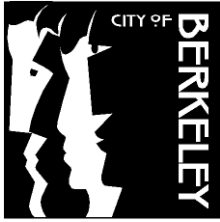


Appendix A

Notice of Preparation (NOP) and NOP Responses



Planning and Development Department
Land Use Planning Division

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE 2128 OXFORD STREET MIXED-USE PROJECT

Notice is hereby given that the City of Berkeley is preparing an Environmental Impact Report (EIR) for the 2128 Oxford Street Mixed-Use Project (“the project”) pursuant to CEQA Guidelines Section 15183.3 (“Streamlining for Infill Projects”). A draft Infill Environmental Checklist (IEC) was prepared and is included for public review along with this notice (refer to Attachment 1).

The City of Berkeley is requesting comments on the IEC and on the scope and content of the EIR. The City of Berkeley, as the Lead Agency, is preparing an EIR for the project, in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and local CEQA guidelines. The draft IEC, project plans, and other information are available at the Zoning Counter at City of Berkeley Permit Service Center, Planning and Development Department, 1947 Center Street, 2nd Floor, Berkeley, California and online at:

<https://aca.cityofberkeley.info/citizenaccess/Default.aspx> (Click on Zoning tab; enter permit number ZP2022-0135; select permit ZP2022-0135; click on the “Record Info” drop down menu; click on Attachments for a list of all application materials.)

In accordance with CEQA Guidelines Section 15082, this Notice of Preparation (NOP) was sent to the California State Clearinghouse, Alameda County Clerk, responsible agencies, trustee agencies, adjacent cities, and members of the public including individuals and organizations in order to solicit comments on the scope and content of the analysis in the EIR.

PROJECT TITLE: 2128 Oxford Street Mixed-Use Project

PROJECT LOCATION: The project site encompasses two individual parcels totaling 0.82 acres (35,573 square feet) at 2128-2130 Oxford Street (Assessor Parcel Number [APN] 057-203100101) and 2132-2154 Center Street (APN 057-203101500) in the City of Berkeley, Alameda County. As shown on Figure 1, the project site is located on the southwest corner of Center Street and Oxford Street and is bounded by Center Street to the north, Oxford Street to the east, and residential and commercial development to the west and south. Across Oxford Street to the east of the site is the University of California, Berkeley campus.

PROJECT APPLICANT: Core Berkeley Oxford LLC, 1643 N. Milwaukee Avenue, 5th Floor, Chicago, Illinois 60647.

PROPOSED PROJECT DESCRIPTION: The project site is on a hazardous materials

list compiled pursuant to Government Code Section 65962.5. The project would demolish two existing buildings, including the 2132-54 Center Street building, which contains 16 dwelling units that would be replaced in the new building. The 2132-54 Center Street building (identified on resource lists as 2142 Center) was found to be eligible for the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and local designation and is a contributor to the historic downtown Shattuck Avenue District. A new 26-story (288 feet), 485-unit, mixed-use building is proposed for construction, and would be subject to the State's Density Bonus law (Government Code 65915) and the City of Berkeley's Affordable Housing Mitigation Fee (Berkeley Municipal Code, Section 22.20.065).¹ Pursuant to State Density Bonus law: the base maximum allowable density for the project site would be 354 residential units; the project would include 43 below-market-rate units, including 6 extremely low-income units (ELI) and 37 very-low-income (VLI) units (6 ELI and 10 VLI would replace the 16 units to be demolished); the 43 below-market-rate units, or 12% of the base project, would qualify the project for a 38.75% density bonus, or 138 bonus units, of which the project would utilize 131 units, for a total of 485 units in the final project. The proposed project would also include approximately 13,500 square feet of retail and restaurant space and a below-ground basement level that would include a mail and package room along with mechanical and utility storage rooms. A 45-space parking garage with mechanical lifts would be located at grade with access from a driveway along Oxford Lane. An exterior amenity roof deck and a restaurant are also proposed.

STREAMLINED CEQA PROCESSING FOR INFILL PROJECTS: The project qualifies for streamlined review under CEQA Guidelines Section 15183.3. The purpose of Guidelines section 15183.3 is to allow lead agencies to limit the topics subject to CEQA review at the project level "where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies." The primary planning level decision document is the adopted Downtown Area Plan, and the referenced environmental documentation is the 2012 Downtown Area Plan Final EIR (State Clearinghouse Number 2008102032).

PROBABLE ENVIRONMENTAL EFFECTS: Based on the analysis in the IEC, the topical areas that likely will be addressed in the EIR are: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Public Services, and Tribal Cultural Resources.

WRITTEN COMMENTS: Responses to this NOP and any questions or comments should be directed in writing to:

*Sharon Gong, Senior Planner
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704 or
Email: SGong@berkeleyca.gov.*

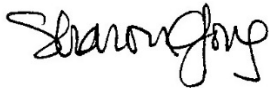
¹ The project vested City policies and standards in place at the time that the Senate Bill 330 Preliminary Application was complete, prior to the repeal of BMC Section 22.20.065.

Comments on the NOP must be received **on or before 5pm on Friday, September 1, 2023**. In addition, comments may be provided at the EIR Scoping Meeting (see details below). Comments should focus on the draft IEC analysis and the cope and content of the EIR.

EIR PUBLIC SCOPING MEETING: The City of Berkeley will conduct a public scoping session on **Wednesday, August 16, 2023**, to receive comments on the scope and contents of the EIR. The meeting will start at **6:00 PM** and will be held via video and teleconference.

To join from a PC, Mac, iPad, iPhone, or Android device: Use the link <https://us06web.zoom.us/j/83138959290>.

To join by phone: Dial +1 669 900 6833 US (San Jose) or +1 669 444 9171 US and enter Meeting ID 831 3895 9290.



Sharon Gong, Senior Planner

Date of Distribution: August 2, 2023

Figure 1 Project Site Location



Imagery provided by Microsoft Bing and its licensors © 2023.

22-12758.EPS
Fig 2 Project Location

August 18, 2023

Sharon Gong, Senior Planner
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: Notice of Preparation of an Environmental Impact Report for the 2128 Oxford Street Mixed-Use Project, Berkeley

Dear Ms. Gong:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the 2128 Oxford Street Mixed-Use Project (Project) located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential and mixed-use multi-family and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

EBMUD's Berryman Pressure Zone, with a service elevation range between 200 and 400 feet, will serve the proposed Project. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed Project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

EBMUD's Standard Site Assessment Report indicate the potential for contaminated soils or groundwater to be present within the Project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal

protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the Project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the Project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from the Project and to treat such flows provided that the wastewater generated by the Project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer

Sharon Gong, Senior Planner

August 18, 2023

Page 3

Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

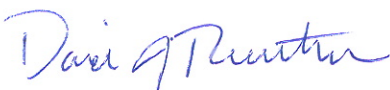
To ensure that the proposed Project contributes to these legally required I/I reductions, the City should require the Project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the City to require the following mitigation measures for the proposed Project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

The proposed Project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

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

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:AAL:djr
wdpd23_179 Oxford Street Mixed Use Project.docx

cc: Core Berkeley Oxford LLC



August 30, 2023

Sharon Gong, Senior Planner
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

SUBJECT: Response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the 2128 Oxford Street Mixed-Use Project

Dear Ms. Gong,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of the **Draft Environmental Impact Report (DEIR) for the 2128 Oxford Street Mixed-Use Project**.

The project site is located on the southwest corner of Center Street and Oxford Street and is bounded by Center Street to the north, Oxford Street to the east, and residential and commercial development to the west and south. Across Oxford Street to the east is the University of California, Berkeley (U.C. Berkeley) campus and across Center Street to the north is the Berkeley Art Museum and Pacific Film Archive.

The project would demolish two existing buildings, including the 2132-54 Center Street building, which was found to be eligible for the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and local designation (identified on the lists as 2142 Center) and is a contributor to the historic downtown Shattuck Avenue District. In addition, the Project will construct a new 26-story (288 feet), 485-unit, mixed-use building that would be subject to the State's Density Bonus law and the City of Berkeley's Affordable Housing Mitigation Fee, and would include 43 below-market-rate units. The proposed project would also include approximately 13,500 square feet of retail and restaurant space, and a below-ground basement level that would include a mail and package room along with mechanical and utility storage rooms. A 45-space parking garage with mechanical lifts would be located at-grade with access from a driveway along Oxford Lane. An exterior amenity roof deck and a restaurant are also proposed.

The City of Berkeley has developed a Draft Infill Environmental Checklist (IEC) for the Project (City of Berkeley, August 2023), which satisfies the requirements in Section 15183.3 of the California Environmental Quality Act (CEQA) *Guidelines, Streamlining for Infill Projects*. The City is requesting comments on the IEC and on the scope and content of the EIR.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments on the Draft IEC and on the content of the EIR:

Basis for Congestion Management Program (CMP) Review

- It appears that the proposed project will generate at least 100 p.m. peak hour trips over existing conditions, and therefore the CMP Land Use Analysis Program requires the City to conduct a

transportation impact analysis of the project. For information on the CMP, please visit:
<https://www.alamedactc.org/planning/congestion-management-program/>.

Use of Countywide Travel Demand Model

- The Alameda Countywide Travel Demand Model should be used for CMP Land Use Analysis purposes. The CMP requires local jurisdictions to conduct travel model runs themselves or through a consultant. The City of Berkeley and the Alameda CTC signed a Countywide Model Agreement on September 15, 2010. Before the model can be used for this project, a letter must be submitted to the Alameda CTC requesting use of the model and describing the project. A copy of a sample letter agreement is available upon request. The most current version of the Alameda CTC Countywide Travel Demand Model was updated in May 2019 to be consistent with the assumptions of Plan Bay Area 2040.
- Use of the Alameda County Transportation Commission Vehicle Miles Traveled (VMT) Reduction Calculator Tool
Alameda CTC has developed a [VMT Reduction Calculator Tool](#) to assist its member agencies comply with the new requirements of SB 743 for the analysis of traffic impacts of certain land use projects under CEQA. The Tool estimates reductions in VMT derived from the implementation of Transportation Demand Management (TDM) Strategies with the Project. However, the proposed Project is within an area with an average VMT per resident of at least 15% below the respective Bay Area averages and is located within a Transit Priority Area. According to CEQA Guidelines Section 15064.3(b)(1) and the City of Berkeley's VMT Criteria and Thresholds (City of Berkeley 2020a), the Project is presumed to have a less than significant impact.

According to the Draft IEC for the Project, Section 17:Transportation/Traffic (page 131) concludes that VMT generated by the Project will be below thresholds of significance and Project-specific impacts related to traffic hazards, emergency access, pedestrian and bicycle circulation, and transit capacity would not exceed or differ from those identified in the Downtown Area Plan (DAP) EIR. It further states that the Project would not result in new specific effects that were not addressed in the DAP EIR, and no new mitigation measures would be required; therefore, this issue would not require further study in an EIR.

Impacts

- Although SB 743 requires the use of VMT analyses rather than Level of Service (LOS) analyses to determine projects' transportation impacts under CEQA, since automobile delay cannot be deemed a significant environmental impact, Government Code Section 65089(b) and the Congestion Management Program (CMP) Land Use Analysis Program continue to require jurisdictions to analyze each project's potential impacts on the CMP roadway network. The required LOS analysis on the CMP roadway network may be included in an appendix to the project EIR or as a separate document.
 - CMP roadway facilities in the project area include:
 - University Avenue
 - Shattuck Avenue
 - Bancroft Way
 - For the purposes of CMP Land Use Analysis, the Highway Capacity Manual freeway and urban streets methodologies are the preferred methodologies to study vehicle delay impacts.

- The Alameda CTC has *not* adopted any policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts (Please see Chapter 6 of the 2017 CMP for more information).
- The EIR should address potential impacts of the project on Metropolitan Transportation System (MTS) transit operators.
 - MTS transit operators potentially affected by the project include: The Bay Area Rapid Transit (BART) and Alameda Contra Costa Transit (AC Transit)
 - Transit impacts for consideration include the effects of project vehicle traffic on mixed flow transit operations, transit capacity, transit access/egress, need for future transit service, and consistency with adopted plans. See [Appendix J of the 2019 CMP](#) document for more details.
- The EIR should address potential impacts of the project to people biking and walking in and near the Project area, especially nearby roads included in the [Countywide High-Injury Network](#) and major barriers identified in the [Countywide Active Transportation Plan](#).
 - Impacts to consider on conditions for cyclists include effects of vehicle traffic on cyclist safety and performance, site development and roadway improvements, and consistency with adopted plans. See [Appendix J of the 2019 CMP](#) document for more details.

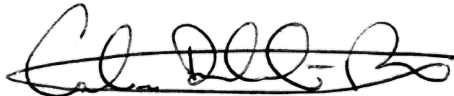
Mitigation Measures

- Alameda CTC's policy regarding mitigation measures is that to be considered adequate they must be:
 - Adequate to sustain CMP transit service standards, and/or reduce VMT below the applicable level of significance;
 - Fully funded; and
 - Consistent with project funding priorities established in the Capital Improvement Program of the CMP, the Countywide Transportation Plan (CTP), and the Regional Transportation Plan (RTP) or the Federal Transportation Improvement Program, if the agency relies on state or federal funds programmed by Alameda CTC.
- The EIR should discuss the adequacy of proposed mitigation measures according to the criteria above. In particular, the EIR should detail when proposed roadway or transit route improvements are expected to be completed, how they will be funded, and the effect on service standards if only the funded portions of these mitigation measures are built prior to Project completion. The EIR should also address the issue of transit funding as a mitigation measure in the context of the Alameda CTC mitigation measure criteria discussed above.
- Jurisdictions are encouraged to discuss multimodal tradeoffs associated with mitigation measures or project elements that involve changes in roadway geometry, intersection control, or other changes to the transportation network. This analysis should identify impacts to automobiles, transit, bicyclists, and pedestrians. The HCM 2010 MMLOS methodology is encouraged as a tool to evaluate these tradeoffs, but project sponsors may use other methodologies as appropriate for particular contexts or types of mitigations.

- The EIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered.

Thank you for the opportunity to comment on this NOP. Please contact me at (510) 208-7474, or Aleida Andrino-Chavez, Associate Transportation Planner, at (510) 208-7480, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Dentel-Post". The signature is stylized with loops and a long horizontal stroke.

Colin Dentel-Post
Principal Transportation Planner

cc: Aleida Andrino-Chavez, Associate Transportation Planner

Gong, Sharon

From: Steven Schuyler <tell.stevenj@gmail.com>
Sent: Monday, August 7, 2023 8:00 AM
To: Gong, Sharon; Manager, C
Subject: RE: Environmental Impact Report 2128 Oxford Street Mixed-Use Project
Attachments: 2128 Oxford Street.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

8-4-2023

RE: Notice of preparation of an environmental impact report for the 2128 Oxford Street Mixed use project (see copy of notice attached)

TO: Sharon Gong, Senior Planner
CC: City Manager

Ms. Gong:

I am writing to you in regards to this notice that I got in the mail to suggest to you that in my opinion this letter misses the mark of what you were trying to do, even if you are following city regulations with the letter you sent out!

My issue with the letter is that in truth, it actually sounds like a letter that has been written by one planner that is directed to another planner who has the knowledge and understanding of the many acronyms that are packed into this letter!

There is so much technical jargon in this letter that I know that even with my college education I had an incredibly difficult time comprehending the letter because there is very little explanation of what these acronyms even mean in a way that the average person could

understand what you're talking about!!

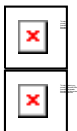
In my opinion you need to completely start over and write your letter in everyday plain english with almost NO planning jargon in it at all that the average person would not know anyway and very clearly and explicitly explain what is going on! **KNOW YOUR AUDIENCE!**

To me, if you fail to do this then you have not properly informed the public about what you are doing!

Thank you,

-Steven Schuyler
2175 Kittredge Street #318
Berkeley, CA 94704

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*** Please take note that this email is being sent to you from my **NEW** email address: tell.stevenj@gmail.com
Please update your records. Thank you.



Sender notified by [Mailtrack](#)



Gong, Sharon

From: Mike Tehrani <norcalactionsports@gmail.com>
Sent: Monday, August 7, 2023 4:14 PM
To: Gong, Sharon
Subject: 2128 Oxford Street project

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Sharon,

As a merchant in downtown Berkeley, I wanted to communicate to you my concern about the lack of parking spaces at the newly developed projects. Please request developers to provide tenants and customers parking spaces. I am a tenant under 2121 Center street (residence INN). My landlord does not provide any parking. 2121 development had been approved with 63 parking spaces for a hotel with over 300 rooms, Bank of America and two retail spaces under the hotel, rooftop bar and roughly 100 employees.

All the parking spaces are used for Valet parking \$49.00 a day! Hotel employees, tenant like myself have to scramble to find parking on the street every 2 hours or in the structures. I believe a project like 2121 Center street should have provided more parking spaces.

As a result of not requesting ample parking spaces during the planning phase, Tenants like me have to be on a waiting list to get monthly parking in the parking structures or keep moving their cars every 2 hours..

Street parkings is mostly taken by contractors, suppliers of the hotel. Customers can not find parking to shop in downtown Berkeley.

I am aware that COB is about being green. There should be a consideration for businesses around these developments. All the people living on the hills, North Berkeley etc drive to Walnut Creek to shop or dine since they can easily find parking.

I want to beg you not to approve the 2128 Oxford Street mixed use project without addressing the parking problem. Please forward this email to any decision makers you deem necessary. Thank you for your time and consideration.

Mike Tehrani

Norcal Action Sports Inc.

Shop College Wear

2121 Center street #2

Berkeley CA 94704