

## **RESOLUTION NO. 14/15-41**

### **RESOLUTION ADOPTING AND CERTIFYING THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE NEW BERKELEY CITY COLLEGE FACILITY PROJECT, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND AUTHORIZING THE FILING OF THE NOTICE OF DETERMINATION**

**WHEREAS**, the Peralta Community College District ("District") requires additional classroom facilities to accommodate existing students and has proposed the New Berkeley City College Facility Project, consisting of the acquisition and renovation of an existing three-story office building ("Project");

**WHEREAS**, the Project, located at 2118 Milvia Street in the City of Berkeley ("Project Site"), seeks to provide additional facilities to serve the District's existing student population, including renovations of the existing building on the Project Site to accommodate new classrooms and library space;

**WHEREAS**, an activity undertaken by a public agency, including public works construction and related activities, which may have an impact on the environment is a "project" under the terms of the California Environmental Quality Act, as set forth in Public Resources Code Sections 21000 *et seq.* ("CEQA" or the "Act"), and therefore is subject to CEQA review prior to the decision of the Board of Trustees ("Board") to move forward with the Project;

**WHEREAS**, under the terms of Public Resources Code Sections 21104, 21153 and 21067, the District is the Lead Agency with respect to the CEQA review for the Project and it is therefore necessary for the Board to review the District's CEQA documentation and determinations for the Project, and make findings concerning the completed CEQA review, including adopting any CEQA determinations and mitigation measures;

**WHEREAS**, the District performed an initial study of the Project Site ("Initial Study") in accordance with the requirements set forth in the California Code of Regulations Sections 15000, *et seq.* ("CEQA Guidelines");

**WHEREAS**, the District determined through the Initial Study that a mitigated negative declaration ("MND") is the appropriate level of environmental review required for the Project;

**WHEREAS**, a draft MND ("Draft MND") was completed for the Project and circulated for public review for thirty (30) days during which time the District invited written comments on the Draft MND from private individuals and public entities, which comments have been considered as part of the Final MND ("Final MND");

**WHEREAS**, subsequent to the release of the Draft MND, the District completed additional soils analysis related to potential hazardous materials and has determined that based on the results of such additional analysis, mitigation measure "HAZ-1" included in the Draft

MND is no longer needed to mitigate any potential significant environmental impacts and has been removed from the Final MND as further described in the attached Final MND;

**WHEREAS**, a public hearing on the Final MND was conducted by the Board on April 28, 2015;

**WHEREAS**, the Final MND consists of the Draft Initial Study/MND, all written comments received on the Draft Initial Study/MND during the public review period, all responses prepared to the written comments received, text revisions to the Draft Initial Study/MND (if any), notes and other memoranda regarding the public hearing, text changes and any revisions to the Final MND and any accompanying documents, all of which are incorporated by reference as if fully set forth herein, including, but not limited to, section 21167.6 of the Act ("CEQA Documentation"); and

**WHEREAS**, the Board now determines it appropriate to certify the Final MND, to make approvals, findings and other statements provided for herein and to direct the preparation and filing of a Notice of Determination.

**NOW, THEREFORE** the Board of Trustees does hereby resolve, determine and order as follows:

#### **SECTION A**

##### **Recitals**

1. The above recitals are true and correct.
2. The Board adopts each statement in the recitals as a separate finding in support of its actions and reserves the right to expand upon and include additional documentation not already referenced in support of this resolution.

#### **SECTION B**

##### **General Findings Related to Prior Proceedings**

1. The Draft MND was duly prepared, properly circulated and completed in accordance with the provisions of the Act.
  2. Public comment on the Draft MND was properly noticed and conducted by the District in compliance with the provisions of CEQA.
  3. All comments received during the period of public review have been duly considered and incorporated in the Final MND.
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4. The Final MND has been properly completed and has identified all potential significant environmental effects of the proposed Project, and there are no known potential environmental effects that are not addressed in the Final MND.

5. Through the Draft MND process and the Final MND process, a good faith effort has been made to seek out and incorporate all points of view in the preparation of the Final MND.

6. The Board has utilized its own independent judgment in reviewing the CEQA Documentation, adopting this Resolution and approving the Final MND.

### **SECTION C**

#### **Findings of Significance, Mitigation Plan and General Findings**

1. The Board approves and adopts the mandatory findings of significance ("Findings of Significance") identified in the Final MND, which are attached hereto as Exhibit A and incorporated herein by this reference.

2. The Board approves and adopts the mitigation measures identified in the Final MND.

3. The Board finds that based on the additional soils analysis completed by the District and the findings of such analysis, mitigation measure "HAZ-1" included in the Draft MND is no longer needed to mitigate any potential significant environmental impacts and has been removed from the Final MND as further described in the attached Final MND.

4. The Board finds that the mitigation measures identified in the Final MND are feasible and will reduce all possible significant environmental impacts to a level of insignificance.

5. The Board approves and adopts the Mitigation Monitoring and Reporting Program ("Program"), which is attached hereto as Exhibit B, and directs that the Program be implemented on an ongoing basis during the completion of the Project.

6. In addition to the specific findings contained herein, the Board incorporates by reference the applicable portions of the staff reports and studies, oral and written evidence submitted into the record, items of common knowledge, the Final MND, and the resolutions related to the Project as findings.

7. The Board intends that the findings and determinations contained and referenced herein be considered as an integrated whole and, whether or not certain findings fail to cross-reference or incorporate by reference any other findings, the Board intends that any finding or

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determination required or permitted to be made by this Board with respect to the Project shall be deemed made if it appears in any portion of such findings and determinations.

8. Each and all of the findings and determinations contained herein are based on competent and substantial evidence, both oral and written, contained in the administrative record related to the Project.

9. The documents and other materials that constitute the record on which the Board's findings are based are located with the Department of General Services of the Peralta Community College District, 333 East 8th Street Oakland, California 94606. This information is provided in compliance with Public Resources Code Section 21081.6 and Title 14 of the California Code of Regulations Section 15091.

## **SECTION D**

### **Certification of the Final Mitigated Negative Declaration**

1. The Board has reviewed and considered the contents of the Final MND for the Project, including the Findings of Significance and the Program.

2. Based on the presentation made to the Board by District staff and consultants, the evidence described herein, and the Board's review of the Final MND, the Board hereby approves and adopts the Final MND as adequate and completed in compliance with CEQA. The Final MND is attached hereto and incorporated herein as Exhibit C.

2. The Board directs District staff to prepare and file a Notice of Determination within five (5) working days following the date of adoption of this Resolution with the County Clerk of the County of Alameda and with the State of California, and further directs that copies of the Final MND be retained at the administrative offices of the District for review.

## **SECTION E**

### **Approval of the Project**

1. The Board approves the Project, including the construction and operation of the three story building which is part of the New Berkeley City College Facility Project.

2. The Board authorizes the Chancellor or her/his designee to take such actions necessary or appropriate to effectuate the intent of this Resolution, including executing such documentation necessary to effect the intent of this Resolution.

**Passed and Adopted** by the Board of Trustees of the Peralta Community College District, Alameda County, California, on April 28, 2015 at a duly noticed, regularly scheduled meeting by the following vote:

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AYES:

NOS:

ABSTAIN:

ABSENT:



I, Meredith Brown, President of the Board of Trustees for the Peralta Community College District, hereby certify that the foregoing is a full, true and correct copy of Resolution No. 14/15-41 adopted by the Board of Trustees on April 28, 2015.

Date: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Trustees  
Peralta Community College District

Certified a True Copy:

\_\_\_\_\_  
Clerk, Board of Trustees  
Peralta Community College District

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**EXHIBIT "A"**  
**FINDINGS OF SIGNIFICANCE**

**FINDINGS FOR**  
**NEW BERKELEY CITY COLLEGE FACILITY PROJECT**

State Clearinghouse No: 2015032084

**REQUIRED FINDINGS**

CEQA requires that, prior to approval of a project, the Lead Agency make specified findings related to each of the significant or potentially significant environmental effects considered in the Mitigated Negative Declaration/Initial Study (MND/IS). The MND/IS identified several significant or potentially significant effects on the environment. The Peralta Community College District Board of Trustees findings with respect to each of these significant or potentially significant environmental effects are presented below.

It is anticipated that the Peralta Community College District Board of Trustees will adopt the MND/IS and Mitigation Monitoring and Reporting Program (MMRP) and approve the Project in conjunction with its adoption of this document. With these actions in place, all of the Project environmental effects will be reduced to Less Than Significant.

The findings for the proposed Project are based upon substantial evidence, comprised primarily of the information, analysis and mitigation measures described in the MND/IS and other information incorporated into these documents by reference.

**SECTION 1.0 FINDINGS OF THE LEAD AGENCY WITH REGARD TO THE  
SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT**

**1.1 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT DO NOT REQUIRE  
FINDINGS**

The environmental effects that were found by the MND/IS to be Less Than Significant without mitigation do not require findings under CEQA. These effects include the following:

- Project Impacts on Aesthetics
- Project Impacts on Agricultural and Forestry Resources
- Project Impacts on Biological Resources
- Project Impacts on Cultural Resources
- Project Impacts on Geology and Soils
- Project Impacts on Greenhouse Gas Emissions
- Project Impacts on Hazards and Hazardous Materials
- Project Impacts on Hydrology and Water Quality
- Project Impacts on Land Use and Planning
- Project Impacts on Mineral Resources
- Project Impacts on Population and Housing
- Project Impacts on Public Services
- Project Impacts on Recreation

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## Project Impacts on Utilities and Service Systems

### 1.2 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT REQUIRE FINDINGS

The environmental effects that were found by the MND/IS to be significant and/or potentially significant prior to the application of mitigation measures include the effects listed below. As required by CEQA, the Peralta Community College District Board of Trustees must make findings with respect to each of these significant effects. The Peralta Community College District Board of Trustees findings, and the evidence in support of those findings, are detailed below.

#### **AIR QUALITY**

EFFECT: The Project would result in short-term air pollution emissions as a result of construction activities that could temporarily violate air quality standards.

MITIGATION: Mitigation Measures identified in the MND/IS will substantially lessen temporary construction related air emissions to acceptable levels as promulgated by the Bay Area Air Quality Management District.

FINDING: Implementation of Mitigation Measure AIR-1 identified in the MND/IS will reduce construction-related air quality impacts to a less-than-significant level (Initial Study pages 13 through 22).

#### **NOISE**

EFFECT: During Project construction there would be a temporary increase in ambient noise levels at the Project site. During Project operation, rooftop HVAC equipment could cause a substantial permanent increase in ambient noise levels at the Project site.

MITIGATION: Mitigation Measures identified in the MND/IS will reduce temporary construction noise impacts and operational noise impacts to acceptable levels.

FINDING: Implementation of Mitigation Measures NOISE-1 and NOISE-2 will reduce significant temporary construction noise impacts and operational noise impacts to a less-than-significant level (Initial Study pages 41 through 46).

#### **TRANSPORTATION AND TRAFFIC**

EFFECT: Project construction activities could disrupt and create conflicts with traffic, transit, bicycle and pedestrian circulation.

MITIGATION: Mitigation Measures identified in the MND/IS will manage construction truck movements and deliveries to avoid or minimize conflicts with traffic, transit, bicycle and pedestrian circulation.

FINDING: Implementation of Mitigation Measures TRAFFIC-1, TRAFFIC-2 and TRAFFIC-3 will reduce potentially significant transportation and circulation impacts to a less-than-significant level (Initial Study pages 50 through 56).

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**EXHIBIT "B"**

**MITIGATION MONITORING AND REPORTING PROGRAM  
NEW BERKELEY CITY COLLEGE FACILITY PROJECT**

Prepared for  
Peralta Community College District

Prepared by

PLACEMAKERS

1500 Park Avenue – Loft #310

Emeryville, California 94608



April 19, 2015

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# MITIGATION MONITORING AND REPORTING PROGRAM NEW BERKELEY CITY COLLEGE FACILITY PROJECT

## 1.0 INTRODUCTION

Public Resources Code section 21081.6(a) requires all public agencies to adopt monitoring or reporting programs when they approve projects subject to Environmental Impact Reports (EIRs) and Mitigated Negative Declarations (MNDs) that identify significant impacts. The reporting and monitoring program must be adopted when a public agency makes its findings for EIRs or MNDs so that the program can be made a condition of project approval in order to mitigate significant effects on the environment. The program must be designed to ensure compliance with implementation of all mitigation measures identified to mitigate or avoid significant environmental effects.

## 2.0 MITIGATION MONITORING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) is designed to serve as a tool for the evaluation of Project compliance with mitigation measures identified in the *Mitigated Negative Declaration/Initial Study for the New Berkeley City College Facility Project* (MND/IS). The MMRP will be used by the Peralta Community College District (District) to verify inclusion of required project design features and implementation of mitigation measures. The MMRP serves as a checklist so the District, other public agencies and the community can easily determine compliance regarding implementation of all mitigation measures.

The District should implement the MMRP as follows:

- The District's Department of General Services is responsible for coordination of the MMRP.
- Each responsible individual or agency will be responsible for determining whether the mitigation measures contained within the MMRP and identified as their responsibility have been implemented in compliance with the MND/IS. Once all mitigation measures have been implemented, the responsible individual or agency should submit a completed checklist to the Peralta Community College District Vice-Chancellor, Department of General Services.

**NEW BERKELEY CITY COLLEGE FACILITY PROJECT**

**MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST**

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
<b>Prior to Final Design/Preparation of Construction Drawings</b>							
<p>NOISE-1: The roof-top acoustic enclosure surrounding the Project building HVAC equipment shall be designed to ensure noise levels do not interfere with indoor activities and cause annoyance to nearby office and residential uses. Specifications for the enclosure shall be set by a Project building-specific acoustical analysis and incorporated into the Project design to assure the tranquility of nearby office and residential receptors. When the HVAC equipment is fully operational, the effectiveness of its noise control features shall be verified by noise measurements.</p>	One-time	Project Architect Project Mechanical Engineer	District Department of General Services	<p>Project-Specific Acoustical Analysis Report</p> <p>Acoustic enclosure drawings/specifications.</p> <p>Report confirming noise control features are effective.</p>	Confirmation of the effectiveness of noise control features shall be made prior to building occupancy.		

MITIGATION MEASURE	One-time or On-going	Responsible for Implementation	Responsible for Verification	Form of Verification	Comments/ Special instructions	Initials	Date
<b>During Project Construction</b>							
<p>AIR-1: <i>Implement Enhanced Exhaust Emission Reduction Measures for Project Construction Equipment.</i> The construction contractor shall implement the following measures to further reduce construction-related exhaust emissions:</p> <ul style="list-style-type: none"> <li>All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ul style="list-style-type: none"> <li>Engines that meet or exceed USEPA/CARB Tier 3 off-road emission standards <b>and</b> be fitted with CARB Level 2 Verified Diesel Emissions Control Strategy (VDECS) devices.</li> </ul> </li> </ul>	On-going during Project construction activities.	Project General Contractor	District's Construction Manager	<p>Weekly site visits to confirm specified equipment is in use.</p> <p>Posted signs that identify the District's Construction Manager as the contact (including name and telephone number) to report problems with dust and soil material on adjacent streets.</p>	Specified Enhanced Exhaust Emissions Reduction Measures shall be included in the construction bid documents.		

<b>During Project Construction – continued</b>							
<p>NOISE-2: The following Best Management Practices shall be incorporated into the construction documents to be implemented by the Project contractor:</p> <ul style="list-style-type: none"> <li>Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.</li> <li>Use quietest type of construction equipment</li> </ul>	On-going during Project construction activities.	Project General Contractor	District Construction Manager	<p>Weekly site visits to confirm specified equipment is in use.</p> <p>Posted signs that identify the District's Construction Manager as the contact (including name and</p>	Specified Best Management Practices shall be included in the construction bid documents.		

<p>whenever possible, particularly air compressors.</p> <ul style="list-style-type: none"> <li>• Provide sound-control devices on equipment no less effective than those provided by the manufacturer.</li> <li>• Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.</li> </ul>				<p>telephone number) to report noise and vibration problems.</p>		
<ul style="list-style-type: none"> <li>• Prohibit unnecessary idling of internal combustion engines.</li> <li>• Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.</li> <li>• Designate a noise disturbance coordinator who shall be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site. Copies of the project purpose, description and construction schedule shall also be distributed to the nearby residents.</li> <li>• Limit project construction activity to the hours of 7:00 a.m. to 7:00 p.m. on weekdays, 9:00 a.m. to 8:00 p.m. on weekends and holidays.</li> </ul>						

<b>During Project Construction – continued</b>							
<p>TRAFFIC-1: To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods,</p>	<p>On-going during Project construction activities.</p>	<p>Project General Contractor</p>	<p>District Construction Manager</p>	<p>Bi-weekly site visits to observe truck activity. Construction truck movement and deliveries</p>			

<p>the Project contractor shall restrict construction-related truck movements and deliveries to, from, and around the Project site during peak hours (generally 7:00 to 9:00 AM and 4:00 to 6:00 PM) or other times, as determined by the City of Berkeley Engineering department, and the Engineering Inspectors in the Permit Service Center.</p>				<p>plan that specifies permissible movement and delivery hours.</p>		
<p>TRAFFIC-2: In order reduce potential conflicts between construction activities and traffic, bicycles, and pedestrians at the Project site, the contractor shall identify construction traffic management best practices to avoid or minimize conflicts. Management practices could include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Identifying ways to reduce construction worker vehicle-trips through transportation demand management programs and methods to manage construction worker parking demands.</li> <li>• Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage.</li> <li>• Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.</li> </ul>	<p>On-going during Project construction activities.</p>	<p>Project General Contractor</p>	<p>District Construction Manager</p>	<p>Bi-weekly site visits. Construction Traffic Public Information Plan Transportation Demand Management Program</p>		

**During Project Construction – continued**

<ul style="list-style-type: none"> <li>• Requiring consultation with the surrounding community, including business and property owners near the Project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the Project site.</li> <li>• Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding Project construction activities, peak construction vehicle activities, sidewalk and parking lane closures, and providing a Project contact for such construction-related concerns.</li> </ul>							
<p>TRAFFIC-3: The Project contractor shall deploy construction staff along Milvia Street and at the Milvia Street/Center Street intersection to direct truck traffic during loading activities.</p>	<p>On-going during Project construction activities.</p>	<p>Project General Contractor</p>	<p>District Construction Manager</p>	<p>Bi-weekly site visits.</p>			

## EXHIBIT "C"

### FINAL MITIGATED NEGATIVE DECLARATION

#### REVISIONS TO DRAFT MITIGATED NEGATIVE DECLARATION/INITIAL STUDY – NEW BERKELEY CITY COLLEGE FACILITY PROJECT

April 19, 2015

Subsequent to circulation of the *New Berkeley City College Facility Project Mitigated Negative Declaration/Initial Study* (MND/IS), a Soil Gas Survey was completed by Terraphase Engineering, Inc. in conformance with Mitigation Measure HAZ-1 identified in the Initial Study. The Soil Gas Survey concluded it is unlikely there are significant quantities of volatile compounds under the Project site. Consequently, Mitigation Measure HAZ-1 is no longer required. Therefore, as presented below, sections of the MND/IS are revised to account for the fact that the proposed Project would have no potentially significant hazards and hazardous materials impacts.

Text deletions are shown as ~~strikethrough~~ and new text is shown as underlined.

#### On page 2 of the Mitigated Negative Declaration:

##### ~~HAZARDS AND HAZARDOUS MATERIALS~~

~~**Impact:** Based on historical use of the site as a gas station and the historical use of adjacent properties with an auto/fuel service station and an auto gas service station and garage, petroleum products may have been released beneath the Project site and adjacent properties~~

##### ~~**Mitigation Measure:**~~

~~**HAZ-1** — Prior to initiation of the seismic upgrade of the 2118 Milvia Street building, three subslab soil gas samples taken from below the building foundation shall be collected and analyzed to confirm if petroleum hydrocarbons, volatile organic compounds and methane are present and if so confirm if they are present at levels exceeding environmental screening levels. If any of these chemicals of concern exceed the environmental screening levels, additional environmental sampling shall be undertaken and recommendations shall be implemented.~~

~~**Residual Impact:** Less than significant with implementation of the recommended mitigation measure.~~

**On page 9 of the Initial Study:**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a potentially significant impact as indicated by the checklist on the following pages.

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

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Dr. Sadiq Bello Ikharo

\_\_\_\_\_  
Date

Vice Chancellor

**On pages 32 – 34 of the Initial Study:**

	Potentially Significant			
Potentially Significant	Impact Unless Mitigation	Less Than Significant	No	
<u>Impact</u>	<u>Incorporated</u>	<u>Impact</u>	<u>Impact</u>	

**8. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

- |   |                                     |                                     |                                     |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <input type="checkbox"/>  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**Existing Conditions**

The Project site is developed with a three-story office building and is located in an Environmental Management Area (EMA) as designated by the City of Berkeley. Properties located in EMAs may encounter potential health and environmental concerns during construction activities that involve underground excavation or dewatering (Terraphase Engineering, Inc. 2015).

Historically, the Project site was vacant until about 1939 when the site was developed with a gas station. The gas station remained on the site until about 1968 when it was replaced with the existing office building (Terraphase Engineering, Inc. 2015).

Between the 1920’s and 1950’s, properties adjacent to the Project site were developed with an auto/fuel service station (2125 Milvia Street) and auto gas service station and garage (2135, 2145, 2171 Milvia Street). A property at 2020 Addison Street (automotive garage) and located about 400 feet east-northeast and up-gradient of the Project site was granted a regulatory closure in 1994 (Terraphase Engineering, Inc.).

The site is not included on the Department of Toxic Substance Control site cleanup list (California Department of Toxic Substance Control 2015).

**Impact Discussion**

~~Based on historical use of the site as a gas station and the historical use of adjacent properties with an auto/fuel service station and an auto gas service station and garage, petroleum products may have been released beneath the Project site and adjacent properties. This is considered a potentially significant impact, but with implementation of Mitigation Measure HAZ-1, potentially significant impacts would be less than significant. The proposed Project would not create a significant hazard to the public or the environment due to the transport, use, disposal or release of hazardous materials.~~ The proposed Project would not emit hazardous emissions. The Project site is not within an area at risk of exposure to wildland fires or within two miles of a public airport or private airstrip. A brief discussion of each environmental issue included under Section 8 is presented below.

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

~~Proposed seismic upgrade work may disturb soils. This is a potentially significant impact. See Subsection 8b below. The proposed Project would not create a significant hazard to the public or the environment through the transport, use or disposal of hazardous materials. See Subsection 8b below.~~

**b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

A vapor encroachment screening (VEC) was undertaken by Terraphase Engineering, Inc. because of concern about contaminated soil and groundwater that may be present due to the historical use of the Project site and adjacent properties (Terraphase Engineering, Inc. 2015a). The VEC concluded it is likely petroleum products may have been released beneath the Project site, the property located at 2125 Milvia Street, and the property located at 2135, 2145, 2171 Milvia Street potentially impacting groundwater beneath the site and creating a potential vapor encroachment issue. Additionally, the 2020 Addison Street property may have impacted the Project site with respect to groundwater flow. Because of the potential presence of contaminated soil and groundwater below the Project site, a soil gas survey was conducted. The soil gas survey concluded it is unlikely that there are significant quantities of volatile compounds under the Project site and as long as the existing structure remains in place, it is unlikely that any subsurface contamination will pose a significant threat to the health of building occupants (Terraphase Engineering, Inc. 2015b). ~~This is considered a potentially significant impact, however with implementation of Mitigation Measure HAZ-1, potentially significant impacts would be less than significant.~~

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

The Project would not emit hazardous emissions or require the handling of hazardous materials. There are no K-12 schools within one-quarter mile of the Project site. The nearest schools are the Berkeley Arts Magnet School and Walden Center and School both located about one-half mile from the Project site (Google Earth 2015).

**d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The Project site is not included on the Department of Toxic Substance Control's site cleanup list (as per Government Code Section 65962.5 (Department of Toxic Substance Control 2015).

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

The Project site is not located within two miles of a public airport. The nearest public airport is Oakland International Airport located more than ten miles south of the site (Google Earth 2015).

**f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

The Project site is not located within the vicinity of a private airstrip (Google Earth 2015).

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

The proposed Project would consist of interior building renovations and a seismic upgrade to an existing office building. The Project would not interfere with City of Berkeley emergency response and evacuation plans.

**h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The Project site is located in downtown Berkeley. The Project site is not located within an area subject to wildland fires.

**Recommended Mitigation Measure**

None required.

~~**HAZ-1** — Prior to initiation of the seismic upgrade of the 2118 Milvia Street building, three subslab soil gas samples taken from below the building foundation shall be collected and analyzed to confirm if petroleum hydrocarbons, volatile organic compounds and methane are present and if so confirm if they are present at levels exceeding environmental screening levels. If any of these chemicals of concern exceed the environmental screening levels, additional environmental sampling shall be undertaken and recommendations shall be implemented.~~

**References**

California Department of Toxic Substance Control. 2011. *DTSC's Hazardous Waste and Substances Site List (Cortese List)*. [www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm). Viewed on February 3, 2015.

Google Earth. Viewed on February 5, 2015.

Terraphase Engineering, Inc. 2015a. *Draft Phase I Environmental Site Assessment 2118 Milvia Street Berkeley, California 94704-1113*. Prepared for Peralta Community College District. January 30, 2015.

Terraphase Engineering, Inc. 2015b. *Soil Gas Survey Results, 2118 Milvia Street Berkeley, California, March 27, 2015.*

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concentration increment would be reduced to below the BAAQMD threshold. The Project site is located in an Environmental Management Area and there is concern contaminated soil and groundwater may be present at the site due to the historical use of the Project site and adjacent properties. ~~With implementation of **Mitigation Measure HAZ-1**, potentially significant impacts would be less than significant.~~ Rooftop HVAC equipment could affect Project occupants as well as nearby offices and residences but with implementation of **Mitigation Measure NOISE-1** would be less than significant. Temporary construction activities may result in significant noise impacts that could adversely affect nearby offices and residences, however with implementation of **Mitigation Measure NOISE-2**, construction noise impacts would be less than significant. There may be temporary circulation conflicts during Project construction activities but with implementation of **Mitigation Measure TRAFFIC-1, TRAFFIC-2 and TRAFFIC-3** such conflicts would be less than significant.