

Planning and Development Department  
Land Use Planning Division

## MEMORANDUM

DATE: November 7, 2024

TO: Members of the Landmarks Preservation Commission

FROM: Ashley James, Senior Planner

SUBJECT: Pacific Steel Casting Zoning, General Plan, West Berkeley Plan  
Amendments Draft Environmental Impact Report (Draft EIR) Review

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### RECOMMENDATION

Conduct a public hearing to receive public comment on the Draft Environmental Impact Report (Draft EIR) for the Pacific Steel Casting Zoning, General Plan and West Berkeley Plan Amendments, referred to as the Gilman Gateway Rezone project.

### SUMMARY

At this public hearing, staff is requesting that the Landmarks Preservation Commission:

1. Take public testimony on the Draft EIR and provide comments to staff on the Draft EIR;
2. Close the public hearing with respect to receipt of oral comments. Written comments will be accepted until 5:00pm on **Monday, December 5, 2024.**

### Project Background

In response to a 2021 City Council referral to create a zoning overlay at the former Pacific Steel Casting site (PSC) and a request for a zoning map amendment submitted on behalf of the majority property owner of the PSC property in 2022, City staff are proposing amendments to the Zoning Ordinance, Zoning Map, West Berkeley Plan, and General Plan to: 1) establish a new zoning district Manufacturing, Research and Development (M-RD) that meets the goals of the City Council referral; 2) rezone an approximately 11-acre area within the West Berkeley Plan Area ("project site") to this new zoning district; and 3) amend the West Berkeley Plan and General Plan to add this new zoning district to the West Berkeley Plan Land Use Element and the General Plan Manufacturing land use designation. The proposed project consists of zoning and plan amendments and does not include specific development proposals.

As required by the California Environmental Quality Act (CEQA), City staff has prepared a Draft EIR for the proposed project, referred to as the Gilman Gateway Rezone

Project.<sup>1</sup> The Draft EIR analyzes the potential impacts of: 1) adoption and implementation of the proposed zoning and plan amendments 2) a conceptual development project (referred to as the Potential Berkeley Forge Development) submitted by the majority property owner of the PSC property with the Zoning Map amendment application in 2022, to the extent site planning details have been provided.<sup>2</sup> Recognizing there are various ways in which the project site could be redeveloped under the proposed M-RD zoning, evaluation of the Potential Berkeley Forge Development is not intended to illustrate nor limit the subsequent development proposal that the applicant may submit at a future date. The Draft EIR is a programmatic evaluation, meaning that it evaluates the potential impacts of the application of regulations, in this case, adoption of zoning and plan amendments. In addition, the Draft EIR evaluates the potential impacts of development of the Potential Berkeley Forge Development, to the extent site planning details have been provided.

The Planning Commission provided comments on the scope and content of the EIR at its February 1, 2023 meeting. The Landmarks Preservation Commission provided comments at its February 2, 2023 meeting. Staff is requesting that the Landmarks Preservation Commission take public testimony and provide comments to staff on the Draft EIR.

### **Project Location**

The 11.54-acre project site is in West Berkeley, bisected by Second Street and bordered by Gilman Street to the north, the Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Interstate 80 [I-80]/Interstate 580 [I-580]) to the west (**Figure 1**). The project site is composed of 18 parcels, including the former PSC property, the Berkeley Forge and Tool property, and other parcels under various ownership. More detailed parcel information is found in Table 3.A in the Draft EIR Project Description. The project site is also immediately adjacent to the approved I-

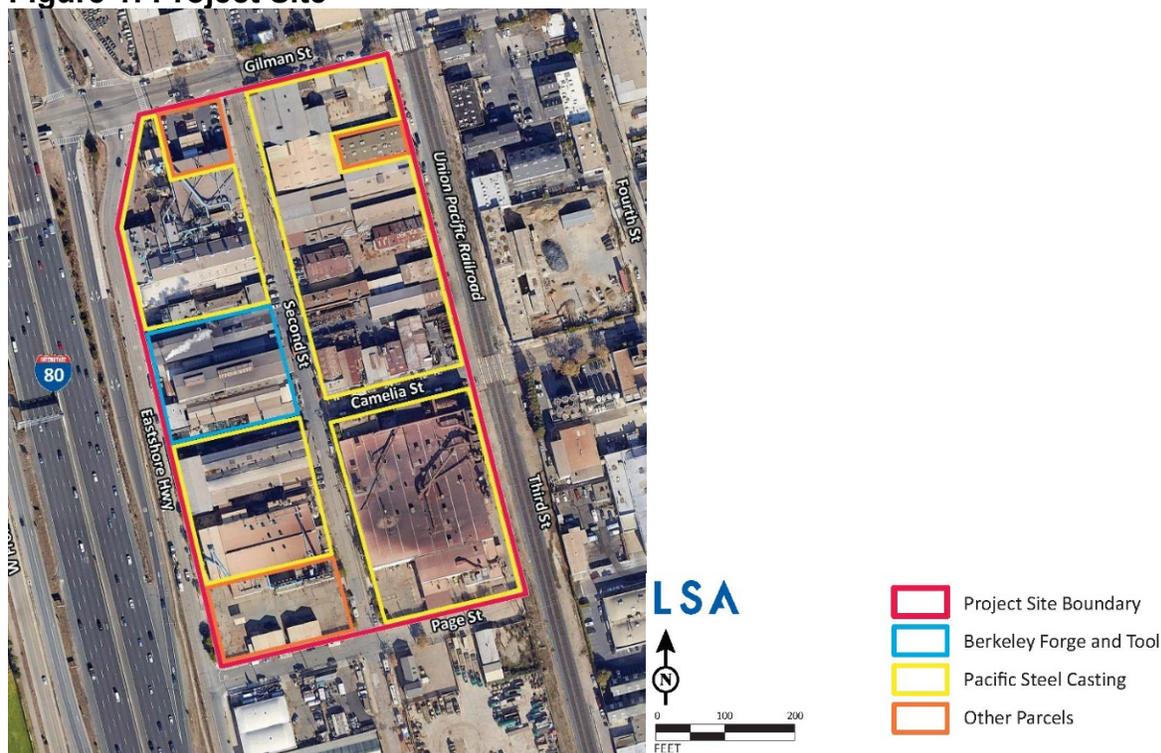
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<sup>1</sup> The Gilman Gateway Rezone Project refers collectively to the proposed M-RD Zoning Ordinance, General Plan, and West Berkeley Plan amendments. The Potential Berkeley Forge Development project is referred to as the conceptual development project. Since 2021, the conceptual development and rezoning have been referred to interchangeably and under other names including "Gilman Gateway", "SPUR Capital", "Pacific Steel Redevelopment" and most recently, "Berkeley Forge."

<sup>2</sup> Because the California Environmental Quality Act requires analysis of alternatives that would reduce environmental impacts compared to the Gilman Gateway Rezone Project, the Draft EIR also analyzes 3) a reduced development alternative in which the zoning and plan amendments would cover a smaller area, 4) a "no action" alternative in which development would occur consistent with current land use and zoning designations, and 5) a "no action" alternative in which neither rezoning nor development occurs.

80/Gilman Interchange Project, which is currently under construction.

**Figure 1: Project Site**



### Site Characteristics and Site Conditions

The project site is primarily developed with industrial buildings with manufacturing and warehouse uses, the majority of which are vacant. The project site also includes one property, 1306 Third Street, that meets the criteria for listing in the California Register of Historical Places (California Register), meets the criteria for designation as a City of Berkeley Landmark, and meets the definition of an historical resource pursuant to *State CEQA Guidelines* Section 15064.5. Vegetation on the site is limited to sparse street and ornamental trees.

Pacific Steel Casting was established in 1934 and operated as a manufacturer of custom industrial-use metal products until 2018. Berkeley Forge and Tool has been in operation since at least 1957, providing custom metal products to a variety of customers, and is currently in the process of closing operations. The project site has been occupied by various industrial tenants and a gasoline station since at least 1903. The 1306 Third Street building contains seven commercial tenant spaces and four residential units, three of which are occupied by 11 individuals, the fourth is currently vacant. Residential units are not allowed in the underlying zoning district; therefore, the use is considered non-conforming. Due to historic and surrounding land uses, the soil, groundwater, and soil gas have been impacted with hazardous materials, including total petroleum hydrocarbon products, volatile organic compounds (VOCs), and polychlorinated biphenyls (PCBs).

There are multiple leaking underground storage tank (LUST) sites on the project site that are included on the lists of hazardous materials release sites compiled pursuant to Government Code Section 65962.5 (commonly referred to as the “Cortese List”).

### **Environmental Review Process**

The City of Berkeley is the Lead Agency, represented by the Planning and Development Department, for the project and the Draft EIR. The California Environmental Quality Act (CEQA) provides that a Lead Agency may proceed directly with EIR preparation, without preparing an Initial Study, if it is clear that an EIR will be required. Based on the scale of the project, the City therefore hired a consultant to prepare a Draft EIR that evaluates the impacts of adopting and implementing the proposed project.

In accordance with CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties and agencies on December 21, 2022. The City received written responses to the NOP regarding the scope and content of the EIR. The City also held an EIR scoping meeting as part of the regularly scheduled Planning Commission meeting on February 1, 2023 and at the Landmarks Preservation Commission on February 2, 2023. Approximately 38 people attended the hearing and eight comments on the scope and content of the EIR were received. A Notice of Availability (NOA) of a Draft EIR was published on **October 21, 2024 (Attachment 2)**. The Draft EIR was posted to the City’s website on that date. The public comment period for the Draft EIR ends on **December 5, 2024**.

### **Environmental Impact Report**

As described above, the Draft EIR analyzes the potential impacts of: 1) adoption and implementation of the proposed M-RD zoning and associated Plan amendments; and 2) the Potential Berkeley Forge Development, as it would be facilitated by adoption and implementation of the proposed M-RD zoning, to the extent site planning details have been provided

The following environmental topics are addressed in detail in the Draft EIR (Chapter 4: Setting, Impacts and Mitigation Measures, Sections 4.1 through 4.11):

- 4.1 Land Use and Planning
- 4.2 Cultural Resources
- 4.3 Tribal Cultural Resources
- 4.4 Transportation
- 4.5 Air Quality
- 4.6 Greenhouse Gas Emissions
- 4.7 Energy
- 4.8 Noise
- 4.9 Hazards and Hazardous Materials
- 4.10 Hydrology and Water Quality
- 4.11 Biological Resources

The Draft EIR identified five significant and unavoidable environmental impacts in Sections 4.2, 4.5 and 4.6 related to Cultural Resources, Air Quality, and Greenhouse Gas Emissions. All other environmental effects of the proposed project can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures.

The Draft EIR also briefly discusses any possible significant effects that were determined not to be significant or less than significant with implementation of applicable standard conditions and regulatory compliance measures related to the following environmental topics: Aesthetics, Agricultural Resources, Geology and Soils, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

#### *Project Objectives*

Section 15124 of the CEQA Guidelines requires an EIR to include a statement of the objectives sought by the proposed project. These Project Objectives helped the City develop a reasonable range of alternatives to evaluate in the EIR and prepare any necessary findings or statements of overriding consideration. The Project Objectives of the proposed project are to:

- Reinvent the former PSC site and adjacent parcels from an underutilized, heavy manufacturing campus into a vibrant urban campus-like environment with in-demand industrial and heavy commercial uses consistent with the intent of the Manufacturing land use designation that adds significantly to the City's economic base and facilitates job creation.
- Establish an M-RD zoning district with land use and development standards that are consistent with the General Plan Manufacturing land use designation and policies of the West Berkeley Plan to retain a diversity of dense, high-quality employment opportunities in West Berkeley for people at all educational levels by allowing for a mix of industrial and heavy commercial uses, such as light manufacturing, R&D, laboratory, and office.
- Facilitate future development by adopting zoning standards that permit construction of buildings that accommodate allowable uses.
- Improve mobility at an entry corridor to West Berkeley by encouraging and supporting current and future transit use and transportation demand management strategies that reduce vehicle miles traveled, while providing sufficient parking to meet the needs of employment-generating uses.
- Clean up environmentally contaminated soils that have contributed impacts to air quality and water quality in the neighborhood.

### *Project Description in the Draft EIR*

The proposed project, referred to as the Gilman Gateway Rezone Project, would aim to facilitate the future development of up to 1,005,266 square feet of non-residential space and a minimum of 1,300 off-street automobile parking spaces on the approximately 11.54-acre project site, with adoption and implementation of:

1. A newly established zoning district – M-RD in BMC Chapter 23.206, which would permit development of light manufacturing, R&D, laboratory, and/or office uses.
2. Rezoning the project site from the M district to the M-RD zoning district.
3. Amendments to the Berkeley General Plan and West Berkeley Plan to add the M-RD zoning district to the Manufacturing land use designation, which would also include development standards for the project site.

Adoption and implementation of the Gilman Gateway Rezone Project would facilitate the development of a conceptual project referred to as the Potential Berkeley Forge Development. The City anticipates the submittal of a formal application for the conceptual development project at the project site, and it is therefore evaluated in the EIR as a reasonably foreseeable project. The Potential Berkeley Forge Development would include the construction and operation of up to 900,000 square feet of R&D, office, laboratory, and light manufacturing uses and 1,900 automobile parking spaces on a 10.26-acre portion of the project site.

The EIR evaluates the impacts of the most intensive future uses that could occur with implementation of the proposed zoning and plan amendments, while the impacts of the conceptual development project are evaluated to the extent project details are available. All future development of the project site, including the Potential Berkeley Forge Development, would be subject to further environmental review to determine if the future development fits within the development assumptions and conclusions identified in this EIR, or if additional environmental review is needed.

### *Buildout Projections*

For the purposes of environmental review of the Gilman Gateway Rezone Project, the Draft EIR includes development projections to provide a physical project the environmental effects of which can be analyzed. The Draft EIR evaluates the maximum reasonable development scenario, which includes demolition of the existing buildings, construction of up to 1,005,266 square feet of nonresidential space at a maximum building height of 105 feet, and a minimum of 1,300 off-street automobile parking spaces on the 11.54-acre site. The Draft EIR also evaluates the conceptual development project, which would include the construction and operation of up to 900,000 square feet of R&D, office, laboratory, and light manufacturing uses and 1,900 automobile parking spaces on a 10.26-acre portion of the project site. The buildout of the conceptual development project is assumed to be consistent with the development standards of the proposed M-RD zoning district. Any future application would be evaluated to ensure consistency with the M-RD standards.

*Potentially Significant Impacts Identified in the Draft EIR*

All environmental impacts and mitigation measures are summarized in the Executive Summary (Table 2.A) in the Draft EIR. Table 2.A also identifies the level of significance of the impact after application of the Standard Condition of Approval and/or mitigation. Other than the impacts discussed below, all of the environmental effects of the proposed project can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures.

The Draft EIR identifies potential impacts stemming from: 1) the proposed project (zoning and plan amendments); and 2) the Potential Berkeley Forge Development (conceptual development project). Impact titles that include a lower case 'a' pertain to the proposed project, while impact titles that include a lower case 'b' pertain to the Potential Berkeley Forge Development. The Draft EIR identifies the following significant and unavoidable environmental impacts:

- **Impact CUL-1a (Historic Architectural Resources).** The proposed project would cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines section 15064.5, because implementation of the proposed project would facilitate the demolition of the existing building at 1306 Third Street, which is eligible for listing as a City of Berkeley landmark. This property was found eligible due to its association with the artist Peter Voulkos.
- **Impact AIR-3a2 (Project Construction Air Quality Emissions).** Construction associated with full buildout of the project site (per the proposed rezoning project) would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations with implementation of identified mitigation measures. However, construction associated with any future development projects facilitated by the proposed project that would not include the demolition of the structure located at 1306 Third Street, including the conceptual development project, would exceed the BAAQMD cancer risk significance thresholds and would therefore expose sensitive receptors in the building to substantial pollutant concentrations.
- **Impact AIR-3b (Project Operation Air Quality Emissions).** Operation of future development projects facilitated by the proposed project, including the conceptual development project, may expose nearby sensitive receptors to substantial pollutant concentrations and could result in potential Toxic Air Contaminants health risks that would cumulatively contribute to elevated health risks in the city.
- **Impact GHG-1a (Project Operation Greenhouse Gas Emissions).** If future development under the proposed project includes natural gas, the proposed project would not meet the project design thresholds recommended by the BAAQMD and would therefore generate GHG emissions, either directly or indirectly, that would have a significant effect on the environment.

- **Impact GHG-2a (Inconsistency with Plans, Policies or Regulations Adopted for the Purpose of Reducing Greenhouse Gas Emissions).** If future development at the project site includes natural gas, the proposed project would not meet the project design thresholds recommended by the BAAQMD and would be considered inconsistent with the long-term State GHG reduction goals and emission targets in Assembly Bill 32, Senate Bill 32, Executive Order B-30-15, Executive Order B-48-18, and Assembly Bill 1279. Accordingly, the proposed project would conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

*Tribal Consultation (AB 52 and SB18)*

Pursuant to the requirements of Assembly Bill 52 (2014, Gatto)<sup>3</sup> and Senate Bill 18 (2004, Burton)<sup>4</sup>, City staff consulted with the Confederated Villages of Lisjan Nation (Lisjan Nation) regarding the proposed project. The goal of tribal consultation is to avoid significant effects on tribal cultural resources or to develop mutually agreed upon mitigation measures. As part of the consultation process, City staff sent a formal memorandum to the Lisjan Nation to disclose potential impact determinations identified in the Draft EIR for the Gilman Gateway Rezoning project, proposed conditions of approval (COAs), and proposed mitigation measures. On May 30, 2024, the Lisjan Nation provided written edits to the proposed COAs and mitigation measures. The City subsequently revised the COAs and mitigation measures to incorporate the majority of the edits provided to the City by the Lisjan Nation, with one exception.

The Lisjan Nation requested to incorporate a mitigation measure that requires the City to enter into consultation based on the specifics of a proposed development, even when an EIR is not required, or when only an addendum to an EIR is required. The goal of this proposed consultation would be to reduce the potential for any future project to unearth tribal cultural resources that would result in a potential impact to the significance of the resource (Impact TCR-1, Chapter 4, Section 4.3 Tribal Cultural Resources). Under AB 52, consultation must be initiated by the City for all projects that require environmental review under CEQA. However, this request would require the City to initiate consultation for projects that do not require environmental review. This requirement could potentially establish a precedent for future projects, and would therefore constitute a policy decision that falls outside of

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<sup>3</sup> Requires public agencies to consult with Native American tribes during the California Environmental Quality Act (CEQA) process. The legislation aims to protect tribal cultural heritage and provide a formal structure for tribes to provide input on proposed projects.

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB52&search\\_keywords=](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52&search_keywords=)

<sup>4</sup> Requires public agencies to consult with Native American tribes when an amendment to a local jurisdictions' General Plan, any Specific Plan, or a designation of open space, is proposed. The legislation aims to protect tribal cultural heritage and provide a formal structure for tribes to provide input on the proposed amendment.

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=200320040SB18](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18)

the bounds of the authority vested to staff. Therefore, the proposed language is provided below for consideration by the Planning Commission and the City Council:

**Potential Mitigation Measure TCR-1a:** Given the very high potential for disturbing Tribal Cultural Resources in this highly sensitive area, including ancestral human remains, Confederated Villages of Lisjan Nation will be allowed a 30-day comment period to provide requests for additional mitigation measures based on any specific development plans proposed by a project proponent even when a supplemental EIR is not required or where only an addendum may be required.

#### *Alternatives in the Draft EIR*

As required by Section 15126.6 of the CEQA Guidelines, an EIR must examine a range of reasonable alternatives to the proposed project that would feasibly obtain most of the CEQA Project Objectives, and avoid or substantially lessen many of the project's significant environmental impacts. The following alternatives are evaluated in the Draft EIR:

- **Alternative 1: No Action Alternative.** This alternative is a version of the “no project” alternative (*CEQA Guidelines* Section 15126.6(e)) that assumes no construction on the site would occur. The existing buildings would not be demolished and would instead remain in place, unchanged from existing conditions. The existing Manufacturing land use and zoning designations would remain, and in the City of Berkeley General Plan and West Berkeley Area Plan would not be amended.
- **Alternative 2: General Plan Compliant Alternative.** This alternative is a version of the “no project” alternative (*CEQA Guidelines* Section 15126.6(e)) that assumes the project site would be redeveloped pursuant to the current land use and zoning designations. Implementation of the General Plan Compliant Alternative would allow for the development of approximately 1,005,365 square feet of manufacturing and industrial uses on the 11.54-acre project site. Under this alternative, the maximum height would be limited to 45 feet.
- **Alternative 3: Reduced Development Alternative.** This alternative assumes the project site would be limited to the PSC site, consistent with the City Council referral. The Pacific Steel Casting overlay zoning boundary would include nine parcels totaling 354,317 square feet. These parcels are currently developed with 250,606 square feet of industrial uses (see Table 3.A in the Draft EIR for details). This alternative would also require a minimum 100-foot buffer between any existing residential use and proposed new non-residential use, including surface parking lots or structures. Accordingly, future development on the project site would need to be set back from the existing building at 1306 Third Street. Focusing development on the Pacific Steel Casting site with a required buffer would reduce the overall buildout potential of the project site by approximately 50

percent, resulting in up to 566,300 square feet of non-residential space and a minimum of 566 off-street automobile parking spaces.

- **Environmentally Superior Alternative.** CEQA requires the identification of the environmentally superior alternative among the options studied, which is the alternative among those studied that has the fewest significant environmental impacts. Table 5.A in the Draft EIR indicates whether each alternative's environmental impact is greater, lesser, or similar to that of the proposed project.

As described in Section 5.8 of the Draft EIR, the No Action Alternative would result in the fewest impacts and would be environmentally superior to the proposed project. However, if the No Action Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives.<sup>5</sup> None of the other alternatives would avoid the significant and unavoidable impacts to air quality or GHG emissions, due to the lack of construction details and the usage of natural gas. Of the development alternatives, Alternative 2 the "General Plan Compliant Alternative" would avoid the significant and unavoidable air quality impacts associated with construction risk, but would not avoid or reduce the significant and unavoidable historic resource impact associated with 1306 Third Street. Alternative 3 the "Reduced Development Alternative" would avoid the significant and unavoidable historic resource impact associated with 1306 Third Street, and would lower the significant and unavoidable construction health risk impacts at 1306 Third Street, because the development potential would be reduced by 50 percent.

Because Alternative 3 would avoid the proposed project's significant and unavoidable impacts on built historic resources and would have lower impacts than the proposed project as they relate to the significant and unavoidable impact to air quality, and it would meet most of the project objectives, it is considered as the Environmentally Superior Alternative.

#### *Publication and Distribution of the Draft EIR*

The Draft EIR was made available for public review on **October 21, 2024**. The Notice of Availability (NOA) for the Draft EIR was distributed to State and local planning agencies. The NOA was posted in the office of the County Clerk and notices of the public hearing were published in the Berkeley Voice. Copies of the Draft EIR are available for review and distribution at 1947 Center Street, 2<sup>nd</sup> Floor, Berkeley CA, 94704. Additional copies are available for review at the additional locations listed below and on the City's website: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>, under Zoning Application Permit Number "PLN2022-0079" and on the State CEQA portal (reference SCH Number [2022120549](https://ceqanet.opr.ca.gov/)): <https://ceqanet.opr.ca.gov/>.

- City of Berkeley at 1947 Center Street, 2nd Floor;
- Central (Downtown) Library, 2090 Kittredge Street;

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<sup>5</sup> State CEQA Guidelines Section 15126.6(e)(2).

- Tarea Hall Pittman South Branch Library, 1901 Russell Street and;
- West Branch Library, 1125 University Avenue.

The Draft EIR was posted to the City's website and a Notice of Availability (NOA) for the Draft EIR was published on **Monday, October 21, 2024**. The public comment period for the Draft EIR ends on **Monday, December 5, 2024**. A Final EIR will be prepared to respond to comments and provide any necessary clarifications to the Draft EIR. The Final EIR is made available for public review prior to the City taking any action on the project.

#### **NEXT STEPS**

Staff will prepare a response to comments received on the Draft EIR upon close of the public comment period. Then, staff will prepare the Final EIR, which will be presented to the City Council. The Council will consider taking action to:

- Adopt the zoning, West Berkeley Plan and General Plan amendments; and
- Certify a Final EIR (which will include responses to CEQA-related comments on the Draft EIR submitted during the public comment period)

Should the proposed zoning and General Plan amendments be approved and the environmental document certified by City Council, it is anticipated that an application to redevelop the area, similar to the Potential Berkeley Forge Development referred to in this report and in the Draft EIR, would be submitted to the Planning and Development Department for review and action through the typical permitting process. These subsequent permit application(s) would set forth specific development parameters, configuration, allocation and mix of uses proposed, and related site planning details. The permit application(s) would also need to comply with the relevant and applicable requirements, standards, guidelines and policies of the Zoning Ordinance and General Plan, as amended, and be reviewed and acted on by the relevant City Boards and Commissions.

#### **ATTACHMENTS**

1-a. Gilman Gateway Draft EIR via weblink:

[https://berkeleyca.gov/sites/default/files/documents/2024-11-07\\_LPC\\_Item%206\\_Att1a\\_640%20Gilman\\_Gilman%20Gateway%20Draft%20EIR.pdf](https://berkeleyca.gov/sites/default/files/documents/2024-11-07_LPC_Item%206_Att1a_640%20Gilman_Gilman%20Gateway%20Draft%20EIR.pdf)

1-b. Excerpt from Gilman Gateway Draft EIR – Section 4.2 for Cultural Resources

2. Notice of Availability



## 4.2 CULTURAL RESOURCES

**EXCERPT**

As discussed in Chapter 3.0, Project Description, the Gilman Gateway Rezone Project, herein referenced as the proposed project, would establish a new zoning district to facilitate Manufacturing, Research and Development (M-RD) on the 11.56-acre project site. The Potential Berkeley Forge Development, herein referenced as the conceptual development project, is a potential project that could result in the development of a 10.26-acre portion of the project site with approximately 900,000 square feet of light manufacturing, research and development (R&D), laboratory, and/or office uses.

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

Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value for their historical significance. Examples of cultural resources include precontact (Native American) and historic-period archaeological sites, and historic buildings and bridges of architectural significance. The California Environmental Quality Act (CEQA) requires agencies that are considering projects that are subject to discretionary action to consider the potential impacts on cultural resources that may occur from project implementation (see Section 15064.5 and Appendix G of the *State CEQA Guidelines*). Section 4.3, Tribal Cultural Resources, of this Environmental Impact Report (EIR) addresses the topic of tribal cultural resources.

In addition to the references listed in this section, a Preliminary Cultural Resources Evaluation (CRE)<sup>1</sup> and Historical Resource Evaluation (HRE)<sup>2</sup> were prepared for the project site and built environment resources located within the project site. The CRE and HRE were used in the analysis provided in this section and are included as Appendices B and C to the Draft EIR. The HRE was peer reviewed by LSA as a consultant to the City of Berkeley (City).<sup>3</sup>

### 4.2.1 Setting

To characterize the setting for cultural resources at the project site, the following tasks were completed as part of the CRE and HRE: (1) in-person records searches of the California Historic Resources Information System (CHRIS) archives were conducted at the Northwest Information Center (NWIC); (2) geotechnical borings and soil samplings were completed to identify the potential presence of cultural resources; and (3) the existing buildings on the project site were evaluated to determine their eligibility for listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and the City of Berkeley Landmark

<sup>1</sup> Archeo-Tec. 2022. *Preliminary Cultural Resources Evaluation of the 2<sup>nd</sup> and Gilman Street Project, City of Berkeley, Alameda County, California*. June.

<sup>2</sup> Bridget Maley, architecture + history llc, Caitlin Himba, Left Coast Architectural History. 2023. *Gilman Gateway Historic Resources Evaluation*. May.

<sup>3</sup> LSA Associates, Inc. 2023. *Peer Review of the Gilman Gateway Historic Resource Evaluation, Berkeley, California (LSA Project No. CBE1906.09)*. March 24.

and Structure of Merit criteria. The results of these tasks are summarized below. This section also includes an overview of the applicable regulatory context related to cultural resources.

#### 4.2.1.1 Records Searches

The results of the records searches at the NWIC are discussed below.

**Northwest Information Center.** The NWIC records search was conducted on April 19, 2022. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resource records and reports for Alameda County. The NWIC database indicates there are no previously recorded cultural resource studies of the project site. The NWIC database also indicates that there are 14 recorded cultural resources located within the 0.5-mile radius. Of these resources, there are prehistoric sites that include a midden site, the Schoolhouse Creek site, and the West Berkeley Shellmound Complex, as well as 11 historic resources, including a portion of the Union Pacific Railroad (UPRR) track and a historic trash deposit. Seven are built environmental resources, and two are undated and unidentified resources. Of the seven built environmental resources identified during the records search, three are located within the boundaries of the project site. These three are Berkeley Steel, General Petroleum, and Pacific Steel Casting.

The Schoolhouse Creek site and West Berkeley Shellmound complex are considered highly significant prehistoric resources. In 2000, a prehistoric-period shell midden deposit (the Schoolhouse Creek site) was identified during archaeological monitoring of trench excavation for the installation of fiber optic cables. The site was left in place. Based on the proximity of the site to disturbances associated with the railroad line, combined with the established history of using shellmound deposits for surface leveling and fill during development of the area, it is possible that the Schoolhouse Creek site was deposited as fill displaced from a nearby shellmound. However, no study of the site integrity was completed.

Standing as tall as 15 feet above the surrounding area, the primary West Berkeley Shellmound was a prominent feature of the landscape in the vicinity of the proposed project until well into the 20<sup>th</sup> century. It was located only a short distance from the north bank of Strawberry Creek, in close proximity to the stream's entrance into San Francisco Bay. The first documented study of the West Berkeley Shellmound occurred in 1902 by E.L. Furlong, and the limited excavation yielded 265 artifacts and many burials. Intensive investigation of the West Berkeley Shellmound took place in the mid-20th century. By this time, however, most of the West Berkeley Shellmound had been systematically demolished by development and related ground disturbance. It is estimated that the West Berkeley Shellmound measured approximately 300 yards north-south and roughly 100 yards east-west. Numerous nearby archaeological investigations have identified cultural resources that have been associated with the West Berkeley Shellmound.

During a 2016 program of geotechnical borings, both intact and displaced prehistoric-period buried midden soil deposits were identified in a location adjacent to the project site. Intact midden deposits were identified at a depth of between 4.6 and 6.1 feet below the ground surface. Cultural materials included burned and unburned wood, charcoal, flaked stone, marine shell fragments, faunal bone, and lignite coal pieces. Radiocarbon testing of marine shell indicated that the midden

deposit was contemporaneous with the early phases of the occupation of the West Berkeley Shellmound complex. Due to the close proximity, it is possible that intact and/or displaced portions of this known midden deposit extend into the project site.

#### 4.2.1.2 Fieldwork

As part of the CRE, qualified archaeologists accompanied a field technician to monitor the excavation and recovery of 13 direct push geotechnical borings placed through the project site. The borings were analyzed in the field and select soil samples were collected for further analysis in the laboratory. The findings of the boring examinations and soil sampling are discussed below.

**Fieldwork.** Qualified archaeologists examined each boring on April 20, 2022, and April 21, 2022. Each boring was carefully opened longitudinally so that soils could be examined, photographed, and described. Few culture constituents, primarily consisting of modern and historic material found within disturbed/artificial fill nearest the ground surface, were noted during boring recovery and field analysis.

No trace of intact or disturbed midden, or any other conclusively prehistoric cultural materials were identified during boring excavation. One fragment of burned bone of potential prehistoric-period archaeological interest was recovered. However, in the absence of any cultural context or association, the bone fragment cannot be interpreted as a cultural resource. Coal and charcoal associated with the adjacent midden deposits were sampled from fill layers. The CRE determined that the recovered coal and charcoal have no prehistoric cultural associations and are most likely historic. However, due to the project site's proximity to a midden site, the possibility that they represent displaced midden could not be ruled out entirely.

**Laboratory.** Selected soil samples were brought to and investigated in a laboratory. No trace of intact or disturbed midden, or any other conclusively prehistoric cultural materials were identified in the targeted soil analysis.

#### 4.2.1.3 Geomorphology

The project site is located on a low-lying plain that is underlain by Quaternary (primarily Holocene) alluvial fan and levee deposits. The West Berkeley area is a zone of bajada development that began during the Pleistocene, and west of San Pablo Avenue and extending to the Bay shoreline, creeks and slough have deposited levee and overbank sediments since at least the Pleistocene. The source material for this bajada and levee development was the stratigraphic sequence of the Berkeley Hills, from which the headwaters of the Schoolhouse and Strawberry creeks originate. The stratigraphic sequence of the Berkeley Hills is largely confined to middle and upper Miocene age units that are clearly distinct, including the Sobrante Formation, the Claremont Chert, the Orinda Formation, the Moraga Formation, the Siesta Valley Formation, and the Bald Peak Basalt. In addition to this Miocene package, creeks cut through fragments of Jurassic to Late Cretaceous age rocks of the Franciscan and Great Valley Complexes.

A previous geomorphological study, based on cores recovered from near the project site, determined that the project vicinity exhibits "extensive horizontal variability of soils" with "tidal

beach sands and estuarine marsh deposits with pockets of discrete stable landforms.”<sup>4</sup> Small portions of an intact, prehistoric site identified in that study area were located superior to just one such stable landform “island”. The dynamism of the geomorphological processes and soils means that predicting where remnants of stable alluvial depositions, and therefore possible remnants of prehistorical cultural resources, may lie beneath the current ground surface of the project site is extremely difficult.

Although now situated approximately 300 meters inland, almost half of the project site was once an estuarine marsh of San Francisco Bay. In the early 20<sup>th</sup> century, the marsh and its slough appear to have been choked and partially filled such that the project site now lays almost directly along the Bay shoreline. In the late 1930s, construction of the Eastshore Highway included extensive infilling of the Bay shallows west of the project site. The result is that the shoreline was artificially shifted to the west. Therefore, all ground surfaces between the current shoreline and the western portions of the project site are composed of imported, artificial fill overlaying geologically recent shoreline sands and marshy clays.

#### 4.2.1.4 Prehistoric and Historical Background

The prehistoric and historical context of the project site is discussed below.

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

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

At the time of the European settlement in the Bay Area, the project site was part of the Huchiu Ohlone territory, where the Chochenyo Ohlone dialect was spoken. The Ohlone were semi-sedentary collectors and hunters of fish and game. In 1770, it is estimated that the Ohlone population was at most around 10,000, perhaps fewer. Forty years later, by 1810, much of the native population and their traditional culture and languages had been subjected to the disastrous

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<sup>4</sup> Archeo-Tec. 2022. *Preliminary Cultural Resources Evaluation of the 2<sup>nd</sup> and Gilman Street Project, City of Berkeley, Alameda County, California*. June.

effects of European encroachment, primarily disease and displacement due to the California mission system.

Post-contact history for the State is generally divided into three periods: the Spanish Period (1769–1822), Mexican Period (1822–1848), and American Period (1848–present). Although Spanish, Russian, and British explorers visited the area for brief periods between 1529 and 1769, the Spanish Period begins with the establishment of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence from Spain in 1821 marks the beginning of the Mexican Period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States.

***Spanish Period (1769–1822).*** Despite early exploration of the San Francisco Bay by British explorer Sir Francis Drake, the first Spanish explorer to arrive to the San Francisco Bay was Gaspar de Portolo and his party in 1769. By 1770, the Fages Expedition had reached the East Bay and made it as far north as Oakland or Emeryville, opposite the Golden Gate. The East Bay was again explored in 1772 during the Fages-Crespi Expedition.

Beyond exploration, a major emphasis during the Spanish Period in California was the construction of missions and associated presidios to convert the Native American population to Christianity and integrated communal enterprise. Mission San Francisco de Asís, commonly known as Mission Dolores, was established in San Francisco in 1776. Beginning in the first decade of the 19th century and continuing until 1822, the lands encompassing the project site were part of the extensive East Bay ranch holdings of Mission Dolores in present-day San Francisco and later Mission San Jose in what is now Fremont.

Outside of the Mission sites, several factors kept growth within Alta California to a minimum, including the threat of foreign invasion, political dissatisfaction, and unrest among the indigenous population. In 1783, Pedro Fages served as the fifth Governor of Alta California and was given permission from the King of Spain to make land grants in California as an incentive to settlers to form pueblos or towns. The majority of these Spanish-era land grants were presented to Spanish military officers following the conclusion of their life-long military service.

***Mexican Period (1822-1848).*** After more than a decade of intermittent rebellion and warfare, New Spain (Mexico and the California territory) won independence from Spain in 1821. In 1822, the Mexican legislative body in California ended isolationist policies designed to protect the Spanish monopoly on trade and decreed that California ports be open to foreign merchants. In addition to eliminating the system of Spanish nobility in California, the Spanish missions across the territory were secularized during this period. The secularization of the Spanish Missions meant that all communal mission property was placed in a trust with the intention of being eventually returned to the local Native American population.

Extensive land grants called ‘Ranchos’ during the Mexican period were established in part to increase the population inland from the more settled coastal areas where the Spanish first concentrated their colonization efforts. During the supremacy of the ranchos in the Mexican Period, landowners largely focused on the cattle industry and devoted large tracts to grazing.

The number of nonnative inhabitants increased during this period because of the influx of explorers, trappers, and ranchers associated with the land grants.

By the end of 1823, the Castro and Peralta families, whose heads of family were ranking members of the Spanish military, had taken control of the entire eastern bay shore north of San Leandro Creek. Peralta's 43,000-acre Rancho San Antonio included all of present-day Albany, Berkeley, Emeryville, Oakland, Piedmont, and Alameda, as well as part of San Leandro. In 1842, Don Peralta subdivided his ranch between his four sons. The project site fell within the portion of Rancho San Antonio, which was given to his fourth son, Jose Domingo Peralta. In 1841, the first known structure in the area, Jose Domingo Peralta's residence, was constructed in the vicinity of what is today the intersection of Hopkins Street and Albina Avenue in the city, just over one mile east of the project site. The Peralta family most likely utilized the project site for cattle grazing.

**American Period (1848-Present).** Mexican control of California was brief, and the territory became part of the United States following the end of the Mexican-American War with the Treaty of Guadalupe Hidalgo in 1848. This ushered California into its American Period. Prior to California becoming a state in 1850, the discovery of gold in 1848 prompted a massive influx of fortune seekers who steadily flooded into the rural counties throughout Northern California. The first intensive settlement of the East Bay region during the historical era occurred in what is today downtown Oakland. The city of Oakland was formally named and incorporated in 1852 and Alameda County was created in 1853. The earliest known historical-period settlement in the vicinity of the project site dates to the 1850s, when Captain James Jacobs first anchored his ship at the mouth of Strawberry Creek. This unincorporated town, now the West Berkeley neighborhood in the city, was originally called Ocean View until it was absorbed into the newly incorporated City of Berkeley in 1878. The industries that developed around the wharf demanded many workers, which generated an early center of population. Ocean View was characterized by a diverse demographic mix that included both white-collar factory owners and blue-collar laborers, both immigrants and second-generation Americans.

Despite the settlement of nearby areas, the project site and surrounding area, which lay along a marshy shoreline estuary/slough, remained undeveloped through the 1850s. The first documented topographic modification of the project site occurred during the 1860s, when tracks for the Central Pacific Railroad were laid along the eastern edge of the project site. The completion of the transcontinental railroad in 1869 resulted in a population and productivity boom in West Berkeley and in 1877, the Southern Pacific Railroad established its transcontinental mainline along Third Street, along the eastern edge of the project site.

In 1885 and into the 1890s, West Berkeley's industry was primarily focused on heavy manufacturing, including planing mills and lumber yards, soap factories, cement works, mine reduction works, lubricating oil and kerosene works, gunpowder factories, acid works, and paraffin paint works. Lighter industries included cigar manufacturing, blacksmithing, brewing, and the sale of raw building materials such as plaster, cement, and hardware. Continuing into the 20<sup>th</sup> century, West Berkeley developed as both an industrial district and a residential neighborhood, with workers and their jobs existing side by side.

The 1906 earthquake that struck the entire Bay Area resulted in relatively little damage in the city compared to San Francisco. Following the earthquake, refugees fled San Francisco to Berkeley, which resulted in a population increase in the city. Between 1910 and 1930, West Berkeley supported 173 manufacturing businesses and 3,400 workers. The Great Depression of the 1930s brought a downturn in the City's economy and West Berkeley suffered substantial job losses. However, in 1941 with the United States' entry into World War II, workers were in high demand and poured in from out of state to fill positions at shipyards and other local industrial enterprises. Berkeley played a significant role in war-time industries and West Berkeley, situated on the shoreline and almost entirely built out with industrial plants from Oakland to Richmond, was at the forefront.

**West Berkeley Redevelopment.** In 1956, the City made zoning refinements, with the land west of Sixth Street zoned as "special industrial." This change was intended to concentrate heavy industry toward the highway and waterfront, while lighter industry and mixed-uses were to create a buffer for the rest of Berkeley to the east.

In 1970, the West Berkeley Redevelopment Project was initiated to revitalize the area. This effort involved the demolition of 42 residential buildings deemed "blighted." Local concern, and some federal assistance, halted the demolitions and created the Delaware Street Historic District, located between Fourth Street and Sixth Street, where a cluster of residential building dating from 1875 to 1910 were preserved. Through the 1970s and 1980s, Berkeley citizens continued to support less development and redevelopment along the Bay shore. Remaining industrial facilities have predominantly been repurposed for lighter industrial and commercial uses such as research and development labs, specialized retail, restaurants, and live-work spaces. Currently, a few small clusters of heavy industrial uses, similar to those that characterize the project site, remain.

#### 4.2.1.5 Regulatory Framework

The following describes the federal, State and local regulatory and policy requirements for cultural resources that are relevant to the proposed project.

**Federal Regulations.** The following federal regulations related to historic resources that would be applicable to the proposed project are described below.

***National Register of Historic Places (National Register).*** The National Register was first established in 1966, with major revisions in 1976. The register is set forth in 36 Code of Federal Regulations (CFR 60) which establishes the responsibilities of the State Historic Preservation Officers (SHPOs), standards for their staffs and review boards, and describes the statewide survey and planning process for historic preservation. Within these regulations, guidelines are set forth concerning the National Register (36 CFR 60.6). In addition, further regulations are found in 36 CFR 63-66, -800, and 1982 *Bulletin 15: How to Apply the National Register Criteria for Evaluation* (Bulletin 15)<sup>5</sup>, which define procedures for determination of eligibility, identification of historic properties, recovery, reporting, and protection procedures. The

<sup>5</sup> U.S. Department of the Interior National Park Service (NPS). 1982. *Bulletin 15: How to Apply the National Register Criteria for Evaluation*.

National Register was established to recognize resources associated with the accomplishments of all peoples who have contributed to the country's history and heritage. Guidelines were designed for federal and State agencies in nominating cultural resources to the National Register. These guidelines are based upon integrity and significance of the resource. Integrity applies to specific items such as location, design, setting, materials, workmanship, feeling, and association. Quality of significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet at least one of the following criteria:

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

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

**State Laws and Regulations.** The following State regulations related to cultural and historic resources that would be applicable to the proposed project are described below.

**California Environmental Quality Act (CEQA).** CEQA, codified in Public Resources Code [PRC] Sections 21000 et seq., applies to all discretionary projects undertaken or subject to approval by the State's public agencies (14 California Code of Regulations [CCR] Section 15002(i)). Pursuant to the *State CEQA Guidelines*, "A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (14 CCR Section 15064.5(b)).

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

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

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

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

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

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

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

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

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

In addition to meeting one or more of the significance criteria, a cultural resource must retain its historical integrity to be considered eligible for listing in the California Register. Historical integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.”<sup>6</sup> The evaluation of integrity must be grounded in an understanding of a resource’s physical features and its environment, and how these relate to its significance. There are seven aspects of integrity to consider when evaluating a cultural resource (i.e., location, design, setting, materials, workmanship, feeling, and association), which are described as follows:<sup>7</sup>

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

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

<sup>7</sup> National Park Service. 1997. *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*. U.S. Department of the Interior, Washington, D.C.

6. **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.
7. **Association** is the direct link between an important historic event or person and an historic property.

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

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

**Local Plans and Regulations.** The City plans and regulations related to cultural and historic resources that would be applicable to the proposed project are described below.

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

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

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

**West Berkeley Plan.** The following Urban Design Goals and Policies of the West Berkeley Plan<sup>8</sup> pertaining to cultural resources would be applicable to the proposed project:

**Goal 7:** Preserve West Berkeley's existing architectural and historic resources in the context of the district goals, permitted uses, and other goals of the West Berkeley Plan. Seek to develop the built environment as a whole in a way consistent with this goal.

**Policy 7.3:** To improve the economic feasibility of preserving historic buildings, the City should creatively use the tools which the West Berkeley Plan Preferred Land Use Concept provides, and should explore the possibilities for changes in development standards, fees, or placement of uses, without, however, violating Plan policies, district purposes, or district permitted uses. In situations where a whole building cannot be preserved, preservation of facades should be explored. In very exceptional cases, where all variance findings can be made—with particular reference to the finding that the variance not be detrimental to people working in the neighborhood or to property in the neighborhood—allow use variances.

**Policy 7.4:** The City should encourage infill development to be sensitive to the character and scale of existing development in areas which are architecturally or historically cohesive.

**Goal 8:** Preserve West Berkeley's architecturally and historically valuable buildings.

**Policy 8.1** The City should encourage building maintenance and rehabilitation in West Berkeley and if possible, offer financial incentives or assistance.

**Policy 8.2** The City should encourage the sensitive reuse of existing buildings in West Berkeley and offer incentives such as permit-streamlining and other assistance.

**City of Berkeley Conditions of Approval for Development Projects.** The City has established standard conditions of approval (COA) for all development projects. The following COAs address cultural resources:

COA: Archaeological Resources (Ongoing Throughout Demolition, Grading, and/or Construction). Pursuant to *CEQA Guidelines* Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

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<sup>8</sup> Berkeley, City of. 1993. West Berkeley Plan. Amended 2011.

- a. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- b. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- c. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- d. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources are carried out.
- e. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

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

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

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

1. Architectural Merit:
  - (a) Property that is the first, last, only or most significant architectural property of its type in the region;
  - (b) Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or
  - (c) Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.
2. Cultural Value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;
3. Educational Value: Structures worth preserving for their usefulness as an educational force;
4. Historic Value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;
5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

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

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.
2. Specific criteria include, but are not limited to one or more of the following:
  - (a) The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of

buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

- (b) The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.
- (c) The structure is a good example of architectural design.
- (d) The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings. (Ord. 5686-NS § 1 (part), 1985: Ord. 4694-NS § 3.1, 1974)

#### 4.2.1.6 Historical Evaluations

This section is based on the HRE prepared for the proposed project. The project site is located in the West Berkeley neighborhood and consists of approximately four city blocks (2340, 2341, 2344, and 2345) bounded by Gilman Street to the north, Third Street and the railroad right-of-way to the east, Page Street to the south, and Eastshore Highway/Interstate 80 (I-80) to the west. Twelve (12) properties within the project site area were surveyed, and the summary of the findings related to each property-specific analysis are provided in Table 4.2.A. The HRE indicated that only one property, 1306 Third Street, meets the criteria for listing in the California Register and as a City of Berkeley Landmark. Therefore, this property meets the definition of a historical resource pursuant to CEQA, while the remainder of the properties on the project site are not considered historic resources for the purposes of this analysis or otherwise.

**Table 4.2.A: HRE Summary of Findings**

Property Address(s)	APN(s)	Historic Name	California Register Status Code	City of Berkeley Landmark or Structure of Merit? <sup>2</sup>
1331, 1441 Eastshore Highway; 1330 Second Street	59-2344-7 59-2344-4 59-2344-5-1	Berkeley Steel Construction Company/Berkeley Forge and Tool	6Z <sup>1</sup>	No
1305 Eastshore Highway; 1314, 1320, and 1420 Second Street; 600 Gilman Street	59-2344-3-1 59-2344-4-1 59-2341-5 59-2344-1-2 59-2344-2-1	Pacific Steel Casting Company	6Z <sup>1</sup>	No
1421 Second Street	59-2340-8-2	Pacific Steel Casting Company	6Z	No
1333 Second Street	59-2345-9	NA	6Z	No
1337 Second Street	59-2345-8-1	NA	6Z	No
1310 Third Street	59-2345-2-2	NA	6Z	No
1306 Third Street	59-2345-2-1	NA	3CS	Yes
631 Camelia Street	59-2345-7	NA	6Z	No
635 Camelia Street	59-2345-6-1	NA	6Z	No
643 Camelia Street	59-2345-4	NA	6Z	No

**Table 4.2.A: HRE Summary of Findings**

Property Address(s)	APN(s)	Historic Name	California Register Status Code	City of Berkeley Landmark or Structure of Merit? <sup>2</sup>
640 Gilman Street	69-2345-1	Gilmore Oil Company/General Petroleum Company, Pacific Steet Casting Company	6Z	No
648 Page Street	59-2323-1	NA	6Z	No

Source: Bridget Maley, architecture + history llc, Caitlin Himba, Left Coast Architectural History. 2023. Gilman Gateway Historic Resources Evaluation. May

<sup>1</sup> Determination made by the “Historic Resource Evaluation Report for the Proposed Interstate 80/Gilman Street Interchange Improvement Project.”

<sup>2</sup> Eligible as a City of Berkeley Landmark and/or Structure of Merit

6Z = Found ineligible for National Register, California Register, or Local designation through survey evaluation.

3CS = Appears eligible for California Register as an individual property through survey evaluation.

A number of the properties within the project site share common early owners (prior and in addition to the dominant Pacific Steel Casting Company and Berkeley Steel Construction Company), including Ray W. Van Deusen and the Chemical Packaging Company. Many of the existing buildings also share common designers and builders, such as architect Alben Froberg and contractors Christensen and Lyons. However, the HRE indicated that none of these owners constitute significant historical figures and none of the designers or builders constitute important creative individuals. Photos of each of the 12 surveyed properties within the project site area are provided in Appendix 4 of the HRE, which is provided as Appendix C of this Draft EIR.

**California Register of Historical Resources.** The existing 1306 Third Street building was found eligible under Criterion 2 (Persons) for its association with American master artist and sculptor Peter Voukos. The eligibility criteria for 1306 Third Street as required by the California Register are discussed below.

**Criterion 1 (Event):** No specific events of historical importance are known to have occurred at the property. Historically, the property was used by various small light-industrial businesses, primarily for warehousing purposes. This is consistent with the industrial context of the area; however, the property is not outstanding or influential within the industrial context that dominates the West Berkeley area and East Bay shoreline. In addition, although the building was briefly used by American master artist and sculptor Peter Voukos, no significant historical events are known to have occurred on the property during his presence. Therefore, the property is not eligible for listing in the California Register under Criterion 1.

- **Criterion 2 (Persons):** The existing 1306 Third Street building is associated with American master artist and sculptor Peter Voukos, an innovative, prolific expressive ceramicist and metallurgist who taught at the University of California, Berkeley. His works are found in almost every major American art museum that has a significant sculpture collection and in other museums worldwide. Therefore, the property appears eligible for listing in the California Register under Criterion 2 at the local level for its long association (1963–2002) with Peter Voukos, who created significant works of art in this space.

- **Criterion 3 (Architecture):** The existing 1306 Third Street building is industrial in character and utilitarian in architectural aesthetic. As a utilitarian industrial building, it was designed and constructed strictly to fulfill its intended warehousing functions and has no definable architectural style or artistic value. The building is common and unremarkable within the context of West Berkeley with no distinctive characteristics that would make it a notable or important example of its type, period, region, or method of construction. Further, the building was modified in 1991. Architect Alben Froberg and builders Christensen and Lyons were involved in the original design and construction in 1946; however, neither professional is considered an important creative individual. Therefore, the property is not eligible for listing in the California Register under Criterion 3.
- **Criterion 4 (Information Potential):** Criterion 4 is typically concerned with archaeological investigation. Where buildings or architectural elements are concerned, Criterion 4 typically relates to rare construction types, of which the 1306 Third Street building is not an example. Therefore, the property is not eligible for listing in the California Register under Criterion 4.

**City of Berkeley Landmark.** Structures that have a Landmark status are designated historical resources within the city. Resources may be designated as Landmarks if they meet one of more of the five criteria similar to those used for the California Register, but which elaborate on areas of significance. The following provides an evaluation of the historic significance of the 1306 Third Street building according to local significant criteria:

- **Architecture Merit:** As previously discussed, the existing 1306 Third Street building is industrial in character and utilitarian in architectural aesthetic, and neither the architect nor builders are considered an important creative individual. Therefore, the property provides no exceptional architectural value to the neighborhood and does not qualify as a City of Berkeley Landmark under this criterion.
- **Cultural Value:** As previously discussed, the existing 1306 Third Street building is associated with American master artist and sculptor Peter Voulkos. Therefore, the property appears to have high cultural value that would qualify it as a City of Berkeley Landmark under this criterion.
- **Educational Value:** The existing 1306 Third Street building does not have any use as an educational tool as it not outstanding as an example of industry or commerce in the city. Therefore, the property would not qualify as a City of Berkeley Landmark under this criterion.
- **Historic Value:** The property does not reflect the industrial or commercial growth of Berkeley. The existing building's construction in 1946 occurred after World War II and does not reflect West Berkeley's initial industrial development nor its war-era boom. However, the building's association with Peter Voulkos is historically significant within the area of culture and art at the local and national level. Therefore, the building possesses high historic value that would qualify it as a City of Berkeley Landmark under this criterion.
- **National Register Listing:** The 1306 Third Street building is not listed in the National Register and therefore does not qualify as a City of Berkeley Landmark under this criterion.

- **City of Berkeley Structure of Merit:** City of Berkeley Structures of Merit are designated historical resources within the city. Resources may be designated as Structure of Merit if they meet general and/or specific criteria. If the Landmarks Preservation Commission determines that a structure does not currently meet the criteria for designation as a Landmark, but is worthy of preservation as part of a neighborhood, a block or street frontage, or as part of a group of buildings that includes landmarks, the structure may be designated a Structure of Merit. Although 1306 Third Street was determined to be a City of Berkeley Landmark based on its cultural and historical association with Peter Voulkos, the existing building associated with 1306 Third Street does not qualify as a Structure of Merit.
- **Integrity:** In order to qualify for historic designation, a property must possess significance under the aforementioned criteria and have historic integrity. The existing building at 1306 Third Street appears to possess the historic significance for its association with the work of innovative American sculptor and ceramicist Peter Voulkos. Although the front façade of the building has been altered, and its integrity of design, materials, and workmanship have been slightly altered from the period of significance, it retains its integrity of location and setting, its integrity of association with Peter Voulkos, and the feeling of an industrial building converted to artist use.

Based on the above analysis, the property at 1306 Third Street appears to be eligible for listing in the California Register and as a City of Berkeley Landmark. Therefore, it qualifies as a historic resource under CEQA. Actions that result in the diminishment of any of the features of the property located at 1306 Third Street, such as removal or alteration, could result in a significant impact under CEQA.

The HRE also examined the West Berkeley area around the project site and indicated there is not a historically significant industrial historical district present. The industrial development in this area was piecemeal, dependent on the slow filling of the salt marshes, which began in the 19th century and continued into the 1980s. While there are many industrial buildings in the area, these structures are not temporally linked to a specific important period of development, and none are associated with historically significant contributions to their various industries. Further, none of the businesses evaluated in the surrounding area date to the pioneering period of metal-working industries and none were demonstrably important individually, which does not support identification of a historic district. Moreover, the diverse businesses and construction types now present in the area prevent a visual linkage among the current industries in the surrounding area. Therefore, the HRE determined that the area would not be considered a historic district.

#### 4.2.2 Impacts and Mitigation Measures

As described above, the presence of and potential for significant cultural resources was determined by assessing previously documented cultural resources through archival background research, geotechnical borings and soil sampling, and an evaluation of cultural resources in the project site to determine their eligibility for listing in the California Register. These findings were then compared to the *State CEQA Guidelines'* cultural resource significance criteria to determine if the proposed project would have the potential to result in significant impacts to specific categories of cultural resources.

The following describes the proposed project's potential impacts on cultural resources, consisting of historical resources, archaeological resources, and human remains. This section begins with the criteria of significance, which establish the thresholds used to determine whether an impact is significant. The latter part of this section presents the impacts associated with the proposed project and identifies mitigation measures, as appropriate.

#### 4.2.2.1 Significance Criteria

Based on Appendix G of the *State CEQA Guidelines*, implementation of the proposed project would have a significant impact related to cultural resources if it would:

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

For the proposed project to have “a substantial adverse change” in the significance of a historical resource, it would have to demolish, destroy, relocate, or alter the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (*State CEQA Guidelines* Section 15064.5(b)). Archaeological sites may qualify as historical resources under CEQA (*State CEQA Guidelines* Section 15064.5(c)(1)).

Generally, for purposes of CEQA, the significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register or an officially recognized local register of historical resources, or its identification in a historical resources survey meeting the requirements of PRC Section 5024.1(g).

#### 4.2.2.2 Project Impacts

The following section discusses the potential impacts to cultural resources associated with implementation of the proposed project and conceptual development project according to the significance criteria described above. Potential impacts associated with the proposed project are evaluated at a programmatic level, while potential impacts associated with the conceptual development project are evaluated at a project level, to the extent feasible.

As defined in the *State CEQA Guidelines*, “historical resources” can include both significant built-environment resources and archaeological sites. *State CEQA Guidelines* Section 15064.5(a)(3) defines a “historical resource” as any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. *State CEQA Guidelines* Section 15064.5(c) states that if an

archaeological site does not meet the criteria defined in *State CEQA Guidelines* Section 15064.5(a), the resource may still meet the definition of a “unique archaeological resource” described in PRC Section 21083.2. Potential impacts to these two types of historical resources are discussed under the separate threshold discussions below.

**Impact CUL-1:** The impact discussion for Threshold 1 above is split into two parts: Impact CUL-1a – discussing potential impacts and mitigation measures as they pertain to the proposed project; and Impact CUL-1b for impacts associated with the conceptual development project. The discussion is followed by a CUL-1 Impact Summary to summarize the EIR findings.

**Impact CUL-1a: The proposed project would cause a substantial adverse change in the significance of a historical resource as defined in *State CEQA Guidelines* Section 15064.5 because implementation would facilitate the demolition of the existing building at 1306 Third Street, which is a historical resource pursuant to *State CEQA Guidelines* Section 15064.5. (Significant and Unavoidable)**

The properties within the project site area were evaluated for their eligibility for listing in the California Register and potential for classification as City of Berkeley Landmarks and Structures of Merit. As shown in Table 4.2.A above, only one property within the project site area, 1306 Third Street, meets the criteria for listing in the California Register and as a City of Berkeley Landmark. A number of the properties within the project site area share common early owners (prior and in addition to the dominant Pacific Steel Casting Company and Berkeley Steel Construction Company), including Ray W. Van Deusen and the Chemical Packaging Company. Many of the existing buildings also share common designers and builders, such as architect Alben Froberg and contractors Christensen and Lyons. However, the HRE indicated that none of these owners constitute significant historical figures, and none of the designers or builders constitute important creative individuals.

The proposed rezoning would not result in any physical alterations to the project site; however, implementation of the proposed rezoning would facilitate future development of the entire project site. The existing on-site industrial buildings are unlikely to be suitable for rehabilitation due to their age and deterioration. Regarding the existing building at 1306 Third Street, pursuant to BMC Chapter 3.24, a project applicant can apply to demolish or substantially alter a City of Berkeley Landmark site, Structure of Merit, or an initiated landmark site. Therefore, it is reasonable to assume the potential for demolition of all existing structures on the project site, including the existing building at 1306 Third Street. Actions that result in the diminishment of any of the features of the property located at 1306 Third Street, such as removal or alteration, could result in a significant impact under CEQA. This is a **potentially significant** impact.

Based on *State CEQA Guidelines* Section 15064.5(b), the proposed project would have a significant impact on historical resources if it would cause a substantial adverse change in the significance of a historical resource. Historical resources include properties eligible for listing on the National Register, the California Register, or a local register or survey of historical resources, including designation as a City of Berkeley Landmark and/or Structures of Merit. In addition, as described in *State CEQA Guidelines* Section 15064.5, “substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be

materially impaired.” Demolition is considered a material impairment of the historical resource, and other than avoiding demolition, no feasible mitigation measures are available to fully mitigate the demolition of the historical resource to a less than significant level. However, implementation of mitigation measures could reduce significant adverse impacts. If the historical significance of the building is thoroughly documented, well photographed, and publicly available, the demolition of the building would have a reduced impact on the historical significance of the building. Implementation of Mitigation Measure CUL-1, below, which requires documentation of the historic resource in accordance with the Historic American Building Survey (HABS) standards, would reduce, but not avoid, adverse impacts to the historical resource.

Mitigation Measure CUL-1 would apply to potential future projects that propose the demolition of the structure located at 1306 Third Street or modification to the structure to the extent that it would not retain its eligibility for the California Register or as a City of Berkeley Landmark.

**Mitigation Measure CUL-1**

**Documentation.** Prior to the issuance of a demolition permit for the existing structure at 1306 Third Street, the project sponsor shall obtain a qualified Historic American Building Survey (HABS) photographer to document the existing structure at 1306 Third Street and its setting. Generally, this documentation shall be done in accordance with the HABS “Outline” format, which includes:

- **Photographs:** HABS standards require large-format, black-and-white photography with large-format safety film negative (4" x 5", 5" x 7", or 8" x 10") and a contact print, archivally processed, on fiber-based paper. The HABS photographer must be familiar with the recordation of historical resources in accordance with current HABS guidelines. Photographs should include context views of the general environment to illustrate setting, including landscaping, adjacent building(s), and roadways, views of character-defining features, exterior elevations of significant façades, views of interior spaces, and detailed views of specific materials or elements. Overgrowth, board-up plywood, and other obstacles shall be removed by the project sponsor prior to photography at the direction of the professional HABS photographer. Photographs must include a photo index, photo sketch plans, and field notes, and be identified and labeled using HABS standards outlined in Preparing HABS/HAER/HALS Documentation – Transmittal Guidelines.
- **Measured Drawings or 3D Laser Scanning “As-Built”:** Measured drawings for HABS are considered “as-built” drawings. Accordingly, they illustrate the existing condition of a building at the time of documentation, including additions, alterations, and demolitions which have occurred since the building was first constructed. Where sufficient knowledge exists concerning the sequence of changes to a building over

time, it may be useful to provide appropriate notation on the drawings. Alternatively, delineators may wish to produce additional interpretive drawings illustrating the building at an earlier date, to explain its historic significance more fully. In lieu of measured architectural drawings, 3D laser scanning and 2D CAD documentation can be done to create as-built drawings from the scanned data in AutoCAD to provide archival-quality printed and digital images that can be utilized for future exhibits, documentation, and research associated with the 1306 Third Street building. The 3D images can then be printed as measured drawings and will also be available digitally.

- **Historical Background Information:** An architectural historian, meeting the Secretary of the Interior’s Professional Qualification Standards, shall assemble historical background information, drawings, maps, and historic photographs relevant to the 1306 Third Street building and its setting using the HABS “Outline” format to produce a HABS historical report. The historical report will be formatted to HABS Guidelines for Historical Reports (updated January 2020).
- **Public Access to Documentation:** HABS documentation must be prepared using specific archival materials and archival processes to comply with the permanence standards that govern the collection. By adhering to these standards, even the very earliest HABS records from the 1930s are still available for researchers and will be in the future. Non-archival material deteriorates for two principal reasons: harmful substances in the environment attack it, and/or the physical and chemical composition is such that it will deteriorate regardless of how it is stored. Accordingly, it is recommended that one archival set of the HABS documentation is submitted to the Library of Congress or the Berkeley Architectural Heritage Association (BAHA). Digital copies are also recommended to be submitted to the Northwest Information Center (NWIC)/ California Historic Resources Information System (CHRIS), the City of Berkeley, the City of Berkeley Library, the Berkeley Historical Society, the California State Library, and the California Historical Society. This mitigation would create a collection of preservation materials that would be available to the public and inform future research.

Implementation of the proposed project could facilitate the demolition of the structure at 1306 Third Street and therefore would result in a substantial adverse change to a historic architectural resource under CEQA. Implementation of Mitigation Measure CUL-1 would require documenting

this resource, but it would not avoid demolition of the resource; therefore, impacts to built-environment historic resources as defined in *State CEQA Guidelines* Section 15064.5 would be **significant and unavoidable**.

**Impact CUL-1b: The conceptual development project would not cause a substantial adverse change in the significance of a historical resource defined in *State CEQA Guidelines* Section 15064.5. (*Less than Significant*)**

As explained above, the conceptual development project would not include redevelopment of the 1306 Third Street parcel and would not result in the demolition of the existing building at 1306 Third Street; however, it would include development on the parcels that surround the property and existing structures to the north, south, and west.

The 1306 Third Street property was found eligible for listing in the California Register under Criterion 2 (Persons) for its association with American master artist and sculptor Peter Voulkos and is therefore considered a historical resource under CEQA. The 1306 Third Street structure was not found eligible for listing in the California Register under any other criteria. Because this resource was found eligible based on its association with the work of Peter Voulkos, the character of the surrounding area does not influence the property's eligibility for listing. Therefore, redevelopment of the surrounding parcels would not substantially affect the 1306 Third Street property or its eligibility for listing in the California Register. Further, because the conceptual development project would redevelop the surrounding parcels with light industrial uses, which are similar to the existing industrial uses present on the parcels, implementation of the conceptual development project would result in **less than significant** impacts to 1306 Third Street as a historical resource. Therefore, Mitigation Measure CUL-1 does not apply to the conceptual development project.

**Impact CUL-1 Summary:** Potential demolition of the 1306 Third Street building that may result from implementation of the proposed project would result in a significant and unavoidable impact on a historical resource as defined in *State CEQA Guidelines* Section 15064.5. Implementation of Mitigation Measure CUL-1, which requires documentation of the historic resource in accordance with HABS standards, would reduce, but not avoid, adverse impacts to the historical resource, therefore impacts would be **significant and unavoidable** (CUL-1a).

The conceptual development project would not include the demolition of the existing building at 1306 Third Street, and redevelopment of the surrounding parcels under the conceptual development project would not substantially affect the 1306 Third Street property eligibility for listing in the California Register. Therefore, the conceptual development project would result in a **less than significant impact** on the historical resource, and Mitigation Measure CUL-1 does not apply to the conceptual development project (CUL-1b).

**Impact CUL-2: Ground disturbance associated with future development of the project site facilitated by the proposed project, including the conceptual development project, has the potential to unearth significant archaeological deposits or resources, resulting in a potential substantial adverse change in the significance of unique archaeological resources, as defined in PRC 21083.2(g). (*Less than Significant with Mitigation*)**

As described above, no traces of intact or disturbed midden, or any other conclusively prehistoric cultural materials were identified during boring excavation or subsequent soil sampling. However, given the project site's proximity to known prehistoric sites, including a midden site, the Schoolhouse Creek site, and the West Berkeley Shellmound complex, and the project site's location atop alluvial deposits, the project site is considered sensitive for buried prehistoric cultural resources, and some areas of the site are to be considered extremely sensitive for intact and disturbed prehistoric resources that may extend into untested soils within the project site. It is also possible that small pockets of displaced midden material may be mixed with the modern fill (secondary deposits). This is because, historically, shellmound (midden) deposits were used for surface leveling and fill. Such secondary midden deposits could be found at any level below the ground surface and have been reported within the proposed project's area. It is also possible that historic-era deposits associated with past residential and industrial use of the site could be encountered. Therefore, there is a high potential for the discovery of prehistoric archaeological resources during any ground-disturbing activities at the project site. Ground-disturbing activity associated with project implementation has the potential to unearth significant archaeological deposits or resources, resulting in a potential substantial adverse change in the significance of a unique archaeological resource, as defined in *State CEQA Guidelines* Section 15064.5. This is a **potentially significant impact**.

While rezoning of the project site to the newly created M-RD zoning district would not result in any direct physical alterations to the project site, these actions would facilitate potential demolition of on-site structures and construction of new buildings. For example, the conceptual development project would require demolition of approximately 319,000 square feet of building area and asphalt lots on the site. Approximately 81,000 cubic yards of cut earthwork and approximately 44,000 yards of fill, resulting in 125,000 cubic yards of materials including imported soil and fill, would be required. The average depth of excavation across the site would be 4 feet, while the maximum depth of excavation would be approximately 12 feet for sewer connections. If significant archaeological deposits or resources were to be unearthed during future ground-disturbing activities associated with future construction, a substantial adverse change in the significance of an archaeological resource could occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired through loss of information important in understanding Berkeley's prehistory (*State CEQA Guidelines* Section 15064.5(b)(1)). Accordingly, potential ground-disturbing activity associated with implementation of the proposed project, including the conceptual development project, would result in a **potentially significant impact** to archaeological resources.

Compliance with *COA: Archaeological Resources* and *COA: Human Remains*, and implementation of Mitigation Measures CUL-2a through 2d would reduce impacts associated with implementation of the proposed project, including the conceptual development project. *COA: Archaeological Resources* and *COA: Human Remains*, included below, incorporate text revisions provided by the Confederated Villages of Lisjan Nation during the consultation process as required by Assembly Bill (AB) 52 and Senate Bill (SB) 18 (these revisions are denoted via underline). The City hereby incorporates the COAs as revised.

COA: Archaeological Resources (Ongoing Throughout Demolition, Grading, and/or Construction). Pursuant to *State CEQA Guidelines* Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- a. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian, or paleontologist to assess the significance of the find. In the event that these resources are of Native American origin, all work within 50 feet of the resources shall be halted and the lead agency shall consult with a Tribal representative of the Confederated Villages of Lisjan Nation to assess the significance of the find. The archaeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle around the point of discovery.
- b. If any find is determined to be significant, representatives of the project proponent and/or lead agency, and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure with the ultimate determination to be made by the City. If the resource is determined to be a Tribal Cultural Resource and thus significant under CEQA, the project proponent and/or lead agency shall retain a qualified archaeologist and a Tribal monitor, at the applicant’s expense, to prepare a mitigation plan, which shall be implemented by the appropriate entity in accordance with State CEQA guidelines and in consultation with the consulting Tribe. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- c. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. For Tribal Cultural Resources, avoidance is always preferred.
- d. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. For Tribal Cultural Resources, data recovery is never an appropriate mitigation. If avoidance is not feasible, the mitigation plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for Tribal Cultural Resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, and/or heritage recovery. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- e. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the NWIC.

COA: Human Remains(Ongoing Throughout Demolition, Grading, and/or Construction).In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the *State CEQA Guidelines*. If the County Coroner determines that the remains are Native American, the City shall contact the NAHC, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. The NAHC will identify a Native American MLD to inspect the site and provide recommendations for the proper treatment of the remains and associated funerary objects. There shall be no pictures taken or testing done on any Native American human remains, and all bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and time frame required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously. A report containing this information should be submitted to the lead agency, project proponent, the NWIC, and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either in accordance with the recommendations of the MLD if available, or in the project vicinity at a location agreed upon between the Tribe and the lead agency where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial are to be kept confidential and secure to prevent any further disturbance.

**Mitigation Measure CUL-2a**

**Archaeological Testing Plan for Future Site Development.** Prior to issuance of a building permit, grading permit, or demolition permit involving any potential ground-disturbing activity (i.e., basement slab removal, topsoil removal, mass excavation, and grading) individual project proponents shall retain a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct a non-invasive archaeological study of the project area initially, including an analysis of historical maps and aerial imagery, systematic surface reconnaissance, and ground-penetrating radar. This non-invasive phase of work may be followed by more invasive testing where necessary, following consultation with the Confederated Villages of Lisjan Nation, which may include archaeological borings and/or shovel test pits, in accordance with a pre-construction archaeological testing program as recommended in the Cultural Resources Evaluation (CRE) prepared by Archeo-Tec (pages 25 and 26 of the report). As described in the CRE, the only way to determine if the known midden site, or any other as-yet-unidentified subsurface cultural resources, extend into the project site is to carry out additional testing. Archaeological monitoring of building demolition followed

by the implementation of a target pre-construction archaeological testing plan would be required, and demolition-related excavation (such as basement slab removal, topsoil removal, mass excavation, and grading) would be monitored by a qualified archaeologist. Individual project sponsors shall submit the pre-construction archaeological testing program to the City of Berkeley's Planning and Development Department for review and approval.

**Mitigation Measure CUL-2b**

**Cultural Resources and Tribal Cultural Resources Sensitivity WEAP Training for Future Site Development.** Prior to issuance of a building permit, grading permit, or demolition permit involving any potential ground-disturbing activity (e.g., building foundation removal), all personnel involved in project-related, ground-disturbing activities (e.g., on-site construction managers, backhoe operators) shall be required to participate in a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]). The WEAP shall be developed by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology, in consultation with input from the designated Confederated Villages of Lisjan Nation and/or Ohlone Native American tribal representative.

The WEAP training shall be conducted before any project-related, ground-disturbing activities (including building foundation removal) begin at the project site. The WEAP shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP shall emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

The WEAP training shall be presented by an archaeologist and a representative from the designated Confederated Villages of Lisjan Nation and/or Ohlone Native American tribal representative. Individual project sponsors shall maintain a record of all construction personnel that have received the WEAP training and provide the record to the City of Berkeley. WEAP training recipient

records shall be maintained by the individual project sponsor throughout the duration of construction. A final WEAP training recipient record shall be submitted to the City prior to issuance of a certificate of occupancy.

**Mitigation Measure CUL-2c**

**Cultural Resources Monitoring Plan for Future Site Development.**

Prior to issuance of any permit that involves ground disturbance (i.e., grading or construction permits), individual project sponsors shall retain an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology to prepare a Cultural Resources Monitoring Plan in consultation with the designated Confederated Villages of Lisjan Nation and/or Ohlone Native American tribal representative. The Cultural Resources Monitoring Plan shall include (but not be limited to) the following components for archaeological and Native American monitoring:

- Person(s) responsible for conducting archaeological monitoring
- Person(s) responsible for Native American monitoring. Tribal monitor(s) will have the authority to halt and redirect work should any archaeological or other Tribal Cultural Resources be identified during monitoring;
- Procedures for notification in the event of the identification of cultural resources, as well as methods for treatment of such resources (e.g., documentation, collection, identification, repatriation); and
- Methods of protection for cultural resources, including items such as protective fencing, security, and protocol for notifying local authorities (i.e., law enforcement) should looting or other resource damage occur.

The Cultural Resources Monitoring Plan shall include a stipulation that, if significant archaeological or tribal cultural resources are identified, all work shall stop immediately within 50 feet of the resource(s). The Cultural Resources Monitoring Plan shall also include a stipulation that, during the course of the monitoring, the frequency of archaeological and Native American monitoring may be reduced from full-time to part-time based on the conditions and only if the designated tribal representative and the qualified archaeologist agree.

**Mitigation Measure CUL-2d**

**Accidental Discovery Measures for Future Site Development.**

Should an archaeological deposit be encountered during project

construction activities while an archaeological or tribal monitor is not on site, all ground-disturbing activities within 50 feet shall be redirected, and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology and a tribal representative contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the project sponsor shall be responsible for funding and implementing appropriate mitigation measures.

The proposed project and the conceptual development project would be required to comply with *COA: Archaeological Resources* and *COA: Human Remains*, and implementation of Mitigation Measures CUL-2a through CUL-2d to ensure that: (1) if archaeological cultural resources are identified during excavation, these would be evaluated, documented, and studied in accordance with standard archaeological practice, and (2) archaeological deposits and human remains would be treated in a culturally appropriate manner and in accordance with appropriate State codes and regulations. Therefore, implementation of these mitigation measures would reduce potential impacts to archaeological historical resources to **less than significant with mitigation**.

**Impact CUL-2 Summary:** Implementation of the proposed project would facilitate future development of the project site under the newly created M-RD zoning district, including the conceptual development project, which would include ground-disturbing activities during construction. Ground disturbance associated with future development of the project site, including the conceptual development project, has the potential to unearth significant archaeological deposits or resources. Accordingly, both the proposed project and the conceptual development project would require implementation of Mitigation Measures CUL-2a through CUL-2d and compliance with *COA: Archaeological Resources* and *COA: Human Remains*, as revised through tribal consultation; therefore, potential impacts to archaeological resources would be **less than significant with mitigation**.

**Impact CUL-3: Ground disturbance associated with future development of the project site facilitated by the proposed project, including the conceptual development project, has the potential to disturb human remains of Native American origin. (*Less than Significant with Mitigation*)**

There are no known human remains on the project site. However, the site is known to be sensitive for the presence of Native American burials due to the proximity of the West Berkeley Shellmound complex.

In the event that human remains are identified during future ground-disturbing activities, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98, as described below.

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

PRC Section 5097.98 states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons it believes to be descended from the deceased (i.e., the Most Likely Descendant or "MLD"). With permission from the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site. Additionally, development projects that require a use permit are required to comply with the City's *COA: Human Remains* that addresses potential impacts to human remains (refer to Section 4.2.1.5, Regulatory Framework).

The proposed project and the conceptual development project would be required to comply with the appropriate procedures required under State law, *COA: Human Remains*, as revised through tribal consultation, for the treatment of Native American remains, and implementation of Mitigation Measures CUL-2a through CUL-2d in order to ensure that descendant communities have significant input in the treatment and final disposition of human remains, if encountered at the project site during future development activities. The impact would be **less than significant with mitigation**.

**Impact CUL-3 Summary:** Implementation of the proposed project would facilitate future development of the project site under the newly created M-RD zoning district, including the conceptual development project, which would include ground-disturbing activities during construction. Ground disturbance associated with future development of the project site, including the conceptual development project, has the potential to unearth human remains. Both the proposed project and the conceptual development project would be required to comply with *COA: Human Remains*, as revised through tribal consultation, and implement Mitigation Measures CUL-2a through CUL-2d. Therefore, the impact to human remains would be **less than significant with mitigation**.

#### 4.2.2.3 Cumulative Impacts

For cultural resources, the scope for assessing cumulative impacts encompasses other past, current, or probable future projects under review by the City. The proposed project would have a significant effect on the environment if it would contribute to a significant cumulative impact on cultural resources.

As discussed above, it is assumed for the purposes of this analysis that implementation of the proposed project would result in the demolition of the structure located at 1306 Third Street, a

historic resource under CEQA. Similar to the proposed project, other development that would impact historic resources would implement mitigation measures similar to Mitigation Measure CUL-1, which requires documentation of the 1306 Third Street structure in compliance with HABS standards. As described above, implementation of Mitigation Measure CUL-1 would not avoid the demolition of the historic resource; therefore, the impact of the proposed project on built-environment historic resources would be significant and unavoidable. The structure at 1306 Third Street is an individual historic resource, however, and is not part of a historic district, it does not share a historic context or use with other historic built resources in the cumulative projects within 0.25 mile of the project site, including 805 Jones Street and 1201 Second/669 Gilman Transfer Station. Therefore, the proposed project would not result in a cumulatively considerable contribution to a **significant and unavoidable impact**.

Similar to the proposed project, ground disturbance associated with cumulative projects could result in **potentially significant impacts** on previously unidentified archaeological sites and associated human remains that may be unearthed. However, impacts on resources accidentally discovered during implementation of these projects would be mitigated to **less than significant** levels with appropriate mitigation measures and conditions of approval. Proposed projects in the area would also be required to comply with the City's *COA: Archaeological Resources*, or more specific measures through the environmental review process, similar to project Mitigation Measures CUL-2a through CUL-2d, developed according to the particular sensitivity of an individual site. Collectively, recent past, approved, and probable future projects that may occur in the vicinity—including the proposed project—would not result in a cumulative increase in impacts on archaeological historical resources, archaeological resources, or human remains because these resources would be avoided or otherwise removed, analyzed, and documented (i.e., by a qualified archaeologist).

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





# LAND USE PLANNING

## NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**Date:** October 21, 2024  
**Project Title:** Gilman Gateway Rezone Project  
**Lead Agency** City of Berkeley  
**Public Review Period:** October 21, 2024 – December 5, 2024

Pursuant to the State California Public Resources Code (PRC) 21091(a) and the Guidelines for the implementation of the California Environmental Quality Act (CEQA Guidelines), the City of Berkeley (City) has released for public review a Draft Environmental Impact Report (EIR) for the Gilman Gateway Rezone Project.

### **Project Description and Location**

The City of Berkeley (City), as the lead agency for environmental review pursuant to the California Environmental Quality Act (CEQA) and the project proponent, proposes to adopt and implement the Gilman Gateway Rezone Project (proposed project). The 11.54-acre project site is composed of 18 parcels of developed land in West Berkeley, Alameda County, see Figure 1. The proposed project would:

1. Establish a new zoning district – Manufacturing, Research and Development (M-RD) in Chapter 23.206 of the Berkeley Municipal Code (BMC).
2. Rezone the 11.54-acre site (project site) from the Manufacturing (M) district to the M-RD zoning district.
3. Amend the Berkeley General Plan and West Berkeley Plan to add the M-RD zoning district to the Manufacturing land use designation.

Implementation of the proposed amendments to the BMC, the Berkeley General Plan, and the West Berkeley Plan would facilitate future buildout of up to 1,005,266 square feet of a mix of light manufacturing, research and development (R&D), laboratory, and/or office uses. This EIR evaluates implementation of the M-RD zoning district and associated development standards at a programmatic level. In addition, the proposed project includes an analysis of the Potential Berkeley Forge Project, a conceptual development project, which could result in the development of a 10.26-acre portion of the project site (conceptual development project site) with approximately 900,000 square feet of light manufacturing, R&D, laboratory, and/or office uses. See Figure 2.

The project site is in West Berkeley, Alameda County. The project site is bisected by Second Street and bordered by Gilman Street to the north, the Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Interstate 80 [I-80]/Interstate 580 [I-580]) to the west. Land uses east and south of the project site generally consist of a mix of manufacturing, warehouse, office, and commercial uses. Recreational facilities, including a sports complex, parks, and marina are located to the west of I-80/I-580, along the Bay.

The project site has been occupied by various industrial tenants and a gasoline station since at least

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1903. As a result of these and surrounding land uses, the soil, groundwater, and soil gas have been impacted with hazardous materials, including total petroleum hydrocarbon products, volatile organic compounds (VOCs), and polychlorinated biphenyls (PCBs). There are multiple leaking underground storage tank (LUST) sites on the project site that are included on the lists of hazardous materials release sites compiled pursuant to Government Code Section 65962.5 (commonly referred to as the "Cortese List").

### **Environmental Effects**

The following types of impacts that could result from implementation of the proposed project and the conceptual development project are discussed in the Draft EIR: (1) growth-inducing impacts; (2) significant irreversible changes; (3) effects found not to be significant with implementation of standard conditions, regulatory compliance measures or mitigation measures; and (4) significant unavoidable effects. The following environmental issue topics were found not to be significant: aesthetics, agricultural resources, geology and soils, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire.

### **Environmental Review and Comment Period**

The City is interested in input and/or comments from the general public and public agencies on the evaluation of environmental impacts that may result from adoption and implementation of the project. The 45-day review period for the begins on October 21, 2024 and ends December 5, 2024. Comments on the Draft EIR in response to this Notice of Availability must be received by 5:00 p.m. on December 5, 2024. Please send your written or electronic responses, with appropriate contact information, to the following:

Ashley James, Senior Planner  
City of Berkeley  
Land Use and Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
Email: [ajames@berkeleyca.gov](mailto:ajames@berkeleyca.gov)

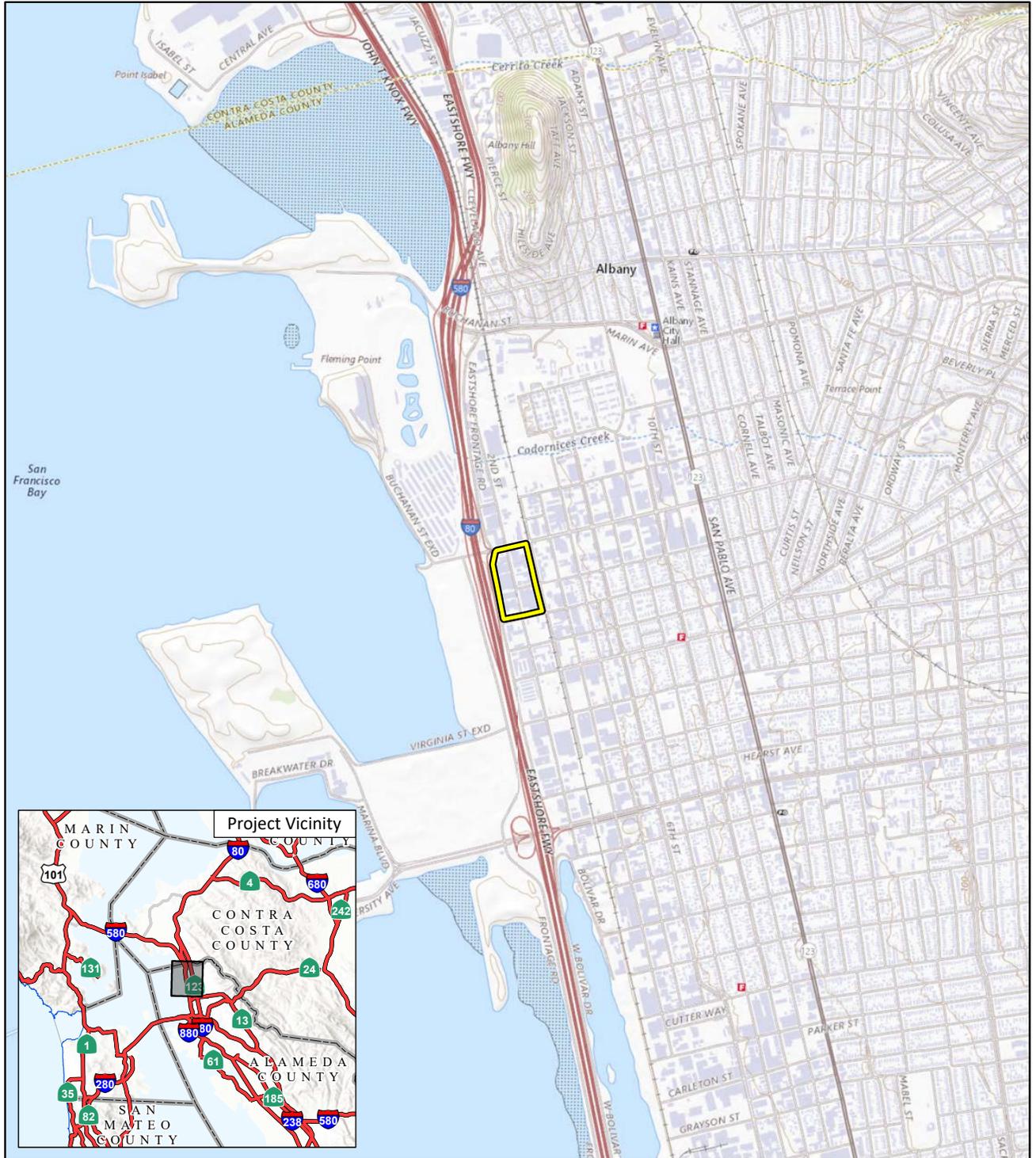
For electronic responses, please include the project name "Gilman Gateway Rezone Project" in the subject line.

The City will hold two public meetings during the public review period to accept comments from the general public, organizations, and agencies. The meetings will be held in person on:

1) Wednesday, November 6, 2024 at 6:00pm at the North Berkeley Senior Center, 1901 Hearst Avenue. The meeting agenda with corresponding meeting link will be posted by 5:00 p.m. on October 30, 2024 on the Planning Commission website: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

and

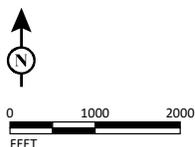
2) Thursday, November 7, 2024 at 6:30pm at the North Berkeley Senior Center, 1901 Hearst Avenue. The meeting agenda with corresponding meeting link will be posted by 5:00 p.m. on October 31, 2024 on the Landmarks Preservation Commission website: <https://berkeleyca.gov/your-government/boards-commissions/landmarks-preservation-commission>



 Project Location

FIGURE 1

LSA



SOURCE: USGS The National Map (2017)

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Gilman Gateway Rezone Project NOA  
 Regional Location and Project Vicinity



FIGURE 2

LSA



0 100 200  
FEET

-  Proposed Project Site Boundary
-  Conceptual Development Project Site

SOURCES: Google Earth, 8/6/2020; LSA, 2022

I:\22020844\G\Site&Development Site Boundaries.ai (3/27/2023)