gas Emissions*, of the Draft EIR.

#### **Significance After Mitigation**

The following discussion explains the proposed Specific Plan’s consistency with Scoping Plan goals after implementation of mitigation measures GHG-1 through GHG-4~~GHG-3~~. This information is summarized in Table 4.5-3.

*GHG 4 — Cool Roof Technologies*

All buildings constructed in the Plan Area would be required to incorporate a cool roof material which meets or exceeds the requirements of CALGreen Tier 1 building code as applied to the building type in question. This mitigation measure shows consistency with Goal 28.

**Table 4.5-3 2017 Scoping Plan Consistency After Mitigation**

Goals, Policies, and Actions	Mitigation Measure	Consistency After Mitigation
Goal 2: Support EV, Hydrogen and Biogas Vehicle Use	GHG-2	Consistent
Goal 11: Facilitate growth of renewable energy	GHG-3	Consistent
Goal 12: Facilitate energy efficiency in new and existing buildings	GHG-1	Consistent
Goal 25: Facilitate building energy efficiency, electrification, and energy storage technology	GHG-1	Consistent
<del>Goal 28: Facilitate urban heat reduction in building design and planning</del>	<del>GHG-4</del>	<del>Consistent</del>
Goal 32: Support EV, Hydrogen and Biogas Vehicle Use	GHG-2	Consistent
Goal 36: Support electrification of buildings and equipment	GHG-1	Consistent
Goal 37: Facilitate energy efficiency in new and existing buildings	GHG-1	Consistent

The text on page 4.12-22 in Section 4.12, *Transportation and Traffic*, of the Draft EIR has been changed to the following:

For projects that are expected to generate at least 100 PM peak hour trips, the project is required to use the Alameda CTC Model to assess impacts on the regional Congestion Management Program (CMP) roadways near the Plan Area. Alameda CTC has not adopted significance criteria for CMP roadways. Thus, this analysis, consistent with recent environmental documents in the City of Berkeley, assumes that tThe Project would have a significant impact on the CMP roadway segments in the Project area if any of the following would occur:

## 6 CEQA Implications for Changes to the Specific Plan

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This section provides a discussion of the CEQA implications of potential changes to the Specific Plan that have been made after circulation of the Draft EIR.

### 6.1 Changes to the Specific Plan

Proposed changes to the proposed Specific Plan include a change to a subarea boundary. Six parcels (including the Walgreens and Berkeley Bowl sites) would be moved from the proposed North Adeline Subarea to the proposed South Shattuck subarea. This could allow an additional story of development from an allowed three to six stories (depending on which tier of development 1 through 4) to four to seven stories, provided that the requisite amounts/levels of affordable housing are provided on-site.

### 6.2 Environmental Implications

Because no future development or change in land use on these six parcels is anticipated, the change in subarea boundary and theoretical increase in the allowed height would not change the projected overall buildout. Therefore, the original projection of 300 units in the South Shattuck subarea would still be accurate with the subarea boundary change. Further, if future proposed projects are found not to be consistent with the assumptions in the Draft EIR, those projects would be required to undergo individual project-level CEQA review.

The Draft EIR determined that the environmental impacts of the original Specific Plan would be less than significant or could be reduced to below a level of significance with proposed mitigation measures for most of the topical areas studied. Impacts related to intersection levels of service (LOS) and construction noise were found to be significant and unavoidable. Overall, the potential changes to the proposed Specific Plan would not expand or change the Plan Area boundary, would not change the objectives and goals of the proposed Specific Plan, would not change the allowed uses under the proposed Specific Plan, and would not increase the buildout assumptions analyzed in the Draft EIR.

Therefore, the proposed Specific Plan changes would not affect the findings and conclusions of the Draft EIR with respect to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, public services, recreation, traffic, or tribal cultural resources. Those impacts would remain less than significant, less than significant with mitigation, or in the case of construction noise and traffic, significant and unavoidable.

The changes to the proposed Specific Plan would not result in new or increased significant environmental impacts. No new significant impacts would occur, and no new mitigation measures would be required; therefore, no impacts beyond those identified in the EIR would occur. No substantial revisions to the EIR are required and therefore, pursuant to CEQA Guidelines section 15088.5 recirculation of the EIR is not warranted.

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# Appendix A

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Transcript of Oral Comments Received at the June 5, 2019 Planning Commission Hearing

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IN THE MATTER OF:  
BERKELEY CITY COUNCIL MEETING

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ADELINE CORRIDOR  
TRANSCRIPT OF PROCEEDINGS  
JUNE 5, 2019

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**CERTIFIED TRANSCRIPT**

REPORTED BY: KRISHANNA DERITA, CSR 11945

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BERKELEY PLANNING COMMISSION

PUBLIC MEETING

JUNE 5, 2019

IN RE: ITEMS 9 AND 10

DRAFT ADELINE CORRIDOR PLAN AND PUBLIC HEARING ON  
ADELINE CORRIDOR PLAN DRAFT ENVIRONMENTAL IMPACT  
REPORT (EIR)

REPORTED BY KRISHANNA DERITA, CSR 11945

## 1 PROCEEDINGS

2 MS. SCHILDT: Let's leave the mic up there  
3 because we are just, rather than taking comments  
4 from the Commission right now, we'll hold off on  
5 Commissioner comments until the end to allow for  
6 public comment since there is a lot of people in the  
7 audience here, and also just to note, I know there's  
8 a lot of people with young kids in the audience. So  
9 if you all want to move, do we need to make a motion  
10 for public hearings? I always forget. We'll  
11 entertain a motion for a public hearing on the draft  
12 environmental impact report. So yeah, so we will  
13 move -- sorry. To clarify, on the agenda there's  
14 item nine and item ten. What we decided to do is to  
15 have staff present on both of them on both the  
16 Adeline corridor plan and on the draft environmental  
17 impact report. So we are going to open up the  
18 public hearing now to accept comments on either the  
19 plan or the environmental impact report or if your  
20 comment is relevant to both, that's fine as well.  
21 So just for that clarification. So with that, do  
22 you want to open the public hearing? Whatever you  
23 want to say, Rob and Mary Kay. First? Second. All  
24 in favor? Okay.

25 So opening up the public hearing for those who

1 want to line up and give public comments and the  
 2 microphone is up there. We'll do three minutes per  
 3 speaker. A person is coming in from the next room  
 4 over with a thousand signatures.

5 SPEAKER: My name is Ariela. I've lived in  
 6 Berkeley for 20 years and our volunteers have gone  
 7 out on campus and gotten a thousand signatures  
 8 asking that it doesn't use Ashby Bart as a high  
 9 priority site for housing. We are going to the Bart  
 10 director's meeting next week to make sure that the  
 11 city and Bart assign staff to develop a request for  
 12 proposals to develop housing, public open space,  
 13 better transit and safer streets and I want to  
 14 communicate to you the urgency and excitement that I  
 15 hard from people when I was out canvassing for  
 16 signatures. People are passionate about picturing  
 17 equity and diversity in this project, that there  
 18 will be anti displacement in these programs for our  
 19 neighbors. We want to maximize housing for all,  
 20 including all income levels, but especially  
 21 50 percent be affordable. We need a permanent  
 22 public open space so that the flea market is not  
 23 displaced and we want safer streets and better  
 24 transit. There have been so many our pedestrian and  
 25 bicycle accidents recently. Streets are just too

1 wide and too fast. While it appears that the  
 2 framework of the Adeline corridor plan generally  
 3 supports these roles, we feel that there are major  
 4 revisions that need to be made to the corridor plan  
 5 as well as the EIR so that this vision is actually  
 6 feasible and can be implemented as soon as possible.  
 7 Thank you.

8 SPEAKER: Hi. My name is (Name inaudible) and  
 9 that's a tough act to follow. That's quite a  
 10 dramatic poster we are standing in front of. But we  
 11 also support more housing, more pedestrian focused  
 12 streets and amenities. It's time that we actually  
 13 walk the talk of Berkeley progressive values and  
 14 create housing where we know it makes sense along  
 15 corridors in walkable neighborhoods and so that more  
 16 people can enjoy a walkable life than the residents  
 17 who are here who are lucky enough to live here  
 18 already enjoy, and this is incredibly urgent. So I  
 19 ask you as our leaders, please support more density,  
 20 more housing and this could tend to go a lot  
 21 further. But thank you for taking these bold steps.

22 SPEAKER: Hi. My name is (inaudible) I am in  
 23 the district three right between Adeline and sat  
 24 Shattuck and I have a few comments on the plan.  
 25 First of all, I think we need to make Adeline one

1 lane of traffic in both directions. As I said, I  
 2 live right next to Shattuck. The section of  
 3 Shattuck I live next to is two lanes of traffic in  
 4 both directions and that section of Shattuck is not  
 5 safe for pedestrians. And I think if people are  
 6 serious about walkability and bikeability and  
 7 pedestrian safety, Adeline needs to become one lane  
 8 of traffic in both directions. I'm also concerned  
 9 that both in terms of housing, the plan is not  
 10 ambitious enough and also doesn't have what's needed  
 11 to meet even the relatively modest goals. The slide  
 12 I saw from the presentation said 250 units relative  
 13 to no plan of additional housing would be built. I  
 14 don't think that's nearly enough given the housing  
 15 crisis we are in. And it's not clear to me how this  
 16 plan is going to lead to even building 250  
 17 additional units because it actually lowers height  
 18 limits by a foot in large sections of the area if I  
 19 understand correctly, and doesn't really seem to do  
 20 what's needed in terms of allowing density if we are  
 21 serious about building more housing. I'm also  
 22 concerned that what we are going to see is we are  
 23 going to see a requirement passed for 50 percent  
 24 affordable housing and the funding for that won't be  
 25 there and we are going to get zero units of

1 affordable housing. So if you are going to pass a  
2 50 percent affordable housing requirement, you need  
3 to make sure that the funding is there. If you put  
4 a gigantic housing bond on the ballot to do that, I  
5 will vote for the housing bond, but my question  
6 would be is that bond going to happen and will  
7 enough people, other people vote for it? Because if  
8 not, if you want a certain number of affordable  
9 units and you can't fund it through a housing bond,  
10 what you need to do is build more market rate units  
11 and require those to subsidize the affordable units  
12 because that's the only way you are going to get the  
13 affordable units you want. A final point is I was  
14 deeply confused by the part of the staff  
15 presentation that said not doing the street redesign  
16 would be more environmentally friendly. I think if  
17 your analysis framework that you are using for an  
18 environmental impact report says that fewer cars and  
19 more walkability and more bikeability is a negative  
20 environmental impact, you need to change the  
21 framework you are using to evaluate environmental  
22 impact because I don't know. Maybe that's a  
23 framework that made sense 60 years ago, but if you  
24 are serious about climate change and serious about  
25 CO2 emissions, then we need to adopt the perspective

1 that what's good for the environment is fewer cars,  
2 more walkability, more bikeability. Thank you.

3 SPEAKER: My name is Jana Angel Bath. I have a  
4 store front called Empress Vintage in Adeline right  
5 on the border of Oakland and Berkeley and I've been  
6 in this neighborhood for about 11 years now starting  
7 out at the Ashby flea market selling there and I had  
8 a tiny storefront in the Firehouse Art Collective  
9 and now I'm over on Alcatraz. And I'm currently at  
10 high risk of displacement and I just wanted to  
11 mention that I do have land use as part of my store.  
12 I have a garden space in the back that I've  
13 completely revamped, and for the past five and a  
14 half years have been giving that to the community to  
15 come in. We've had workshops, artists, musicians,  
16 many events back there. It's Ohlone land. I've  
17 always want to share it and this is also being at  
18 risk of being taken by a potential tech company and  
19 my landlords who want me to leave with no reason  
20 given to me. And so I'm just wondering in the  
21 proposal what is helping existing businesses, small  
22 businesses, artist run businesses, women owned  
23 businesses, people of color owned businesses that  
24 are at risk of technology displacement that the  
25 whole Bay Area is experiencing right now and where

1 is the community support for that? And where can I  
 2 find resources for my situation? But not just me.  
 3 I want to be an advocate. I always have been an  
 4 advocate for this and I wanted to introduce myself  
 5 here and hope to stay in touch with people.

6 SPEAKER: Hello Commissioners and guests. My  
 7 name is Alex Nolan and I am the principal lease  
 8 holder for the building where the Firehouse Arts  
 9 Collective is as well on the corner of Adeline and  
 10 Martin Luther King Jr. Boulevard. So being there  
 11 since 2017, July, when I took a 15 year lease on the  
 12 property, I've noticed increased traffic incidents,  
 13 accidents in front of my property. In the last six  
 14 months, there have been three major car collisions  
 15 that have pushed vehicles on to the pedestrian right  
 16 of way, of which in the last month and a half, two  
 17 of our trees in South Berkeley have been knocked  
 18 down. Just on Saturday evening, another tree was  
 19 impacted by a traffic collision where police pursued  
 20 a vehicle that ended up in the corner of the  
 21 building. Well, it didn't quite hit the building,  
 22 but it was on the side wall. I'm also the board  
 23 president of Berkeley's other only Fine Art  
 24 nonprofit, Local Artist Berkeley. We just received  
 25 5013C status on Thursday, so we are very excited

1 about that. Anyhow, we have this property in South  
 2 Berkeley that we are excited to conduct an AUP  
 3 process to become a beer garden, also a restaurant.  
 4 We are saving Smoke Berkeley from its landlord  
 5 taking eviction of the property actually next month.  
 6 So we are going to be housing Smoke Berkeley, a beer  
 7 garden, and art center right here where the  
 8 Firehouse Art Collective used to be. This was also  
 9 the Firehouse Berkeley's previous transportation.  
 10 So I'm also a contractor, actually part of three  
 11 different companies that work out of this building.  
 12 I do a lot of work with Public Works, a lot of work  
 13 with Parks and Recreations and waterfront. I also  
 14 do a lot of work in all of the bids including the  
 15 TBID and the DBA in downtown. So I've initiated  
 16 several proposals to Public Works and Parks and  
 17 Recreations for improvement of the planters, which  
 18 my company has built all of the downtown planters in  
 19 that revitalization project. So we are very  
 20 interested in being involved in all facets, both in  
 21 public art, and in also in developing and planning a  
 22 few of our favorite spaces over the coming years.  
 23 Currently, I'm trying to get a permit. And it would  
 24 be an encroachment permit because of my property's  
 25 proximity to this particular site, but given the

1 proximity and the frequency of accidents, I'd like  
 2 to do raised planter beds on the frontage right in  
 3 front of the AC transit bus stop also to prevent  
 4 pedestrian incidents. These could actually impact  
 5 both my business and tenants and also people walking  
 6 by.

7 SPEAKER: My name is (inaudible) I live on  
 8 Oregon Street. My biggest question is how does this  
 9 address emergency preparedness? How can all the  
 10 neighbors be organized? What is in the plan to  
 11 address what happens when an earthquake happens?  
 12 How do we get more, if we are narrowing the streets,  
 13 I'm all for that, but how do we get emergency  
 14 vehicles in this decreased space and the services?  
 15 How does this address a larger need for health care,  
 16 schools, how is this in the plan? I haven't seen  
 17 this. Is it just supposed to happen? And also for  
 18 the park, I'm all for less cars, but is Bart going  
 19 to increase the capacity of Bart cars and not  
 20 increase the fares? So those are questions.

21 SPEAKER: Hello. My name is Todd Darling. I  
 22 live here in the neighborhood. I would like to  
 23 point out a couple of things as you have to deliver  
 24 going into the future trying to make a plan that is  
 25 far seeing, there's lots of things that we can

1 simply not anticipate. PG & E is now bankrupt.  
 2 Four years ago no one could imagine such a thing.  
 3 So solar rooftop power is now becoming critical  
 4 potentially to the functioning of the city,  
 5 potentially to the functioning of the city during an  
 6 emergency. So if we build a bunch of tall buildings  
 7 next to a bunch of available rooftops for solar  
 8 power, we are going to lower our sustainability, you  
 9 know, capacity, our resilience, in effect. Traffic  
 10 is a big problem, but the cause of the increase in  
 11 traffic, is, of course, Uber and Lyft. So we've got  
 12 disaster capitalism being the biggest contributor to  
 13 the traffic problem. So going down, no pun  
 14 intended, the road of changing our streets, is going  
 15 to be, there are a lot of very difficult questions  
 16 to encounter. I think that our sustainability has  
 17 to be factored in to a much greater detail than has  
 18 been able to just because we've not really been  
 19 required to and have not had the opportunity to face  
 20 the dilemmas with climate change and things like PG  
 21 & E going bankrupt. Who would have figured that?  
 22 The other thing I would just like to say about  
 23 setbacks and density, I think that's no question  
 24 that if we go past four stories and if we start  
 25 eliminating setbacks, the entire neighborhood

1 becomes much less livable and if we put in too dense  
2 buildings in existing neighborhoods, it essentially  
3 condemns those as being livable and will just sort  
4 of march out. You can go down in West Oakland where  
5 they've built five story buildings all the way out  
6 to the limits and it's not very pleasant. We are  
7 going to be -- for the demands of right this moment,  
8 we are going to be sacrificing our sustainability  
9 and our culture. The other, I want to close by  
10 saying the notion that culture does not depend on  
11 the kinds of forms that are built and the way the  
12 community is structured is ridiculous. If we build  
13 tiny apartments that are too crammed where there's  
14 no setback, it's going to change those people's  
15 fundamental relationship to nature and the  
16 environment around them. It's going to determine  
17 what kind of people live there. It's also going to  
18 just, if you build it wrong, you can't destroy a  
19 neighborhood, expect low income people, people of  
20 color, working people to be able to afford to hang  
21 around while something new gets built. We can't  
22 respond to the demands of the moment as expressed by  
23 well healed organizations and sacrifice the culture  
24 that brought everybody here to begin with. Thank  
25 you.

1           SPEAKER: Margie Wilkinson. Some of the things  
2 I might say, I'm happy to follow up this gentleman  
3 because I was going to start off by saying that I  
4 don't get the sense of urgency here that I think we  
5 need to have. Capitalism is dying and it's trying  
6 to take the earth, a planet we live in, and all of  
7 us with it. Housing has become a commodity. It  
8 should be a human right and socially developed and  
9 maintained operation. Homelessness is growing.  
10 Today in the LA Times there was an article about the  
11 increase in homelessness. And you know what the  
12 conclusion was? Not that there's not enough  
13 housing, but the rent is too damn high. People  
14 can't afford to live in the places that exist.  
15 Nationally there is estimated that there are six  
16 vacant housing units for every single homeless  
17 person. In New York City, Alexandria Acasio-Cortez  
18 says it's three vacant housing units for every  
19 single homeless person. Okay? And you can't talk  
20 about developing the Ashby flea market, Ashby Bart  
21 station without talking about the flea market and  
22 vendors and the people that depend on that operation  
23 for their living. We cannot -- this is not a  
24 conversation that's going to go on somewhere else.  
25 It has to go on right here right now. Do I want

1 housing? Yes, I want housing. I want housing for  
 2 the very poor people who have been forced out of  
 3 Berkeley or onto its streets. I want housing for  
 4 people who grew up in this city and can't live here  
 5 anymore. But I reject the notion that we have a  
 6 housing crisis. What we have is an affordability  
 7 crisis. I never read an EIR before. Never even  
 8 looked at one. So I started doing that because I  
 9 thought maybe I've got to start paying attention to  
 10 what these people are saying. And I was deeply  
 11 disappointed that the EIR rejected the issues that  
 12 Friends of Adeline brought up at the very beginning  
 13 of this process which was one of the environmental  
 14 impacts that must be considered must include  
 15 gentrification and displacement. That is not in,  
 16 and there's an explanation, blah, blah, blah. Okay.  
 17 I was very pleased to see that the plan calls for  
 18 electric, solar and whatever you call it, units in  
 19 all the buildings. But there's no discussion about  
 20 something that I've just recently become aware of,  
 21 which is the environmental impacts of construction.  
 22 When you build really tall buildings, you use  
 23 materials that the creation and use of which is an  
 24 environmental disaster. You can build relatively  
 25 tall buildings. I think seven stories is pretty

1 tall. I wouldn't want to live in a building that I  
 2 couldn't walk out of. So I'm just saying that  
 3 that's not in the environmental impact report as far  
 4 as I can tell and there needs to be much more about  
 5 how to save our community and save precious  
 6 institutions like the flea market.

7       SPEAKER: Good evening. My name is Doctor  
 8 Sanders. I used to be the child director and the  
 9 health officer for the City of Berkeley and I want  
 10 to try to connect the issue of the health status  
 11 report. Can I just see a hand of how many of you  
 12 have actually seen or read the health status report?  
 13 Wow. So you all don't mostly know how serious the  
 14 issue is around health and the contributing factors  
 15 to the health of people of color, in particular  
 16 black folks. This is a problem if we don't even  
 17 know that in our own city and that is so critically  
 18 connected to housing, so critically connected to  
 19 housing and so critically connected to our mental  
 20 health or lack thereof. And the fact that so many  
 21 of us are homeless and the lack of homes for us to  
 22 go to. So when we come before bodies like this, I'm  
 23 nervous. I'm sitting before all white folks. This  
 24 makes me nervous. And some of you may have a little  
 25 bit of mixed blood in you. I don't know. I have a

1 little bit of white blood in me. I know that. But  
2 it really makes me nervous as a black person to come  
3 before you. You've got to understand that. And you  
4 have got to understand that level of oppression over  
5 years. Yeah, I'm a doctor, damn, but that don't  
6 mean nothing when I'm walking down the street with  
7 my black grand child, very black grand child. That  
8 don't mean nothing with what I am. And the ability  
9 to purchase a home, that don't mean nothing if I  
10 walk in there with a black face. And Berkeley is  
11 supposed to be so progressive and I really applaud  
12 you, Alisha, you guys have done a lot of work and a  
13 lot of changes have happened in the process of  
14 developing this plan and this idea of putting down  
15 this comment about 50 percent affordable housing,  
16 that gets us a little weight, but I think we need a  
17 lot more. And I underscore that it is directly  
18 connected to our health and if you are not reading  
19 that report, you don't know how connected it is. So  
20 I really encourage you to do that and I encourage  
21 you to, yes, try to reverse some of this  
22 displacement that has gone on with an appropriate  
23 way to also improve our health and so what does that  
24 mean? That means for adequate housing for folks  
25 that have been driven out of the city. I mean, if

1 you can look over the last 40, 50 years, we have  
2 gone down in terms of African Americans from, what  
3 was it, 35, 40 percent African Americans down to 7  
4 percent now. Where are we going? Why are families  
5 being disrupted with this? This is a major problem  
6 and if Berkeley is really a city that wants to make  
7 changes, people, really do what is necessary and  
8 take broad, strong steps to reverse it by including  
9 in this report things like the right to return of  
10 people that have been forced out of Berkeley.  
11 Things like the right to stay in Berkeley. And  
12 we've just seen an instance of that where someone  
13 was almost forced out and it was a community that  
14 came together and helped him to stay in Berkeley.  
15 We need to be able to stay and we need to be able to  
16 buy and we need to be able to rent in Berkeley,  
17 which means a whole lot more rent control and a  
18 whole lot more stuff that we need to do. So I  
19 appreciate the ability to talk here and we've got to  
20 keep working on it.

21 SPEAKER: I'm a member of Friends of Adeline  
22 and I used to live a couple blocks from here until I  
23 myself was displaced and I want to say, I'm fine,  
24 but I am really concerned about the overall process  
25 of this African American displacement and the

1 transformation of south Berkeley from someplace that  
 2 culturally really fostered and nourished a black  
 3 community to a increasingly does not. And I quote  
 4 what Doctor Sanders said, the loss of the African  
 5 American population of Berkeley and also to echo  
 6 what Margie Wilkinson was saying, that we don't have  
 7 a housing crisis, we have an affordability crisis.  
 8 Yes, we need more housing that needs to be  
 9 affordable housing, not just affordable, but  
 10 affordable to low income, very low income people.  
 11 And that does mean to the specific, I have a lot of  
 12 concerns about this plan, but I'll stick to my  
 13 biggest concern at the moment, which is that big  
 14 idea of 50 percent affordable housing which includes  
 15 moderate income to very high. So it's, not a fan of  
 16 that. But even with that, the 50 percent idea, I  
 17 can't see how the plan actually implements that.  
 18 Nuts and bolts of the plan don't actually get you  
 19 there. The incentives, the increased density and  
 20 height don't get you there. The percentages are  
 21 based on the face project, not on the entire budget.  
 22 And the plan does not, you know, firmly establish  
 23 that the Bart site will be a hundred percent low  
 24 income housing, for example. So it's just  
 25 completely unclear to me how we actually get to that

1 50 percent number. So I'm really concerned that  
2 whatever the intention of the folks that wrote it  
3 that that will function as window dressing and a  
4 distraction of what is actually in the plan. I also  
5 think that 50 percent of new construction being  
6 affordable is not enough especially if it includes  
7 moderate income, that we need even more than that.  
8 And I know that is difficult to do with the tools  
9 that exist or that have the common use or that we  
10 really need our Planning Department and our Planning  
11 Commission and our City Council to be champions of  
12 new ways of doing things, really committing to the  
13 goals that we have in finding ways to get there.  
14 And I think that the planning staff worked really  
15 hard on this plan and I know they've done a lot of  
16 engagement and we are going to keep on engaging and  
17 pushing so we can get something real that really  
18 serves the community.

19 Also I was also troubled that displacement is  
20 not in the draft EIR. If the EIR can consider the  
21 impact on the senior population and their access to  
22 senior centers, for example, why can't it assess  
23 displacement? Thank you.

24 SPEAKER: Good evening, Commissioners. Thanks  
25 for the opportunity to talk. John Lao, resident of

1 neighborhood in south Berkeley now. I title my  
 2 comments tonight as the good, the bad and the ugly.  
 3 So if that's okay. First the good. I want to  
 4 commend staff and the consultant team for a very  
 5 admirable job at confronting some difficult issues  
 6 head on. Going into the process when everyone was  
 7 very aware of the mistakes in the past and the need  
 8 to acknowledge those and talk about them in a very  
 9 direct way and I think they've accomplished that in  
 10 the plan presented those past mistakes and current  
 11 context in the very sensitive and honest way.  
 12 Similarly there's a lot of good narratives about how  
 13 we should address this plan and use it as an  
 14 opportunity to address these past mistakes. So I  
 15 commend staff for a job well done. The bad now.  
 16 Unfortunately, the latter half of the plan where we  
 17 get into civics and limitation mechanisms doesn't  
 18 quite match the rhetoric of the first part of the  
 19 plan where we talk about the issue and the need to  
 20 address it head on. But we are not provided the  
 21 tools sufficient to actually address the problem in  
 22 a positive impactful way, which leads me to the  
 23 ugly. Many of us saw the story in the news a few  
 24 weeks ago where 4,000 applicants applied for 28 or  
 25 26, 28 affordable housing units in Oakland, our

1 neighbor to the south here. So that's a sense of  
 2 the scale of the problem that we are in. 4,000  
 3 people. It's not even people. That was household.  
 4 So it's more than 4,000 people trying to get 28  
 5 affordable housing units. That's the magnitude  
 6 problem that we now face. Bring that closer to home  
 7 with our Adeline plan. The 20 year build out  
 8 presented to us in the plan. Assuming a 50 percent  
 9 affordable housing rate, I think, comes out to about  
 10 36 affordable housing units a year for the next 20  
 11 years. So 36 affordable housing units per year for  
 12 the next 20 years. Do we honestly think that we are  
 13 moving the needle sufficiently to address the  
 14 problem? We are facing a roaring wild fire and we  
 15 are being given a garden hose to address it. It's  
 16 simple math. Let's assume a hundred percent of the  
 17 units discussed in the plan are provided at  
 18 affordable level, 70 units per year for the next 20  
 19 years? Is that much different? It doesn't move the  
 20 math, which moves the question what are we really  
 21 doing here? And what's the choice we are at or is  
 22 the goal to simply come up with high numbers that  
 23 sound good and pat ourselves on the back? We got to  
 24 50, we got to a hundred, we've done well, or do we  
 25 really want to take this opportunity to address the

1 mistakes of the past. Like we've said, and if we  
 2 did want to take that path, please direct your staff  
 3 to go back and present additional tools on how we  
 4 can get more housing, more affordability. Thank you  
 5 very much. Please direct your staff to do that.

6 SPEAKER: Good evening to the Commission, to  
 7 the staff and to the community. My name is Debra  
 8 Matthews. I'm a resident of south Berkeley, a  
 9 founding member of South Berkeley now, and a former  
 10 commissioner to this board. Our city cannot reach  
 11 its full potential while so many of our residents  
 12 and growing segments of our work force face barriers  
 13 in contributing as consumers, as workers, as  
 14 entrepreneurs, as innovators and as leaders due to  
 15 the need for affordable housing. Every community  
 16 member here tonight must realize and note this very  
 17 simple and critical point. The Adeline corridor  
 18 plan will govern our community of south Berkeley for  
 19 the next 20 years. We must raise the bar for  
 20 Berkeley housing development. We must mandate  
 21 immediate implementation of an equity and inclusion  
 22 diversity impact report that sits right next to our  
 23 ERI. Long terms solutions require equity. We don't  
 24 have that representation by our leadership in this  
 25 room tonight. Set equitable goals, performance

1 metrics and reporting frame work. Require  
 2 supportive project to advance equitable development.  
 3 Ensure accountability through monitoring and  
 4 enforcing. Local and target hiring of our local  
 5 residents and underserved workers in both  
 6 construction and ongoing operations of projects.  
 7 Job training, including access to apprenticeship and  
 8 job certification with living wages. Creation of  
 9 permanent jobs that provide living wages and career  
 10 pathways for our community. Construction  
 11 opportunities for small businesses, communities of  
 12 color, and women owned businesses. Developers must  
 13 provide community impact reports that outline how  
 14 they will meet these expectations. Provide data for  
 15 the performance metrics and assessment. the impacts  
 16 of the project and the potential displacement of our  
 17 at risk, low and middle income communities. these  
 18 reports should be made publicly available all during  
 19 the process. Equitable development goals and  
 20 standards should be integrated into plan and land  
 21 use policy. Community impact reports must be  
 22 submitted by developers and businesses indicating  
 23 how proposed progress will impede or advance the  
 24 community's equitable development goals. this  
 25 should be taken into consideration when approval for

1 all projects that come into the community. South  
 2 Berkeley has waited for economic and social justice  
 3 since the 1,960's. Commit \$50 million out of  
 4 Measure O to build 250 units of nonprofit sponsored  
 5 for very, very low income, extremely low income and  
 6 unhoused people. in addition, dedicate money from  
 7 Measure P for operating subsidies. there is a  
 8 housing crisis. There is a housing crisis need for  
 9 housing. There is a need, a crisis need for safety.  
 10 We must stop pedestrian death and critical injuries  
 11 in our residents by calming the traffic in the heart  
 12 of our community along the Adeline corridor and  
 13 Martin Luther King. there is an economical crisis  
 14 in our community, a need for small businesses in our  
 15 community that serve us directly every day, meet our  
 16 needs, dining, banking, medical and shopping. we  
 17 call for sustainable action now.

18 SPEAKER: Tim Frank and speaking on behalf of  
 19 the Alameda County Building and Construction Trades  
 20 and Council. There's a lot to like in this draft  
 21 plan, and we really want to commend the staff for  
 22 the tremendous work that you have done. I think the  
 23 first step of gathering is quite well and I think  
 24 there's an acknowledgment that meeting the needs of  
 25 the existing residents both for housing and jobs is

1 a critically important point, and at least in a  
2 narrative form, that's actually reflected quite  
3 well. The commitment to affordable housing is, I  
4 think, admirable and it's a model we have not seen  
5 as much affordability and any specific plan anywhere  
6 else in the east bay and we think this is a step  
7 forward. One of the key strategies to help make  
8 that work is to combine affordability by design and  
9 public investment. And this plan calls for all of  
10 those things. More of all of them, actually, are  
11 good ideas. When you look at affordability by  
12 design, it's really important to recognize that both  
13 affordable housing developers and private land  
14 developers or private finance developers are going  
15 to be looking for the same thing, which is that more  
16 within a certain limit as long as you are not  
17 bumping up to a level that will require different  
18 construction technique. The more affordable, and  
19 that's actually really important because for the  
20 affordable housing, it means you can more densely  
21 and more deeply subsidize them. And for the market  
22 rate unit, it means it's cheaper to build per unit  
23 if there's a little more capacity to support the  
24 inclusionary requirements that we all want. So the  
25 height and density are all critically important to

1 help support the very aggressive affordability  
2 goals.

3       The second thing I want to focus on is the  
4 question of the labor. South Berkeley is a blue  
5 collar part of town. It's one of the fewer many  
6 parts of town where you actually have substantial  
7 numbers of construction workers, but if you look at  
8 the practice of the developers of Berkeley over the  
9 last ten, 20 years you see very few of them that  
10 have actually been using local apprentices, and we  
11 think that it's important to build into the plan a  
12 commitment to make sure that if you are getting the  
13 bonuses of this plan, that you are actually using  
14 apprentices on the jobs, you are training people for  
15 a decent career, and that you are providing paid  
16 health care. These are things that the Council has  
17 already suggested they'd like to see on a community  
18 wide basis, but you have an opportunity to put  
19 something in place in the Adeline corridor and that  
20 would be a good thing to do.

21       The final thing I'd like to comment on is the  
22 EIR, and just quickly, if the no change in the  
23 street corridor was analyzed as the environmental,  
24 what that suggests is that you are looking at an LOI  
25 standard rather than looking at the VMT standard,

1 which is what the newly published CEQA guidelines  
2 have encouraged communities to adopt, and we have  
3 not seen consistently that communities have embraced  
4 them. It's an approach that actually embraces  
5 pedestrian safety, but it's an opportunity to be had  
6 and actually we are pointing in a better direction  
7 towards that approach that actually emphasizes  
8 pedestrian safety and reduced green house gas.  
9 Thanks.

10 SPEAKER: Good evening. My name is Willy  
11 Phillips and I'm here, actually, I'm a member of  
12 Friends of Adeline. I'm also the chair on the  
13 development committee of NAACP and also the RCP,  
14 which does development. What I'm aware of, and we  
15 do need affordable housing. So I think I can wear  
16 that hat as well as many hats here. But I was  
17 understanding the fact is that and also more  
18 important as a long time member of this community,  
19 I've been here for 60 plus years and I've seen a lot  
20 of changes and I also realize that part of those  
21 changes you can see for yourself because who is  
22 represented in this room, it actually says a lot.  
23 Who is at this meeting says a lot of. It only  
24 implies going back to that part is part of the  
25 planning is to be able to connect the dots, but I

1 know that I was here a little earlier and that was a  
2 referral item that indicated essentially that there  
3 were some counsel items that referred to the  
4 Planning Commission and it spoke about  
5 gentrification and displacement and it was to say  
6 that must not be very important because I don't know  
7 how many particular items got on there, but  
8 certainly and they are also reflected back as what  
9 are you saying about the fact that those people who  
10 are obviously affected are not in this room? I also  
11 have to ask why? Maybe because many of the items  
12 that are referred are not relevant to those people.  
13 They are basically trying to survive. They are  
14 trying to hold on to what they have and in many  
15 cases, what's happening is that they are affected by  
16 the fact they are not going to be here. The  
17 displacement issue has already happened. I'm  
18 fortunate enough to have a family that's not going  
19 to sell. But we also realize the fact that the  
20 important part of being able to connect the dots is  
21 not by a report, but it's by the fact that you have  
22 to come up with actions. There are a lot of things  
23 here that I actually have an idea of what can  
24 happen. Did you know that BTech has a \$200,000 rent  
25 that they are using to apply to apprenticeship?

1 That should be in the plan. The very fact is that  
2 health issues are very much affected by poverty that  
3 are also affected by displacement. That is actually  
4 in the Federal Reserve report that was just issued  
5 just recently. Now, the very fact is that we can do  
6 better. We can do better. We don't need a plan.  
7 We need a plan of action that can basically connect  
8 the dots. Again, I'd like to thank you for the time  
9 to be able to speak to you again and I commend those  
10 of you who have done the report. But I want to see  
11 essentially a workshop on displacement and  
12 gentrification. Can that come up in some form or  
13 another? Thank you.

14 SPEAKER: My name is Alice. I heard you say  
15 something about reducing Adeline between Alcatraz  
16 and Woolsey to two lanes and it's already backed up,  
17 that whole space. If you reduce it down to two  
18 lanes, it will be backed up to Ashby and if it's not  
19 backed up to Ashby, it's backed up on MLK. The  
20 fumes will be terrible for the people who live here.

21 The second thing I wanted to say was how the heck  
22 can you create 850 housing units in the Ashby Bart  
23 parking lot? According to my calculation, it says  
24 there's going to be 50,000 square feet of space on  
25 the ground floor for retail space. That means that

1 you have to have 90 units per floor on the second  
2 floor to the tenth floor to create 850 units. So  
3 does everybody in here realize they are planning on  
4 building a ten story building in the Ashby parking  
5 lot? So I would, being a creative person, I said  
6 why not keep the Bart parking lot as it is? The  
7 exterior dirt areas, please create a community  
8 vegetable garden there and why don't you subsidize  
9 4,000 homes in Berkeley that are one story high to  
10 build to raise the houses and build units underneath  
11 and get people that are unhoused into those housing  
12 units. 4,000, I mean, I just pull that 4,000 out of  
13 a hat because some people said 4,000 people went  
14 online for 28 units. You guys are proposing 1,450  
15 units. I calculated if the city had a contractor  
16 and you could get every house raised for \$100,000,  
17 which maybe is cheap, and get another unit under  
18 there, you would have a good sized unit. Now, these  
19 units, these 850 units, can't be more than 550  
20 square feet because you take two 12 by 12 bedrooms.  
21 That's 144 and 144 and they have a living room and a  
22 kitchen area. That's another 144 and a little space  
23 for a bathroom and that's 570 square feet. So we  
24 are talking about crammed in. Now, the base of most  
25 of the houses is about 870 and if they popped up in

1 different places in Berkeley, we wouldn't feel the  
2 impact. It would look a little weird. But it's  
3 already like that. So it's kind of consistent. So  
4 I don't know. Maybe it wouldn't be very  
5 environmental. I'm not a genius. I'm a local bee  
6 keeper, but I'm dyslexic and I think outside the box  
7 and the dinger hasn't gone off and that's all I had  
8 to say.

9 SPEAKER: Hi. Is this on? I would like to  
10 speak to the EIR mostly. The plan has goals. It's  
11 like apple pie. We can all agree on it, but the  
12 details, the devil is in the details and right now,  
13 the EIR is kind of limiting us because we didn't  
14 study more housing. Only 250 more? That is not  
15 very visionary. That is really disappointing. So  
16 we really need to study more units, minimum 2,000,  
17 maybe even 2,500, you know, quick back of the napkin  
18 by an architect I know, he said 2,500 you could do  
19 here. When we did the downtown plan, I was on the  
20 planning commission. We studied eight stories,  
21 eight high rises. We ended up with four, but that  
22 gave the Planning Commission and the City Council  
23 the room to see what if right now we are limited to  
24 1,450 and four lanes of traffic. We want to have  
25 two lanes of traffic to prevent pedestrian injury

1 and allow bicycles and allow the vendor spaces along  
2 Adeline farmers market, flea market along Adeline,  
3 in the Plaza. The other thing that the EIR doesn't  
4 have in it and the plan doesn't have in it is  
5 anything to do with Ashby Bart. There's no zoning  
6 proposal for Ashby Bart. After five years, I mean,  
7 come on, people. We need that included in the EIR  
8 and in the plan. It's not TBD. I mean, why did we  
9 spend all this time? We will have to do another EIR  
10 for Ashby. That's not what we -- we bargained for  
11 if we are going to meetings for five years. We need  
12 Ashby Bart in the plan, the zoning needs to be in  
13 the plan, and 150 units average to the acre average.  
14 That can still get us a huge plaza, ton of green  
15 space. We did the calculations. Alfred Twu did the  
16 calculations. We can easily get a calculation on  
17 Ashby Bart. And then the other place we have, we  
18 want the developers to build more housing on their  
19 private property. And we want work force housing  
20 too. We want that also, but we need houses for  
21 teachers that are affordable. They cannot afford  
22 housing, either. We really need housing for all,  
23 everyone, not just variable income. Yes, we need  
24 \$50 million for Ashby Bart. We need a commitment  
25 from the City for a minimum for Ashby Bart and we

1 wrote a long letter with a lot of detail and you  
 2 probably haven't had a chance to read it. You did  
 3 get it probably Monday that I mentioned you read  
 4 through it, but it has more detail you can refer to  
 5 and we'll be saving your comments. Thank you.

6       SPEAKER: I'm in the Children Center and we  
 7 have about, I want to say about 45 children that are  
 8 enrolled in our programs and my comments will have  
 9 to do specifically with one person in this room and  
 10 that person is the baby in somebody's arms, because  
 11 all of these plans will be the early childhood  
 12 experiences for children growing up in this  
 13 community. Will they be able to cross the street?  
 14 Will they be able to use these new kiosks that we  
 15 were at the Business Association talking about?  
 16 Will they be able to see the sunlight? So I'm just  
 17 asking that in your decisions that you consider that  
 18 these plans will impact the lives of children for  
 19 the rest of their lives and they will be the  
 20 formative memories that these children will have of  
 21 this particular community and this will be their  
 22 related for life. Thank you.

23       SPEAKER: Good evening, Commissioners. My name  
 24 is Andrea and I serve on the Board of Community  
 25 Services United which operates the Berkeley flea

1 market. I've also been a resident of Berkeley for  
2 going on 40 years. I lived in south Berkeley for  
3 20, 22, 25 years. And I guess I want to encourage  
4 you to go back to page 11 of the packet where it  
5 talks about the five strategic goals so that we  
6 don't lose track. I think sometimes the desire to  
7 build buildings overtakes sort of the desire to do  
8 what's best for our community and so I'm sort of  
9 seeing things through that lens. I'm a teacher here  
10 in Berkeley here as well, but I'm looking at the  
11 five strategic goals and I admire the work that's  
12 been done and I really appreciate your additional  
13 comments, Alisha Shen, tonight regarding the  
14 historical designations and including that  
15 information in the binder and expanding and  
16 appreciating the history of this area. I guess what  
17 I'm asking is in those five strategic goals, I think  
18 there is one mistake and I'm asking you to look at  
19 the use of the word "affordable" and the meetings  
20 that I was at were meetings where people were saying  
21 we need low income housing. We need to address a  
22 crisis. We need to address an emergency. And I  
23 feel like that gets lost in this long term planning.  
24 We've had 15 people dying on the streets of Berkeley  
25 this year. Homeless, a man, 300, a regular, was

1 right here in this building a couple of months ago  
2 crying about the fact that he could not get housed  
3 and it just feels, I don't know why we are doing  
4 this. Is it so that we can take care of our  
5 community and address community needs? Or is that  
6 so we can provide opportunity for some folks to make  
7 a lot of money? And it doesn't feel good that way.  
8 I'm accountable to vendors who have been trying to  
9 struggle to make their living here for decades.  
10 That's who I'm accountable to and if I go there and  
11 say, "Hey, guys. You want to move over on to  
12 Adeline Street and risk your business and risk a  
13 legacy of this market so that some developers can  
14 make a bundle of building apartments for people who  
15 have never even been to Berkeley before?" You know,  
16 seriously I appreciate Debra Matthews' comments  
17 about Berkeley first. As a teacher, the kids that I  
18 taught ten, 20 years ago, what jobs do they have  
19 now? What opportunities were missed the day they  
20 moved out of these communities? And we are breaking  
21 up families. Do we have a right to a history? Do  
22 we have a right to a community? And if we do, we  
23 need to push back. We need to push back on a UC  
24 which expanded its enrollment in such a way that it  
25 increased the population of our town by 10 percent

1 in a city with a housing crisis. What is the market  
2 manipulation that's going on? Why is so much  
3 crucial space vacant in our town? And so I propose,  
4 let's have a vacancy tax. If you have these  
5 buildings sitting empty for month after month year  
6 after year, market forces will come to bear. Thank  
7 you.

8 SPEAKER: I immigrated here to join my husband.  
9 And when I came here, we used to live down here on  
10 12th Street and Ashby. So he was working and also  
11 selling at the flea market. So he came here '84,  
12 1,984. So when I came here, I joined him. I was a  
13 teaching assistant. I did everything. But I was  
14 joining him at the flea market. Flea market came  
15 like our home for the weekend. Unfortunately he  
16 passed 2002 before we bought our house, in the year  
17 2000 on Stanford. Our daughter was born in 1998.  
18 She was 20 years. Second year at SF State and she  
19 is studying medicine. For the flea market, even  
20 though I have a lot of store front from the flea  
21 market, I was able to get a store front. I couldn't  
22 rent anything. So I went to Oakland. The City of  
23 Oakland gave me a store front at Frank Ogawa Plaza.  
24 I know my sister here. So I was at Frank Ogawa for  
25 ten years and I lost my lease and I moved on

1 Telegraph, which I'm still there. I have a store  
 2 front. But on every weekend, I have to come to the  
 3 flea market for the past 30 years. The flea market.  
 4 So pleading that the flea market, I'm raising my  
 5 daughter to finish school. She wants to become a  
 6 doctor in this country. She's the second generation  
 7 in this America. I want to be able and I want to be  
 8 able to raise my daughter by coming to the flea  
 9 market because I produce the store front from Monday  
 10 to Friday. I close it and come to the flea market.  
 11 So I was praying that you all should save the flea  
 12 market for me so that I can be able to raise my  
 13 daughter. Thank you.

14 SPEAKER: Hi. My name is Kayla. I'm with the  
 15 Berkeley flea market and I'm on the board with the  
 16 Berkeley flea market and I do hear a lot of people  
 17 like mention it within the abstract and there's an  
 18 idea of what is Berkeley and what keeps Berkeley  
 19 Berkeley, and there's a lot of people and a lot of  
 20 communities that have been pushed out. But the flea  
 21 market, the uniqueness of this is that it's 47  
 22 years. It's been in the Ashby Bart station for 47  
 23 years. And many of those people have been displaced  
 24 and yet still travel miles from wherever they are  
 25 living to be at the flea market on the weekends. So

1 they have had a commitment to Berkeley that deserves  
2 more than the abstract; that deserves more than the  
3 idea that we fight over and isn't it crazy that we  
4 would have to be broken up over scraps of this, an  
5 area here and land here? Because I tell you, the  
6 Trumps of the world don't have to argue between  
7 bread and housing. They don't have those. They  
8 don't have to scramble over that. So community,  
9 culture, you know, the flea market, drums are being  
10 played. Life is happening, you know, and these are  
11 people that have a right to Berkeley. These are  
12 people that are Berkeley. So you make a dense  
13 space, you bring in even more people that are not  
14 part of that culture of Berkeley, and who is to say  
15 what complaints you have, what tries to push out a  
16 market that's been there for 47 years? What changes  
17 the whole demographics? And these are -- they are  
18 not asking you for the housing, you know, they are  
19 not asking you for that. They are asking you for  
20 the space to be free and to come and be Berkeley  
21 every weekend. And that's something that's worth  
22 preserving more than any abstract.

23 SPEAKER: Edward Ward, and I'm a west Berkeley  
24 resident and been involved in this process for five  
25 years. I'm getting a sense of what may be coming of

1 San Pablo Avenue. I want to congratulate your staff  
 2 and the consultants for coming up with an innovative  
 3 local density program that provides more affordable  
 4 housing than the state does. It will provide  
 5 40 percent to 70 percent to a hundred percent.  
 6 Density bonus if the mobile density bonus would vary  
 7 between 40 percent and 70 percent and to a hundred  
 8 percent. So you can go from, for example, a hundred  
 9 units to 168 units and 200 and some and then -- but  
 10 you still never get more than 50 percent affordable  
 11 housing occupancy at the highest density bonus. I  
 12 want to remind you that the project, I don't  
 13 remember the name of the project, north of  
 14 University Avenue, parking lot there, they are going  
 15 to build 142 units for affordable housing. It's  
 16 going to cost \$110,000 for 142 units, \$750,000 a  
 17 piece? And this is for low income housing including  
 18 a dormitory that was going to hold, provide a  
 19 shelter and 30 to 40 units for people at very LOW  
 20 income levels. So they are not going to be really  
 21 fancy apartments. \$750,000 a unit. So you wonder  
 22 why housing doesn't get built. It's expensive. I  
 23 would suggest for people that want to know how to  
 24 get around it, I would suggest that people sue the  
 25 state legislature. You could create causes of

1 action on behalf of the public, the homeless, the  
2 poor, you can create waves of compelling an action  
3 that the City Council, the Planning Commission and  
4 the staff cannot do. They are required to follow  
5 the law. And the law sets up parameters within  
6 which you can operate and property owners have  
7 rights. And so there are limits to what can be  
8 done. Approximately forcing a landlord to put in  
9 more than 20 percent affordable low income housing  
10 would violate. There are other ways to handle the  
11 problem, but you have to compel the legislature to  
12 do that and the way to do that in this culture is  
13 not to cry and scream at the local Planning  
14 Commissions, but it is to form a piece of  
15 legislation and sue the legislature. Compel them to  
16 come up with a law that compels the people that live  
17 in this state.

18 SPEAKER: Good evening. My name is Tom. Like  
19 the last resident spoke, I've actually lived in west  
20 Berkeley from the Adeline corridor, but I'm here  
21 speaking in support in favor of less cars and more  
22 housing. Our City Council has decided we are in  
23 climate crisis. I agree with you. So problems  
24 likes this make us think how seriously do we take  
25 this crisis? If we just think that housing and

1 transportation are not that important, that means we  
2 don't really believe there is a climate crisis. So  
3 I would like you to consider that as we develop this  
4 Adeline corridor plan. I saw some mention that, I  
5 just recently read A Generation Priced Out by Randy  
6 Shaw. I know a number of people that spoke tonight  
7 have expressed concerns about displacement,  
8 gentrification, threats to culture, loss of culture.  
9 This is a book that I recommend everyone to read  
10 because it answers those questions. And the answer,  
11 a major part of the answer, is more housing. More  
12 housing at all income levels. Certainly more low  
13 income housing. We certainly need that, but also we  
14 just generally need more housing. That's all I have  
15 to say.

16 SPEAKER: Hello. I'm from south Berkeley. We  
17 were very, very disappointed with this plan and with  
18 the EIR in particular. We are disappointed with the  
19 low number of units being proposed. 1,450 units is  
20 not any different from what current zoning would  
21 allow. Why have we spent the last five years on  
22 this plan if we were just going to do exactly what  
23 would have been done anyway? We think that corridor  
24 could support twice that many housing units and we  
25 specifically asked that the draft EIR include an

1 alternative of a much higher level of housing, 2,500  
 2 units, please. Secondly, we are very disappointed  
 3 with the draft EIR because it does not provide a  
 4 significant, an alternative significant narrowing of  
 5 Adeline Street. Adeline Street is 180 feet wide.  
 6 It's because it used to be a railway corridor there.  
 7 It could be narrowed significantly so that there  
 8 could be one traffic lane in each direction and  
 9 there could be bike lanes and there could be a big  
 10 public plaza built and house the farmers market and  
 11 the flea market, a permanent place for them. So we  
 12 asked specifically that the draft EIR include an  
 13 alternative of a smaller number of lanes, traffic  
 14 lanes, two traffic lanes, one in each direction.  
 15 Number three, this EIR, draft EIR, does not consider  
 16 the regional climate impacts of this project. We  
 17 are in climate crisis. The only area of emissions  
 18 that are going up and not down are from  
 19 transportation. 40 percent of the State of  
 20 California's climate greenhouse gas emissions are  
 21 from transportation. 60 percent of the city of  
 22 Berkeley's are from transportation. And the reason  
 23 for this is that too many people are driving their  
 24 cars way too far, and regionally, it's because  
 25 people are being forced to live so far from where

1 they work. So this draft EIR needs to analyze the  
 2 regional climate impacts of the alternatives, and in  
 3 particular, it needs to use vehicle miles traveled,  
 4 not level of service. Level of service is  
 5 an antique way of analyzing traffic impacts. please  
 6 don't use it anymore. there's actually state  
 7 legislation being proposed now to forbid it from  
 8 being used in EIR's. It only is based on getting  
 9 traffic to speed faster through our neighborhood and  
 10 we all know because we've seen these horrible  
 11 pedestrian and bicycle crashes in the last several  
 12 months. But that's the last thing we need is more  
 13 traffic speeding through our neighborhood. So  
 14 instead, the draft EIR should be basing its analysis  
 15 on transportation emissions and vehicle miles  
 16 travels, not the level of service.

17 Finally, we ask that the draft EIR and that  
 18 you, Planning Commission, require a feasibility  
 19 study to be done of the proposed development  
 20 standards. It's actually recognizing the plan  
 21 that's -- nothing might ever get built under this  
 22 plan, but we don't know because there's no  
 23 feasibility study. So please ask the City to do a  
 24 feasibility study to accompany the plan. Thank you  
 25 very much.

1 SPEAKER: My name is Ginny Lee. I've been  
 2 around Berkeley and San Francisco area for almost as  
 3 long as this fella, but after living 22 years in San  
 4 Francisco with the higher buildings going up and  
 5 density and completely changing from the 60's, I  
 6 moved to Berkeley. Continued ten years of medical  
 7 work completely for free and out of my own pocket  
 8 costing thousands of dollars and came back to  
 9 Berkeley, found, oh, things have changed  
 10 economically here in so many different ways. I came  
 11 back almost dead and it's taken me about more than  
 12 20 years to recover from this. But I want to be,  
 13 just, bring attention to all of you, all of you here  
 14 on the Planning Commission, you have been, the  
 15 Children of Berkeley ancestry. Am I right? Well,  
 16 I'd like to present to you an idea of thinking out  
 17 of the box and understanding that we can have it  
 18 all: The affordability, all the assets, all the  
 19 roadway, all the affordable housing and the gifts  
 20 for of children. In the past 50 years, by the way,  
 21 I also spend 30 years renovating and building homes  
 22 in my previous younger years since I'm almost 80.  
 23 But I stopped driving a car even though I was able,  
 24 that bike is my wheelchair. I can't walk very far  
 25 without it. But I decided I don't want to pollute

1 this earth any more. For that reason, what is her  
2 name? Greta Berman? The 16 year old, her family  
3 has stopped riding airplanes. I think that is  
4 fantastic. Her family, one of her members is a  
5 musician. She gave up being a musician and stopped  
6 riding in airplanes. I'm urging you to have a  
7 bigger vision of thinking out of the box and see  
8 that in 50 years in Europe, they have built  
9 communities, whole cities, without cars. Have you  
10 heard anything about that? You should look it up.  
11 It's on the Internet. All these cities in Europe  
12 that have built their cities and they can completely  
13 change the planning and there are no cars. So I  
14 urge you to think out of the box. And what's the  
15 word that somebody used? Feasibility. Along those  
16 lines. It's your heritage that's all about all of  
17 us. And Europe, I urge you to follow their example.

18 MS. SCHILDT: Is there any more public  
19 comments? Would you like to?

20 SPEAKER: Sure. Christine Schwartz here. This  
21 may not seem relevant, but I think it is. I was at  
22 Oakland City Council meeting last night and we got  
23 rent control for duplexes, et cetera, so go Oakland.  
24 The Oakland City Council meetings are different than  
25 ours. You have to sign up to speak and it takes a

1 long time to do that. But the other thing that I  
2 noticed was there are a lot more African Americans  
3 there than here and in meetings that show and I was  
4 really disheartened in that comparison that, you  
5 know, it's really evident that people are being  
6 pushed out and it's very sad to me. So what I'd  
7 like to see in this project is affordability of  
8 course. If it were me, a hundred percent  
9 affordability, but I don't know if that's possible.  
10 I'm not too familiar with developing all these plans  
11 and I know that building takes a lot of money, but  
12 the crisis that we are facing, I don't know why it's  
13 not imperative that we build affordability. I mean,  
14 people are dying on the streets. People are dying  
15 in the streets. It's not something small. It's  
16 huge. And I know we don't have a connection to  
17 people who are on the streets sometimes and we  
18 really don't get it because we are so busy in our  
19 lives and we are doing a lot of things, but when you  
20 know somebody, I did recently, it's horrible. And  
21 I'm going to continue to talk about it because I  
22 think it deserves the time and consideration. There  
23 are seniors out there, there are people with  
24 disabilities out there, there are people getting  
25 sick out there. Why don't we have a hundred percent

1 affordability? What's going on here? This is the  
 2 community. We are speaking to you. We are voicing  
 3 our needs. I know it costs a lot of money to build.  
 4 I know that. I know. I hear that. Okay? But we  
 5 are losing lives on the streets. Don't we get it?  
 6 We need to do something. Please work it in this  
 7 plan somehow. That's what I ask. I ask for me and  
 8 I ask for the people who died, the voiceless who are  
 9 no longer here with us, I ask for the people who  
 10 couldn't come or were disabled, the elderly, make  
 11 floors. People with seniors or disabilities, ground  
 12 floor. Make it accessible. Make a floor for  
 13 homeless people. Make a floor for, you know,  
 14 families. Where is the grass in this plan? Where  
 15 is the pools? Where is the playgrounds? Thank you.

16 MS. SCHILDT: Anyone else to give public  
 17 comment? Okay. I know a few of you haven't spoken  
 18 yet, so I think rather than close the public  
 19 hearing, we can keep it open while we get comment  
 20 for anyone who hasn't spoken yet and close public  
 21 hearing at the end.

22 So there was a request that we all use the  
 23 microphone. It doesn't extend. I'm wondering if it  
 24 might be okay with the Commissioners if we kind of  
 25 just go down the line and each of us take two or

1 three minutes if you want and you can pass if you  
 2 want, but I think that might work best with the  
 3 microphone and some of us on this end can move down  
 4 there to use the mic. So Steve, do you want to  
 5 start?

6 MR. MARTINOT: Yeah, sure.

7 MS. SCHILDT: We are over 9:00 and this  
 8 facility closes at 10:00.

9 MR. MARTINOT: So now we are talking about the  
 10 Adeline corridor plan right here. Right? Let me  
 11 start out by saying that to require 50 percent  
 12 affordable units in any new development has an  
 13 implication that nobody has spoken to and that is  
 14 there will be 50 percent market rate units in that  
 15 development. Now, we have a glut of market rate  
 16 units in this town. You go anywhere in the town and  
 17 you see now leasing, renting, for rent signs on  
 18 market rate housing. What this plan will do is  
 19 simply add to that glut without providing enough  
 20 units of affordability. So as long as there's a  
 21 glut of market rate housings, there should be a  
 22 hundred percent affordable for anything that's built  
 23 in this zone in this plan. Okay? But what has to  
 24 be dealt with first are two things: One, and this  
 25 has been raised, the question of displacement. The

1 question of displacement. There has to be a  
2 structure and a feasibility of stopping any  
3 displacement while any of this is being in all that  
4 considered. And the second one is infrastructure.  
5 If you are going to build in a transit area in a  
6 transit center so that nobody needs cars, you are  
7 only dealing with one end of a person's life because  
8 they have to get in that car to go someplace to have  
9 a job. Does the public transportation get them  
10 there? If it doesn't, they need a car. You can't  
11 set up a situation in which there are no cars unless  
12 you can take care of that eventuality. Lyft and  
13 whatever else it is will not do it. They need to  
14 have that flexibility.

15 Okay. Now, there was one other thing that I  
16 want to -- oh, yeah. We have this what I call  
17 non-serious attitude toward housing on the corridor  
18 plan. Okay? We have already seen that  
19 non-seriousness in effect, because while the plan  
20 has been developed over the last four years starting  
21 in 2015, this city has permitted a number of large  
22 projects in this zone which will not provide  
23 affordable housing or very many and the city was not  
24 able to tell those developers, "No, we are forming a  
25 plan for this area. You have to wait to make sure

1 that what you are proposing is going to fit in with  
2 the plan that we are going to come up with."  
3 Because the city did not do that, they have  
4 undermined and undercut the seriousness of their own  
5 plan. And this is something that has been raised by  
6 the neighbors around Adeline that -- what was I  
7 going to say?

8 MS. SCHILDT: Steve, we can come back to you.

9 MR. MARTINOT: One more point because one has  
10 been raised by the neighborhoods is that if there is  
11 going to be a new development in this area, it needs  
12 to be in tune with and in accord with the income  
13 levels of the people in that immediate area. That  
14 is, if you are going to build affordable units, they  
15 have to be affordable to the people who live in that  
16 area itself. That has never been dealt with by the  
17 city in developing this plan. There have been no  
18 surveys of areas in this corridor or where new  
19 developments are going to be. There has never been  
20 a survey as to what the income levels are that would  
21 have to be responded to by the new development.  
22 Now, that means that this plan, something that  
23 somebody had said in the public comments, an  
24 abstraction. It's an abstraction that's coming from  
25 above from a bunch of elitists thinking without the

1 real participation and without the real knowledge of  
2 what the neighborhood and the area in which is going  
3 to be imposed really is, and so it's useless. I  
4 would have to -- I would have to vote against this.

5 MS. SCHILDT: All right. Thank you, Steve. I  
6 apologize when I set this up. Jeff has said he has  
7 child care responsibilities, so we are going to  
8 switch over to this end and if you can project,  
9 maybe you don't need the mic.

10 MR. VINCENT: Can folks hear me? My wife is  
11 out of town and I have to get my children. So I  
12 guess, thank you all for these comments. I'm glad  
13 to see so many people here. I would commend the  
14 staff. Clearly this has been a long and robust  
15 process and I think it's my read of the plan and the  
16 EIR, it was well written and it was a thoughtful set  
17 of documents relative to the things we have heard up  
18 here so far in my limited interaction with that  
19 process. So thank you all, and I actually would  
20 especially thank you for the short sort of summary  
21 memo that was in the Planning Commission packet. If  
22 any of you didn't want to spend time reading 208  
23 pages of the full plan, read that because it's very  
24 helpful. So thank you.

25 SPEAKER: Where do we get it?

1 MR. VINCENT: It's in the agenda that's online.  
 2 The PDF is on line. The PDF is only 30 pages. Our  
 3 agendas are always -- so I think there's a lot to  
 4 like in this plan absolutely, but at the end of the  
 5 day, I kind of said it's not ambitious enough, and  
 6 I'll say more about that, but most of my comments  
 7 are going to be questions to staff and I may  
 8 miss those if I leave. But I would like to hear the  
 9 description, and maybe not time with this one, of  
 10 what the proposed parking requirements are because  
 11 we didn't really talk about that in the  
 12 presentation. And I would like to hear that. I  
 13 would like to hear staff's opinion on why level of  
 14 service was used and there was not a use of VMT? As  
 15 one speaker said, the State of California is  
 16 certainly moving in that direction. 743 has done  
 17 that. There's not a requirement around that yet,  
 18 but it's obviously coming, and so I see this as an  
 19 opportunity for preferably to do that, particularly  
 20 given Adeline. It's the widest street in the City  
 21 of Berkeley. And in some ways, I was disappointed  
 22 to learn that in this plan, it will remain the  
 23 widest street in the City of Berkeley. So I would  
 24 like to hear some options on that and related to  
 25 that, I was hoping to see in the EIR a look at an

1 alternative that did look at one lane in each  
 2 direction. One lane in each direction. So I want  
 3 to hear what the pros and cons were of doing that or  
 4 not doing that, whether that means there's a second  
 5 lane, but if it's a rapid transit or something else.  
 6 And then another question quickly is there was brief  
 7 mention of it, but I was curious if there was any  
 8 hook in with the, dare I say it, federal opportunity  
 9 zone program? Someone did mention it earlier, and  
 10 is there an opportunity? I have my opinions of that  
 11 program and I'll save them for another time, but  
 12 does that apply here and is there any opportunity in  
 13 that opportunity zone? So my feeling is that I  
 14 think it can be more ambitious in terms of the  
 15 number of units, period, across the board, and I  
 16 would make one more comment. There was a lot of  
 17 discussion from community members about market rate  
 18 units and then below market rate units, and of  
 19 course there are varying levels of units that are  
 20 below market rate. Right? I would highly encourage  
 21 you to read the presentation that was given to us a  
 22 couple of meetings ago in this room by Rick Jacobus  
 23 who is on the consultant team for this project, but  
 24 he's a national and housing finance expert and I  
 25 learned the tone on his modeling out how housing and

1 market rate and below market rate works and how it  
2 costs out and how you fore cast what can cost out  
3 given assumed revenues of various sources. And this  
4 was structured in a way to do a 50/50, 50 percent  
5 market rate, 50 percent below market rate, and it's  
6 a very, very clear description of how that works.  
7 And then we can certainly add a discussion about  
8 whether those assumptions are accurate, but I  
9 encourage that. So that is, staff can tell me what  
10 the date was. I can look in here. I think it was.

11 MS. SHEN: March 6th, but that was also  
12 presented at the community meeting last Wednesday,  
13 May 29th.

14 MR. VINCENT: The woman who was videoing here,  
15 Christine, I actually rewatched it on your Facebook  
16 feed, I think. So it could be watched and it can be  
17 heard. So you can talk to her about it.

18 MS. CHEN: If you sign up on the e-mail list or  
19 look on the website, there's a link you can sign up  
20 to, and then after this meeting we'll definitely  
21 reshare those links.

22 MR. VINCENT: Those are my comments. Maybe you  
23 can take them down.

24 MS. CHEN: So I think the first question was  
25 about VMT, and I appreciate that comment and

1 question. The EIR did do a VMT analysis. The  
2 reason that we were bound to look at LOS is because  
3 the city, of course, is required by the state to  
4 have VMT standards by July 2020. We do not have  
5 adopted standards right now. It's in process. We  
6 do not have adopted VMT standards right now. VMT  
7 means vehicle miles traveled. LOS is a level of  
8 service which measures congestion and it measures  
9 congestion related to a scale of A to F, A being the  
10 least congested and F being the most congested. And  
11 so the change now which is required by the state  
12 legislation is saying that we are not really  
13 measuring, you know, better or worse based on  
14 congestion because there's a different thinking now  
15 in terms of what actually is environmentally  
16 superior, especially in, or I would say in terms of  
17 like urban areas. So vehicle miles traveled is a  
18 new standard. Their city is, our neighboring city,  
19 Oakland, San Francisco, they've already adopted  
20 their standards, but we don't have those yet. So in  
21 terms of CEQA, we have to go with what our adopted  
22 standards are, but for informational purposes, we  
23 did include the VMT.

24 MR. VINCENT: So level of service is getting a  
25 car efficiently from A to B. VMT, vehicle miles

1 traveled, is saying, oh, if you are building  
 2 something, you are attracting all of these vehicles  
 3 which is going to create miles traveled, which is  
 4 going to create greenhouse gas emissions. So it  
 5 kind of flips the script.

6 MS. SCHILDT: Can you answer on the parking  
 7 requirements one?

8 MS. CHEN: Yeah, the, parking requirements is  
 9 in chapter three in the development standards in  
 10 terms of private development. So let me get to it  
 11 for a second. what this does that's different from  
 12 existing zoning is that it introduces parking  
 13 maximums and the lower tiers don't have parking  
 14 minimums. That's in part somewhat to address our  
 15 incentive standards in the sense that once you get  
 16 to our higher incentive standards that require more  
 17 affordable housing, you just have a parking maximum  
 18 and there's no parking minimum. But the specific  
 19 standards --

20 MS. SCHILDT: 3-8 and 3-9 is the table.

21 MS. SHEN: So you'll see, you know, in terms of  
 22 the base development standards in terms of tier one,  
 23 you'll see for residential parking, there's a  
 24 maximum of one per unit and minimum of one per  
 25 three. Then the commercial parking, there's a max

1 of 1.5 per thousand and then for the higher tiers,  
2 you can see that --

3 SPEAKER: Thousand square feet for what?

4 MS. CHEN: A thousand square feet for  
5 commercial. Sorry.

6 MR. VINCENT: And is the VMT analysis, is that  
7 in --

8 MS. CHEN: That's in the EIR in the  
9 transportation travel chapter.

10 And then let me see. You were talking about  
11 the lanes. So I think that's, you know, in terms of  
12 reduction of lanes, we are taking those comments and  
13 we are going to look at that. Right now what you  
14 see in the plan is whatever result on the feedback  
15 that we've gotten to date. We developed these  
16 right-of-way concepts. They were shown in 2017 at  
17 an open house that we had at Ed Roberts. They were  
18 shown again with revisions in more detail in 2018 at  
19 an open house that we had, which included not just  
20 right-of-way, but also looked across the board at  
21 different concepts that we see were the base of this  
22 plan. So that's why they are what they are. But we  
23 are happy to take that comment. The comments that  
24 we got, I mean, you can look at the open house  
25 summaries. We have all those summaries online, so

1 you know, I'm happy to right now since we are  
 2 hearing this, we can take that comment and look at  
 3 it and talk about that.

4 MS. SCHILDT: Great. So thank you, Jeff. And  
 5 I know you have to go soon. I've got to mess up the  
 6 order. Do you want to continue going down? There's  
 7 a microphone.

8 MR. WIBLIN: Thank you to staff and  
 9 consultants, and you know, I could really echo many  
 10 of Jeff's comments about the quality of the work and  
 11 not to mention the comments about whether the plan  
 12 could be more ambitious and I have one disclosure.  
 13 Ashby Bart now, I ate one of their cookies, so I  
 14 want everybody to understand that it was quite good.  
 15 Thank you. I was disclosing I had a cookie from one  
 16 of our constituent groups here tonight. We want  
 17 full disclosure here.

18 I would say one of my biggest questions was why  
 19 wouldn't the EIR study a much larger number of  
 20 units? Not because that might be a preferred plan  
 21 that ends up, but someone in the development  
 22 business that commissions EIR's, we are always  
 23 interested in having a larger envelope in case the  
 24 world changes again five years, ten years, 20 years  
 25 from now, we've got an EIR that would cover those

1 impacts. So I think the initial 1,200 units that we  
2 would build today and the 1,450 that we could build  
3 in the plan doesn't in my mind meet that ambition.  
4 I do differ with Steve. I think supply is  
5 important. I don't think we have enough housing for  
6 all types. And I may not have found it, but I  
7 thought I found a little bit of inconsistency.  
8 There's language supporting very low, low and  
9 moderate income housing, which I think is as it  
10 should be, but there are plenty of places where the  
11 moderate housing was dropped and it wasn't mentioned  
12 at all. So as someone said earlier, we do have  
13 homeless people that need help, we have low moderate  
14 income people that need help and we have some of the  
15 other backbone parts of our society like teachers  
16 who make too much money to take advantage of  
17 subsidized housing that have a hard time competing  
18 in the markets. But I think even moderate housing  
19 is a strong housing policy. I was moved a little  
20 bit tonight by the comments by a young lady that  
21 started her small business at the flea market and  
22 moved into a small space and has subsequently moved  
23 to a greater space. And I think the plan really  
24 should not only encourage that, but support that.  
25 And I'm not sure exactly what the mechanism is, but

1 just like we subsidize housing and require  
 2 developers to subsidize housing, I think some of  
 3 that subsidizing some of that retail space could  
 4 really help the economic engine which exists over  
 5 there. So I'm not sure how that would fit, but I  
 6 think that would add to a sustainable retail  
 7 strategy. Now, displacement was discussed. That is  
 8 not reviewable under CEQA, so there's a little bit  
 9 of anger that why didn't we study displacement and  
 10 is that correct, displacement is not an  
 11 environmental impact under CEQA? I'm asking our  
 12 CEQA consultant.

13 MS. CHEN: The exact standard is actually if  
 14 there are clear physical persons or units that are  
 15 displaced as a result of the plan as opposed to the,  
 16 you know, the socioeconomic effects that CEQA  
 17 focuses on physical environmental effects. And  
 18 that's defined in a specific way by a lot of case  
 19 law. And also, you know, I guess what we've talked  
 20 about before is that the vehicle to look at these  
 21 effects is the plan. And so the policies and  
 22 strategies and implementation actions in the plan  
 23 are really the focus of how to address some of these  
 24 issues.

25 MR. WIBLIN: That was my point. I wanted folks

1 that were concerned about that to hear legally that  
2 it's not an environmental impact, but the plan  
3 should address it. If there are any displacements  
4 that occur because, say, small apartment buildings  
5 are demolished to make way for a bunch of larger  
6 building, I think we need a robust system of payment  
7 for those folks that are displaced and a right to  
8 return. So should that happen, I think we need to  
9 make sure that those folks can not only be paid to  
10 suffer that indignity of losing their house or  
11 apartment, but have the right to return back to  
12 Berkeley. And we've heard a lot of that tonight.

13 A couple comments. I think the 50 percent is a  
14 really ambitious goal. I support it, but I'm  
15 working on a large project that's 1,100 units. It's  
16 half market. It's half affordable. It's very  
17 difficult to make that work, that 50 percent. I  
18 think you found a decent balance. I know lots of  
19 people don't think we need any more market rate  
20 housing, but we need more housing of all kinds. So  
21 for those of you who don't think it's ambitious  
22 enough, there was a gentleman that said, you know,  
23 if we set it up in a way that doesn't work at all,  
24 we are going to get zero housing. That will be my  
25 concern.

1 MS. LACEY: Well, I'll add my thanks. I know  
 2 this was a lot of work and I know that there was a  
 3 lot of community involvement through the process. I  
 4 think everyone on the Planning Commission really was  
 5 so glad to see and so important. Some of my  
 6 questions are really going to be around what we  
 7 heard from a number of people. On the displacement,  
 8 just to follow up where Brad was, it would be  
 9 helpful to me not being a CEQA expert, it's not my  
 10 background, it may help other people to, if you  
 11 could just explain if we are not going to have in  
 12 the EIR a study that looks at a section that really  
 13 focuses on displacement and what's it mean to build  
 14 under this plan and what happens later after it's  
 15 built with respect to displacement, if you could  
 16 explain how it's in the plan for people to know that  
 17 that's really being addressed, because it's not  
 18 clear to me.

19 So we heard we are not going to see it  
 20 specifically in the EIR. So how are we going to  
 21 know that we are really addressing displacement to  
 22 the full extent of our ability to address it? Do  
 23 you have a response to that?

24 MS. CHEN: I guess I could say that what CEQA  
 25 focuses on is environment, again, physical

1 environmental impacts that would occur over and  
2 above, over and above without adoption of the plan.  
3 So what we are really comparing this to is what's  
4 happening today anyway. And the difficulty with,  
5 you know, some of these issues is that there are  
6 some issues that are related to what the plan can do  
7 and there's some issues that are entwined with the  
8 regional and housing affordability crisis. So I  
9 guess I would just say that compared to what would  
10 occur without adoption of the plan is that the plan  
11 that's in place, you know, parameters for the Ashby  
12 Bart parking lots as well as proposals to change the  
13 zoning to, you know, incentivize onsite affordable  
14 housing. And this is something very different from  
15 the existing zoning. So, I mean, with that, I would  
16 just say alone, there are measures of the plan  
17 that's taking that's different from status quo that  
18 is focusing on these concerns that have been talked  
19 about throughout the planning process.

20 MS. LACEY: Let me ask you this again just so  
21 that I really understand. I believe that you had  
22 said that the only -- well, let me just make sure  
23 this is correct. Is the only public land that we  
24 have the Bart station? Because I think you said  
25 something about we are using the public land to

1 really be able to maximize what we can do in terms  
 2 of building affordable housing. So it wasn't clear  
 3 to me. Is there any other public land or there is  
 4 Bart the only public land?

5 MS. CHEN: Yeah, there's a map in the housing  
 6 chapter, but the Bart land basically is the most,  
 7 because it's a parking lot and it's so large, that  
 8 is the biggest opportunity. There are other city  
 9 owned sites in the plan area, but that would mean an  
 10 intensification of like an existing building, you  
 11 know, like a fire station, for example. So those  
 12 things are possible, but they are smaller and more  
 13 costly.

14 MS. LACEY: And I probably didn't ask that  
 15 question very well. So that's what we are looking  
 16 at in terms of what we are looking at in terms of  
 17 the plan, just the Bart site.

18 MS. CHEN: No. I mean, the other sites could  
 19 redevelop. It's just that we are focusing on that  
 20 in terms of the largest opportunity. And the plan  
 21 doesn't prescribe, like I say, that this, that or  
 22 the other parcel will redevelop, but it's possible,  
 23 you know, that we could look at those other sites.

24 MS. LACEY: I understand you haven't focused on  
 25 it and why because you are focusing on the larger.

1 I also, on that point, looking at the Bart parking  
 2 lot. I know you described what heir rights are. We  
 3 have heir rights. Berkeley has heir rights on the  
 4 Bart parking lot. I want to understand a little bit  
 5 better what that means in terms of how much the City  
 6 of Berkeley can do if anything. Let me ask it this  
 7 way. Is it the case that the air rights allow the  
 8 City of Berkeley to have some measure of control  
 9 over what Bart can do, but the two have to work  
 10 together, that Berkeley can't do something to that  
 11 own with respect to those heir rights.

12 SPEAKER: Can I ask a question about parking?

13 MS. SCHILDT: We've got to make sure that we  
 14 can get through Commissioner public comment and we  
 15 haven't had a chance to speak yet. So we'll hold  
 16 additional questions and comments if there's time at  
 17 the end.

18 MS. LACEY: And I'll try to move quickly. I  
 19 also wondered, because of that, there was a question  
 20 about whether or not we looked at what we can do  
 21 with the Bart parking lot right now that, you know,  
 22 that there should be an analysis, I think someone  
 23 suggested, of zoning, how we are going to zone there  
 24 and the reason I was asking about what Berkeley can  
 25 do if anything, and it sounds like nothing outside

1 of working with Bart, because Bart owns the land and  
 2 we own the heir rights, is that a reason that we  
 3 haven't looked at any kind of, you know, zoning in  
 4 particular for Bart right now that we are waiting to  
 5 do it later?

6 MS. CHEN: So the reasons why right now the  
 7 plan lays out these objectives for the development  
 8 parameters but doesn't go so far as zoning, the  
 9 specific plan focuses on an 86 acre area and the  
 10 Ashley Bart site is a subset of that, that as you  
 11 heard from all the conversation today, there's a  
 12 pretty big range or a bucket of possible desired,  
 13 desired things for the Bart site ranging from a very  
 14 big range of different levels of affordable housing  
 15 which requires very different levels of subsidy. So  
 16 also I think what the plan tries to lay out really  
 17 carefully is if you are talking about a hundred  
 18 percent affordable projects, the trade off is, which  
 19 is fine, that's a policy choice, is time because of  
 20 the way that the financing is set up for low income  
 21 housing taxing credits. There are only so many that  
 22 are available every year. So it's trying to set up,  
 23 like these are the parameters that need to be as  
 24 well as like what kind of amenities, you know, in  
 25 terms of the public space as well as potentially

1 subsidized commercial space for nonprofit and small  
2 businesses. There's a long list of wants that we  
3 want to be able to dig deeper into with the  
4 stationary advisory group and the community that we  
5 haven't had a chance to do since we are looking at  
6 this large area.

7 Another issue is that Berkeley is fortunate  
8 that only recently we had Measure O, and again, this  
9 plant isn't going to decide what happens to the  
10 Measure O. The Oversight Committee will decide. So  
11 there are a lot of things along with, you know, that  
12 need to be resolved and that's why we don't get to  
13 that level of detail.

14 MS. LACEY: Well, I guess what I'm saying with  
15 regard to what you just said, which I appreciate and  
16 I think is really helpful. It's helpful to me. I  
17 hope it is helpful to other people. In terms of  
18 striking the balance in whether or not this is  
19 ambitious enough, I would say that I'm very  
20 concerned about maximizing affordable housing to the  
21 full extent possible and balancing the livability.  
22 I remember people coming before this commission and  
23 talking about the history of Adeline corridor and  
24 the neighborhood and not wanting to be buried in  
25 shadows, to still feel like this is their community.

1 It's the community they want to live in. So  
 2 balancing all of that, you know, I appreciate and  
 3 it's one of my really major concerns.

4 The last thing I just want to quickly ask about  
 5 was looking at the, you know, a lot of people have  
 6 different views about whether we need -- we already  
 7 have too much traffic on Adeline and we, you know,  
 8 inhaling exhaust fumes because it backs up or  
 9 whether or not, you know, we should go down to one  
 10 lane each. And again, that's balancing, but I was  
 11 curious if we have looked at and we know exactly who  
 12 is driving on Adeline in terms of how we are looking  
 13 at whether two lanes is enough, if we can go down to  
 14 one. My sense is it's a lot of commuters. It may  
 15 be people that don't even live in Berkeley. But I  
 16 just wonder if we have a sense of who is on that  
 17 street when we are talking about all the traffic  
 18 that's currently on Adeline? Do we know that?

19 MS. CHEN: I don't know if we have -- we don't  
 20 have that level of detail, yeah.

21 MS. LACEY: I would love to see, as Planning  
 22 Commissioner, I would really like to know as we make  
 23 very major decisions about transportation, building  
 24 at transit hubs, that we really understand how  
 25 people are moving through the City of Berkeley, that

1 we are not expecting everybody to be on Bart and  
2 there's no Bart capacity, that we are not expecting  
3 people to be on buses and we are not running buses.  
4 So I do echo what Steve was saying about  
5 transportation infrastructure concerns. Thanks.

6 MR. WRENN: Thanks. I echo the thanks to the  
7 staff and a lot of the concerns. I would like to  
8 see more ambitious scenarios, at least, as  
9 alternatives for higher housing. We have had a few  
10 comments about whether this would require a whole  
11 new EIR for whatever happens on Ashby Bart, and I  
12 would assume we should have a very high cap for what  
13 we assume could happen to Ashby Bart, and now we  
14 were provided conservative estimates of impact if  
15 Ashby Bart pulled out at the very high level such  
16 that any project could tier off of that. Is that  
17 their goal? So the goal is to provide a very  
18 conservative high end estimate for what would happen  
19 at Ashby Bart so we don't have to do a project level  
20 EIR when that project comes about. And in that  
21 instance, I would say, we should probably have an a  
22 much higher alternative for Ashby Bart or some other  
23 scenarios in terms of other units so that when a  
24 project comes in, we are not stuck having to do new  
25 findings of significance of new impact.

1 I want to be cautious that LOS will probably  
2 never go away in an EIR because you still do LOS for  
3 transit, not transportation, but our transit lines  
4 and emergency access. So you still need to look at  
5 whether an ambulance can get through. So we'll  
6 always have some reference to LOS, but it probably  
7 won't be in the traffic impacts anymore. But  
8 unfortunately, it's just a gift that will always  
9 keep giving.

10 I'm most concerned when we talked about  
11 feasibility, I think it's really good to look at  
12 what is feasible here and the ratios and the amount  
13 of units. I believe this whole corridor fits into a  
14 designated opportunity zone under the Trump  
15 administration tax bill, most of it, and I think the  
16 baseline is we have to realize it's a corridor that  
17 since 2005 it was listed as a priority, 2007, the  
18 opportunity zone will just accelerate that even  
19 further. So our baseline is going to be more  
20 gentrification. It also presents an opportunity, if  
21 we can harness it, to capture that back. I'm not a  
22 finance expert, but I've been told it's up to  
23 20 percent of losses can be written off. That  
24 really to me seems like a very high ratio when we  
25 are talking about returns of investment in terms of

1 a 5, 6 percent means the difference of building and  
2 not building in a 30 percent opportunity zone  
3 designation. So I know it happened since we started  
4 planning the corridor, but to me, it blows up a lot  
5 of our assumptions analysis in terms of feasibility.  
6 So I think that's an important thing that we need to  
7 add in and talk about how that possibly creates  
8 opportunity for more affordable housing and we need  
9 to recapture that. And I also worry about the  
10 baseline is if we do nothing, we are going to see  
11 even worse gentrification through the opportunity  
12 zone.

13 I think those are my main concerns, but I  
14 agree. I would like to see single lane analysis,  
15 I'd like to see the analysis of more units, and I  
16 would like to see a tier -- we are going to see at  
17 the state level anyway, but tiers and bonuses for  
18 the hundred percent of affordable housing what we  
19 are going to do with those types of ratios that are  
20 feasible.

21 MS. SCHILDT: I won't repeat what others said,  
22 but just to echo, I agree about opportunity zones.  
23 I agree I'm interested in a one lane each direction  
24 study. And I really appreciate that the DEIR  
25 includes a reference to displacement and

1 gentrification as an area of concern, and has it  
2 named in terms of direct placement impact. I do --  
3 I know we've talked about this and I would still  
4 like to see if we can push that further. We talked  
5 about VMT, which is in there and what would be the  
6 increase in vehicle amounts traveled if residents in  
7 the neighborhood can no longer afford to live there,  
8 here and are commuting in from Stockton to go to the  
9 flea market or to go to their church. Likewise, I  
10 appreciated hearing some of the stories from folks  
11 here for whom the flea market is not abstract, but  
12 is actually a part of the community and their lives  
13 and how they were able to build their lives here in  
14 Berkeley. So I think that's a great piece in that  
15 connection between the flea market and the local  
16 economic development, and I think that it's seen as  
17 kind of a cultural institution within the plan, but  
18 I think recognition of it as an economic institution  
19 is an important way to look at the flea market as  
20 well in terms of the income and the economic  
21 opportunity and ability for micro entrepreneurs to  
22 establish and grow business in south Berkeley.

23 I did have a question about the parks. We  
24 don't have to answer it now, but what is the City of  
25 Berkeley's established park ratio of acres per

1 thousand residents or whatever we use? What is the  
2 city wide standard?

3 MS. CHEN: Two per thousand. It's satisfied on  
4 a city wide basis and that's what the standard is  
5 and that's what we recognize and when you are  
6 looking at south Berkeley, and especially the south  
7 east quadrant, there's not good geographic  
8 distribution.

9 MS. SCHILDT: And it's less than two here; is  
10 that right?

11 MS. CHEN: Yes.

12 MS. SCHILDT: And it wasn't clear to me what  
13 the new rerouting of Adeline corridor and the public  
14 right-of-way, are we actually creating new park  
15 space the way that the city defines it? Would that  
16 affect the standard and is that something we can do  
17 to get us closer to the baseline standard of the  
18 city of Berkeley or we have actually established  
19 parks in our community?

20 MS. CHEN: Yeah, the space that we show is  
21 public space either, could be green, could be plaza.  
22 We haven't determined this at this time. We realize  
23 part of it is, again, further design refinement and  
24 discussion in terms of, you know, making sure that  
25 there's funding, maintenance, you know, operational

1 programming. So those are all things that, you  
2 know, need to be determined.

3 MS. SCHILDT: So right now it's not public  
4 space. Got it.

5 Okay. So yeah. And I would just echo that I  
6 really appreciated the comments made tonight about  
7 the importance of displacement and gentrification.  
8 I think the plan sees that loud and clear and sees  
9 it as a goal and just looking to see -- to make sure  
10 that that happens.

11 MR. WRENN: With respect to the EIR, I have no  
12 problems that you need to respond to. I'm actually  
13 very pleased with some of the mitigation measures  
14 you suggest in the EIR and I think some of those  
15 measures should actually be pulled into the plan  
16 itself. In particular, the greenhouse gas emissions  
17 you suggest electrification, solar power, electric  
18 vehicle charging stuff and housing, and one other  
19 thing. and that stuff should really -- there should  
20 really be a section of this plan about environment,  
21 about sustainable design. We have a design section  
22 in the plan and it needs to be broadened to include  
23 these policies because somebody in the audience said  
24 that 60 percent of greenhouse gas emissions come  
25 from transportation. Well, the other 40 percent

1 comes from buildings. So we have to address both  
2 sides of that, and we have to start immediately by  
3 requiring throughout Berkeley that all new buildings  
4 be a hundred percent electric, and we need to insist  
5 on solar being part of every building to try to get  
6 us as close to the zero net energy standard as we  
7 can. so I'm very pleased with the environmental  
8 impact report for bringing up those mitigations.  
9 I'm very pleased that they even have greenhouse  
10 gases to be analyzed in EIR's. They didn't used to  
11 be.

12 The other thing, on this whole issue of LOS an  
13 VMT, both are important, and as it's already been  
14 raised, I'm going to say that the critical thing I  
15 haven't heard enough discussion of is the impact of  
16 street changes on buses. We do not want to slow  
17 down our buses. If there was an alternative that I  
18 would have liked to have had studied and I could  
19 have put my two cents in during the scoping and  
20 suggested this, but I did not, and that would be to  
21 have one lane for cars and one lane for buses in  
22 each direction. The idea of having one lane for  
23 everything in each direction, well, you certainly  
24 have to do further environmental analysis, which  
25 would slow down the adoption of this plan because

1 they would have to redo a lot of the traffic  
2 studies. The traffic studies they have done did not  
3 take that into account. So environmental impacts  
4 would not have been fully dealt with. With respect  
5 to the environmental impacts regarding the number of  
6 housing units, I think it's going to take a good ten  
7 years just to get to 1,450 units even if we assume  
8 that things go really well and we are going to be  
9 able to do that. So I'm not overly concerned about  
10 that and I certainly don't think we should slow down  
11 the EIR to study that further and add more time to  
12 consultants that would cost the city more money.

13 So a couple of things that are with respect to  
14 LOS that are mentioned in the EIR that also need to  
15 be highlighted more in the plan, and that has to do  
16 with bus transportation. I just want to emphasize  
17 over and over, there's a real need when we are  
18 talking about street design to have a collaborative  
19 relationship with AC transit. AC transit does not  
20 have nearly enough money to operate the level of  
21 service that we need. Way more people take Bart in  
22 Berkeley, but the people who do take AC transit are  
23 often the poorest who don't have cars and don't have  
24 any alternative and are going places where Bart does  
25 not go. And the couple of things that are in the

1 EIR, one is the idea of bus and the other idea of  
2 transit signal priority. Bus is mentioned in  
3 different wording in the plan, but I'd like to see  
4 it highlighted more. It's an important idea. There  
5 would be a way where you have reduced level of  
6 service that buses cannot lose too much, because a  
7 reduced level of service means that everybody goes  
8 slower. And that might not be a bad thing for cars  
9 to go a little bit slower. It's certainly better in  
10 the sense of reducing accidents. But with respect  
11 to buses, it's not a good thing.

12 The other thing is transit signal priority  
13 means that basically when a bus approaches a traffic  
14 signal, that the bus is able to keep the green a  
15 little longer so they can get through the  
16 intersection. This is a very important idea that  
17 should be mentioned in the plan itself and not just  
18 buried somewhere in the EIR. I've been through --  
19 this is like the fourth plan that I've worked on and  
20 I've seen too many EIR mitigations that once the EIR  
21 is adopted are totally ignored. That's why I want  
22 to pull some of these things into the plan.

23 A couple of other things. With respect to  
24 Ashby Bart, one of the biggest issues we are going  
25 to have to deal with is the whole question of how

1 much parking should be replaced for commuters?  
 2 There's a whole different issue of how much parking  
 3 you need in terms of the residents of housing built  
 4 there, which my answer is not very much. Certainly  
 5 no more than an affordable housing builder wants to  
 6 provide. It's a different question, and I think  
 7 there's going to have to be some data collection  
 8 surveys of the people who currently drive, and not  
 9 just for Ashby Bart, but for North Berkeley Bart, to  
 10 these stations to survey like where are you coming  
 11 from, number one, and do you have alternative way to  
 12 get there that doesn't involve driving to the  
 13 station? There really needs to be a realistic  
 14 assessment to guide us on like how much public  
 15 parking should there be at these two Bart stations?  
 16 And I think that the city needs to think creatively  
 17 and the consider the possibility that what if we  
 18 took half the money that it would cost to replace  
 19 the parking at each Bart station and spend it on  
 20 creating a shuttle system. And we are talking  
 21 millions of dollars that this public parking would  
 22 cost. Tens of millions. So you could probably do a  
 23 pretty damn good shuttle system I hope, which I  
 24 don't know what kind of salaries you pay the  
 25 drivers. But I do think the basic principle that

1 public land should be used for public benefit should  
2 govern the development of the Ashby Bart site, and  
3 that means to me that we start by building  
4 affordable housing there. And I really like this  
5 plan because of the whole idea here of phasing in  
6 and not feeling you have to build it all at once,  
7 but that you can build some and then a few years  
8 later build more and then keep building it. But at  
9 some point, you are going to have to figure out how  
10 much of the parking needs to be replaced, who is  
11 going to pay for it. If you are going to ask an  
12 affordable housing developer to pay for replacing  
13 the commuter parking, that's going to make projects  
14 very expensive. So we are going to have to figure  
15 that whole issue out.

16 But I do want to say that I think this plan is  
17 very good. Like I said, I've worked on four plans.  
18 I worked on the South Shattuck plan. This plan is  
19 vastly superior to the South Shattuck plan, which  
20 had lots of good plans about affordable housing but  
21 had no mechanism about how we are actually going to  
22 get that affordable housing. This plan attempts to  
23 get to that and the city staff and the other people  
24 who have worked on it have done an excellent job of  
25 thinking through these issues and telling us this is

1 how it works. What I think we have to look closely  
 2 at as members of the Planning Commission is what are  
 3 the specific base standards and do they make sense?  
 4 Currently they are substantially upzoned from the  
 5 current underlying zoning. City of Berkeley has a  
 6 land value. City Council has adopted a land value  
 7 capture policy, which basically means as we make the  
 8 land more valuable for developers, the city needs to  
 9 get something back so that it benefits from this are  
 10 not well pocketed by the developers. So we need to  
 11 bear that in mind as we are looking at the specific  
 12 standards, and we need to look at other things such  
 13 as should we be adjusting the fees charged for  
 14 affordable housing in this area? Because our  
 15 current fee ordinance, affordable housing fee  
 16 ordinance, allows for fees to be set at different  
 17 levels in different parts of town. And we should be  
 18 giving serious thought to whether the fees should be  
 19 higher in the Adeline quarter as a way of  
 20 encouraging people, if that is the goal, to build  
 21 the units on site so that you actually get  
 22 affordable units on site. And the alternative is  
 23 you get fees, which you can then try to spend on the  
 24 housing on Ashby Bart. But if we actually want  
 25 units on site, we need to think about what will it

1 really take to achieve that? I'm going to have lots  
2 more to say, but I'm going to stop now. I will be  
3 submitting stuff in time for the next meeting.

4 MS. SCHILDT: Thank you.

5 MR. BEACH: I want to first thank Planning  
6 staff for the tremendous amount of thought that has  
7 gone into this plan and work. And also to members  
8 of the public who participated in the forums and  
9 also have come out and offered their comments  
10 tonight. That all makes this process in the  
11 development plan better.

12 I want to just focus on two particular things.  
13 One is the issue of how we actually get the  
14 affordable housing that we know we need. And while  
15 I appreciate the generally ambitious framework of  
16 50 percent affordability goals, I'm very seriously  
17 concerned about the absence of particularized  
18 mechanisms for assuring that we get that housing  
19 under that affordable housing, especially the  
20 affordable housing at the lowest affordability  
21 levels under a variety of potential scenarios. As  
22 an example, as I read it, the Ashby Bart site is the  
23 only place where any facet of the plan envisions  
24 extremely low income housing occurring and yet as  
25 we've already heard tonight, it's only a set of

1 objectives that are guiding development that will  
2 occur on the Ashby Bart site. I actually think that  
3 it is possible that there is no single provision in  
4 this plan that as it is presently written would  
5 prevent 100 percent, would categorically prevent  
6 100 percent of the development occurring under this  
7 plan from being market rate. There are incentive  
8 mechanisms in this plan to get us to affordable  
9 housing and there are objectives in this plan to  
10 encourage and guide future negotiations for the  
11 Ashby Bart site. But there is literally no single  
12 provision in the plan that I can find that would  
13 categorically assure that we will be getting the low  
14 income housing that we absolutely have to have and  
15 we certainly have to have some assurance that we  
16 will not have a scenario in which high percentage or  
17 even hundred percent of the housing that's  
18 constructed under this plan is market rate housing.  
19 That is totally utterly unacceptable and we  
20 shouldn't have a plan that doesn't give us that  
21 guarantee. So I suspect that because of the amount  
22 of thought that has obviously has gone into this  
23 plan that a number of scenarios and provisions that  
24 offer more by way of assurance and mechanism and  
25 enforcement related to affordability were

1 contemplated and I would love to see and hear more  
2 of those from staff so that we can evaluate them as  
3 against the current version. That would be -- that  
4 would be something I would be continuing to demand  
5 to the course of this process.

6 With regard to the -- one related note in terms  
7 of the affordability stuff. I appreciate the map of  
8 the publicly available sites. I'm sorry. The sites  
9 that are publicly owned. I think it will be  
10 valuable to actually have a detailed inventory of  
11 those sites because those sites are the places that  
12 offer the most substantial opportunity to get to the  
13 deep levels of affordability and have control over  
14 the housing that gets developed. So I would really  
15 like to be able to zero in on those sites and know  
16 more about them and see what we can do there.

17 Last two points. I appreciate the couple of  
18 folks who tonight raised the issue of the need for  
19 job related provisions in this plan. I do think  
20 that's a substantial deficiency. There's a lot of  
21 discussion of the sort of supply side of jobs. How  
22 are we going to encourage and support business? And  
23 that is critical and essential, but we also need the  
24 types of measures that were discussed related to  
25 the, you know, target hiring, we need to talk about

1 that, and measures that assure, you know, a support  
2 for apprenticeship and job quality as well. That is  
3 an essential component of ensuring that people can  
4 live where they work and work where they live. It  
5 is ensuring that folks get high quality housing.  
6 And then last thing is in terms of the environmental  
7 analysis, which connects up with the issue of  
8 implementation and enforcement in really getting to  
9 affordable housing and displacement. As I  
10 understand CEQA, what CEQA does is it prescribes  
11 what has to be analyzed. It tells us, you know,  
12 what is the minimum that needs to be analyzed in  
13 order to have a sufficient disclosure of the  
14 environmental impacts of the project? It does not  
15 prohibit an agency from including analysis in a  
16 project, including analysis of displacement and  
17 related phenomenon. So we could, I suspect, unless  
18 I'm wrong about it, we could have in the draft EIR  
19 and the final EIR an analysis of displacement.  
20 There's nothing to my knowledge preventing that, and  
21 if that's true, then I think it's incumbent upon the  
22 city to, as the lead agency, to engage in that  
23 analysis because it's so essential to everything  
24 that we are talking about. And that, of course,  
25 could lead to an additional set of mitigation

1 measures that could be relied upon as additional  
 2 back stops on this potential problem scenario I'm  
 3 describing, which is the one in which the  
 4 development that occurs here does not contain  
 5 affordable housing because we don't have adequate  
 6 measures to prevent it from not containing  
 7 affordable housing. But if we have CEQA mitigation  
 8 measures that require inclusionary housing or  
 9 similar things, then that's an additional back stop,  
 10 an additional thing that we can rely on and an  
 11 additional level of insurance we can have and need  
 12 that we are getting affordability. So with that,  
 13 I'll stop. I appreciate the attention to those  
 14 issues.

15 MS. SCHILDT: So there with that, I know we are  
 16 over time for letting staff go home tonight and we  
 17 do need to close the public hearing. Get a motion  
 18 to close the public hearing? Rob. Brad. All in  
 19 favor? With that, the public hearing is closed and  
 20 meeting is adjourned.

21 (Meeting is adjourned at 10:05 p.m.)  
 22  
 23  
 24  
 25

1 REPORTER'S CERTIFICATE

2 STATE OF CALIFORNIA )

3 COUNTY OF SAN FRANCISCO ) ss.

4

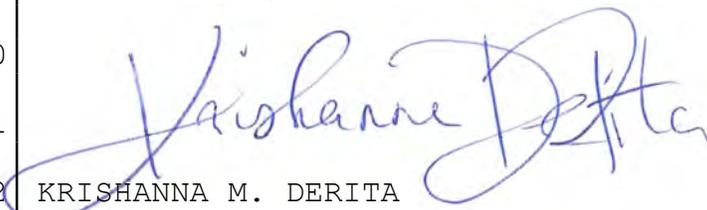
5 I, KRISHANNA M. DERITA, a Certified Shorthand  
6 Reporter, licensed by the state of California  
7 and empowered to administer oaths and affirmations  
8 pursuant to Section 2093 (b) of the Code of Civil  
9 Procedure, do hereby certify:

10 That the said proceedings were recorded by me  
11 stenographically and were thereafter transcribed  
12 under my direction via computer-assisted  
13 transcription;

14 That the foregoing transcript is a true record  
15 of the proceedings which then and there took place;

16 That I am a disinterested person in this  
17 action. IN WITNESS WHEREOF, I have subscribed my  
18 name on

19 June 21, 2019

20   
21

22 KRISHANNA M. DERITA

23 CERTIFIED SHORTHAND REPORTER # 11945

24

25

<p>_____</p> <p style="text-align: center;">\$</p> <p>_____</p> <p><b>\$100,000</b> 31:16</p> <p><b>\$110,000</b> 40:16</p> <p><b>\$200,000</b> 29:24</p> <p><b>\$50</b> 25:3 33:24</p> <p><b>\$750,000</b> 40:16,21</p> <p>_____</p> <p style="text-align: center;">1</p> <p>_____</p> <p><b>1,100</b> 62:15</p> <p><b>1,200</b> 60:1</p> <p><b>1,450</b> 31:14 32:24 42:19 60:2 77:7</p> <p><b>1,960's</b> 25:3</p> <p><b>1,984</b> 37:12</p> <p><b>1.5</b> 58:1</p> <p><b>10</b> 2:7 36:25</p> <p><b>10:00</b> 49:8</p> <p><b>10:05</b> 86:21</p> <p><b>100</b> 83:5,6</p> <p><b>11</b> 8:6 35:4</p> <p><b>11945</b> 1:20 2:20 87:23</p> <p><b>12</b> 31:20</p> <p><b>1243</b> 1:23</p> <p><b>12th</b> 37:10</p> <p><b>142</b> 40:15,16</p> <p><b>144</b> 31:21,22</p> <p><b>15</b> 9:11 35:24</p> <p><b>150</b> 33:13</p> <p><b>16</b> 46:2</p> <p><b>168</b> 40:9</p> <p><b>180</b> 43:5</p> <p><b>1998</b> 37:17</p> <p>_____</p> <p style="text-align: center;">2</p> <p>_____</p> <p><b>2,000</b> 32:16</p> <p><b>2,500</b> 32:17,18 43:1</p> <p><b>20</b> 4:6 22:7,10,12,18 23:19 27:9 35:3 36:18 37:18 41:9 45:12</p>	<p>59:24 71:23</p> <p><b>200</b> 40:9</p> <p><b>2000</b> 37:17</p> <p><b>2002</b> 37:16</p> <p><b>2005</b> 71:17</p> <p><b>2007</b> 71:17</p> <p><b>2015</b> 50:21</p> <p><b>2017</b> 9:11 58:16</p> <p><b>2018</b> 58:18</p> <p><b>2019</b> 1:9 2:6 87:19</p> <p><b>2020</b> 56:4</p> <p><b>208</b> 52:22</p> <p><b>2093</b> 87:8</p> <p><b>21</b> 87:19</p> <p><b>22</b> 35:3 45:3</p> <p><b>25</b> 35:3</p> <p><b>250</b> 6:12,16 25:4 32:14</p> <p><b>26</b> 21:25</p> <p><b>28</b> 21:24,25 22:4 31:14</p> <p><b>29th</b> 55:13</p> <p>_____</p> <p style="text-align: center;">3</p> <p>_____</p> <p><b>30</b> 38:3 40:19 45:21 53:2 72:2</p> <p><b>300</b> 35:25</p> <p><b>35</b> 18:3</p> <p><b>36</b> 22:10,11</p> <p><b>3-8</b> 57:20</p> <p><b>3-9</b> 57:20</p> <p>_____</p> <p style="text-align: center;">4</p> <p>_____</p> <p><b>4,000</b> 21:24 22:2,4 31:9,12,13</p> <p><b>40</b> 18:1,3 35:2 40:5,7,19 43:19 75:25</p> <p><b>45</b> 34:7</p> <p><b>47</b> 38:21,22 39:16</p> <p>_____</p> <p style="text-align: center;">5</p> <p>_____</p>	<p><b>5</b> 1:9 2:6 72:1</p> <p><b>50</b> 4:21 6:23 7:2 17:15 18:1 19:14,16 20:1,5 22:8,24 40:10 45:20 46:8 49:11,14 55:4,5 62:13,17 82:16</p> <p><b>50,000</b> 30:24</p> <p><b>50/50</b> 55:4</p> <p><b>5013C</b> 9:25</p> <p><b>550</b> 31:19</p> <p><b>570</b> 31:23</p> <p>_____</p> <p style="text-align: center;">6</p> <p>_____</p> <p><b>6</b> 72:1</p> <p><b>60</b> 7:23 28:19 43:21 75:24</p> <p><b>60's</b> 45:5</p> <p><b>650.952.0774</b> 1:25</p> <p><b>650.952.8688</b> 1:25</p> <p><b>6th</b> 55:11</p> <p>_____</p> <p style="text-align: center;">7</p> <p>_____</p> <p><b>7</b> 18:3</p> <p><b>70</b> 22:18 40:5,7</p> <p><b>743</b> 53:16</p> <p>_____</p> <p style="text-align: center;">8</p> <p>_____</p> <p><b>80</b> 45:22</p> <p><b>84</b> 37:11</p> <p><b>850</b> 30:22 31:2,19</p> <p><b>86</b> 67:9</p> <p><b>870</b> 31:25</p> <p>_____</p> <p style="text-align: center;">9</p> <p>_____</p> <p><b>9</b> 2:7</p> <p><b>9:00</b> 49:7</p> <p><b>90</b> 31:1</p> <p><b>94080</b> 1:23</p> <p>_____</p> <p style="text-align: center;">A</p> <p>_____</p> <p><b>ability</b> 17:8 18:19</p>
---	--	--

<p>63:22 73:21  <b>able</b> 12:18 13:20          18:15,16 28:25 29:20          30:9 34:13,14,16          37:21 38:7,8,12 45:23          50:24 65:1 68:3 73:13          77:9 78:14 84:15  <b>absence</b> 82:17  <b>absolutely</b> 53:4 83:14  <b>abstract</b> 38:17 39:2,22          73:11  <b>abstraction</b> 51:24  <b>AC</b> 11:3 77:19,22  <b>Acasio-Cortez</b> 14:17  <b>accelerate</b> 71:18  <b>accept</b> 3:18  <b>access</b> 20:21 24:7 71:4  <b>accessible</b> 48:12  <b>accidents</b> 4:25 9:13          11:1 78:10  <b>accompany</b> 44:24  <b>accomplished</b> 21:9  <b>accord</b> 51:12  <b>According</b> 30:23  <b>account</b> 77:3  <b>accountability</b> 24:3  <b>accountable</b> 36:8,10  <b>accurate</b> 55:8  <b>achieve</b> 82:1  <b>acknowledge</b> 21:8  <b>acknowledgment</b> 25:24  <b>acre</b> 33:13 67:9  <b>acres</b> 73:25  <b>across</b> 54:15 58:20  <b>act</b> 5:9  <b>action</b> 25:17 30:7          41:1,2 87:17  <b>actions</b> 29:22 61:22  <b>actually</b> 5:5,12 6:17          10:5,10 11:4 16:12</p>	<p>19:17,18,25 20:4          21:21 26:2,10,19          27:6,10,13          28:4,6,7,11,22 29:23          30:3 41:19 44:6,20          52:19 55:15 56:15          61:13 73:12 74:14,18          75:12,15 80:21          81:21,24 82:13 83:2          84:10  <b>add</b> 49:19 55:7 61:6          63:1 72:7 77:11  <b>addition</b> 25:6  <b>additional</b> 6:13,17 23:3          35:12 66:16 85:25          86:1,9,10,11  <b>address</b> 11:9,11,15          21:13,14,20,21          22:13,15,25 35:21,22          36:5 57:14 61:23 62:3          63:22 76:1  <b>addressed</b> 63:17  <b>addressing</b> 63:21  <b>Adeline</b> 1:7 2:12,13          3:16 5:2,23,25 6:7          8:4 9:9 15:12 18:21          22:7 23:17 25:12          27:19 28:12 30:15          33:2 36:12 41:20 42:4          43:5 49:10 51:6 53:20          68:23 69:7,12,18          74:13 81:19  <b>adequate</b> 17:24 86:5  <b>adjourned</b> 86:20,21  <b>adjusting</b> 81:13  <b>administer</b> 87:7  <b>administration</b> 71:15  <b>admirable</b> 21:5 26:4  <b>admire</b> 35:11  <b>adopt</b> 7:25 28:2  <b>adopted</b> 56:5,6,19,21          78:21 81:6  <b>adoption</b> 64:2,10 76:25  <b>advance</b> 24:2,23</p>	<p><b>advantage</b> 60:16  <b>advisory</b> 68:4  <b>advocate</b> 9:3,4  <b>affect</b> 74:16  <b>affected</b> 29:10,15          30:2,3  <b>affirmations</b> 87:7  <b>afford</b> 13:20 14:14          33:21 73:7  <b>affordability</b> 15:6 19:7          23:4 26:5,8,11 27:1          45:18 47:7,9,13 48:1          49:20 64:8 82:16,20          83:25 84:7,13 86:12  <b>affordable</b> 4:21 6:24          7:1,2,8,11,13 17:15          19:9,10,14 20:6 21:25          22:5,9,10,11,18 23:15          26:3,13,18,20 28:15          33:21 35:19          40:3,10,15 41:9 45:19          49:12,22 50:23          51:14,15 57:17 62:16          64:13 65:2 67:14,18          68:20 72:8,18 79:5          80:4,12,20,22          81:14,15,22          82:14,19,20 83:8 85:9          86:5,7  <b>African</b> 18:2,3,25 19:4          47:2  <b>against</b> 52:4 84:3  <b>agency</b> 85:15,22  <b>agenda</b> 3:13 53:1  <b>agendas</b> 53:3  <b>aggressive</b> 27:1  <b>ago</b> 7:23 12:2 21:24          36:1,18 54:22  <b>air</b> 66:7  <b>airplanes</b> 46:3,6  <b>Alameda</b> 25:19  <b>Alcatraz</b> 8:9 30:15  <b>Alex</b> 9:7  <b>Alexandria</b> 14:17</p>
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<p><b>Alfred</b> 33:15  <b>Alice</b> 30:14  <b>Alisha</b> 17:12 35:13  <b>allow</b> 3:5 33:1 42:21              66:7  <b>allowing</b> 6:20  <b>allows</b> 81:16  <b>alone</b> 64:16  <b>already</b> 5:18 27:17              29:17 30:16 32:3              50:18 56:19 69:6              76:13 82:25  <b>alternative</b> 43:1,4,13              54:1 70:22 76:17              77:24 79:11 81:22  <b>alternatives</b> 44:2 70:9  <b>am</b> 5:22 9:7 17:8 18:24              45:15 87:16  <b>ambition</b> 60:3  <b>ambitious</b> 6:10 53:5              54:14 59:12 62:14,21              68:19 70:8 82:15  <b>ambulance</b> 71:5  <b>amenities</b> 5:12 67:24  <b>America</b> 38:7  <b>American</b> 18:25 19:5  <b>Americans</b> 18:2,3 47:2  <b>amount</b> 71:12 82:6 83:21  <b>amounts</b> 73:6  <b>analysis</b> 7:17 44:14              56:1 58:6 66:22              72:5,14,15 76:24              85:7,15,16,19,23  <b>analyze</b> 44:1  <b>analyzed</b> 27:23 76:10              85:11,12  <b>analyzing</b> 44:5  <b>ancestry</b> 45:15  <b>Andrea</b> 34:24  <b>Angel</b> 8:3  <b>anger</b> 61:9</p>	<p><b>answer</b> 42:10,11 57:6              73:24 79:4  <b>answers</b> 42:10  <b>anti</b> 4:18  <b>anticipate</b> 12:1  <b>antique</b> 44:5  <b>Anyhow</b> 10:1  <b>anymore</b> 15:5 44:6 71:7  <b>anyone</b> 48:16,20  <b>anything</b> 33:5 37:22              46:10 49:22 66:6,25  <b>anyway</b> 42:23 64:4 72:17  <b>anywhere</b> 26:5 49:16  <b>apartment</b> 62:4,11  <b>apartments</b> 13:13 36:14              40:21  <b>apologize</b> 52:6  <b>appears</b> 5:1  <b>applaud</b> 17:11  <b>apple</b> 32:11  <b>applicants</b> 21:24  <b>applied</b> 21:24  <b>apply</b> 29:25 54:12  <b>appreciate</b> 18:19 35:12              36:16 55:25 68:15              69:2 72:24 82:15              84:7,17 86:13  <b>appreciated</b> 73:10 75:6  <b>appreciating</b> 35:16  <b>apprentices</b> 27:10,14  <b>apprenticeship</b> 24:7              29:25 85:2  <b>approach</b> 28:4,7  <b>approaches</b> 78:13  <b>appropriate</b> 17:22  <b>approval</b> 24:25  <b>Approximately</b> 41:8  <b>architect</b> 32:18  <b>area</b> 6:18 8:25 31:22              35:16 39:5 43:17 45:2</p>	<p>50:5,25 51:11,13,16          52:2 65:9 67:9 68:6          73:1 81:14  <b>areas</b> 31:7 51:18 56:17  <b>argue</b> 39:6  <b>Ariela</b> 4:5  <b>arms</b> 34:10  <b>art</b> 8:8 9:23 10:7,8,21  <b>article</b> 14:10  <b>artist</b> 8:22 9:24  <b>artists</b> 8:15  <b>Arts</b> 9:8  <b>Ashby</b> 4:8 8:7 14:20              30:18,19,22 31:4              33:5,6,10,12,17,24,25              37:10 38:22 59:13              64:11              70:11,13,15,19,22              78:24 79:9 80:2 81:24              82:22 83:2,11  <b>Ashley</b> 67:10  <b>assess</b> 20:22  <b>assessment</b> 24:15 79:14  <b>assets</b> 45:18  <b>assign</b> 4:11  <b>assistant</b> 37:13  <b>ASSOCIATES</b> 1:22  <b>Association</b> 34:15  <b>assume</b> 22:16 70:12,13              77:7  <b>assumed</b> 55:3  <b>Assuming</b> 22:8  <b>assumptions</b> 55:8 72:5  <b>assurance</b> 83:15,24  <b>assure</b> 83:13 85:1  <b>assuring</b> 82:18  <b>ate</b> 59:13  <b>attempts</b> 80:22  <b>attention</b> 15:9 45:13              86:13</p>
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<p><b>attitude</b> 50:17</p> <p><b>attracting</b> 57:2</p> <p><b>audience</b> 3:7,8 75:23</p> <p><b>AUP</b> 10:2</p> <p><b>available</b> 12:7 24:18 67:22 84:8</p> <p><b>Avenue</b> 40:1,14</p> <p><b>average</b> 33:13</p> <p><b>aware</b> 15:20 21:7 28:14</p> <p><b>away</b> 9:16 71:2</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p><b>baby</b> 34:10</p> <p><b>backbone</b> 60:15</p> <p><b>backed</b> 30:16,18,19</p> <p><b>background</b> 63:10</p> <p><b>backs</b> 69:8</p> <p><b>bad</b> 21:2,15 78:8</p> <p><b>balance</b> 62:18 68:18</p> <p><b>balancing</b> 68:21 69:2,10</p> <p><b>ballot</b> 7:4</p> <p><b>banking</b> 25:16</p> <p><b>bankrupt</b> 12:1,21</p> <p><b>bar</b> 23:19</p> <p><b>bargained</b> 33:10</p> <p><b>barriers</b> 23:12</p> <p><b>Bart</b> 4:8,9,11 11:18,19 14:20 19:23 30:22 31:6 33:5,6,12,17,24,25 38:22 59:13 64:12,24 65:4,6,17 66:1,4,9,21 67:1,4,10,13 70:1,2,11,13,15,19,22 77:21,24 78:24 79:9,15,19 80:2 81:24 82:22 83:2,11</p> <p><b>base</b> 31:24 57:22 58:21 81:3</p> <p><b>based</b> 19:21 44:8 56:13</p> <p><b>baseline</b> 71:16,19 72:10</p>	<p>74:17</p> <p><b>basic</b> 79:25</p> <p><b>basically</b> 29:13 30:7 65:6 78:13 81:7</p> <p><b>basing</b> 44:14</p> <p><b>basis</b> 27:18 74:4</p> <p><b>Bath</b> 8:3</p> <p><b>bathroom</b> 31:23</p> <p><b>bay</b> 8:25 26:6</p> <p><b>BEACH</b> 82:5</p> <p><b>bear</b> 37:6 81:11</p> <p><b>become</b> 6:7 10:3 14:7 15:20 38:5</p> <p><b>becomes</b> 13:1</p> <p><b>becoming</b> 12:3</p> <p><b>bedrooms</b> 31:20</p> <p><b>beds</b> 11:2</p> <p><b>bee</b> 32:5</p> <p><b>beer</b> 10:3,6</p> <p><b>begin</b> 13:24</p> <p><b>beginning</b> 15:12</p> <p><b>behalf</b> 25:18 41:1</p> <p><b>believe</b> 42:2 64:21 71:13</p> <p><b>benefit</b> 80:1</p> <p><b>benefits</b> 81:9</p> <p><b>Berkeley</b> 1:2 2:1 4:6 5:13 8:5 9:17,24 10:2,4,6 15:3 16:9 17:10 18:6,10,11,14,16 19:1,5 21:1 23:8,9,18,20 25:2 27:4,8 31:9 32:1 34:25 35:1,2,10,24 36:15,17 38:15,16,18,19 39:1,11,12,14,20,23 41:20 42:16 45:2,6,9,15 53:21,23 62:12 66:3,6,8,10,24 68:7 69:15,25 73:14,22 74:6,18 76:3</p>	<p>77:22 79:9 81:5</p> <p><b>Berkeley's</b> 9:23 10:9 43:22 73:25</p> <p><b>Berman</b> 46:2</p> <p><b>best</b> 35:8 49:2</p> <p><b>better</b> 4:13,23 28:6 30:6 56:13 66:5 78:9 82:11</p> <p><b>bicycle</b> 4:25 44:11</p> <p><b>bicycles</b> 33:1</p> <p><b>bids</b> 10:14</p> <p><b>bigger</b> 46:7</p> <p><b>biggest</b> 11:8 12:12 19:13 59:18 65:8 78:24</p> <p><b>bike</b> 43:9 45:24</p> <p><b>bikeability</b> 6:6 7:19 8:2</p> <p><b>bill</b> 71:15</p> <p><b>binder</b> 35:15</p> <p><b>bit</b> 16:25 17:1 60:7,20 61:8 66:4 78:9</p> <p><b>black</b> 16:16 17:2,7,10 19:2</p> <p><b>blah</b> 15:16</p> <p><b>blocks</b> 18:22</p> <p><b>blood</b> 16:25 17:1</p> <p><b>blows</b> 72:4</p> <p><b>blue</b> 27:4</p> <p><b>board</b> 9:22 23:10 34:24 38:15 54:15 58:20</p> <p><b>bodies</b> 16:22</p> <p><b>bold</b> 5:21</p> <p><b>bolts</b> 19:18</p> <p><b>bond</b> 7:4,5,6,9</p> <p><b>bonus</b> 40:6,11</p> <p><b>bonuses</b> 27:13 72:17</p> <p><b>book</b> 42:9</p> <p><b>border</b> 8:5</p> <p><b>born</b> 37:17</p>
--	---	--

<p><b>bought</b> 37:16  <b>Boulevard</b> 9:10  <b>bound</b> 56:2  <b>box</b> 32:6 45:17 46:7,14  <b>Brad</b> 63:8 86:18  <b>bread</b> 39:7  <b>breaking</b> 36:20  <b>brief</b> 54:6  <b>bring</b> 22:6 39:13 45:13  <b>bringing</b> 76:8  <b>broad</b> 18:8  <b>broadened</b> 75:22  <b>broken</b> 39:4  <b>brought</b> 13:24 15:12  <b>BTech</b> 29:24  <b>bucket</b> 67:12  <b>budget</b> 19:21  <b>build</b> 7:10 12:6              13:12,18 15:22,24              22:7 25:4 26:22 27:11              31:10 33:18 35:7              40:15 47:13 48:3 50:5              51:14 60:2 63:13              73:13 80:6,7,8 81:20  <b>builder</b> 79:5  <b>building</b> 6:16,21 9:8,21              10:11 16:1 25:19 31:4              36:1,14 45:21 47:11              57:1 62:6 65:2,10              69:23 72:1,2 76:5              80:3,8  <b>buildings</b> 12:6 13:2,5              15:19,22,25 35:7 37:5              45:4 62:4 76:1,3  <b>built</b> 6:13 10:18              13:5,11,21 40:22              43:10 44:21 46:8,12              49:22 63:15 79:3  <b>bumping</b> 26:17  <b>bunch</b> 12:6,7 51:25 62:5  <b>bundle</b> 36:14  <b>buried</b> 68:24 78:18</p>	<p><b>bus</b> 11:3 77:16              78:1,2,13,14  <b>buses</b> 70:3 76:16,17,21              78:6,11  <b>business</b> 11:5 34:15              36:12 59:22 60:21              73:22 84:22  <b>businesses</b> 8:21,22,23              24:11,12,22 25:14              68:2  <b>busy</b> 47:18  <b>buy</b> 18:16</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>CA</b> 1:23  <b>calculated</b> 31:15  <b>calculation</b> 30:23 33:16  <b>calculations</b> 33:15,16  <b>California</b> 53:15 87:2,6  <b>California's</b> 43:20  <b>calming</b> 25:11  <b>campus</b> 4:7  <b>canvassing</b> 4:15  <b>cap</b> 70:12  <b>capacity</b> 11:19 12:9              26:23 70:2  <b>capitalism</b> 12:12 14:5  <b>capture</b> 71:21 81:7  <b>car</b> 9:14 45:23 50:8,10              56:25  <b>care</b> 11:15 27:16 36:4              50:12 52:7  <b>career</b> 24:9 27:15  <b>carefully</b> 67:17  <b>cars</b> 7:18 8:1 11:18,19              41:21 43:24 46:9,13              50:6,11 76:21 77:23              78:8  <b>case</b> 59:23 61:18 66:7  <b>cases</b> 29:15  <b>cast</b> 55:2</p>	<p><b>categorically</b> 83:5,13  <b>cause</b> 12:10  <b>causes</b> 40:25  <b>cautious</b> 71:1  <b>center</b> 10:7 34:6 50:6  <b>centers</b> 20:22  <b>cents</b> 76:19  <b>CEQA</b> 28:1 56:21              61:8,11,12,16 63:9,24              85:10 86:7  <b>certain</b> 7:8 26:16  <b>certainly</b> 29:8 42:12,13              53:16 55:7 76:23              77:10 78:9 79:4 83:15  <b>CERTIFICATE</b> 87:1  <b>certification</b> 24:8  <b>Certified</b> 87:5,23  <b>certify</b> 87:9  <b>cetera</b> 46:23  <b>chair</b> 28:12  <b>champions</b> 20:11  <b>chance</b> 34:2 66:15 68:5  <b>change</b> 7:20,24 12:20              13:14 27:22 46:13              56:11 64:12  <b>changed</b> 45:9  <b>changes</b> 17:13 18:7              28:20,21 39:16 59:24              76:16  <b>changing</b> 12:14 45:5  <b>chapter</b> 57:9 58:9 65:6  <b>charged</b> 81:13  <b>charging</b> 75:18  <b>cheap</b> 31:17  <b>cheaper</b> 26:22  <b>CHEN</b> 55:18,24 57:8              58:4,8 61:13 63:24              65:5,18 67:6 69:19              74:3,11,20  <b>child</b> 16:8 17:7 52:7</p>
---	--	---

<p><b>childhood</b> 34:11</p> <p><b>children</b> 34:6,7,12,18,20 45:15,20 52:11</p> <p><b>choice</b> 22:21 67:19</p> <p><b>Christine</b> 46:20 55:15</p> <p><b>church</b> 73:9</p> <p><b>cities</b> 46:9,11,12</p> <p><b>city</b> 1:2 4:11 12:4,5 14:17 15:4 16:9,17 17:25 18:6 20:11 23:10 31:15 32:22 33:25 37:1,22 41:3,22 43:21 44:23 46:22,24 50:21,23 51:3,17 53:20,23 56:3,18 65:8 66:5,8 69:25 73:24 74:2,4,15,18 77:12 79:16 80:23 81:5,6,8 85:22</p> <p><b>civics</b> 21:17</p> <p><b>Civil</b> 87:8</p> <p><b>clarification</b> 3:21</p> <p><b>clarify</b> 3:13</p> <p><b>clear</b> 6:15 55:6 61:14 63:18 65:2 74:12 75:8</p> <p><b>Clearly</b> 52:14</p> <p><b>climate</b> 7:24 12:20 41:23 42:2 43:16,17,20 44:2</p> <p><b>close</b> 13:9 38:10 48:18,20 76:6 86:17,18</p> <p><b>closed</b> 86:19</p> <p><b>closely</b> 81:1</p> <p><b>closer</b> 22:6 74:17</p> <p><b>closes</b> 49:8</p> <p><b>CO2</b> 7:25</p> <p><b>Code</b> 87:8</p> <p><b>collaborative</b> 77:18</p> <p><b>collar</b> 27:5</p> <p><b>collection</b> 79:7</p>	<p><b>Collective</b> 8:8 9:9 10:8</p> <p><b>collision</b> 9:19</p> <p><b>collisions</b> 9:14</p> <p><b>color</b> 8:23 13:20 16:15 24:12</p> <p><b>combine</b> 26:8</p> <p><b>comes</b> 22:9 70:20,24 76:1</p> <p><b>coming</b> 4:3 10:22 38:8 39:25 40:2 51:24 53:18 68:22 79:10</p> <p><b>commend</b> 21:4,15 25:21 30:9 52:13</p> <p><b>comment</b> 3:6,20 17:15 27:21 48:17,19 54:16 55:25 58:23 59:2 66:14</p> <p><b>comments</b> 3:3,5,18 4:1 5:24 21:2 34:5,8 35:13 36:16 46:19 51:23 52:12 53:6 55:22 58:12,23 59:10,11 60:20 62:13 66:16 70:10 75:6 82:9</p> <p><b>commercial</b> 57:25 58:5 68:1</p> <p><b>commission</b> 2:1 3:4 20:11 23:6 29:4 32:20,22 41:3 44:18 45:14 52:21 63:4 68:22 81:2</p> <p><b>commissioner</b> 3:5 23:10 66:14 69:22</p> <p><b>Commissioners</b> 9:6 20:24 34:23 48:24</p> <p><b>commissions</b> 41:14 59:22</p> <p><b>Commit</b> 25:3</p> <p><b>commitment</b> 26:3 27:12 33:24 39:1</p> <p><b>committee</b> 28:13 68:10</p> <p><b>committing</b> 20:12</p> <p><b>commodity</b> 14:7</p> <p><b>common</b> 20:9</p> <p><b>communicate</b> 4:14</p>	<p><b>communities</b> 24:11,17 28:2,3 36:20 38:20 46:9</p> <p><b>community</b> 8:14 9:1 13:12 16:5 18:13 19:3 20:18 23:7,15,18 24:10,13,21 25:1,12,14,15 27:17 28:18 31:7 34:13,21,24 35:8 36:5,22 39:8 48:2 54:17 55:12 63:3 68:4,25 69:1 73:12 74:19</p> <p><b>community's</b> 24:24</p> <p><b>commuter</b> 80:13</p> <p><b>commuters</b> 69:14 79:1</p> <p><b>commuting</b> 73:8</p> <p><b>companies</b> 10:11</p> <p><b>company</b> 8:18 10:18</p> <p><b>compared</b> 64:9</p> <p><b>comparing</b> 64:3</p> <p><b>comparison</b> 47:4</p> <p><b>compel</b> 41:11,15</p> <p><b>compelling</b> 41:2</p> <p><b>compels</b> 41:16</p> <p><b>competing</b> 60:17</p> <p><b>complaints</b> 39:15</p> <p><b>completely</b> 8:13 19:25 45:5,7 46:12</p> <p><b>component</b> 85:3</p> <p><b>computer-assisted</b> 87:12</p> <p><b>concepts</b> 58:16,21</p> <p><b>concern</b> 19:13 62:25 73:1</p> <p><b>concerned</b> 6:8,22 18:24 20:1 62:1 68:20 71:10 77:9 82:17</p> <p><b>concerns</b> 19:12 42:7 64:18 69:3 70:5,7 72:13</p> <p><b>conclusion</b> 14:12</p>
--	---	--

<p><b>condemns</b> 13:3  <b>conduct</b> 10:2  <b>confronting</b> 21:5  <b>confused</b> 7:14  <b>congested</b> 56:10  <b>congestion</b> 56:8,9,14  <b>congratulate</b> 40:1  <b>connect</b> 16:10 28:25  29:20 30:7  <b>connected</b> 16:18,19  17:18,19  <b>connection</b> 47:16 73:15  <b>connects</b> 85:7  <b>cons</b> 54:3  <b>conservative</b> 70:14,18  <b>consider</b> 20:20 34:17  42:3 43:15 79:17  <b>consideration</b> 24:25  47:22  <b>considered</b> 15:14 50:4  <b>consistent</b> 32:3  <b>consistently</b> 28:3  <b>constituent</b> 59:16  <b>constructed</b> 83:18  <b>construction</b> 15:21 20:5  24:6,10 25:19 26:18  27:7  <b>consultant</b> 21:4 54:23  61:12  <b>consultants</b> 40:2 59:9  77:12  <b>consumers</b> 23:13  <b>contain</b> 86:4  <b>containing</b> 86:6  <b>contemplated</b> 84:1  <b>context</b> 21:11  <b>continue</b> 47:21 59:6  <b>Continued</b> 45:6  <b>continuing</b> 84:4</p>	<p><b>contractor</b> 10:10 31:15  <b>contributing</b> 16:14  23:13  <b>contributor</b> 12:12  <b>control</b> 18:17 46:23  66:8 84:13  <b>conversation</b> 14:24  67:11  <b>cookie</b> 59:15  <b>cookies</b> 59:13  <b>corner</b> 9:9,20  <b>correct</b> 61:10 64:23  <b>correctly</b> 6:19  <b>corridor</b> 1:7 2:12,13  3:16 5:2,4 23:17  25:12 27:19,23 41:20  42:4,23 43:6 49:10  50:17 51:18 68:23  71:13,16 72:4 74:13  <b>corridors</b> 5:15  <b>cost</b> 40:16 55:2 77:12  79:18,22  <b>costing</b> 45:8  <b>costly</b> 65:13  <b>costs</b> 48:3 55:2  <b>Council</b> 1:2 20:11 25:20  27:16 32:22 41:3,22  46:22,24 81:6  <b>counsel</b> 29:3  <b>country</b> 38:6  <b>County</b> 25:19 87:3  <b>couple</b> 11:23 18:22 36:1  54:22 62:13 77:13,25  78:23 84:17  <b>course</b> 12:11 47:8 54:19  56:3 84:5 85:24  <b>cover</b> 59:25  <b>crammed</b> 13:13 31:24  <b>crashes</b> 44:11  <b>crazy</b> 39:3  <b>create</b> 5:14 30:22  31:2,7 40:25 41:2</p>	<p>57:3,4  <b>creates</b> 72:7  <b>creating</b> 74:14 79:20  <b>creation</b> 15:23 24:8  <b>creative</b> 31:5  <b>creatively</b> 79:16  <b>credits</b> 67:21  <b>crisis</b> 6:15 15:6,7 19:7  25:8,9,13 35:22 37:1  41:23,25 42:2 43:17  47:12 64:8  <b>critical</b> 12:3 23:17  25:10 76:14 84:23  <b>critically</b> 16:17,18,19  26:1,25  <b>cross</b> 34:13  <b>crucial</b> 37:3  <b>cry</b> 41:13  <b>crying</b> 36:2  <b>CSR</b> 1:20 2:20  <b>cultural</b> 73:17  <b>culturally</b> 19:2  <b>culture</b> 13:9,10,23  39:9,14 41:12 42:8  <b>curious</b> 54:7 69:11  <b>current</b> 21:10 42:20  81:5,15 84:3  <b>currently</b> 8:9 10:23  69:18 79:8 81:4</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>damn</b> 14:13 17:5 79:23  <b>dare</b> 54:8  <b>Darling</b> 11:21  <b>data</b> 24:14 79:7  <b>date</b> 55:10 58:15  <b>daughter</b> 37:17  38:5,8,13  <b>day</b> 25:15 36:19 53:5  <b>DBA</b> 10:15</p>
---	--	--

<p><b>dead</b> 45:11</p> <p><b>deal</b> 78:25</p> <p><b>dealing</b> 50:7</p> <p><b>dealt</b> 49:24 51:16 77:4</p> <p><b>death</b> 25:10</p> <p><b>Debra</b> 23:7 36:16</p> <p><b>decades</b> 36:9</p> <p><b>decent</b> 27:15 62:18</p> <p><b>decide</b> 68:9,10</p> <p><b>decided</b> 3:14 41:22 45:25</p> <p><b>decisions</b> 34:17 69:23</p> <p><b>decreased</b> 11:14</p> <p><b>dedicate</b> 25:6</p> <p><b>deep</b> 84:13</p> <p><b>deeper</b> 68:3</p> <p><b>deeply</b> 7:14 15:10 26:21</p> <p><b>deficiency</b> 84:20</p> <p><b>defined</b> 61:18</p> <p><b>defines</b> 74:15</p> <p><b>definitely</b> 55:20</p> <p><b>DEIR</b> 72:24</p> <p><b>deliver</b> 11:23</p> <p><b>demand</b> 84:4</p> <p><b>demands</b> 13:7,22</p> <p><b>demographics</b> 39:17</p> <p><b>demolished</b> 62:5</p> <p><b>dense</b> 13:1 39:12</p> <p><b>densely</b> 26:20</p> <p><b>density</b> 5:19 6:20 12:23 19:19 26:25 40:3,6,11 45:5</p> <p><b>Department</b> 20:10</p> <p><b>depend</b> 13:10 14:22</p> <p><b>DERITA</b> 1:20 2:20 87:5,22</p> <p><b>described</b> 66:2</p> <p><b>describing</b> 86:3</p>	<p><b>description</b> 53:9 55:6</p> <p><b>deserves</b> 39:1,2 47:22</p> <p><b>design</b> 26:8,12 74:23 75:21 77:18</p> <p><b>designated</b> 71:14</p> <p><b>designation</b> 72:3</p> <p><b>designations</b> 35:14</p> <p><b>desire</b> 35:6,7</p> <p><b>desired</b> 67:12,13</p> <p><b>destroy</b> 13:18</p> <p><b>detail</b> 12:17 34:1,4 58:18 68:13 69:20</p> <p><b>detailed</b> 84:10</p> <p><b>details</b> 32:12</p> <p><b>determine</b> 13:16</p> <p><b>determined</b> 74:22 75:2</p> <p><b>develop</b> 4:11,12 42:3</p> <p><b>developed</b> 14:8 50:20 58:15 84:14</p> <p><b>developer</b> 80:12</p> <p><b>developers</b> 24:12,22 26:13,14 27:8 33:18 36:13 50:24 61:2 81:8,10</p> <p><b>developing</b> 10:21 14:20 17:14 47:10 51:17</p> <p><b>development</b> 23:20 24:2,19,24 28:13,14 44:19 49:12,15 51:11,21 57:9,10,22 59:21 67:7 73:16 80:2 82:11 83:1,6 86:4</p> <p><b>developments</b> 51:19</p> <p><b>devil</b> 32:12</p> <p><b>died</b> 48:8</p> <p><b>differ</b> 60:4</p> <p><b>difference</b> 72:1</p> <p><b>different</b> 10:11 22:19 26:17 32:1 42:20 45:10 46:24 56:14 57:11 58:21 64:14,17 67:14,15 69:6 78:3</p>	<p>79:2,6 81:16,17</p> <p><b>difficult</b> 12:15 20:8 21:5 62:17</p> <p><b>difficulty</b> 64:4</p> <p><b>dig</b> 68:3</p> <p><b>dilemmas</b> 12:20</p> <p><b>ding</b> 32:7</p> <p><b>dining</b> 25:16</p> <p><b>direct</b> 21:9 23:2,5 73:2</p> <p><b>direction</b> 28:6 43:8,14 53:16 54:2 72:23 76:22,23 87:12</p> <p><b>directions</b> 6:1,4,8</p> <p><b>directly</b> 17:17 25:15</p> <p><b>director</b> 16:8</p> <p><b>director's</b> 4:10</p> <p><b>dirt</b> 31:7</p> <p><b>disabilities</b> 47:24 48:11</p> <p><b>disabled</b> 48:10</p> <p><b>disappointed</b> 15:11 42:17,18 43:2 53:21</p> <p><b>disappointing</b> 32:15</p> <p><b>disaster</b> 12:12 15:24</p> <p><b>disclosing</b> 59:15</p> <p><b>disclosure</b> 59:12,17 85:13</p> <p><b>discussed</b> 22:17 61:7 84:24</p> <p><b>discussion</b> 15:19 54:17 55:7 74:24 76:15 84:21</p> <p><b>disheartened</b> 47:4</p> <p><b>disinterested</b> 87:16</p> <p><b>displaced</b> 4:23 18:23 38:23 61:15 62:7</p> <p><b>displacement</b> 4:18 8:10,24 15:15 17:22 18:25 20:19,23 24:16 29:5,17 30:3,11 42:7 49:25 50:1,3 61:7,9,10</p>
---	--	---

<p>63:7,13,15,21 72:25 75:7 85:9,16,19</p> <p><b>displacements</b> 62:3</p> <p><b>disrupted</b> 18:5</p> <p><b>distraction</b> 20:4</p> <p><b>distribution</b> 74:8</p> <p><b>district</b> 5:23</p> <p><b>diversity</b> 4:17 23:22</p> <p><b>doctor</b> 16:7 17:5 19:4 38:6</p> <p><b>documents</b> 52:17</p> <p><b>dollars</b> 45:8 79:21</p> <p><b>done</b> 17:12 20:15 21:15 22:24 25:22 30:10 35:12 41:8 42:23 44:19 53:16 77:2 80:24</p> <p><b>dormitory</b> 40:18</p> <p><b>dots</b> 28:25 29:20 30:8</p> <p><b>downtown</b> 10:15,18 32:19</p> <p><b>draft</b> 2:12,13 3:11,16 20:20 25:20 42:25 43:3,12,15 44:1,14,17 85:18</p> <p><b>dramatic</b> 5:10</p> <p><b>dressings</b> 20:3</p> <p><b>drive</b> 79:8</p> <p><b>driven</b> 17:25</p> <p><b>drivers</b> 79:25</p> <p><b>driving</b> 43:23 45:23 69:12 79:12</p> <p><b>dropped</b> 60:11</p> <p><b>drums</b> 39:9</p> <p><b>due</b> 23:14</p> <p><b>duplexes</b> 46:23</p> <p><b>during</b> 12:5 24:18 76:19</p> <p><b>dying</b> 14:5 35:24 47:14</p> <p><b>dyslexic</b> 32:6</p> <hr/> <p style="text-align: center;">E</p> <hr/>	<p><b>earlier</b> 29:1 54:9 60:12</p> <p><b>early</b> 34:11</p> <p><b>earth</b> 14:6 46:1</p> <p><b>earthquake</b> 11:11</p> <p><b>easily</b> 33:16</p> <p><b>east</b> 26:6 74:7</p> <p><b>echo</b> 19:5 59:9 70:4,6 72:22 75:5</p> <p><b>economic</b> 25:2 61:4 73:16,18,20</p> <p><b>economical</b> 25:13</p> <p><b>economically</b> 45:10</p> <p><b>Ed</b> 58:17</p> <p><b>Edward</b> 39:23</p> <p><b>effect</b> 12:9 50:19</p> <p><b>effects</b> 61:16,17,21</p> <p><b>efficiently</b> 56:25</p> <p><b>eight</b> 32:20,21</p> <p><b>EIR</b> 2:14 5:5 15:7,11 20:20 27:22 32:10,13 33:3,7,9 42:18,25 43:3,12,15 44:1,14,17 52:16 53:25 56:1 58:8 59:19,25 63:12,20 70:11,20 71:2 75:11,14 77:11,14 78:1,18,20 85:18,19</p> <p><b>EIR's</b> 44:8 59:22 76:10</p> <p><b>either</b> 3:18 33:22 74:21</p> <p><b>elderly</b> 48:10</p> <p><b>electric</b> 15:18 75:17 76:4</p> <p><b>electrification</b> 75:17</p> <p><b>eliminating</b> 12:25</p> <p><b>elitists</b> 51:25</p> <p><b>else</b> 14:24 26:6 48:16 50:13 54:5</p> <p><b>e-mail</b> 1:24 55:18</p> <p><b>embraced</b> 28:3</p> <p><b>embraces</b> 28:4</p> <p><b>emergency</b> 11:9,13 12:6</p>	<p>35:22 71:4</p> <p><b>emissions</b> 7:25 43:17,20 44:15 57:4 75:16,24</p> <p><b>emphasize</b> 77:16</p> <p><b>emphasizes</b> 28:7</p> <p><b>empowered</b> 87:7</p> <p><b>Empress</b> 8:4</p> <p><b>empty</b> 37:5</p> <p><b>encounter</b> 12:16</p> <p><b>encourage</b> 17:20 35:3 54:20 55:9 60:24 83:10 84:22</p> <p><b>encouraged</b> 28:2</p> <p><b>encouraging</b> 81:20</p> <p><b>encroachment</b> 10:24</p> <p><b>energy</b> 76:6</p> <p><b>enforcement</b> 83:25 85:8</p> <p><b>enforcing</b> 24:4</p> <p><b>engage</b> 85:22</p> <p><b>engagement</b> 20:16</p> <p><b>engaging</b> 20:16</p> <p><b>engine</b> 61:4</p> <p><b>enjoy</b> 5:16,18</p> <p><b>enrolled</b> 34:8</p> <p><b>enrollment</b> 36:24</p> <p><b>Ensure</b> 24:3</p> <p><b>ensuring</b> 85:3,5</p> <p><b>entertain</b> 3:11</p> <p><b>entire</b> 12:25 19:21</p> <p><b>entrepreneurs</b> 23:14 73:21</p> <p><b>entwined</b> 64:7</p> <p><b>envelope</b> 59:23</p> <p><b>environment</b> 8:1 13:16 63:25 75:20</p> <p><b>environmental</b> 2:13 3:12,16,19 7:18,20,21 15:13,21,24 16:3 27:23 32:5 61:11,17 62:2 64:1 76:7,24</p>
--	---	---

<p>77:3,5 85:6,14  <b>environmentally</b> 7:16  56:15  <b>envisions</b> 82:23  <b>equitable</b> 23:25  24:2,19,24  <b>equity</b> 4:17 23:21,23  <b>ERI</b> 23:23  <b>especially</b> 4:20 20:6  52:20 56:16 74:6  82:19  <b>essential</b> 84:23 85:3,23  <b>essentially</b> 13:2 29:2  30:11  <b>establish</b> 19:22 73:22  <b>established</b> 73:25 74:18  <b>estimate</b> 70:18  <b>estimated</b> 14:15  <b>estimates</b> 70:14  <b>et</b> 46:23  <b>Europe</b> 46:8,11,17  <b>evaluate</b> 7:21 84:2  <b>evening</b> 9:18 16:7 20:24  23:6 28:10 34:23  41:18  <b>events</b> 8:16  <b>eventuality</b> 50:12  <b>everybody</b> 13:24 31:3  59:14 70:1 78:7  <b>everyone</b> 21:6 33:23  42:9 63:4  <b>everything</b> 37:13 76:23  85:23  <b>eviction</b> 10:5  <b>evident</b> 47:5  <b>exact</b> 61:13  <b>exactly</b> 42:22 60:25  69:11  <b>example</b> 19:24 20:22  40:8 46:17 65:11  82:22</p>	<p><b>excellent</b> 80:24  <b>excited</b> 9:25 10:2  <b>excitement</b> 4:14  <b>exhaust</b> 69:8  <b>exist</b> 14:14 20:9  <b>existing</b> 8:21 13:2  25:25 57:12 64:15  65:10  <b>exists</b> 61:4  <b>expanded</b> 36:24  <b>expanding</b> 35:15  <b>expect</b> 13:19  <b>expectations</b> 24:14  <b>expecting</b> 70:1,2  <b>expensive</b> 40:22 80:14  <b>experiences</b> 34:12  <b>experiencing</b> 8:25  <b>expert</b> 54:24 63:9 71:22  <b>explain</b> 63:11,16  <b>explanation</b> 15:16  <b>expressed</b> 13:22 42:7  <b>extend</b> 48:23  <b>extent</b> 63:22 68:21  <b>exterior</b> 31:7  <b>extremely</b> 25:5 82:24</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>face</b> 12:19 17:10 19:21  22:6 23:12  <b>Facebook</b> 55:15  <b>facet</b> 82:23  <b>facets</b> 10:20  <b>facility</b> 49:8  <b>facing</b> 22:14 47:12  <b>fact</b> 16:20 28:17  29:9,16,19,21 30:1,5  36:2  <b>factored</b> 12:17  <b>factors</b> 16:14</p>	<p><b>familiar</b> 47:10  <b>families</b> 18:4 36:21  48:14  <b>family</b> 29:18 46:2,4  <b>fan</b> 19:15  <b>fancy</b> 40:21  <b>fantastic</b> 46:4  <b>fares</b> 11:20  <b>farmers</b> 33:2 43:10  <b>fast</b> 5:1  <b>faster</b> 44:9  <b>favor</b> 3:24 41:21 86:19  <b>favorite</b> 10:22  <b>Fax</b> 1:25  <b>feasibility</b> 44:18,23,24  46:15 50:2 71:11 72:5  <b>feasible</b> 5:6 71:12  72:20  <b>federal</b> 30:4 54:8  <b>fee</b> 81:15  <b>feed</b> 55:16  <b>feedback</b> 58:14  <b>feel</b> 5:3 32:1 35:23  36:7 68:25  <b>feeling</b> 54:13 80:6  <b>feels</b> 36:3  <b>fees</b> 81:13,16,18,23  <b>feet</b> 30:24 31:20,23  43:5 58:3,4  <b>fella</b> 45:3  <b>fewer</b> 7:18 8:1 27:5  <b>fight</b> 39:3  <b>figure</b> 80:9,14  <b>figured</b> 12:21  <b>final</b> 7:13 27:21 85:19  <b>Finally</b> 44:17  <b>finance</b> 26:14 54:24  71:22  <b>financing</b> 67:20</p>
---	--	--

<p><b>finding</b> 20:13</p> <p><b>findings</b> 70:25</p> <p><b>fine</b> 3:20 9:23 18:23 67:19</p> <p><b>finish</b> 38:5</p> <p><b>fire</b> 22:14 65:11</p> <p><b>Firehouse</b> 8:8 9:8 10:8,9</p> <p><b>firmly</b> 19:22</p> <p><b>first</b> 3:23 5:25 21:3,18 25:23 36:17 49:24 55:24 82:5</p> <p><b>fit</b> 51:1 61:5</p> <p><b>fits</b> 71:13</p> <p><b>five</b> 8:13 13:5 33:6,11 35:5,11,17 39:24 42:21 59:24</p> <p><b>flea</b> 4:22 8:7 14:20,21 16:6 33:2 34:25 37:11,14,19,20 38:3,4,8,10,11,15,16, 20,25 39:9 43:11 60:21 73:9,11,15,19</p> <p><b>flexibility</b> 50:14</p> <p><b>flips</b> 57:5</p> <p><b>floor</b> 30:25 31:1,2 48:12,13</p> <p><b>floors</b> 48:11</p> <p><b>focus</b> 27:3 61:23 82:12</p> <p><b>focused</b> 5:11 65:24</p> <p><b>focuses</b> 61:17 63:13,25 67:9</p> <p><b>focusing</b> 64:18 65:19,25</p> <p><b>folks</b> 16:16,23 17:24 20:2 36:6 52:10 61:25 62:7,9 73:10 84:18 85:5</p> <p><b>foot</b> 6:18</p> <p><b>forbid</b> 44:7</p> <p><b>force</b> 23:12 33:19</p> <p><b>forced</b> 15:2 18:10,13 43:25</p>	<p><b>forces</b> 37:6</p> <p><b>forcing</b> 41:8</p> <p><b>fore</b> 55:2</p> <p><b>foregoing</b> 87:14</p> <p><b>forget</b> 3:10</p> <p><b>form</b> 26:2 30:12 41:14</p> <p><b>formative</b> 34:20</p> <p><b>former</b> 23:9</p> <p><b>forming</b> 50:24</p> <p><b>forms</b> 13:11</p> <p><b>fortunate</b> 29:18 68:7</p> <p><b>forums</b> 82:8</p> <p><b>forward</b> 26:7</p> <p><b>fostered</b> 19:2</p> <p><b>founding</b> 23:9</p> <p><b>fourth</b> 78:19</p> <p><b>frame</b> 24:1</p> <p><b>framework</b> 5:2 7:17,21,23 82:15</p> <p><b>Francisco</b> 1:23 45:2,4 56:19 87:3</p> <p><b>Frank</b> 25:18 37:23,24</p> <p><b>free</b> 39:20 45:7</p> <p><b>frequency</b> 11:1</p> <p><b>Friday</b> 38:10</p> <p><b>friendly</b> 7:16</p> <p><b>Friends</b> 15:12 18:21 28:12</p> <p><b>front</b> 5:10 8:4 9:13 11:3 37:20,21,23 38:2,9</p> <p><b>frontage</b> 11:2</p> <p><b>full</b> 23:11 52:23 59:17 63:22 68:21</p> <p><b>fully</b> 77:4</p> <p><b>fumes</b> 30:20 69:8</p> <p><b>function</b> 20:3</p> <p><b>functioning</b> 12:4,5</p> <p><b>fund</b> 7:9</p>	<p><b>fundamental</b> 13:15</p> <p><b>funding</b> 6:24 7:3 74:25</p> <p><b>future</b> 11:24 83:10</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p><b>garden</b> 8:12 10:3,7 22:15 31:8</p> <p><b>gas</b> 28:8 43:20 57:4 75:16,24</p> <p><b>gases</b> 76:10</p> <p><b>gathering</b> 25:23</p> <p><b>generally</b> 5:2 42:14 82:15</p> <p><b>generation</b> 38:6 42:5</p> <p><b>genius</b> 32:5</p> <p><b>gentleman</b> 14:2 62:22</p> <p><b>gentrification</b> 15:15 29:5 30:12 42:8 71:20 72:11 73:1 75:7</p> <p><b>geographic</b> 74:7</p> <p><b>gets</b> 13:21 17:16 35:23 84:14</p> <p><b>getting</b> 27:12 39:25 44:8 47:24 56:24 83:13 85:8 86:12</p> <p><b>gift</b> 71:8</p> <p><b>gifts</b> 45:19</p> <p><b>gigantic</b> 7:4</p> <p><b>Ginny</b> 45:1</p> <p><b>given</b> 6:14 8:20 10:25 22:15 53:20 54:21 55:3</p> <p><b>giving</b> 8:14 71:9 81:18</p> <p><b>glad</b> 52:12 63:5</p> <p><b>glut</b> 49:15,19,21</p> <p><b>goal</b> 22:22 62:14 70:17 75:9 81:20</p> <p><b>goals</b> 6:11 20:13 23:25 24:19,24 27:2 32:10 35:5,11,17 82:16</p> <p><b>gone</b> 4:6 17:22 18:2 32:7 82:7 83:22</p>
---	--	--

<p><b>gotten</b> 4:7 58:15  <b>govern</b> 23:18 80:2  <b>grand</b> 17:7  <b>grass</b> 48:14  <b>great</b> 59:4 73:14  <b>greater</b> 12:17 60:23  <b>green</b> 28:8 33:14 74:21  78:14  <b>greenhouse</b> 43:20 57:4  75:16,24 76:9  <b>Greta</b> 46:2  <b>grew</b> 15:4  <b>ground</b> 30:25 48:11  <b>group</b> 68:4  <b>groups</b> 59:16  <b>grow</b> 73:22  <b>growing</b> 14:9 23:12  34:12  <b>guarantee</b> 83:21  <b>guess</b> 35:3,16 52:12  61:19 63:24 64:9  68:14  <b>guests</b> 9:6  <b>guide</b> 79:14 83:10  <b>guidelines</b> 28:1  <b>guiding</b> 83:1  <b>guys</b> 17:12 31:14 36:11</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p><b>half</b> 8:14 9:16 21:16  62:16 79:18  <b>hand</b> 16:11  <b>handle</b> 41:10  <b>hang</b> 13:20  <b>happen</b> 7:6 11:17 29:24  62:8 70:13,18  <b>happened</b> 17:13 29:17  72:3  <b>happens</b> 11:11 63:14  68:9 70:11 75:10</p>	<p><b>happy</b> 14:2 58:23 59:1  <b>hard</b> 4:15 20:15 60:17  <b>harness</b> 71:21  <b>hat</b> 28:16 31:13  <b>hats</b> 28:16  <b>haven't</b> 11:16 34:2  48:17 65:24 66:15  67:3 68:5 74:22 76:15  <b>having</b> 59:23 70:24  76:22  <b>head</b> 21:6,20  <b>healed</b> 13:23  <b>health</b> 11:15  16:9,10,12,14,15,20  17:18,23 27:16 30:2  <b>hear</b> 38:16 48:4 52:10  53:8,12,13,24 54:3  62:1 84:1  <b>heard</b> 30:14 46:10 52:17  55:17 62:12 63:7,19  67:11 76:15 82:25  <b>hearing</b> 2:12  3:11,18,22,25  48:19,21 59:2 73:10  86:17,18,19  <b>hearings</b> 3:10  <b>heart</b> 25:11  <b>heck</b> 30:21  <b>height</b> 6:17 19:20 26:25  <b>heir</b> 66:2,3,11 67:2  <b>Hello</b> 9:6 11:21 42:16  <b>help</b> 26:7 27:1 60:13,14  61:4 63:10  <b>helped</b> 18:14  <b>helpful</b> 52:24 63:9  68:16,17  <b>helping</b> 8:21  <b>hereby</b> 87:9  <b>heritage</b> 46:16  <b>he's</b> 54:24  <b>Hey</b> 36:11</p>	<p><b>Hi</b> 5:8,22 32:9 38:14  <b>high</b> 4:8 8:10 14:13  19:15 22:22 31:9  32:21 70:12,15,18  71:24 83:16 85:5  <b>higher</b> 43:1 45:4 57:16  58:1 70:9,22 81:19  <b>highest</b> 40:11  <b>highlighted</b> 77:15 78:4  <b>highly</b> 54:20  <b>hiring</b> 24:4 84:25  <b>historical</b> 35:14  <b>history</b> 35:16 36:21  68:23  <b>hit</b> 9:21  <b>hold</b> 3:4 29:14 40:18  66:15  <b>holder</b> 9:8  <b>home</b> 17:9 22:6 37:15  86:16  <b>homeless</b> 14:16,19 16:21  35:25 41:1 48:13  60:13  <b>homelessness</b> 14:9,11  <b>homes</b> 16:21 31:9 45:21  <b>honest</b> 21:11  <b>honestly</b> 22:12  <b>hook</b> 54:8  <b>hope</b> 9:5 68:17 79:23  <b>hoping</b> 53:25  <b>horrible</b> 44:10 47:20  <b>hose</b> 22:15  <b>house</b> 28:8 31:16 37:16  43:10 58:17,19,24  62:10  <b>housed</b> 36:2  <b>household</b> 22:3  <b>houses</b> 31:10,25 33:20  <b>housing</b> 4:9,12,19  5:11,14,20  6:9,13,14,21,24</p>
---	---	--

<p>7:1,2,4,5,9 10:6                  14:7,13,16,18                  15:1,3,6 16:18,19                  17:15,24                  19:7,8,9,14,24 21:25                  22:5,9,10,11                  23:4,15,20 25:8,9,25                  26:3,13,20 28:15                  30:22 31:11 32:14                  33:18,19,22 35:21                  37:1 39:7,18                  40:4,11,15,17,22                  41:9,22,25                  42:11,12,13,14,24                  43:1 45:19 49:18                  50:17,23 54:24,25                  57:17                  60:5,9,11,17,18,19                  61:1,2 62:20,24                  64:8,14 65:2,5                  67:14,21 68:20 70:9                  72:8,18 75:18 77:6                  79:3,5 80:4,12,20,22                  81:14,15,24                  82:14,18,19,20,24                  83:9,14,17,18 84:14                  85:5,9 86:5,7,8</p> <p><b>housings</b> 49:21</p> <p><b>hubs</b> 69:24</p> <p><b>huge</b> 33:14 47:16</p> <p><b>human</b> 14:8</p> <p><b>hundred</b> 19:23 22:16,24                  40:5,7,8 47:8,25                  49:22 67:17 72:18                  76:4 83:17</p> <p><b>husband</b> 37:8</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p><b>I'd</b> 11:1 27:21 30:8                  45:16 47:6 72:15 78:3</p> <p><b>idea</b> 17:14 19:14,16                  29:23 38:18 39:3                  45:16 76:22 78:1,4,16                  80:5</p> <p><b>ideas</b> 26:11</p> <p><b>ignored</b> 78:21</p> <p><b>I'll</b> 19:12 53:6 54:11                  63:1 66:18 86:13</p>	<p><b>I'm</b> 6:8,21 8:9,20 9:22                  10:10,23 11:13,18                  14:2 16:2,22,23                  17:5,6 18:21,23 20:1                  23:8 28:11,12,14                  29:17 32:5,6 34:6,16                  35:8,9,10,17,18                  36:8,10 38:1,4,14,15                  39:23,25 41:20 42:16                  45:22 46:6 47:10,21                  48:23 52:12 59:1                  60:25 61:5,11 62:14                  68:14,19 71:10,21                  72:23 75:12 76:7,9,14                  77:9 82:1,2,16 84:8                  85:18 86:2</p> <p><b>imagine</b> 12:2</p> <p><b>immediate</b> 23:21 51:13</p> <p><b>immediately</b> 76:2</p> <p><b>immigrated</b> 37:8</p> <p><b>impact</b> 2:13 3:12,17,19                  7:18,20,22 11:4 16:3                  20:21 23:22 24:13,21                  32:2 34:18 61:11 62:2                  70:14,25 73:2 76:8,15</p> <p><b>impacted</b> 9:19</p> <p><b>impactful</b> 21:22</p> <p><b>impacts</b> 15:14,21 24:15                  43:16 44:2,5 60:1                  64:1 71:7 77:3,5                  85:14</p> <p><b>impede</b> 24:23</p> <p><b>imperative</b> 47:13</p> <p><b>implementation</b> 23:21                  61:22 85:8</p> <p><b>implemented</b> 5:6</p> <p><b>implements</b> 19:17</p> <p><b>implication</b> 49:13</p> <p><b>implies</b> 28:24</p> <p><b>importance</b> 75:7</p> <p><b>important</b> 26:1,12,19,25                  27:11 28:18 29:6,20                  42:1 60:5 63:5 72:6                  73:19 76:13 78:4,16</p> <p><b>imposed</b> 52:3</p>	<p><b>improve</b> 17:23</p> <p><b>improvement</b> 10:17</p> <p><b>inaudible</b> 5:8,22 11:7</p> <p><b>INC</b> 1:22</p> <p><b>incentive</b> 57:15,16 83:7</p> <p><b>incentives</b> 19:19</p> <p><b>incentivize</b> 64:13</p> <p><b>incidents</b> 9:12 11:4</p> <p><b>include</b> 15:14 42:25                  43:12 56:23 75:22</p> <p><b>included</b> 33:7 58:19</p> <p><b>includes</b> 19:14 20:6                  72:25</p> <p><b>including</b> 4:20 10:14                  18:8 24:7 35:14 40:17                  85:15,16</p> <p><b>inclusion</b> 23:21</p> <p><b>inclusionary</b> 26:24 86:8</p> <p><b>income</b> 4:20 13:19                  19:10,15,24 20:7                  24:17 25:5 33:23                  35:21 40:17,20 41:9                  42:12,13 51:12,20                  60:9,14 67:20 73:20                  82:24 83:14</p> <p><b>inconsistency</b> 60:7</p> <p><b>increase</b> 11:19,20 12:10                  14:11 73:6</p> <p><b>increased</b> 9:12 19:19                  36:25</p> <p><b>increasingly</b> 19:3</p> <p><b>incredibly</b> 5:18</p> <p><b>incumbent</b> 85:21</p> <p><b>indicated</b> 29:2</p> <p><b>indicating</b> 24:22</p> <p><b>indignity</b> 62:10</p> <p><b>info@UccelliAssociates.com</b> 1:24</p> <p><b>information</b> 35:15</p> <p><b>informational</b> 56:22</p> <p><b>infrastructure</b> 50:4</p>
--	--	--

<p>70:5  <b>inhaling</b> 69:8  <b>initial</b> 60:1  <b>initiated</b> 10:15  <b>injuries</b> 25:10  <b>injury</b> 32:25  <b>innovative</b> 40:2  <b>innovators</b> 23:14  <b>insist</b> 76:4  <b>instance</b> 18:12 70:21  <b>instead</b> 44:14  <b>institution</b> 73:17,18  <b>institutions</b> 16:6  <b>insurance</b> 86:11  <b>integrated</b> 24:20  <b>intended</b> 12:14  <b>intensification</b> 65:10  <b>intention</b> 20:2  <b>interaction</b> 52:18  <b>interested</b> 10:20 59:23              72:23  <b>Internet</b> 46:11  <b>intersection</b> 78:16  <b>introduce</b> 9:4  <b>introduces</b> 57:12  <b>inventory</b> 84:10  <b>investment</b> 26:9 71:25  <b>involve</b> 79:12  <b>involved</b> 10:20 39:24  <b>involvement</b> 63:3  <b>isn't</b> 39:3 68:9  <b>issue</b> 16:10,14 21:19              29:17 68:7 76:12 79:2              80:15 82:13 84:18              85:7  <b>issued</b> 30:4  <b>issues</b> 15:11 21:5 30:2              61:24 64:5,6,7 78:24              80:25 86:14</p>	<p><b>item</b> 3:14 29:2  <b>items</b> 2:7 29:3,7,11  <b>it's</b> 5:12 6:15 8:16              13:6,14,16,17 14:5,18              19:15,24 22:3,4,15              26:4,12,22 27:5,11              28:4,5 29:21              30:16,18,19 32:2,3,10              33:8 38:21,22              40:15,22 43:6,24              44:20 45:11 46:11,16              47:5,6,12,15,20 51:24              52:3,15,23              53:1,5,18,20 54:5              55:5 56:5              62:2,15,16,21              63:9,14,16,17              65:7,19,22 67:22              68:16 69:1,3,14              71:8,11,16,22 73:16              74:3,9 75:3 76:13              77:6 78:4,9,11 79:6              82:25 85:21,23  <b>I've</b> 4:5 8:5,12,16 9:12              10:15 15:9,20 28:19              35:1 41:19 45:1 59:5              71:22 78:18,19,20              80:17</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>Jacobus</b> 54:22  <b>Jana</b> 8:3  <b>Jeff</b> 52:6 59:4  <b>Jeff's</b> 59:10  <b>job</b> 21:5,15 24:7,8 50:9              80:24 84:19 85:2  <b>jobs</b> 24:9 25:25 27:14              36:18 84:21  <b>John</b> 20:25  <b>join</b> 37:8  <b>joined</b> 37:12  <b>joining</b> 37:14  <b>Jr</b> 9:10  <b>July</b> 9:11 56:4  <b>June</b> 1:9 2:6 87:19</p>	<p><b>justice</b> 25:2</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>Kay</b> 3:23  <b>Kayla</b> 38:14  <b>keeper</b> 32:6  <b>key</b> 26:7  <b>kids</b> 3:8 36:17  <b>kinds</b> 13:11 62:20  <b>King</b> 9:10 25:13  <b>kiosks</b> 34:14  <b>kitchen</b> 31:22  <b>knocked</b> 9:17  <b>knowledge</b> 52:1 85:20  <b>KRISHANNA</b> 1:20 2:20              87:5,22</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>LA</b> 14:10  <b>labor</b> 27:4  <b>LACEY</b> 63:1 64:20              65:14,24 66:18 68:14              69:21  <b>lack</b> 16:20,21  <b>lady</b> 60:20  <b>land</b> 8:11,16 24:20              26:13 39:5 64:23,25              65:3,4,6 67:1 80:1              81:6,8  <b>landlord</b> 10:4 41:8  <b>landlords</b> 8:19  <b>lane</b> 6:1,7 43:8              54:1,2,5 69:10              72:14,23 76:21,22  <b>lanes</b> 6:3 30:16,18              32:24,25 43:9,13,14              58:11,12 69:13  <b>language</b> 60:8  <b>Lao</b> 20:25  <b>large</b> 6:18 50:21 62:15              65:7 68:6  <b>larger</b> 11:15 59:19,23</p>
--	---	---

<p>62:5 65:25  <b>largest</b> 65:20  <b>last</b> 9:13,16 18:1 27:9  41:19 42:21 44:11,12  46:22 50:20 55:12  69:4 84:17 85:6  <b>later</b> 63:14 67:5 80:8  <b>latter</b> 21:16  <b>law</b> 41:5,16 61:19  <b>lay</b> 67:16  <b>lays</b> 67:7  <b>lead</b> 6:16 85:22,25  <b>leaders</b> 5:19 23:14  <b>leadership</b> 23:24  <b>leads</b> 21:22  <b>learn</b> 53:22  <b>learned</b> 54:25  <b>lease</b> 9:7,11 37:25  <b>leasing</b> 49:17  <b>least</b> 26:1 56:10 70:8  <b>leave</b> 3:2 8:19 53:8  <b>Lee</b> 45:1  <b>legacy</b> 36:13  <b>legally</b> 62:1  <b>legislation</b> 41:15 44:7  56:12  <b>legislature</b> 40:25  41:11,15  <b>lens</b> 35:9  <b>less</b> 11:18 13:1 41:21  74:9  <b>let's</b> 3:2 22:16 37:4  <b>letter</b> 34:1  <b>letting</b> 86:16  <b>level</b> 17:4 22:18 26:17  43:1 44:4,16 53:13  56:7,24 68:13 69:20  70:15,19 72:17 77:20  78:5,7 86:11  <b>levels</b> 4:20 40:20 42:12</p>	<p>51:13,20 54:19  67:14,15 81:17 82:21  84:13  <b>licensed</b> 87:6  <b>life</b> 5:16 34:22 39:10  50:7  <b>Likewise</b> 73:9  <b>limit</b> 26:16  <b>limitation</b> 21:17  <b>limited</b> 32:23 52:18  <b>limiting</b> 32:13  <b>limits</b> 6:18 13:6 41:7  <b>line</b> 4:1 48:25 53:2  <b>lines</b> 46:16 71:3  <b>link</b> 55:19  <b>links</b> 55:21  <b>list</b> 55:18 68:2  <b>listed</b> 71:17  <b>literally</b> 83:11  <b>little</b> 16:24 17:1,16  26:23 29:1 31:22 32:2  60:7,19 61:8 66:4  78:9,15  <b>livability</b> 68:21  <b>livable</b> 13:1,3  <b>live</b> 5:17 6:2,3 11:7,22  13:17 14:6,14 15:4  16:1 18:22 30:20 37:9  41:16 43:25 51:15  69:1,15 73:7 85:4  <b>lived</b> 4:5 35:2 41:19  <b>lives</b> 34:18,19 47:19  48:5 73:12,13  <b>living</b> 14:23 24:8,9  31:21 36:9 38:25 45:3  <b>local</b> 9:24 24:4 27:10  32:5 40:3 41:13 73:15  <b>LOI</b> 27:24  <b>long</b> 23:23 26:16 28:18  34:1 35:23 45:3 47:1  49:20 52:14 68:2</p>	<p><b>longer</b> 48:9 73:7 78:15  <b>LOS</b> 56:2,7 71:1,2,6  76:12 77:14  <b>lose</b> 35:6 78:6  <b>losing</b> 48:5 62:10  <b>loss</b> 19:4 42:8  <b>losses</b> 71:23  <b>lost</b> 35:23 37:25  <b>lot</b> 3:6,8 5:20 10:12,14  12:15 17:12,13,17  18:17,18 19:11 20:15  21:12 25:20  28:19,22,23 29:22  30:23 31:5,6 34:1  36:7 37:20 38:16,19  40:14 47:2,11,19 48:3  53:3 54:16 61:18  62:12 63:2,3 65:7  66:2,4,21 68:11  69:5,14 70:7 72:4  77:1 84:20  <b>lots</b> 11:25 62:18 64:12  80:20 82:1  <b>loud</b> 75:8  <b>love</b> 69:21 84:1  <b>low</b> 13:19 19:10,23  24:17 25:5 35:21  40:17,19 41:9  42:12,19 60:8,13  67:20 82:24 83:13  <b>lower</b> 12:8 57:13  <b>lowers</b> 6:17  <b>lowest</b> 82:20  <b>lucky</b> 5:17  <b>Luther</b> 9:10 25:13  <b>Lyft</b> 12:11 50:12</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p><b>magnitude</b> 22:5  <b>main</b> 72:13  <b>maintained</b> 14:9  <b>maintenance</b> 74:25  <b>major</b> 5:3 9:14 18:5</p>
---	--	---

<p>42:11 69:3,23  <b>man</b> 35:25  <b>mandate</b> 23:20  <b>manipulation</b> 37:2  <b>map</b> 65:5 84:7  <b>march</b> 13:4 55:11  <b>Margie</b> 14:1 19:6  <b>market</b> 4:22 7:10 8:7              14:20,21 16:6 26:21              33:2 35:1 36:13              37:1,6,11,14,19,21              38:3,4,9,10,12,15,16,              21,25 39:9,16              43:10,11              49:14,15,18,21              54:17,18,20 55:1,5              60:21 62:16,19              73:9,11,15,19 83:7,18  <b>markets</b> 60:18  <b>Martin</b> 9:10 25:13  <b>MARTINOT</b> 49:6,9 51:9  <b>Mary</b> 3:23  <b>match</b> 21:18  <b>materials</b> 15:23  <b>math</b> 22:16,20  <b>MATTER</b> 1:1  <b>Matthews</b> 23:8 36:16  <b>max</b> 57:25  <b>maximize</b> 4:19 65:1  <b>maximizing</b> 68:20  <b>maximum</b> 57:17,24  <b>maximums</b> 57:13  <b>may</b> 16:24 39:25 46:21              53:7 55:13 60:6 63:10              69:14  <b>maybe</b> 7:22 15:9 29:11              31:17 32:4,17 52:9              53:9 55:22  <b>mean</b> 17:6,8,9,24,25              19:11 31:12 33:6,8              47:13 58:24 63:13              64:15 65:9,18</p>	<p><b>means</b> 17:24 18:17              26:20,22 30:25 42:1              51:22 54:4 56:7 66:5              72:1 78:7,13 80:3              81:7  <b>measure</b> 25:4,7 66:8              68:8,10  <b>measures</b> 56:8 64:16              75:13,15 84:24 85:1              86:1,6,8  <b>measuring</b> 56:13  <b>mechanism</b> 60:25 80:21              83:24  <b>mechanisms</b> 21:17 82:18              83:8  <b>medical</b> 25:16 45:6  <b>medicine</b> 37:19  <b>meet</b> 6:11 24:14 25:15              60:3  <b>meeting</b> 1:2 2:5 4:10              25:24 28:23 46:22              55:12,20 82:3              86:20,21  <b>meetings</b> 33:11 35:19,20              46:24 47:3 54:22  <b>member</b> 18:21 23:9,16              28:11,18  <b>members</b> 46:4 54:17 81:2              82:7  <b>memo</b> 52:21  <b>memories</b> 34:20  <b>mental</b> 16:19  <b>mention</b> 8:11 38:17 42:4              54:7,9 59:11  <b>mentioned</b> 34:3 60:11              77:14 78:2,17  <b>mess</b> 59:5  <b>metrics</b> 24:1,15  <b>mic</b> 3:2 49:4 52:9  <b>micro</b> 73:21  <b>microphone</b> 4:2 48:23              49:3 59:7  <b>middle</b> 24:17</p>	<p><b>miles</b> 38:24 44:3,15              56:7,17,25 57:3  <b>million</b> 25:3 33:24  <b>millions</b> 79:21,22  <b>mind</b> 60:3 81:11  <b>minimum</b> 32:16 33:25              57:18,24 85:12  <b>minimums</b> 57:14  <b>minutes</b> 4:2 49:1  <b>miss</b> 53:8  <b>missed</b> 36:19  <b>Mission</b> 1:23  <b>mistake</b> 35:18  <b>mistakes</b> 21:7,10,14              23:1  <b>mitigation</b> 75:13 85:25              86:7  <b>mitigations</b> 76:8 78:20  <b>mixed</b> 16:25  <b>MLK</b> 30:19  <b>mobile</b> 40:6  <b>model</b> 26:4  <b>modeling</b> 54:25  <b>moderate</b> 19:15 20:7              60:9,11,13,18  <b>modest</b> 6:11  <b>moment</b> 13:7,22 19:13  <b>Monday</b> 34:3 38:9  <b>money</b> 25:6 36:7 47:11              48:3 60:16 77:12,20              79:18  <b>monitoring</b> 24:3  <b>month</b> 9:16 10:5 37:5  <b>months</b> 9:14 36:1 44:12  <b>mostly</b> 16:13 32:10  <b>motion</b> 3:9,11 86:17  <b>move</b> 3:9,13 22:19 36:11              49:3 66:18  <b>moved</b> 36:20 37:25 45:6              60:19,22</p>
--	---	--

<p><b>moves</b> 22:20</p> <p><b>moving</b> 22:13 53:16 69:25</p> <p><b>musician</b> 46:5</p> <p><b>musicians</b> 8:15</p> <p><b>myself</b> 9:4 18:23</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p><b>NAACP</b> 28:13</p> <p><b>napkin</b> 32:17</p> <p><b>narrative</b> 26:2</p> <p><b>narratives</b> 21:12</p> <p><b>narrowed</b> 43:7</p> <p><b>narrowing</b> 11:12 43:4</p> <p><b>national</b> 54:24</p> <p><b>Nationally</b> 14:15</p> <p><b>nature</b> 13:15</p> <p><b>nearly</b> 6:14 77:20</p> <p><b>necessary</b> 18:7</p> <p><b>needle</b> 22:13</p> <p><b>negative</b> 7:19</p> <p><b>negotiations</b> 83:10</p> <p><b>neighbor</b> 22:1</p> <p><b>neighborhood</b> 8:6 11:22 12:25 13:19 21:1 44:9,13 52:2 68:24 73:7</p> <p><b>neighborhoods</b> 5:15 13:2 51:10</p> <p><b>neighboring</b> 56:18</p> <p><b>neighbors</b> 4:19 11:10 51:6</p> <p><b>nervous</b> 16:23,24 17:2</p> <p><b>net</b> 76:6</p> <p><b>newly</b> 28:1</p> <p><b>news</b> 21:23</p> <p><b>night</b> 46:22</p> <p><b>nine</b> 3:14</p> <p><b>nobody</b> 49:13 50:6</p>	<p><b>Nolan</b> 9:7</p> <p><b>nonprofit</b> 9:24 25:4 68:1</p> <p><b>non-serious</b> 50:17</p> <p><b>non-seriousness</b> 50:19</p> <p><b>north</b> 40:13 79:9</p> <p><b>note</b> 3:7 23:16 84:6</p> <p><b>nothing</b> 17:6,8,9 44:21 66:25 72:10 85:20</p> <p><b>noticed</b> 9:12 47:2</p> <p><b>notion</b> 13:10 15:5</p> <p><b>nourished</b> 19:2</p> <p><b>Nuts</b> 19:18</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p><b>Oakland</b> 8:5 13:4 21:25 37:22,23 46:22,23,24 56:19</p> <p><b>oaths</b> 87:7</p> <p><b>objectives</b> 67:7 83:1,9</p> <p><b>obviously</b> 29:10 53:18 83:22</p> <p><b>occupancy</b> 40:11</p> <p><b>occur</b> 62:4 64:1,10 83:2</p> <p><b>occurring</b> 82:24 83:6</p> <p><b>occurs</b> 86:4</p> <p><b>offer</b> 83:24 84:12</p> <p><b>offered</b> 82:9</p> <p><b>officer</b> 16:9</p> <p><b>Ogawa</b> 37:23,24</p> <p><b>oh</b> 45:9 50:16 57:1</p> <p><b>Ohlone</b> 8:16</p> <p><b>okay</b> 3:24 14:19 15:16 21:3 48:4,17,24 49:23 50:15,18 75:5</p> <p><b>old</b> 46:2</p> <p><b>ongoing</b> 24:6</p> <p><b>online</b> 31:14 53:1 58:25</p> <p><b>onsite</b> 64:13</p> <p><b>onto</b> 15:3</p>	<p><b>open</b> 3:17,22 4:12,22 48:19 58:17,19,24</p> <p><b>opening</b> 3:25</p> <p><b>operate</b> 41:6 77:20</p> <p><b>operates</b> 34:25</p> <p><b>operating</b> 25:7</p> <p><b>operation</b> 14:9,22</p> <p><b>operational</b> 74:25</p> <p><b>operations</b> 24:6</p> <p><b>opinion</b> 53:13</p> <p><b>opinions</b> 54:10</p> <p><b>opportunities</b> 24:11 36:19</p> <p><b>opportunity</b> 12:19 20:25 21:14 22:25 27:18 28:5 36:6 53:19 54:8,10,12,13 65:8,20 71:14,18,20 72:2,8,11,22 73:21 84:12</p> <p><b>opposed</b> 61:15</p> <p><b>oppression</b> 17:4</p> <p><b>options</b> 53:24</p> <p><b>order</b> 59:6 85:13</p> <p><b>ordinance</b> 81:15,16</p> <p><b>Oregon</b> 11:8</p> <p><b>organizations</b> 13:23</p> <p><b>organized</b> 11:10</p> <p><b>others</b> 72:21</p> <p><b>ours</b> 46:25</p> <p><b>ourselves</b> 22:23</p> <p><b>outline</b> 24:13</p> <p><b>outside</b> 32:6 66:25</p> <p><b>oven</b> 50:20</p> <p><b>overall</b> 18:24</p> <p><b>overly</b> 77:9</p> <p><b>Oversight</b> 68:10</p> <p><b>overtakes</b> 35:7</p> <p><b>owned</b> 8:22,23 24:12 65:9 84:9</p>
--	---	---

<p><b>owners</b> 41:6</p> <p><b>owns</b> 67:1</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p><b>p.m</b> 86:21</p> <p><b>Pablo</b> 40:1</p> <p><b>packet</b> 35:4 52:21</p> <p><b>page</b> 35:4</p> <p><b>pages</b> 52:23 53:2</p> <p><b>paid</b> 27:15 62:9</p> <p><b>parameters</b> 41:5 64:11 67:8,23</p> <p><b>parcel</b> 65:22</p> <p><b>park</b> 11:18 73:25 74:14</p> <p><b>parking</b> 30:23 31:4,6 40:14 53:10 57:6,8,12,13,17,18,23 ,25 64:12 65:7 66:1,4,12,21 79:1,2,15,19,21 80:10,13</p> <p><b>parks</b> 10:13,16 73:23 74:19</p> <p><b>participated</b> 82:8</p> <p><b>participation</b> 52:1</p> <p><b>particular</b> 10:25 16:15 29:7 34:21 42:18 44:3 67:4 75:16 82:12</p> <p><b>particularized</b> 82:17</p> <p><b>particularly</b> 53:19</p> <p><b>pass</b> 7:1 49:1</p> <p><b>passed</b> 6:23 37:16</p> <p><b>passionate</b> 4:16</p> <p><b>past</b> 8:13 12:24 21:7,10,14 23:1 38:3 45:20</p> <p><b>pat</b> 22:23</p> <p><b>path</b> 23:2</p> <p><b>pathways</b> 24:10</p> <p><b>pay</b> 79:24 80:11,12</p> <p><b>paying</b> 15:9</p>	<p><b>payment</b> 62:6</p> <p><b>PDF</b> 53:2</p> <p><b>pedestrian</b> 4:24 5:11 6:7 9:15 11:4 25:10 28:5,8 32:25 44:11</p> <p><b>pedestrians</b> 6:5</p> <p><b>people</b> 3:6,8 4:15,16 5:16 6:5 7:7 8:23 9:5 11:5 13:17,19,20 14:13,22 15:2,4,10 16:15 18:7,10 19:10 22:3,4 25:6 27:14 29:9,12 30:20 31:11,13 33:7 35:20,24 36:14 38:16,19,23 39:11,12,13 40:19,23,24 41:16 42:6 43:23,25 47:5,14,17,23,24 48:8,9,11,13 51:13,15 52:13 60:13,14 62:19 63:7,10,16 68:17,22 69:5,15,25 70:3 77:21,22 79:8 80:23 81:20 85:3</p> <p><b>people's</b> 13:14</p> <p><b>per</b> 4:2 22:11,18 26:22 31:1 57:24 58:1 73:25 74:3</p> <p><b>percent</b> 4:21 6:23 7:2 17:15 18:3,4 19:14,16,23 20:1,5 22:8,16 36:25 40:5,7,8,10 41:9 43:19,21 47:8,25 49:11,14,22 55:4,5 62:13,17 67:18 71:23 72:1,2,18 75:24,25 76:4 82:16 83:5,6,17</p> <p><b>percentage</b> 83:16</p> <p><b>percentages</b> 19:20</p> <p><b>performance</b> 23:25 24:15</p> <p><b>period</b> 54:15</p> <p><b>permanent</b> 4:21 24:9 43:11</p> <p><b>permit</b> 10:23,24</p>	<p><b>permitted</b> 50:21</p> <p><b>person</b> 4:3 14:17,19 17:2 31:5 34:9,10 87:16</p> <p><b>persons</b> 61:14</p> <p><b>person's</b> 50:7</p> <p><b>perspective</b> 7:25</p> <p><b>PG</b> 12:1,20</p> <p><b>phasing</b> 80:5</p> <p><b>phenomenon</b> 85:17</p> <p><b>Phillips</b> 28:11</p> <p><b>physical</b> 61:14,17 63:25</p> <p><b>picturing</b> 4:16</p> <p><b>pie</b> 32:11</p> <p><b>piece</b> 40:17 41:14 73:14</p> <p><b>placement</b> 73:2</p> <p><b>places</b> 14:14 32:1 60:10 77:24 84:11</p> <p><b>plan</b> 2:12,13 3:16,19 5:2,4,24 6:9,13,16 11:10,16,24 15:17 17:14 19:12,17,18,22 20:4,15 21:10,13,16,19 22:7,8,17 23:18 24:20 25:21 26:5,9 27:11,13 30:1,6,7 32:10,19 33:4,8,12,13 42:4,17,22 44:20,22,24 48:7,14 49:10,18,23 50:18,19,25 51:2,5,17,22 52:15,23 53:4,22 58:14,22 59:11,20 60:3,23 61:15,21,22 62:2 63:14,16 64:2,6,10,16 65:9,17,20 67:7,9,16 73:17 75:8,15,20,22 76:25 77:15 78:3,17,19,22 80:5,16,18,19,22 82:7,11,23 83:4,7,8,9,12,18,20,2 3 84:19</p> <p><b>planet</b> 14:6</p>
---	---	--

<p><b>planning</b> 2:1 10:21                  20:10,14 28:25 29:4                  31:3 32:20,22 35:23                  41:3,13 44:18 45:14                  46:13 52:21 63:4                  64:19 69:21 72:4 81:2                  82:5</p> <p><b>plans</b> 34:11,18 47:10                  80:17,20</p> <p><b>plant</b> 68:9</p> <p><b>planter</b> 11:2</p> <p><b>planters</b> 10:17,18</p> <p><b>played</b> 39:10</p> <p><b>playgrounds</b> 48:15</p> <p><b>plaza</b> 33:3,14 37:23                  43:10 74:21</p> <p><b>pleading</b> 38:4</p> <p><b>pleasant</b> 13:6</p> <p><b>please</b> 5:19 23:2,5 31:7                  43:2 44:5,23 48:6</p> <p><b>pleased</b> 15:17 75:13                  76:7,9</p> <p><b>plenty</b> 60:10</p> <p><b>plus</b> 28:19</p> <p><b>pocket</b> 45:7</p> <p><b>pocketed</b> 81:10</p> <p><b>point</b> 7:13 11:23 23:17                  26:1 51:9 61:25 66:1                  80:9</p> <p><b>pointing</b> 28:6</p> <p><b>points</b> 84:17</p> <p><b>police</b> 9:19</p> <p><b>policies</b> 61:21 75:23</p> <p><b>policy</b> 24:21 60:19                  67:19 81:7</p> <p><b>pollute</b> 45:25</p> <p><b>pools</b> 48:15</p> <p><b>poor</b> 15:2 41:2</p> <p><b>poorest</b> 77:23</p> <p><b>popped</b> 31:25</p> <p><b>population</b> 19:5 20:21</p>	<p>36:25</p> <p><b>positive</b> 21:22</p> <p><b>possibility</b> 79:17</p> <p><b>possible</b> 5:6 47:9                  65:12,22 67:12 68:21                  83:3</p> <p><b>possibly</b> 72:7</p> <p><b>poster</b> 5:10</p> <p><b>potential</b> 8:18 23:11                  24:16 82:21 86:2</p> <p><b>potentially</b> 12:4,5                  67:25</p> <p><b>poverty</b> 30:2</p> <p><b>power</b> 12:3,8 75:17</p> <p><b>practice</b> 27:8</p> <p><b>praying</b> 38:11</p> <p><b>precious</b> 16:5</p> <p><b>preferably</b> 53:19</p> <p><b>preferred</b> 59:20</p> <p><b>preparedness</b> 11:9</p> <p><b>prescribe</b> 65:21</p> <p><b>prescribes</b> 85:10</p> <p><b>present</b> 3:15 23:3 45:16</p> <p><b>presentation</b> 6:12 7:15                  53:12 54:21</p> <p><b>presented</b> 21:10 22:8                  55:12</p> <p><b>presently</b> 83:4</p> <p><b>presents</b> 71:20</p> <p><b>preserving</b> 39:22</p> <p><b>president</b> 9:23</p> <p><b>pretty</b> 15:25 67:12                  79:23</p> <p><b>prevent</b> 11:3 32:25 83:5                  86:6</p> <p><b>preventing</b> 85:20</p> <p><b>previous</b> 10:9 45:22</p> <p><b>Priced</b> 42:5</p> <p><b>principal</b> 9:7</p>	<p><b>principle</b> 79:25</p> <p><b>priority</b> 4:9 71:17                  78:2,12</p> <p><b>private</b> 26:13,14 33:19                  57:10</p> <p><b>probably</b> 34:2,3 65:14                  70:21 71:1,6 79:22</p> <p><b>problem</b> 12:10,13 16:16                  18:5 21:21 22:2,6,14                  41:11 86:2</p> <p><b>problems</b> 41:23 75:12</p> <p><b>Procedure</b> 87:9</p> <p><b>proceedings</b> 1:8 3:1                  87:10,15</p> <p><b>process</b> 10:3 15:13                  17:13 18:24 21:6                  24:19 39:24 52:15,19                  56:5 63:3 64:19 82:10                  84:5</p> <p><b>produce</b> 38:9</p> <p><b>program</b> 40:3 54:9,11</p> <p><b>programming</b> 75:1</p> <p><b>programs</b> 4:18 34:8</p> <p><b>progress</b> 24:23</p> <p><b>progressive</b> 5:13 17:11</p> <p><b>prohibit</b> 85:15</p> <p><b>project</b> 4:17 10:19                  19:21 24:2,16                  40:12,13 43:16 47:7                  52:8 54:23 62:15                  70:16,19,20,24                  85:14,16</p> <p><b>projects</b> 24:6 25:1                  50:22 67:18 80:13</p> <p><b>property</b> 9:12,13 10:1,5                  33:19 41:6</p> <p><b>property's</b> 10:24</p> <p><b>proposal</b> 8:21 33:6</p> <p><b>proposals</b> 4:12 10:16                  64:12</p> <p><b>propose</b> 37:3</p> <p><b>proposed</b> 24:23 42:19                  44:7,19 53:10</p>
---	---	---

<p><b>proposing</b> 31:14 51:1</p> <p><b>pros</b> 54:3</p> <p><b>provide</b> 24:9,13,14 36:6 40:4,18 43:3 50:22 70:17 79:6</p> <p><b>provided</b> 21:20 22:17 70:14</p> <p><b>provides</b> 40:3</p> <p><b>providing</b> 27:15 49:19</p> <p><b>provision</b> 83:3,12</p> <p><b>provisions</b> 83:23 84:19</p> <p><b>proximity</b> 10:25 11:1</p> <p><b>public</b> 2:5,12 3:6,10,11,18,22,25 4:1,12,22 10:12,16,21 26:9 41:1 43:10 46:18 48:16,18,20 50:9 51:23 64:23,25 65:3,4 66:14 67:25 74:13,21 75:3 79:14,21 80:1 82:8 86:17,18,19</p> <p><b>publicly</b> 24:18 84:8,9</p> <p><b>published</b> 28:1</p> <p><b>pull</b> 31:12 78:22</p> <p><b>pulled</b> 70:15 75:15</p> <p><b>pun</b> 12:13</p> <p><b>purchase</b> 17:9</p> <p><b>purposes</b> 56:22</p> <p><b>pursuant</b> 87:8</p> <p><b>pursued</b> 9:19</p> <p><b>push</b> 36:23 39:15 73:4</p> <p><b>pushed</b> 9:15 38:20 47:6</p> <p><b>pushing</b> 20:17</p> <p><b>putting</b> 17:14</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p><b>quadrant</b> 74:7</p> <p><b>quality</b> 59:10 85:2,5</p> <p><b>quarter</b> 81:19</p> <p><b>question</b> 7:5 11:8 12:23 22:20 27:4 49:25 50:1 54:6 55:24 56:1 65:15</p>	<p>66:12,19 73:23 78:25 79:6</p> <p><b>questions</b> 11:20 12:15 42:10 53:7 59:18 63:6 66:16</p> <p><b>quick</b> 32:17</p> <p><b>quickly</b> 27:22 54:6 66:18 69:4</p> <p><b>quite</b> 5:9 9:21 21:18 25:23 26:2 59:14</p> <p><b>quo</b> 64:17</p> <p><b>quote</b> 19:3</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p><b>railway</b> 43:6</p> <p><b>raise</b> 23:19 31:10 38:8,12</p> <p><b>raised</b> 11:2 31:16 49:25 51:5,10 76:14 84:18</p> <p><b>raising</b> 38:4</p> <p><b>Randy</b> 42:5</p> <p><b>range</b> 67:12,14</p> <p><b>ranging</b> 67:13</p> <p><b>rapid</b> 54:5</p> <p><b>rate</b> 7:10 22:9 26:22 49:14,15,18,21 54:17,18,20 55:1,5 62:19 83:7,18</p> <p><b>rather</b> 3:3 27:25 48:18</p> <p><b>ratio</b> 71:24 73:25</p> <p><b>ratios</b> 71:12 72:19</p> <p><b>RCP</b> 28:13</p> <p><b>RE</b> 2:7</p> <p><b>reach</b> 23:10</p> <p><b>reading</b> 17:18 52:22</p> <p><b>real</b> 20:17 52:1 77:17</p> <p><b>realistic</b> 79:13</p> <p><b>realize</b> 23:16 28:20 29:19 31:3 71:16 74:22</p> <p><b>really</b> 6:19 12:18 15:22 17:2,11,20 18:6,7,24</p>	<p>19:2 20:1,10,12,14,17 22:20,25 25:21 26:12,19 32:15,16 33:22 35:12 40:20 42:2 47:4,5,18 52:3 53:11 56:12 59:9 60:23 61:4,23 62:14 63:4,6,12,17,21 64:3,21 65:1 67:16 68:16 69:3,22,24 71:11,24 72:24 75:6,19,20 77:8 79:13 80:4 82:1 84:14 85:8</p> <p><b>reason</b> 8:19 43:22 46:1 56:2 66:24 67:2</p> <p><b>reasons</b> 67:6</p> <p><b>recapture</b> 72:9</p> <p><b>received</b> 9:24</p> <p><b>recently</b> 4:25 15:20 30:5 42:5 47:20 68:8</p> <p><b>recognition</b> 73:18</p> <p><b>recognize</b> 26:12 74:5</p> <p><b>recognizing</b> 44:20</p> <p><b>recommend</b> 42:9</p> <p><b>record</b> 87:14</p> <p><b>recorded</b> 87:10</p> <p><b>recover</b> 45:12</p> <p><b>Recreations</b> 10:13,17</p> <p><b>redesign</b> 7:15</p> <p><b>redevelop</b> 65:19,22</p> <p><b>redo</b> 77:1</p> <p><b>reduce</b> 30:17</p> <p><b>reduced</b> 28:8 78:5,7</p> <p><b>reducing</b> 30:15 78:10</p> <p><b>reduction</b> 58:12</p> <p><b>refer</b> 34:4</p> <p><b>reference</b> 71:6 72:25</p> <p><b>referral</b> 29:2</p> <p><b>referred</b> 29:3,12</p> <p><b>refinement</b> 74:23</p> <p><b>reflected</b> 26:2 29:8</p>
--	---	--

<p><b>regard</b> 68:15 84:6  <b>regarding</b> 35:13 77:5  <b>regional</b> 43:16 44:2              64:8  <b>regionally</b> 43:24  <b>regular</b> 35:25  <b>reject</b> 15:5  <b>rejected</b> 15:11  <b>related</b> 34:22 53:24              56:9 64:6 83:25              84:6,19,24 85:17  <b>relationship</b> 13:15              77:19  <b>relative</b> 6:12 52:17  <b>relatively</b> 6:11 15:24  <b>relevant</b> 3:20 29:12              46:21  <b>relied</b> 86:1  <b>rely</b> 86:10  <b>remain</b> 53:22  <b>remember</b> 40:13 68:22  <b>remind</b> 40:12  <b>renovating</b> 45:21  <b>rent</b> 14:13 18:16,17              29:24 37:22 46:23              49:17  <b>renting</b> 49:17  <b>repeat</b> 72:21  <b>replace</b> 79:18  <b>replaced</b> 79:1 80:10  <b>replacing</b> 80:12  <b>report</b> 2:14 3:12,17,19              7:18 16:3,11,12 17:19              18:9 23:22 29:21              30:4,10 76:8  <b>REPORTED</b> 1:20 2:20  <b>Reporter</b> 87:6,23  <b>REPORTER'S</b> 87:1  <b>reporting</b> 24:1  <b>reports</b> 24:13,18,21</p>	<p><b>representation</b> 23:24  <b>represented</b> 28:22  <b>request</b> 4:11 48:22  <b>require</b> 7:11 23:23 24:1              26:17 44:18 49:11              57:16 61:1 70:10 86:8  <b>required</b> 12:19 41:4              56:3,11  <b>requirement</b> 6:23 7:2              53:17  <b>requirements</b> 26:24              53:10 57:7,8  <b>requires</b> 67:15  <b>requiring</b> 76:3  <b>rerouting</b> 74:13  <b>Reserve</b> 30:4  <b>reshare</b> 55:21  <b>resident</b> 20:25 23:8              35:1 39:24 41:19  <b>residential</b> 57:23  <b>residents</b> 5:16 23:11              24:5 25:11,25 73:6              74:1 79:3  <b>resilience</b> 12:9  <b>resolved</b> 68:12  <b>resources</b> 9:2  <b>respect</b> 63:15 66:11              75:11 77:4,13              78:10,23  <b>respond</b> 13:22 75:12  <b>responded</b> 51:21  <b>response</b> 63:23  <b>responsibilities</b> 52:7  <b>rest</b> 34:19  <b>restaurant</b> 10:3  <b>result</b> 58:14 61:15  <b>retail</b> 30:25 61:3,6  <b>return</b> 18:9 62:8,11  <b>returns</b> 71:25  <b>revamped</b> 8:13</p>	<p><b>revenues</b> 55:3  <b>reverse</b> 17:21 18:8  <b>reviewable</b> 61:8  <b>revisions</b> 5:4 58:18  <b>revitalization</b> 10:19  <b>rewatched</b> 55:15  <b>rhetoric</b> 21:18  <b>Rick</b> 54:22  <b>ridiculous</b> 13:12  <b>riding</b> 46:3,6  <b>right-of-way</b> 58:16,20              74:14  <b>rights</b> 41:7 66:2,3,7,11              67:2  <b>rises</b> 32:21  <b>risk</b> 8:10,18,24 24:17              36:12  <b>road</b> 1:23 12:14  <b>roadway</b> 45:19  <b>roaring</b> 22:14  <b>Rob</b> 3:23 86:18  <b>Roberts</b> 58:17  <b>robust</b> 52:14 62:6  <b>roles</b> 5:3  <b>rooftop</b> 12:3  <b>rooftops</b> 12:7  <b>room</b> 4:3 23:25 28:22              29:10 31:21 32:23              34:9 54:22  <b>run</b> 8:22  <b>running</b> 70:3</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p><b>sacrifice</b> 13:23  <b>sacrificing</b> 13:8  <b>sad</b> 47:6  <b>safe</b> 6:5  <b>safer</b> 4:13,23  <b>safety</b> 6:7 25:9 28:5,8</p>
---	---	---

<p><b>salaries</b> 79:24</p> <p><b>San</b> 1:23 40:1 45:2,3 56:19 87:3</p> <p><b>Sanders</b> 16:8 19:4</p> <p><b>sat</b> 5:23</p> <p><b>satisfied</b> 74:3</p> <p><b>Saturday</b> 9:18</p> <p><b>save</b> 16:5 38:11 54:11</p> <p><b>saving</b> 10:4 34:5</p> <p><b>saw</b> 6:12 21:23 42:4</p> <p><b>scale</b> 22:2 56:9</p> <p><b>scenario</b> 83:16 86:2</p> <p><b>scenarios</b> 70:8,23 82:21 83:23</p> <p><b>SCHILDT</b> 3:2 46:18 48:16 49:7 51:8 52:5 57:6,20 59:4 66:13 72:21 74:9,12 75:3 82:4 86:15</p> <p><b>school</b> 38:5</p> <p><b>schools</b> 11:16</p> <p><b>Schwartz</b> 46:20</p> <p><b>scoping</b> 76:19</p> <p><b>scramble</b> 39:8</p> <p><b>scraps</b> 39:4</p> <p><b>scream</b> 41:13</p> <p><b>script</b> 57:5</p> <p><b>second</b> 3:23 27:3 30:21 31:1 37:18 38:6 50:4 54:4 57:11</p> <p><b>Secondly</b> 43:2</p> <p><b>section</b> 6:2,4 63:12 75:20,21 87:8</p> <p><b>sections</b> 6:18</p> <p><b>seeing</b> 11:25 35:9</p> <p><b>seem</b> 6:19 46:21</p> <p><b>seems</b> 71:24</p> <p><b>seen</b> 11:16 16:12 18:12 26:4 28:3,19 44:10 50:18 73:16 78:20</p>	<p><b>sees</b> 75:8</p> <p><b>segments</b> 23:12</p> <p><b>sell</b> 29:19</p> <p><b>selling</b> 8:7 37:11</p> <p><b>senior</b> 20:21,22</p> <p><b>seniors</b> 47:23 48:11</p> <p><b>sense</b> 5:14 7:23 14:4 22:1 39:25 57:15 69:14,16 78:10 81:3</p> <p><b>sensitive</b> 21:11</p> <p><b>serious</b> 6:6,21 7:24 16:13 81:18</p> <p><b>seriously</b> 36:16 41:24 82:16</p> <p><b>seriousness</b> 51:4</p> <p><b>serve</b> 25:15 34:24</p> <p><b>serves</b> 20:18</p> <p><b>service</b> 44:4,16 53:14 56:8,24 77:21 78:6,7</p> <p><b>services</b> 11:14 34:25</p> <p><b>setback</b> 13:14</p> <p><b>setbacks</b> 12:23,25</p> <p><b>sets</b> 41:5</p> <p><b>seven</b> 15:25</p> <p><b>several</b> 10:16 44:11</p> <p><b>SF</b> 37:18</p> <p><b>shadows</b> 68:25</p> <p><b>share</b> 8:17</p> <p><b>Shattuck</b> 5:24 6:2,3,4 80:18,19</p> <p><b>Shaw</b> 42:6</p> <p><b>shelter</b> 40:19</p> <p><b>Shen</b> 35:13 55:11 57:21</p> <p><b>She's</b> 38:6</p> <p><b>shopping</b> 25:16</p> <p><b>short</b> 52:20</p> <p><b>Shorthand</b> 87:5,23</p> <p><b>shown</b> 58:16,18</p> <p><b>shuttle</b> 79:20,23</p>	<p><b>sick</b> 47:25</p> <p><b>sides</b> 76:2</p> <p><b>sign</b> 46:25 55:18,19</p> <p><b>signal</b> 78:2,12,14</p> <p><b>signatures</b> 4:4,7,16</p> <p><b>significance</b> 70:25</p> <p><b>significant</b> 43:4</p> <p><b>significantly</b> 43:7</p> <p><b>signs</b> 49:17</p> <p><b>similar</b> 86:9</p> <p><b>Similarly</b> 21:12</p> <p><b>simple</b> 22:16 23:17</p> <p><b>simply</b> 12:1 22:22 49:19</p> <p><b>single</b> 14:16,19 72:14 83:3,11</p> <p><b>sister</b> 37:24</p> <p><b>site</b> 4:9 10:25 19:23 65:17 67:10,13 80:2 81:21,22,25 82:22 83:2,11</p> <p><b>sites</b> 65:9,18,23 84:8,11,15</p> <p><b>sits</b> 23:22</p> <p><b>sitting</b> 16:23 37:5</p> <p><b>situation</b> 9:2 50:11</p> <p><b>six</b> 9:13 14:15</p> <p><b>sized</b> 31:18</p> <p><b>slide</b> 6:11</p> <p><b>slow</b> 76:16,25 77:10</p> <p><b>slower</b> 78:8,9</p> <p><b>small</b> 8:21 24:11 25:14 47:15 60:21,22 62:4 68:1</p> <p><b>smaller</b> 43:13 65:12</p> <p><b>Smoke</b> 10:4,6</p> <p><b>social</b> 25:2</p> <p><b>socially</b> 14:8</p> <p><b>society</b> 60:15</p> <p><b>socioeconomic</b> 61:16</p>
--	---	---

<p><b>solar</b> 12:3,7 15:18 75:17 76:5</p> <p><b>solutions</b> 23:23</p> <p><b>somebody</b> 46:15 47:20 51:23 75:23</p> <p><b>somebody's</b> 34:10</p> <p><b>somehow</b> 48:7</p> <p><b>someone</b> 18:12 54:9 59:21 60:12 66:22</p> <p><b>someplace</b> 19:1 50:8</p> <p><b>somewhat</b> 57:14</p> <p><b>somewhere</b> 14:24 78:18</p> <p><b>sorry</b> 3:13 58:5 84:8</p> <p><b>sort</b> 13:3 35:7,8 52:20 84:21</p> <p><b>sound</b> 22:23</p> <p><b>sounds</b> 66:25</p> <p><b>sources</b> 55:3</p> <p><b>south</b> 1:23 9:17 10:1 19:1 21:1 22:1 23:8,9,18 25:1 27:4 35:2 42:16 73:22 74:6 80:18,19</p> <p><b>space</b> 4:12,22 8:12 11:14 30:17,24,25 31:22 33:15 37:3 39:13,20 60:22,23 61:3 67:25 68:1 74:15,20,21 75:4</p> <p><b>spaces</b> 10:22 33:1</p> <p><b>speak</b> 30:9 32:10 46:25 66:15</p> <p><b>speaker</b> 4:3,5 5:8,22 8:3 9:6 11:7,21 14:1 16:7 18:21 20:24 23:6 25:18 28:10 30:14 32:9 34:6,23 37:8 38:14 39:23 41:18 42:16 45:1 46:20 52:25 53:15 58:3 66:12</p> <p><b>speaking</b> 25:18 41:21 48:2</p> <p><b>specific</b> 19:11 26:5</p>	<p>57:18 61:18 67:9 81:3,11</p> <p><b>specifically</b> 34:9 42:25 43:12 63:20</p> <p><b>speed</b> 44:9</p> <p><b>speeding</b> 44:13</p> <p><b>spend</b> 33:9 45:21 52:22 79:19 81:23</p> <p><b>spent</b> 42:21</p> <p><b>spoke</b> 29:4 41:19 42:6</p> <p><b>spoken</b> 48:17,20 49:13</p> <p><b>sponsored</b> 25:4</p> <p><b>square</b> 30:24 31:20,23 58:3,4</p> <p><b>ss</b> 87:3</p> <p><b>staff</b> 3:15 4:11 7:14 20:14 21:4,15 23:2,5,7 25:21 40:1 41:4 52:14 53:7 55:9 59:8 70:7 80:23 82:6 84:2 86:16</p> <p><b>staff's</b> 53:13</p> <p><b>standard</b> 27:25 56:18 61:13 74:2,4,16,17 76:6</p> <p><b>standards</b> 24:20 44:20 56:4,5,6,20,22 57:9,15,16,19,22 81:3,12</p> <p><b>standing</b> 5:10</p> <p><b>Stanford</b> 37:17</p> <p><b>start</b> 12:24 14:3 15:9 49:5,11 76:2 80:3</p> <p><b>started</b> 15:8 60:21 72:3</p> <p><b>starting</b> 8:6 50:20</p> <p><b>state</b> 37:18 40:4,25 41:17 43:19 44:6 53:15 56:3,11 72:17 87:2,6</p> <p><b>station</b> 14:21 38:22 64:24 65:11 79:13,19</p> <p><b>stationary</b> 68:4</p> <p><b>stations</b> 79:10,15</p>	<p><b>status</b> 9:25 16:10,12 64:17</p> <p><b>stay</b> 9:5 18:11,14,15</p> <p><b>stenographically</b> 87:11</p> <p><b>step</b> 25:23 26:6</p> <p><b>steps</b> 5:21 18:8</p> <p><b>Steve</b> 49:4 51:8 52:5 60:4 70:4</p> <p><b>stick</b> 19:12</p> <p><b>Stockton</b> 73:8</p> <p><b>stop</b> 11:3 25:10 82:2 86:9,13</p> <p><b>stopped</b> 45:23 46:3,5</p> <p><b>stopping</b> 50:2</p> <p><b>stops</b> 86:2</p> <p><b>store</b> 8:4,11 37:20,21,23 38:1,9</p> <p><b>storefront</b> 8:8</p> <p><b>stories</b> 12:24 15:25 32:20 73:10</p> <p><b>story</b> 13:5 21:23 31:4,9</p> <p><b>strategic</b> 35:5,11,17</p> <p><b>strategies</b> 26:7 61:22</p> <p><b>strategy</b> 61:7</p> <p><b>street</b> 7:15 11:8 17:6 27:23 34:13 36:12 37:10 43:5 53:20,23 69:17 76:16 77:18</p> <p><b>streets</b> 4:13,23,25 5:12 11:12 12:14 15:3 35:24 47:14,15,17 48:5</p> <p><b>strictured</b> 13:12</p> <p><b>striking</b> 68:18</p> <p><b>strong</b> 18:8 60:19</p> <p><b>structure</b> 50:2</p> <p><b>structured</b> 55:4</p> <p><b>struggle</b> 36:9</p> <p><b>stuck</b> 70:24</p> <p><b>studied</b> 32:20 76:18</p>
---	--	---

<p><b>studies</b> 77:2  <b>studying</b> 37:19  <b>stuff</b> 18:18 75:18,19  82:3 84:7  <b>submitted</b> 24:22  <b>submitting</b> 82:3  <b>subscribed</b> 87:17  <b>subsequently</b> 60:22  <b>subset</b> 67:10  <b>subsidies</b> 25:7  <b>subsidize</b> 7:11 26:21  31:8 61:1,2  <b>subsidized</b> 60:17 68:1  <b>subsidizing</b> 61:3  <b>subsidy</b> 67:15  <b>substantial</b> 27:6  84:12,20  <b>substantially</b> 81:4  <b>sue</b> 40:24 41:15  <b>suffer</b> 62:10  <b>sufficient</b> 21:21 85:13  <b>sufficiently</b> 22:13  <b>suggest</b> 40:23,24  75:14,17  <b>suggested</b> 27:17 66:23  76:20  <b>suggests</b> 27:24  <b>summaries</b> 58:25  <b>summary</b> 52:20  <b>sunlight</b> 34:16  <b>superior</b> 56:16 80:19  <b>supply</b> 60:4 84:21  <b>support</b> 5:11,19 9:1  26:23 27:1 41:21  42:24 60:24 62:14  84:22 85:1  <b>supporting</b> 60:8  <b>supportive</b> 24:2  <b>supports</b> 5:3</p>	<p><b>supposed</b> 11:17 17:11  <b>sure</b> 4:10 7:3 27:12  46:20 49:6 50:25  60:25 61:5 62:9 64:22  66:13 74:24 75:9  <b>survey</b> 51:20 79:10  <b>surveys</b> 51:18 79:8  <b>survive</b> 29:13  <b>suspect</b> 83:21 85:17  <b>sustainability</b> 12:8,16  13:8  <b>sustainable</b> 25:17 61:6  75:21  <b>switch</b> 52:8  <b>system</b> 62:6 79:20,23</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p><b>table</b> 57:20  <b>taking</b> 3:3 5:21 10:5  58:12 64:17  <b>talk</b> 5:13 14:19 18:19  20:25 21:8,19 47:21  53:11 55:17 59:3 72:7  84:25  <b>talked</b> 61:19 64:18  71:10 73:3,4  <b>talking</b> 14:21 31:24  34:15 49:9 58:10  67:17 68:23 69:17  71:25 77:18 79:20  85:24  <b>talks</b> 35:5  <b>tall</b> 12:6 15:22,25 16:1  <b>target</b> 24:4 84:25  <b>taught</b> 36:18  <b>tax</b> 37:4 71:15  <b>taxing</b> 67:21  <b>TBD</b> 33:8  <b>TBID</b> 10:15  <b>teacher</b> 35:9 36:17  <b>teachers</b> 33:21 60:15  <b>teaching</b> 37:13</p>	<p><b>team</b> 21:4 54:23  <b>tech</b> 8:18  <b>technique</b> 26:18  <b>technology</b> 8:24  <b>Tel</b> 1:25  <b>Telegraph</b> 38:1  <b>ten</b> 3:14 27:9 31:4  36:18 37:25 45:6  59:24 77:6  <b>tenants</b> 11:5  <b>tend</b> 5:20  <b>Tens</b> 79:22  <b>tenth</b> 31:2  <b>term</b> 35:23  <b>terms</b> 6:9,20 18:2 23:23  54:14 56:15,16,21  57:10,21,22 58:11  65:1,16,20 66:5 67:25  68:17 69:12 70:23  71:25 72:5 73:2,20  74:24 79:3 84:6 85:6  <b>terrible</b> 30:20  <b>thank</b> 5:7,21 8:2 13:24  20:23 23:4 30:8,13  34:5,22 37:6 38:13  44:24 48:15  52:5,12,19,20,24  59:4,8,15 82:4,5  <b>thanks</b> 20:24 28:9 63:1  70:5,6  <b>that's</b> 3:20 5:9 6:14  7:12,22 12:23 14:24  16:3 21:3 22:1,5  26:2,19 29:18  31:21,22,23 32:7  33:10 35:11 36:10  37:2 39:16,21 42:14  44:12,21 46:16 47:9  48:7 49:22 51:24 53:1  57:11,14 58:8,11,22  61:18 62:15 63:17  64:11,17 65:15 67:19  68:12 69:10,18 72:6  73:14 74:4,5 78:21  80:13 83:17 84:20  85:21 86:9</p>
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<p><b>thereafter</b> 87:11</p> <p><b>thereof</b> 16:20</p> <p><b>there's</b> 3:7,13 11:25 13:13 14:12 15:16,19 21:12 25:20,24 26:23 30:24 33:5 38:17,19 44:6,22 49:20 53:3,17 54:4 55:19 56:14 57:18,23,25 59:6 60:8 61:8 64:7 65:5 66:16 67:11 68:2 70:2 74:7,25 77:17 79:2,7 84:20 85:20</p> <p><b>they'd</b> 27:17</p> <p><b>they've</b> 13:5 20:15 21:9 56:19</p> <p><b>thoughtful</b> 52:16</p> <p><b>thousand</b> 4:4,7 58:1,3,4 74:1,3</p> <p><b>thousands</b> 45:8</p> <p><b>threats</b> 42:8</p> <p><b>throughout</b> 64:19 76:3</p> <p><b>Thursday</b> 9:25</p> <p><b>tier</b> 57:22 70:16 72:16</p> <p><b>tiers</b> 57:13 58:1 72:17</p> <p><b>Tim</b> 25:18</p> <p><b>tiny</b> 8:8 13:13</p> <p><b>title</b> 21:1</p> <p><b>today</b> 14:10 60:2 64:4 67:11</p> <p><b>Todd</b> 11:21</p> <p><b>Tom</b> 41:18</p> <p><b>ton</b> 33:14</p> <p><b>tone</b> 54:25</p> <p><b>tonight</b> 21:2 23:16,25 35:13 42:6 59:16 60:20 62:12 75:6 82:10,25 84:18 86:16</p> <p><b>tools</b> 20:8 21:21 23:3</p> <p><b>totally</b> 78:21 83:19</p> <p><b>touch</b> 9:5</p> <p><b>tough</b> 5:9</p>	<p><b>toward</b> 50:17</p> <p><b>towards</b> 28:7</p> <p><b>town</b> 27:5,6 36:25 37:3 49:16 52:11 81:17</p> <p><b>track</b> 35:6</p> <p><b>trade</b> 67:18</p> <p><b>Trades</b> 25:19</p> <p><b>traffic</b> 6:1,3,8 9:12,19 12:9,11,13 25:11 32:24,25 43:8,13,14 44:5,9,13 69:7,17 71:7 77:1,2 78:13</p> <p><b>training</b> 24:7 27:14</p> <p><b>transcribed</b> 87:11</p> <p><b>transcript</b> 1:8 87:14</p> <p><b>transcription</b> 87:13</p> <p><b>transformation</b> 19:1</p> <p><b>transit</b> 4:13,24 11:3 50:5,6 54:5 69:24 71:3 77:19,22 78:2,12</p> <p><b>transportation</b> 10:9 42:1 43:19,21,22 44:15 50:9 58:9 69:23 70:5 71:3 75:25 77:16</p> <p><b>travel</b> 38:24 58:9</p> <p><b>traveled</b> 44:3 56:7,17 57:1,3 73:6</p> <p><b>travels</b> 44:16</p> <p><b>tree</b> 9:18</p> <p><b>trees</b> 9:17</p> <p><b>tremendous</b> 25:22 82:6</p> <p><b>tries</b> 39:15 67:16</p> <p><b>troubled</b> 20:19</p> <p><b>true</b> 85:21 87:14</p> <p><b>Trump</b> 71:14</p> <p><b>Trumps</b> 39:6</p> <p><b>try</b> 16:10 17:21 66:18 76:5 81:23</p> <p><b>trying</b> 10:23 11:24 14:5 22:4 29:13,14 36:8 67:22</p>	<p><b>tune</b> 51:12</p> <p><b>twice</b> 42:24</p> <p><b>Twu</b> 33:15</p> <p><b>types</b> 60:6 72:19 84:24</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p><b>Uber</b> 12:11</p> <p><b>UC</b> 36:23</p> <p><b>UCCELLI</b> 1:22</p> <p><b>ugly</b> 21:2,23</p> <p><b>unacceptable</b> 83:19</p> <p><b>unclear</b> 19:25</p> <p><b>undercut</b> 51:4</p> <p><b>underlying</b> 81:5</p> <p><b>undermined</b> 51:4</p> <p><b>underneath</b> 31:10</p> <p><b>underscore</b> 17:17</p> <p><b>underserved</b> 24:5</p> <p><b>understand</b> 6:19 17:3,4 59:14 64:21 65:24 66:4 69:24 85:10</p> <p><b>understanding</b> 28:17 45:17</p> <p><b>unfortunately</b> 21:16 37:15 71:8</p> <p><b>unhoused</b> 25:6 31:11</p> <p><b>uniqueness</b> 38:21</p> <p><b>unit</b> 26:22 31:17,18 40:21 57:24</p> <p><b>United</b> 34:25</p> <p><b>units</b> 6:12,17,25 7:9,10,11,13 14:16,18 15:18 21:25 22:5,10,11,17,18 25:4 30:22 31:1,2,10,12,14,15,19 32:16 33:13 40:9,15,16,19 42:19,24 43:2 49:12,14,16,20 51:14 54:15,18,19 59:20 60:1 61:14 62:15 70:23 71:13 72:15</p>
--	---	--

<p>77:6,7 81:21,22,25  <b>University</b> 40:14  <b>unless</b> 50:11 85:17  <b>upon</b> 85:21 86:1  <b>ups</b> 72:4  <b>upzoned</b> 81:4  <b>urban</b> 56:17  <b>urge</b> 46:14,17  <b>urgency</b> 4:14 14:4  <b>urgent</b> 5:18  <b>urging</b> 46:6  <b>useless</b> 52:3  <b>utterly</b> 83:19</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p><b>vacancy</b> 37:4  <b>vacant</b> 14:16,18 37:3  <b>valuable</b> 81:8 84:10  <b>value</b> 81:6  <b>values</b> 5:13  <b>variable</b> 33:23  <b>variety</b> 82:21  <b>various</b> 55:3  <b>vary</b> 40:6  <b>varying</b> 54:19  <b>vastly</b> 80:19  <b>vegetable</b> 31:8  <b>vehicle</b> 9:20 44:3,15              56:7,17,25 61:20 73:6              75:18  <b>vehicles</b> 9:15 11:14              57:2  <b>vendor</b> 33:1  <b>vendors</b> 14:22 36:8  <b>version</b> 84:3  <b>via</b> 87:12  <b>videoing</b> 55:14  <b>views</b> 69:6  <b>VINCENT</b> 52:10 53:1</p>	<p>55:14,22 56:24 58:6  <b>Vintage</b> 8:4  <b>violate</b> 41:10  <b>vision</b> 5:5 46:7  <b>visionary</b> 32:15  <b>VMT</b> 27:25 53:14 55:25              56:1,4,6,23,25 58:6              73:5 76:13  <b>voiceless</b> 48:8  <b>voicing</b> 48:2  <b>volunteers</b> 4:6  <b>vote</b> 7:5,7 52:4</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p><b>wages</b> 24:8,9  <b>wait</b> 50:25  <b>waited</b> 25:2  <b>waiting</b> 67:4  <b>walk</b> 5:13 16:2 17:10              45:24  <b>walkability</b> 6:6 7:19              8:2  <b>walkable</b> 5:15,16  <b>walking</b> 11:5 17:6  <b>wall</b> 9:22  <b>Ward</b> 39:23  <b>wasn't</b> 60:11 65:2 74:12  <b>watched</b> 55:16  <b>waterfront</b> 10:13  <b>waves</b> 41:2  <b>ways</b> 20:12,13 41:10              45:10 53:21  <b>wear</b> 28:15  <b>website</b> 55:19  <b>Wednesday</b> 55:12  <b>week</b> 4:10  <b>weekend</b> 37:15 38:2              39:21  <b>weekends</b> 38:25</p>	<p><b>weeks</b> 21:24  <b>weight</b> 17:16  <b>weird</b> 32:2  <b>we'll</b> 3:4,10 4:2 34:5              55:20 66:15 71:5  <b>west</b> 13:4 39:23 41:19  <b>we've</b> 8:15 12:11,18              18:12,19 22:24 23:1              35:24 44:10 58:15              59:25 61:19 62:12              66:13 73:3 82:25  <b>whatever</b> 3:22 15:18              20:2 50:13 58:14              70:11 74:1  <b>wheelchair</b> 45:24  <b>WHEREOF</b> 87:17  <b>wherever</b> 38:24  <b>whether</b> 54:4 55:8 59:11              66:20 68:18 69:6,9,13              70:10 71:5 81:18  <b>white</b> 16:23 17:1  <b>whole</b> 8:25 18:17,18              30:17 39:17 46:9              70:10 71:13 76:12              78:25 79:2 80:5,15  <b>whom</b> 73:11  <b>WIBLIN</b> 59:8 61:25  <b>wide</b> 5:1 27:18 43:5              74:2,4  <b>widest</b> 53:20,23  <b>wife</b> 52:10  <b>wild</b> 22:14  <b>Wilkinson</b> 14:1 19:6  <b>Willy</b> 28:10  <b>window</b> 20:3  <b>WITNESS</b> 87:17  <b>woman</b> 55:14  <b>women</b> 8:22 24:12  <b>wonder</b> 40:21 69:16  <b>wondered</b> 66:19  <b>wondering</b> 8:20 48:23</p>
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<p><b>Woolsey</b> 30:16</p> <p><b>wording</b> 78:3</p> <p><b>work</b> 10:11,12,14 17:12 23:12 24:1 25:22 26:8 33:19 35:11 44:1 45:7 48:6 49:2 59:10 62:17,23 63:2 66:9 82:7 85:4</p> <p><b>worked</b> 20:14 78:19 80:17,18,24</p> <p><b>workers</b> 23:13 24:5 27:7</p> <p><b>working</b> 13:20 18:20 37:10 62:15 67:1</p> <p><b>works</b> 10:12,16 55:1,6 81:1</p> <p><b>workshop</b> 30:11</p> <p><b>workshops</b> 8:15</p> <p><b>world</b> 39:6 59:24</p> <p><b>worry</b> 72:9</p> <p><b>worse</b> 56:13 72:11</p> <p><b>worth</b> 39:21</p> <p><b>Wow</b> 16:13</p> <p><b>WRENN</b> 70:6 75:11</p> <p><b>written</b> 52:16 71:23 83:4</p> <p><b>wrong</b> 13:18 85:18</p> <p><b>wrote</b> 20:2 34:1</p> <p><b>www.UccelliAssociates.c om</b> 1:24</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p><b>yet</b> 38:24 48:18,20 53:17 56:20 66:15 82:24</p> <p><b>York</b> 14:17</p> <p><b>you'll</b> 57:21,23</p> <p><b>young</b> 3:8 60:20</p> <p><b>younger</b> 45:22</p> <p><b>yourself</b> 28:21</p> <p><b>You've</b> 17:3</p> <hr/> <p style="text-align: center;">Z</p> <hr/>	<p><b>zero</b> 6:25 62:24 76:6 84:15</p> <p><b>zone</b> 49:23 50:22 54:9,13 66:23 71:14,18 72:2,12</p> <p><b>zones</b> 72:22</p> <p><b>zoning</b> 33:5,12 42:20 57:12 64:13,15 66:23 67:3,8 81:5</p>	
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# Appendix B

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Mitigation Monitoring and Reporting Program

## Mitigation Monitoring and Reporting Program

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The Environmental Impact Report (EIR) identifies the applicable mitigation measures that will be implemented to reduce the impacts associated with the Adeline Corridor Specific Plan. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

*...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Berkeley departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<b>AIR QUALITY</b>						
<b>AQ-1: Construction Emissions Measures.</b>						
As part of the City’s development approval process, the City shall require applicants for future development projects in the Plan Area to comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines).	Review of all demolition, grading, and building permits to ensure compliance.	Prior to permit approval and during construction.	City of Berkeley Department of Planning & Development.			
<b>AIR-2: Health Risk Assessments.</b>						
As part of the City’s development approval process, the City shall require applicants for future development projects in the Plan Area to implement the Bay Area Air Quality Management District Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRA) for residential development and other sensitive receptors near sources of toxic air contaminants, including freeways and roadways with over 10,000 vehicles per day. Based on the results of the HRA, identify and implement measures (such as air filtration systems, waterproofed caulking on windows and doors, and/or requirements for closed windows) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of a proposed project.	Verify HRA completed and measures to reduce TACs have been incorporated into plans as appropriate.	Prior to issuance of building permit.	City of Berkeley Department of Planning & Development.			
<b>BIOLOGICAL RESOURCES</b>						
<b>BIO-1: Special-status Bat Species Avoidance and Minimization.</b>						
For projects in the Plan Area, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist	If applicable, project plans shall include project-specific mitigation	During individual environmental review	City of Berkeley Department of Planning & Development.			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, CDFW.	measures to reduce impacts to bat species.					
<b>GREENHOUSE GAS EMISSIONS</b>						
<b>GHG-1: All-Electric New Construction.</b>						
All new buildings constructed in the Plan Area shall be built as all-electric with no natural gas connection to the building, except where new natural gas connections are permitted under the City's Natural Gas Infrastructure Ordinance (BMC Chapter 12.80). This includes all appliances such as electric cooking, clothes drying, water heating, space heating, and air conditioning.  Projects shall not be required to employ methods of construction that exceed the requirements of the California Building Standards Code (inclusive of any local amendments approved for enforcement in the City of Berkeley) or install appliances that exceed standards for energy efficiency established under the federal Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 <i>et seq.</i>	Verify project plans are all-electric, or GHG reduction has occurred through specified means.	Prior to issuance of building permit	City of Berkeley Department of Planning & Development			
<b>GHG-2: Electric Vehicle (EV) Readiness and EV Chargers</b>						
All new development projects in the Plan Area shall conform to the following EV infrastructure requirements or an equivalent City of Berkeley adopted ordinance which meets or exceeds those standards:  b. Single Family Homes and Duplexes	Verify project plans meet EV requirements.	Prior to issuance of building permit	City of Berkeley Department of Planning & Development			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> <li>▫ At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2<sup>1</sup> EV charging station</li> </ul> <p>C. Multi-Family Buildings</p> <ul style="list-style-type: none"> <li>▫ 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations</li> <li>▫ 80% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)</li> </ul> <p>d. Non-Residential Buildings</p> <ul style="list-style-type: none"> <li>▫ 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station) may be installed in place of 10 required Level 2 stations)</li> <li>▫ 40% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)</li> <li>▫ <sup>1</sup> Level 2 circuit: 40+ Amp, 208/240v AC (standard household washer/dryer outlet), charges approximately 25-30 mile driving distance per hour</li> </ul>						
<b>GHG-3 Solar Photovoltaic Power.</b>						
All new buildings, with the exception of accessory buildings and structures, proposed in the Plan Area shall install solar photovoltaic energy systems or purchase 100% carbon neutral or renewable energy through an electric utility serving Berkeley. Solar photovoltaic equipment shall be shown on all plans submitted for individual projects in the Plan Area	Verify project plans meet solar requirements.	Prior to issuance of building permit	City of Berkeley Department of Planning & Development			
<b>NOISE AND VIBRATION</b>						
<b>N-2: Construction-Related Noise Reduction Measures.</b>						
Development projects in the Plan Area that involve construction activities shall apply the following measures during construction for the purpose of reducing construction-related noise:	Review and approve site-specific noise reduction program for the project.	Monitoring during construction.	City of Berkeley Department of			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> <li>▪ <b>Construction Timing.</b> Construction activities shall be restricted to the daytime hours of between 7:00 AM and 7:00 PM on weekdays, or between 9:00 AM and 8:00 PM on weekends and legal holidays.</li> <li>▪ <b>Mufflers.</b> Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers’ standards.</li> <li>▪ <b>Electrical Power.</b> Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.</li> <li>▪ <b>Equipment Staging.</b> All stationary equipment shall be staged as far away as feasible from adjacent noise-sensitive receptors.</li> <li>▪ <b>Equipment Idling.</b> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</li> <li>▪ <b>Workers’ Radios.</b> All noise from workers’ radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.</li> <li>▪ <b>Smart Back-up Alarms.</b> Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</li> <li>▪ <b>Disturbance Coordinator.</b> The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to</li> </ul>	<p>Monitor compliance with approved noise reduction program.</p>		<p>Planning and Development.</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<p>correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</p> <ul style="list-style-type: none"> <li>▪ <b>Additional Noise Attenuation Techniques.</b> During construction activity that is immediately adjacent to noise-sensitive receptors, temporary sound barriers may be installed and maintained, at the discretion of the City’s Department of Planning and Development. Temporary sound barriers, if installed, shall block line of sight between noise-generating construction equipment and adjacent residential windows and shall be placed as close to the source equipment as feasible. Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment. During the building construction phase, temporary sound barriers may be applied to generators and cranes used on-site.</li> </ul>						
<b>N-3: Vibration Reduction Measures.</b>						
<p>Applicants for new development that would involve construction activity in the Plan Area shall implement the following measures to reduce exposure to vibration from construction activities:</p> <ul style="list-style-type: none"> <li>▪ <b>Best Available Technology.</b> The applicant shall use the best available technology to reduce construction-related vibration on construction sites within 100 feet of institutional land uses that are sensitive to vibration, and within 50 feet of historic buildings, so that vibration levels do not exceed guidelines in the Federal Transit Administration’s <i>Transit Noise and Vibration Impact Assessment Manual</i> for annoyance and damage to fragile structures. Appropriate technology may include, but is not limited to: <ul style="list-style-type: none"> <li>▫ Drilling of piles instead of pile driving for foundation work</li> <li>▫ Static rollers instead of vibratory rollers for paving activity</li> <li>▫ Smaller and well-maintained equipment</li> </ul> </li> <li>▪ <b>Construction Scheduling.</b> The applicant shall coordinate with adjacent institutional land uses that are sensitive to vibration</li> </ul>	<p>Review and approve site-specific vibration reduction program.</p> <p>Monitor compliance with approved noise reduction program.</p>	<p>Monitoring during construction.</p>	<p>City of Berkeley Department of Planning and Development.</p>			

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and schedule vibration-generating construction activities during less sensitive times of day.						
<b>TRANSPORTATION AND TRAFFIC</b>						
<b>T-2 Signal Warrant Study and Signalization.</b>						
<p>Development projects tiering from the Adeline Street Specific Plan EIR with primary automobile access on one of the following local streets that is currently controlled by a stop-sign at the intersection with a major street shall evaluate traffic operations and the MUTCD signal warrants at the intersection:</p> <ul style="list-style-type: none"> <li>▪ Shattuck Avenue at Blake, Parker, and Derby Streets</li> <li>▪ Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets</li> </ul> <p>The signal warrant study shall be completed as part of the environmental review process for the development project. If the intersection meets the signal warrants and the development project would add ten or more trips to the critical movement that operates at LOS F during the AM and/or PM peak hour, the study shall identify improvements to mitigate the impact. The improvements may consist of signalizing the intersection, and/or restricting one or more movements at the intersection. The study shall also evaluate the secondary effects of the identified improvement, such as traffic diverted to other streets due to turn restrictions. The development project shall install the identified improvement.</p>	<p>Verify evaluation of signal warrants has occurred.</p> <p>If signal warrant met, verify improvements developed and installed.</p>	<p>Prior to issuance of building permit.</p>	<p>City of Berkeley Department of Planning and Development.</p>			

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