Date: June 25, 2015

VIA HAND DELIVERY & EMAIL (Acknowledgement of Receipt Requested)

Dear Zoning Adjustments Board,

On May 20, 2015, the Berkeley Unified School District Board of Education (School Board) voted to provide comment on the Environmental Impact Report (EIR) for the proposed development project at 2211 Harold Way ("Project"). The Project is situated in the Berkeley High School (BHS) and Washington Elementary School Zones, where collectively over 3500 BUSD students attend school.

The School Board finds that the EIR submitted for project is insufficient with respect to both its study and mitigation of significant school-related impacts. These school-related impacts include: noise levels in classrooms, air quality on school grounds, teacher parking, safety of students on their way to and from school, traffic congestion around the school, and back up of sewage on school grounds.

The District therefore requests that:

(1) The EIR for the 2211 Harold Way Project not be certified until the Project’s impacts --both during and after construction-- on Berkeley High School and Washington Elementary are specifically studied and feasible and school-sensitive mitigation measures set, recognizing that construction impacts in a school zone differ from impacts to a commercial downtown; and

(2) The EIR be reconsidered, substantially revised and recirculated with coordinated input from the school community, including the BUSD Executive Director of Facilities, the BHS Facility and Operations Manager, and the BHS Safety Committee.

The District anticipates that including school groups in the process of preparing and circulating a new EIR which directly addresses school concerns will help minimize any further delay in the review process. The new EIR should be directly responsive to the issues identified in this Position Statement, and to the documents submitted by the BHS Safety Committee, which are attached as Exhibits and incorporated herein by reference.

The area surrounding the Harold Way development and it 300-foot impact zone is very heavily congested with students. This congestion is intensified daily during school hours, Monday
through Friday. During this time over 3500 school age children converge into the BHS and Washington Elementary School zones. As BHS and Washington’s 600-foot school zones overlap, they create a mega zone of sensitivity that is designed to enhance student safety.

It should be considered that potential impacts to the school extend outward from the school boundaries into the city of Berkeley defined school zones.

Safe access to and from school for these students can be further compromised particularly during the Harold Way construction process. Thousands of students and families travel by car, bus, scooter, bicycle, and skateboard to these two schools creating an expansion and contraction of occupants daily

It should be noted that prior to the Harold Way Development EIR Berkeley High School had such a great concern for student safety that the students and the BHS Safety Committee took a survey of BHS students and their concerns about safety. In particular it focused on their experiences and challenges in getting to and from school. The survey clearly documents this as a high priority area of student health and safety. Our students’ frustrations with transportation challenges are so overwhelming that many of the students choose not to come to school. Our students are very savvy and would rather be absent than marked tardy repeatedly. This is a major concern for the district and the Berkeley High School Community. BHS has also presented their student safety concerns in a traffic presentation to the Berkeley Transportation department in September 2014.

This letter should provide some context to BUSD’s mitigation concerns as legitimate issues that would be impacted by the Harold Way development.

Also please find attached:

a. Map of overlapping Harold Way Development Impact Area sitting in sensitive mega school zone

b. Statement and findings of BUSD Board of Education

c. Statement of Opposition to 2211 Harold Way EIR certification

Sincerely,

[Signature]

Timothy White
Executive Director of Facilities
STATEMENT AND FINDINGS OF BUSD BOARD OF EDUCATION IN OPPOSITION TO CERTIFICATION OF EIR FOR 2211 HAROLD WAY PROJECT UNTIL PROJECT IMPACTS IN SCHOOL ZONES ARE SPECIFICALLY STUDIED AND MITIGATED

To: Zoning Adjustments Board  
From: The Berkeley Unified School District Board of Education  
Date: June 22, 2015

POSITION STATEMENT AND SUMMARY

On May 20, 2015, the Berkeley Unified School District Board of Education (School Board) voted to provide comment on the Environmental Impact Report (EIR) for the proposed development project at 2211 Harold Way ("Project"). The Project is situated in the Berkeley High School (BHS) and Washington Elementary School Zones, where collectively over 3500 BUSD students attend school.

The School Board finds that the EIR submitted for Project is insufficient with respect to both its study and mitigation of significant school-related impacts. These school-related impacts include: noise levels in classrooms, air quality on school grounds, teacher parking, safety of students on their way to and from school, traffic congestion around the school, and back up of sewage on school grounds.

The School Board therefore requests that: (1) The EIR for the 2211 Harold Way Project not be certified until the Project’s impacts --both during and after construction-- on Berkeley High School and Washington Elementary are specifically studied and feasible and school-sensitive mitigation measures set, recognizing that construction impacts in a school zone differ from impacts to a commercial downtown; (2) the EIR be reconsidered and substantially revised and recirculated with coordinated and documented input from the school community, including the BUSD Executive Director of Facilities, the BHS Facility and Operations Manager, and the BHS Safety Committee.

The School Board anticipates that including school groups in the process of preparing and circulating a new EIR which directly addresses school concerns will help minimize any further delay in the review process. The new EIR should be directly responsive to the issues identified in this Position Statement, and to the documents submitted by the BHS Safety Committee, which are attached as Exhibits and incorporated herein by reference.

FINDINGS

In support of its Position Statement, the School Board specifically finds as follows:

(a) The 2211 Harold Way Project is situated within the BHS and Washington Elementary School Zones and the current EIR and its supplements through June 19, 2015, fail to provide sufficient detail regarding Project impacts and mitigation measures for both Berkeley High and Washington Elementary. (See Cal. Pen. Code, § 626 (c)(2)(B) [defining safe school zone as within 1,500 feet of school].)
(b) A new EIR is needed to specifically study, consider, and mitigate the impacts of the 18-story, 194-foot project on BHS (400 feet away) and Washington Elementary (1000 feet away), which shares a transportation corridor with BHS.

(c) For purposes of determining and mitigating the significant impacts of this Project, it is not sufficient to repackagethe existing EIR, and attempt to fit BHS/Washington Elementary within studies done for the surrounding urban (non-school zone) area. These studies fail to account for the lower noise, traffic, pollution, and facility impact thresholds CEQA sets for sensitive environments such as schools and libraries. Existing studies also fail to account for the ability of our specific school facilities to absorb the impacts of the Project consistent with maintaining a high-quality learning environment and the safe ingress and egress of students from these facilities. Moreover, infill and other assumptions made in this EIR (and emphasized in the May 14 PowerPoint presentation) which are relied upon to diminish the need for studying Project impacts in a commercial zone with transit benefits for a downtown area should not be applied to School Zone impacts, particularly when the Downtown Plan relied upon also does not cover School Zone impacts. School Zone impacts such as such as noise and pollution on school-age children, parking facilities for teachers, and safety around the school site for over 3,500 students as they enter and exit school are discrete and distinguishable significant impacts.

(d) For purposes of student safety and maintaining a high quality learning environment, it is not appropriate to summarily dismiss significant impacts as “temporary” ones which require no mitigation. No definition of temporary is provided. However, whether construction is completed in two, three, or four years, the impact from construction of this duration --which may be excusable as “temporary” in other contexts-- is surely significant for a school and its distinct educational mission.

(e) It is important that the studies and mitigation measures related to the school environment are clearly and specifically set forth in the EIR itself, and not pushed to a later time in the review process.

(f) In order to properly assess School Zone impacts the EIR should not only contain studies that are designed specifically to measure the Project’s significant direct and indirect impacts on BHS and Washington Elementary School, but also provide sufficient detail and specificity to enable school representatives to help in the formulation of appropriate mitigation measures. For example: (1) The EIR does not state where the staging for the Project will occur or designate a routing for construction trucks and movement of vehicles. If staging occurs on Milvia street near BHS facilities, there can be a significant impact on classroom environment in terms of noise and pollutants from diesel trucks and other vehicles; (2) The EIR does not reference applicable noise thresholds for classrooms, and discuss how these thresholds will be met for Milvia-facing classrooms. The EIR’s
reliance on noise ordinances for residential and commercial neighborhoods, decibel levels far above that acceptable for schools, and noise mitigation measures such as construction work from 7 a.m. to 7 p.m. (clearly inapplicable for schools) do not address the Project’s noise impacts on BHS classrooms; (3) The EIR does not consider the significant impediments to getting to and from school that the construction Project will pose for over 3000 students arriving and departing from BHS by car, on foot, scooter, and bicycle each day. Routing all students to the MLK entrance as the EIR appears to suggest is not feasible as MLK, near the BHS H building entrance, has virtually no drop off zones for students and is already congested as a main entry way for Washington Elementary School; (4) The EIR does not study congestion and traffic on Milvia, which is the only major drop off zone for BHS students, and the school’s main bike lane. The one-day traffic count that the EIR Addendum mentions as evidence of a traffic study of nearby intersections, is not a study of traffic on Milvia, or specifically directed at BHS or Washington Elementary School traffic on Milvia. In any event, it is obsolete because it was done in 2013—significantly before the BHS M building on Milvia and other school campus facilities were completed; (5) The EIR does not rely on traffic estimate that realistically account for the Project’s cumulative traffic impact in School Zones. The 302-unit/170+ parking space building has a parking garage on Kittredge near BHS, but yet the EIR estimates that the Project will net only one new trip nearby on Allston and 13 new trips on Kittredge (Appendix A, p. 153) from the building; (6) The EIR does not consider the issue of increased vehicle exhaust being pulled in by the BHS rooftop HVAC air handlers—a problem that already occurs intermittently; (7) The EIR does not provide a measure of daily (rather than annual) pollution emissions from construction—more relevant to schools or a way to monitor these emissions; (8) The EIR does not study the effect on school’s air quality from building demolition; (9) The EIR does not account for sewage increase on lines that already have had severe and costly back ups in BHS facilities, including on BHS track and fields, and in the new M building bathrooms; (10) The EIR does not consider the impact of a 302 unit structure on availability of teacher and staff parking and the indirect impact of teacher retention in the absence of adequate parking options for teachers and staff.

(g) It is important that the new EIR be written in a way that makes it “meaningful and useful to decision-makers and to the public” (Pub. Res. Code, § 21003(b)), as required by CEQA.

(h) It is important that all mitigation measures to be set forth in a new EIR are enforceable.

(i) Possible mitigation measures that can be considered but have not been examined, include: identification of major noise-producing components of construction and
requirement that these occur during summer months when school is not in session; construction of sound insulating materials specific to school site; prohibition of construction-related truck or vehicle traffic on Milvia, Allston, Kittredge and MLK within a designated distance from BHS and Washington Elementary school; a detailed staging plan which precludes staging on Milvia, Allston, Kittredge and MLK near school within designated school hours; no closure of both Allston and Kittredge at the same time during construction; well-planned traffic safety additions near high school (high visibility flashing beacon cross walks, including mid-block crosswalks near school entrances, and engineering designs appropriate to direct vehicle, pedestrian, and bicycle traffic in school zones to make it safe for students to get to and leave school during and after construction and will ensure that access for students with disabilities is not blocked; and on –going mechanisms to correct problems with construction impact as identified by the school community, including the Facilities Director, BHS Safety Committee, School District, and the School Board.

(j) The goal of mitigation measures for this Project should include the following: (1) To ensure that BUSD students are able to get to and from school safely and on time and without obstacles that foreseeably can increase tardiness and truancy, compromise safety, or deny reasonable access to students with disabilities; (2) To ensure that BUSD students will be provided with a learning environment that is peaceful and not disrupted by noise that compromises the educational mission of the classroom; (3) To ensure that BUSD students will learn in an environment that maintains air quality consistent with good health and that is appropriate for all students with asthma and similar conditions; (4) To ensure that the educational mission of BUSD will not be compromised by a failure to retain or attract teachers due to lack of adequate parking caused by the construction of 2211 Harold Way Project; (5) To ensure that the BUSD students are provided with a school environment that contains adequate plumbing, heating and cooling, and is otherwise consistent with the protection of student health, safety and welfare.
STATEMENT IN OPPOSITION TO 2211 HAROLD WAY EIR CERTIFICATION AND REQUEST FOR SCHOOL BOARD SUPPORT FOR NEW HAROLD WAY EIR THAT INCLUDES SPECIFIC IMPACTS ON BERKELEY HIGH AND WASHINGTON ELEMENTARY SCHOOLS, AND SCHOOL-SPECIFIC MITIGATION MEASURES

--Enid Camps, Co-Chair, Berkeley High Safety Committee

I am a BHS parent and co-chair of the Berkeley High School (BHS) Safety Committee and I am writing to ask the School Board to: (1) oppose certification of the EIR for the 2211 Harold Way Project until the Project’s impacts (both during and after construction) on Berkeley High School and Washington Elementary are specifically studied and feasible and school-sensitive mitigation measures set, recognizing that construction impacts in a school zone differ from impacts to a commercial downtown; (2) request that the EIR be reconsidered and revised with coordinated and documented input from the school community, including the BUSD Executive Director of Facilities, the BHS Facility and Operations Manager, and the BHS Safety Committee; and (3) ensure that the District welcomes input from the school community, permits notification through the etree to parents about the proposed construction, and encourages school staff, faculty, and administrators to participate in meetings about the Harold Way Project impact and mitigation measures.

The Safety Committee’s students and parents are concerned that the 2211 Harold Way Project will have a severe and adverse impact on Berkeley High School.

BHS is the Berkeley’s only public high school, and has well over 3,000 students, who arrive each morning from every community in Berkeley. BHS is about 400 feet from 2211 Harold Way. It is a 2-minute walk from Harold Way. Our 3,000 plus students travel to school each morning by bike, car, bus, or on foot on streets that surround the Harold Way project, and on Harold Way, itself. Harold Way, Allston, Shattuck, and Kittredge streets figure prominently in the student commute to school. The main school entrances on Milvia and Allston streets are in close proximity to the construction site. There are a significant number of BHS classrooms along Milvia street that will be impacted by noise for years by the 2211 Harold Way Project unless that impact is mitigated.

Yet nowhere, in the entire draft EIS, is there any mention of the project’s impact on BHS, and the health, safety and welfare of BHS students. Nowhere, for example, does the EIR specifically address the project’s impact on the traffic flow and traffic congestion around BHS, or access to the school’s main entrances and drop off zones during construction, or on the air quality, noise, heating, cooling, and lighting of nearby Berkeley High School.

The EIR’s omission of Berkeley High as a Project impact is particularly glaring because the 2211 Harold Way project is situated within the BHS School Zone—whether that zone is defined as everything within a 600 foot radius of the school, as the City told us, or whether it is defined
by California law as everything within 1,500 feet of the school. (See Cal. Penal Code, section 626 (c)(2)(B)[defining safe school zone].)

As discussed below, the FINAL EIR “Response to Comments document,” http://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2211_Harold.aspx (see pp. 90-106) largely sweeps our traffic, safety, noise and pollution concerns under the rug. I attach to my letter, and incorporate here as Exhibit A, a letter I received from the BHS Facility and Operations Manager setting out his concerns with the City’s Response to Comments. (My original Comment re: EIR is attached below as Exhibit B and is also incorporated herein.)

After-the-fact attempts by the City to shoehorn BHS within the studies already done in the surrounding urban (non-school zone) area are plainly insufficient and unreliable for school zone purposes. As pointed out below, these studies fail to account for the lower noise, traffic, pollution, and facility impact thresholds CEQA sets for sensitive environments such as schools and libraries. Moreover, CEQA requires mitigation measures to be clearly set forth in the EIR itself, not just pushed to a later time in the review process, as the City would like to occur here, even though the health, safety, and welfare of our students hang in the balance. Before the EIR is certified, all Berkeley residents are entitled to a clear study and review of the Project’s actual significant impacts on Berkeley schools and what specific mitigation measures will be put in place to protect our students if the Project goes forward. The current EIR does not do this. In addition, the EIR contains many other inadequacies with respect to its school zone impacts. For example, although the City says that traffic studies were done, the study that was done is now clearly out of date, both with respect to traffic and noise. The completed study occurred on one day in December 2013, before the BHS’ M building and adjoining campus facilities on Milvia were completed. However, much of the impact of construction and noise and traffic are on Milvia—which is also the school’s one major drop off zone for students.

Parent and student members of the BHS Safety Committee strongly believe that the EIR for the 18-story, 302- luxury unit 2211 Harold Way Project should be substantially revised and reconsidered with studies that meaningfully address and mitigate its school zone impacts in terms of traffic, student safety, noise affecting Milvia-facing classrooms, pollution, sewage problems on existing lines where capacity is already a problem for BHS, as well as on foreseeable structural requirements such as parking for staff and faculty, and other effects.

Because the EIR fails to address the Project’s significant impacts on BHS, or any mitigation measures for those impacts, we urge the School Board to issue a strong policy statement in support of the health, safety and welfare of our students, and vote to oppose certification of the current EIR. We also request that Board ask the City and/or an independent contractor to study the project’s specific impacts on Berkeley High and nearby Washington Elementary School in consultation with the School and District Facilities Management, the School Safety Committee and the School’s Harold Way Project Impact and Mitigation Assessment Response Team.
The Environmental Impact Report is Deficient and Should Not Be Certified

Legal Background Accessed: An environmental impact report (EIR) must identify and focus on "significant environmental effects" of a proposed project. (Cal. Pub. Res. Code, 21100(b)(1).) In its analysis of a project's significant environmental impacts, an EIR must discuss both direct and indirect effects of the project, analyze foreseeable project impacts and describe and analyze the project's significant cumulative impacts. (See also Pub.Res. Code 21083(b).) Direct impacts include noise, dust, heavy equipment traffic associated with construction of a project, and traffic congestion among other things. (See Pub. Res. Code 21060.5; 14 Cal.Code Regs 15064(d)(1), 15360; Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019 [finding inadequate EIR's assessment of impact of traffic noise on school]; Gray v. County of Madera (2008) 167 Cal. App.4th 1099 [noise and traffic impacts must be analyzed and mitigated if significant].) Indirect effects can include such things as school facility requirements brought about by a project development's population impact, or a change in the pattern of land use. (14 Cal. Code Regs 15131(a)& (b); 15358(a)(2); see also El Dorado Union High School. Dist. v. City of Placerville (1983) 144 Cal. App.3d 123.) A project impact is significant even if the project's impacts are individually limited, as long as they are cumulatively considerable or will cause substantial adverse effect on human being. (See also Pub.Res. Code 21083(b); Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019.) The environment refers to refers to physical conditions "existing within the area which will be affected by a proposed project," and includes both natural and man-made conditions. (Pub. Res. Code 21060.5, 14 Cal.Code Regs 15360, 15064(d)(1).) To assess the impact of a proposed project on the environment, the lead agency examines the changes to existing environmental conditions that would occur in the affected area if the proposed project were implemented. (14 Cal. Code Regs 15126.2(a).) Under 14 Cal. Code Regs 15065, a project impact is significant if it has the potential to degrade the quality of the environment. Under 14 Cal. Code Regs 15126.2(a), an EIR should analyze any significant effects the project might cause by bringing development and people into the area affected. (14 Cal. Code Regs 15126.2(a).) An EIR, should when looked at as a whole, provide a reasonable, good faith disclosure and analysis of the project's environmental impacts. (Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal. (1988) 47 Cal.3d 376, 392.) Each public agency shall mitigate or avoid significant effects on the environment, for a project it carries out or approves whenever it is feasible to do so. (Pub. Res. Code 21002.1(b), 21100(b)(3); 14 Cal. Code Regs 15126.4.) The EIR must also describe a reasonable range of alternatives to the project, or to its location, that could feasibly attain the project's basic objectives while reducing or avoiding any of its significant impacts. (Pub. Res. Code 21100 (b)(4); 14 Cal Code Regs 15126.6.)

1 All references to Code section are to California Codes.
Reasons Why the 2211 Harold Way EIR is Inadequate:

(1) The EIR is inadequate because it fails to properly describe and evaluate the Project as being situated in a school zone

The adequacy of an EIR analysis necessarily depends in the first instance on a clear and adequate description of the project and the project area impacted. The 2211 Harold Way project description appears to begin and end with its assessment that it is situated in a “fully urbanized” commercial down town area. (See Draft EIR, Appendix A, dated 5/19/14, at pp. 2, 42.)

Notably absent, however, is any mention that the Harold Way Project is situated within a school zone, in proximity to Berkeley High School about one block or 400 feet away. California law defines a "safe school zone" as an area within 1,500 feet of a school, including that area within 60 minutes before or after the school day. (See Cal. Penal Code 626 (c) (2).) Regardless of whether that definition or the City’s definition of a school zone (anything within a 600 foot radius of the school) is applied, the Project EIR does not take into consideration its school zone impacts. Schools are sensitive environments with noise, pollution, and traffic planning thresholds that are different from and lower than what is tolerated in commercial use areas. ²

In addition, the Harold Way Project should have specifically considered its specific impact on BHS traffic and pedestrian safety issues and goals — matters that are a part of the BHS Safety Plan, and of high priority to the school community. (See also Safe Routes to School at http://guide.saferoutesinfo.org/engineering/the_school_zone.cfm) [for traffic purposes, a school zone should start “at the [school’s] front door and encompasses the campus and as many blocks as possible that surround the school and have a high concentration of school-generated traffic” . . . and usually includes at least “one to two blocks around the school”].)

Instead, the Project EIR looks at traffic around some surrounding streets, but from an “urban” or “downtown” plan perspective, that has no application to BHS. Traffic along Milvia, the school’s major drop off zone and bicycle lane, is all but ignored. The BHS Safety Committee has spent the last two years studying the issues and is well familiar with the traffic issues in the area. The Project EIR as written fails to consider traffic and pedestrian safety from a “school zone” perspective. (See also Safe Routes at http://guide.saferoutesinfo.org/engineering/the_school_zone.cfm) [a school walk zone is

² The EIR states it examined “possible exposure of sensitive receptors to toxic air contaminants” (App. A, p. 83) and notes that certain population groups like children are more sensitive to air pollution (App. A, p. 94). Yet, nowhere does the report mention possible air pollution effects of the children who attend nearby Berkeley High School. In listing “other public agencies whose approval is required, the EIR states “None. Although the University of California at Berkeley has no permitting authority over the project, the Draft EIR will be provided to the University for comment.” (Appendix A, p. 43.) No effort was taken to similarly inform Berkeley High, although it is far closer than CAL.
generally that area “1/2 mile or 1-mile out from an elementary school, sometimes further for middle and high schools” that is engineered to encourage students to walk and bicycle to school safely].

The 2211 Harold Way Project EIR should be substantially revised and reconsidered with studies that meaningfully address and mitigate its school zone impacts in terms of traffic, noise, pollution, sewage (BHS already has sewer line issues which stand to be impacted by the new construction), foreseeable structural requirements such as parking for staff and faculty, and other effects. Otherwise the Project will undermine, not advance, educational goals, and the promotion of safe and efficient routes for student pedestrian and bicyclists.

(2) The EIR is inadequate because the Project relies upon a Downtown Plan that does not specifically assess the significant impact on Berkeley High School

The Downtown Plan upon which the draft EIR relies on for infill analysis and streamlining its CEQA review requirements, also apparently does not mention Berkeley High, even though the DEIR’s environmental checklist acknowledges that “all answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.” (See e.g., Appendix A, p. 55.) Whatever “infill” or other similar exemptions may apply to the commercial downtown area, these exemptions do not logically apply to the school zone also impacted by the project. The EIR for the Downtown Plan apparently does not consider any specific impacts on BHS, other than the impact on possible student population growth for the City of Berkeley as a whole. The “significance of an impact may vary with the setting.” (14 Cal.Code Regs 15064.(b.) Again, the requirements of a school differ markedly from the requirements for commercial areas. Whatever norms the downtown plan established for “commercial” Berkeley should not determine the impacts on BHS and the school zone around it, particularly with respect to traffic congestion, student safety to and from school, classroom noise, and pollution both during and after construction.

(3) The EIR is inadequate because there is substantial new information which shows the traffic, noise, and pollution effects will be more significant than described in the downtown plan or Project EIR

The impact assessments regarding traffic, noise and pollution related to the traffic counts done on Milvia and conducted on December 3, 2013 are obsolete and therefore unreliable. There can be no substantial evidence that would support a conclusion that the 2013 traffic studies have any relevance to existing traffic patterns on Milvia. Even if there could be a valid infill designation for a project within a school zone (see above), state law does not sanction the approval of an
infill EIR project undertaken pursuant to a city planning decision when there is substantial new information that shows the effects will be more significant than described in the prior environmental impact report. (Pub. Resources Code 21094.5.)

In this case, traffic patterns for the school have changed markedly since the traffic counts were done in 2013. The 2211 Harold Way Traffic and Parking Study dated July 7, 2014 and designated as Appendix C relies on traffic counts done on “Tuesday December 3, 2013.” (See Appendix C, Section 2.3, p.10.) However, the school’s “M” building was completed in March 2014—a fact that increased traffic on Milvia and substantially changed traffic patterns at the school. Because of the reconstruction of a significant part of the school campus (M building and adjoining new field uses), Milvia is now the school’s major traffic corridor as well as its designated main drop off zone for students.

Traffic congestion and noise on Milvia related to 2211 Harold Way therefore stands to impact: (a) Safety of students entering and exiting school from Kittredge, Allston or Durant (the streets leading to Milvia entrances); (b) 16 classrooms in the M building, 12 of which have windows that open over Milvia for climate control; (c) Classes and other school activities in the school’s D building which houses Administration offices on the first floor along Milvia and the library, media center/computer rooms and three classrooms on the second floor along Milvia; (d) Classrooms and other school activities in the D building which also fronts Allston to Kittredge; (e) The E building which houses the gym, dance studio, and the pool.

The EIR therefore should not be certified because its studies are obsolete and do not provide the basis for accurate impact or mitigation assessments.

(4) The EIR is inadequate because it fails to adequately take into account the Project impacts of cumulative noise on a sensitive school environment during and after construction


3 The Public Resources Code 21094.5. (a) (1) If an environmental impact report was certified for a planning level decision of a city or county, the application of this division to the approval of an infill project shall be limited to the effects on the environment that (A) are specific to the project or to the project site and were not addressed as significant effects in the prior environmental impact report or (B) substantial new information shows the effects will be more significant than described in the prior environmental impact report. A lead agency’s determination pursuant to this section shall be supported by substantial evidence.
Noise is a particularly important factor for school uses. Students have an inalienable right to attend safe, secure and peaceful campuses in order to promote learning. (Cal. Const., art. I, § 28, subd. (c).) In addition to CEQA, many California statutes, including those related to health and safety and general plans, recognize the seriousness of noise impact and the government’s duty to mitigate noise impacts. (See e.g. Cal. Health & Safety Code 46000 (e) ["The State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise"]; Cal. Health & Safety Code 46000 (f) ["All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare."]; see also Government Code 65302 relating to general plans requires: ["A noise element that shall identify and appraise noise problems in the community” and shall analyze current and projected noise levels for “major local streets”]; Berkeley Code, 13.40.010 [finding “Every person is entitled to an environment in which the noise is not detrimental to his or her life, quality of life, health, or enjoyment of property].)

The City response to Comment is plainly insufficient when it says the Noise impacts relevant to BHS are discussed in Appendix A and mitigated for the reasons indicated in that document, and because BHS is a minimum of 415 feet away from the Project.

(i) The Response Comment (p. 104) dismissing any noise impact on BHS, because BHS is about 400 away from the project site is inconsistent with the data in the Draft EIR which lists the construction noise at 500 feet from the site as 71 dBA—well over the 60 dBA threshold for schools. (DEIR, Appendix A, pp. 155-156.)

(ii) The Response comment (p. 104) that noise impacts are mitigated because “Berkeley High School is almost entirely occluded by intervening buildings” between the Project and BHS is not supported by substantial evidence. Even if a minor portion of the noise impact might possibly be absorbed by buildings across from BHS, there are no buildings between the bulk of the 18-story project and BHS to absorb any noise.

(iii) Construction Noise: The EIR fails to specifically address the staging for the construction of the 18-story building, and the movement of vehicles past sensitive noise receptors such as the school during that construction. To the extent the Draft EIR makes general comments about noise impact, it is clear that any mitigation of these impacts is unsuitable for BHS as a school/sensitive noise receptor. The Draft EIR notes: “NOI-5: Construction Noise: Businesses and residences throughout the Downtown Area would be intermittently exposed to high level of noise throughout the planning horizon (elevating noise levels “by 15 to 20 dBA or more, a significant impact” to adjacent businesses and residences). As a mitigation measure the Report states that “the applicant shall develop a site specific noise reduction program . . . . which shall include appropriate time limits for construction (7:00 AM to 7:00 PM on
weekdays...”). (See Appen. A, p. 149.) Of course, while the 7 a.m.-7 p.m.
construction may be acceptable for working residents, it creates a maximum impact
on the school during normal school hours. Though the Report concludes this “impact
would remain significant and unavoidable,” no mitigation impacts for the school are
discussed, such as performing the work with the loudest impacts over the summer
when school is not in session. Alternatives such as project redesigns to minimize
sound impact specifically on BHS are not discussed. Moreover, kicking the noise can
down the road is not acceptable for an EIR. The courts have found EIRs inadequate
when they fail to adequately analyze a Project’s impacts on noise and traffic because
they improperly deferred mitigation measures. (See e.g. Gray v. County of Madera
(2008) 167 Cal. App.4th 1099 [noise and traffic impacts must be analyzed & mitigated
if significant].)

(iv) Post-Construction Noise: Post construction noise estimates are also problematic
particularly with respect to noise on the high school’s Milvia-facing classrooms. Post
construction noise estimates conclude the “project would introduce new residential
land uses adjacent to local roadways, potentially exposing sensitive receptors to
noise levels that would exceed those considered compatible with exterior residential
land uses.” (DEIR, Appen. A, p. 152.) Again, no specific study is done for Berkeley
High School, much less Milvia street, a main thoroughfare for the Harold Way
Project. BHS is not mentioned in the list of noise-sensitive uses. Noise increases
generated by traffic, service vehicles or building uses cumulative to existing street
noise must specifically be studied and mitigated before the EIR is approved.

(v) Traffic noise: For its final conclusion regarding noise impact, the study purports to
rely upon a valid peak hour traffic volumes study for streets other than Milvia
surrounding Berkeley High (Allston between Milvia and MLK and Kittredge between
Project Driveway and Milvia) apparently to calculate street noise from added traffic.
Not only does the study incorrectly assume that peak traffic hours on Allston and
Kittredge would be in the afternoon instead of at morning drop off, it concludes that
the entire 18-story project with a parking garage on Kittredge for 171 cars, will net
exactly 1 new trip on Allston, and 13 new trips on Kittredge. (DEIR, Append. A,
p. 153.) The Berkeley High Safety Committee has studied traffic impacts on BHS for
the last two years. Based upon its study, the EIR assertion seems implausible and
unreliable, particularly because the likely path for most vehicles exiting the 2211
Harold Way garage on Kittredge is Kittredge to Milvia, rather than the only
alternative: Kittredge to Shattuck. Erroneous roadway traffic studies undermine the
plausibility of all traffic and noise related conclusions based upon those same traffic
studies.
(vi) The holding in *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019 is instructive with respect to the studies done by the City.

"Likewise, the relevant issue to be addressed in the EIR on the plan is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools. We do not know the answer to this question but, more important, neither does the City; and because the City does not know the answer, the information and analysis in the EIR regarding noise levels around the schools is inadequate. . . . The EIR also fails to take into account "the significance of an activity may vary with the setting." (Guidelines, § 15064, subd. (b).) It does not necessarily follow, and the EIR does not establish, an increase in the decibel level from 72.1 to 75.4 would have the same effect on a hearer trying to study in a classroom as a hearer waiting for a bus on a street corner."

Based upon the above, the EIR conclusion that potential noise impacts “do not require further study in an EIR” (DEIR, App.A, p. 157) is not supported by substantial credible evidence and cannot be relied upon. The EIR certification should be denied until proper studies are conducted on all noise-related impacts, and their cumulative effects reliably assessed and mitigated.

**5. The EIR is inadequate because it fails to assess traffic congestion impacts on Berkeley High School during the School’s peak traffic period**

The EIR does not study traffic impacts along Milvia, the school’s one designated major drop off zone, or the traffic impacts of the project specifically on Berkeley High School. (DEIR, App. A, p. 266.) These are material omissions. Moreover, the responses are ambiguous, implausible, inadequate, and insufficient as follows:

**Ambiguous response:** The Response to Comments (p. 104) states that “[c]onstruction activities... are not anticipated to impact student drop-off facilities on Milvia...[or]...block streets adjacent to Berkeley High School...” This response is ambiguous and legally insufficient for EIR purposes.

**Implausible response:** It is simply implausible to assume that the traffic and noise from construction and later from the Project’s planned garage on Kittredge near Milvia will not impact the school’s traffic on Milvia, or the school’s main entrances on Milvia, or the classrooms that face Milvia. Milvia is one of two access points to Harold Way and is less than 400 feet from the project. (It is not realistic to think that all of the heavy equipment necessary for this project will be situated in a way to block businesses and bus lines on Shattuck instead of amassing on Milvia.)
**Inadequate response:** When the Project planners state they will provide detours for cars during construction or that the school has three other entrances for students other than on Milvia, this does not address BHS traffic congestion/safety issues at all. The school's major drop off zone for cars and the bike lane is on Milvia, close to the planned construction. The school has no other significant drop off zones or cross walks across from school entrances. Furthermore, how will BHS students who also walk, bike, and scooter to school safely navigate “traditional” detours. Additional traffic congestion and detours can only make it more difficult for our students to get to school safely and on-time, unless these impacts are mitigated.

In fact, the 2211 traffic impact mitigation measures are the opposite of what a well-planned traffic plan would be for BHS—even if it may be satisfactory for downtown commercial interests. A well-planned vision would include consideration of mitigation features to ensure that BHS and also nearby Washington elementary school students can get to school safely and on time. It should not ignore impacts on the School and reengineer traffic in the surrounding area without assessing the routes necessary for students to get to school and access the main entrances of the school building. The location of the 2211 Harold Way garage on Kittredge near Milvia, and additional traffic on Milvia, as well as the traffic congestion, caused by the structure location, and large trucks servicing the building, may indeed dissuade biking and walking to school.

**Insufficient Response:** The Response to Comment is also insufficient for EIR purposes because it relies on traffic studies on streets other than Milvia that are close to BHS. Moreover, these traffic studies are implausible on their face in terms of net auto trips and net new trips generated by the project and net new trips. (See e.g., prior discussion regarding the alleged “1” new trip generated by the 18-story, multi-use, 171-parking space structure.)

**Implausible response on traffic counts:** The BHS Safety Committee has been studying the traffic around BHS for two years and is well familiar with the traffic patterns and congestion around BHS, particularly from 8 to 8:30 a.m.

The EIR's traffic data is nearly inscrutable in its entirety, including vague discounts for mitigation impacts irrelevant to Berkeley High, and is not consistent with Safety Committee observations. The conclusion that the project would not generate more than 100 new auto trips during the pm peak hour is unsupportable with respect to traffic congestion impacts on Berkeley High for two reasons: (1) The peak hour traffic around Berkeley High occurs in the morning, not the afternoon, during drop off to school. Milvia street, the school's main drop off zone, is highly accessed by car travel to and from the school via Allston, Kittredge, and Durant in the morning; (2) It is implausible that the 2211 Harold Way Project will generate less than the 100 net auto trips. The 2211 Harold Way project has 302 units and 171 parking spaces. In other words the project has 131 fewer spaces than apartment units. Traffic in terms of commuters leaving for work in the morning or cars circling the block in search of parking will add to traffic congestion around Berkeley High (and the ability of students to get to school safely and on time). Likewise, the additional traffic from vehicles during construction and delivery vehicles afterwards servicing 2211 Harold Way Project will be part of the real BHS traffic equation.

**Incomplete Response with respect to traffic circulation:** The EIR also absolves itself from conducting a Congestion Management study of any type because it does not forecast the project
“to generate more than 100 net new automobile trips during the pm peak hour.” (Appendix C, p. 2.) While Milvia and Allston may not technically qualify as regionally significant roadways, the City of Berkeley, as the lead agency, may still require the project sponsor to evaluate circulation, safety, and other transportation impacts on a more extensive roadway network that includes facilities that are locally, but not regionally significant.

(6) Failure to Evaluate 2211 Impact on the BHS Teacher Parking/Teacher recruitment

Although CEQA does not require parking impacts be done for infill projects located in transit priority areas, it is highly debatable whether the concept of infill for a commercial downtown area can or should be applicable to a school zone within a downtown—particularly when significant impacts to the school are also not considered in the downtown plan prepared for the area. This is the case with respect to Berkeley High and the downtown plan.

Accordingly, the Zoning Board should hold the City EIR accountable for analyzing the foreseeable significant indirect impact of the project on the parking available for BHS school faculty and staff, and the school’s ability to keep and hire quality teachers in the severe absence of parking that will be caused by the project.

BHS currently has 160 parking places for approximately 280 teachers and staff. By design, 2211 Harold Way has 302 units and 171 parking spaces; In other words the project has 131 fewer spaces than apartment units. Given this parking shortfall it is foreseeable that BHS faculty and staff will be unable to find suitable nearby parking as 2211 Harold Way residents and their visitors compete for scarce street parking near the school. (Although the data points are unclear, the Parking impact study also supports a parking impact on teachers and staff. It concludes the “forecast peak period parking demand” is 414 from the apartment uses alone, and that “forecast peak period parking demand is expected to exceed proposed parking supply.”) (Appendix C, at p. 72.)

It is one thing for the City to discourage car use by residents in a commercial downtown area by limiting parking. It is another matter entirely to assume that teachers who cannot afford to live near Berkeley High on current salaries can also reasonably take alternate transportation to get to and from school on a daily basis.

It is therefore foreseeable that lack of parking could significantly impact the ability of BHS to keep and attract quality teachers to the school. This foreseeable outcome would be flatly inconsistent with the goals of Berkeley residents who have prioritized an interest in quality education and educational facilities. The residents of Berkeley have passed funding to enable Berkeley schools to maintain favorable teacher/student ratios and to upgrade school facilities so that students have a school environment highly conducive to learning.
In any event, the EIR also failed to examine the changes to existing (environmental) parking conditions that would occur in the affected area if the proposed project is built. (See generally, 14 Cal. Code Regs 15126.2(a); see also 14 Cal.Regs 14126.2(d).) Regardless of whether parking is considered an indirect impact as set forth above, the lack of parking also will have a cognizable and significant effect on: (1) air quality -- which is impacted as teachers will need to search for longer periods of time for parking around the school; and (2) foreseeable school facility construction in the form of necessary parking structures for faculty and staff cars. (See El Dorado Union High School Dist. v. City of Placerville (1983) 144 Cal. App. 3d 123.) Just as development which leads to population growth and potential school overcrowding can require the project EIR to assess project impact in terms of new classroom facilities required, project development which results in the need for construction of new school facilities in terms of teacher parking should likewise be subject to EIR requirements. In fact, the Berkeley Development Plan recognizes as a possible impact, the need for new school facilities as a result of downtown development. To this end it provides that in Mitigation Measure SVC-5: “The City and the BUSD will continue to work in concert to evaluate the impacts of new development on BUSD facilities.” (http://www.ci.berkeley.ca.us/Planning_and_Development/Home/BERKELEY_DRAFT_GENERAL_PLAN_EIR_4C_Community_Services.aspx). Had the City consulted BHS about the impact of 2211 Harold Way on BHS facilities, some mitigation efforts for parking impacts could have been discussed.

(7) The EIR is inadequate because it has not been prepared with a sufficient degree of analysis or clarity to provide decision-makers with the information needed to make an intelligent judgment concerning all of the Project’s significant environmental impacts and alternatives (See 14 Cal. Code Regs 15151.)

The purpose of an EIR is to provide the public with detailed information about the effect that a proposed project is likely to have on the environment, to list the ways in which the significant effects of a project might be minimized, and to identify alternatives to the project. (Pub. Res. Code 21002, 21002.1(a), 21061. 21100, 21150; 14 Cal. Code Regs 15362.) It is designed to be an informational document for public use, and should give the public and public agencies the information they need to make informed decision. (See In re Bay-Delta Programmatic Envt’l Impact Report Coordination Proceedings (2008) 43 Cal.4th1143, 1162.) An EIR should be written in a way that readers are not forced “to sift through obscure minutiae or appendices” to find important components of the analysis. (San Joaquin Raptor Rescue Ctr. v. County of Merced (2007) 149 Cal. App.4th 645, 659.) In addition to being vague, it is unclear that the EIR has described a reasonable range of alternatives to the project, or to its location, that could feasibly attain the project’s basic objectives while
reducing or avoiding any of its significant impacts. (Pub. Res. Code 21100 (b)(4) 14 Cal Code Regs 15126.6.)

(8) Berkeley High School should be consulted in the preparation of a new EIR which considers, studies and mitigates environmental impacts upon the school

A new EIR should require that BHS be consulted as part of a meaningful assessment of the project impacts and mitigation measures.

EXHIBIT A

Response to Safety Committee from BHS Operations Manager re: EIR response of developers
On Apr 13, 2015, at 4:06 PM,
David Kirwin <davidkirwin@berkeley.net> wrote:
BHS Safety Committee,

Over the weekend I read some of the EIR for the Harrold way project and share concerns that the impact on BHS was almost completely ignored or disregarded. While my lack of time prohibits an adequate understanding of the project to allow me to have an opinion on the project itself once completed, I am looking at the impacts of construction on BHS. The noise, pollution, and traffic especially, seem to be inadequately addressed at best.

I envision there will be thousands of truck trips associated with construction of the proposed project to deliver required equipment and materials, to haul away demolition debris and the earth required to be removed for a foundation to support this project. The EIR gives no indication of the travel path of all this heavy truck traffic. If Harrold Way is closed, it seems clearly disingenuous at best for the 'Response to Comments' to suggest that there would be no significant impact to traffic at roads or intersections along the high school. If I am correct in my assumption that Harrold Way can only be accessed via Allston or Kittredge what possible path of travel for all these truck trips exists without using the intersections on Milvia next to our campus? On Milvia, from Allston to Kittredge is the BHS 'D' bldg. which houses school administration, classrooms, our library, and computer center. All of these areas as well as the gym and dance rooms have windows over Milvia. Not only is noise and pollution an issue throughout the school day, but even though there is a bike lane there, the west side of Milvia is the main vehicular drop-off and pick-up zone for students and athletics. This is because it is the only curbside stretch of significance on the high school perimeter that is a no parking zone. The new M Building on Milvia between Bancroft and Durant also has 16 classrooms, 12 of
which have windows opening over Milvia. Likewise the G & H Bldgs have classrooms with windows opening over MLK & Allston Way. The only street bordering BHS without classrooms that would be directly impacted by either construction traffic, or increased traffic due to "temporary" road closures is Channing at the south end of campus.

Some of the EIR's 'Response to Comments' cite that there is a building in the path of travel of sound waves of the proposed project and the M building. Though true, this response does not adequately address the noise impact to the school as a whole, or the thousands of students trying to learn in classrooms facing the proposed project.

In the EIR's 'Response to Comments' about traffic, the respondent fails to adequately define projected traffic impacts to and from intersections bordering the BHS campus. What is actually projected, or meant by "temporary closures of Allston Way or Kittredge"? These roads between campus and Shattuck are extremely vital to the current traffic mediation pattern associated with the daily arrival and departure of close to 3,600 students, teachers, staff, and visitors. The campus is also home to Berkeley Community Theater which seats 3,400. Citing there is a TMP review process does not define the expected traffic impacts of the proposed construction, or what mitigations have been analyzed.

The EIR must, at minimum, specify project related traffic impact, including the construction period, - which roads and intersections may be restricted or closed, for what periods of time, and what months of the year; the number of expected truck trips per day during specific phases of construction, and what months this is likely to occur. From that, a general idea of noise and pollution impacts should also be approximated. Diesel trucks create indoor air pollution whether or not building windows are opened or closed. There is more noise with windows open, but even with closed windows we have had issues and complaints with vehicle exhaust being pulled in by our rooftop HVAC air handlers from even short periods of trucks idling curbside along our buildings.

In general, I wish I had adequate time to understand all the impacts this proposed project would have on the high school campus. I have to rely upon a clear concise EIR, and others to help me go through it. With the current EIR, and what I have learned from it, I have almost no idea of what to expect, or how the campus can be better prepared for it. Because of the importance of the high school to the city as a whole, please try to find adequate information on how the school, students, and staff will be affected by this Harrold Way construction proposal. Currently these important considerations are beyond my understanding.

Thank you for your time,

David Kirwin
BHS Facility & Operations Manager
1980 Allston Way
Berkeley Ca 94704
510 644-4567
Dear Mr. Sage,

I am co-chair of the Berkeley High School (BHS) Safety Committee and am writing to oppose the 2211 Harold Way Project on the basis of an incomplete and critically deficient EIR. I am very concerned that the 2211 Harold Way Project will have a severe and adverse impact on neighboring Berkeley High School. BHS is the Berkeley’s only public high school, and has well over 3,000 students, who arrive each morning from every community in Berkeley. BHS is less than 500 feet from 2211 Harold Way. It is a 2-minute walk from Harold Way. Our 3,000 plus students travel to school each morning by bike, car, bus, or on foot on streets that surround the Harold Way project, and on Harold Way, itself. Harold Way, Allston, Shattuck, and Kittredge streets figure prominently in the student commute to school. The main school entrances on Milvia and Allston streets are in close proximity to the construction site. There are a significant number of BHS classrooms along Milvia street that could be impacted by noise for years. Yet nowhere, in the entire draft EIS, is there any mention of the project’s impact on BHS, and the health, safety and welfare of BHS students. Nowhere, for example, does the EIR address the project’s impact on the traffic flow and traffic congestion around BHS, or access to the school’s main entrances and drop off zones during construction, or on the air quality, noise, aesthetics, heating, cooling, and lighting of nearby Berkeley High School.

Specifically, potential impacts include, but are not limited to:

(1) construction noise that disrupts classes in nearby classrooms on Milvia street, particularly those in the BHS “M” building;

(2) construction noise that impacts outdoor student events on BHS campus;

(3) construction that significantly blocks the streets adjacent to BHS, thereby increasing congestion in an already congested area and imperiling the safety of students who walk,
bike, and ride to school on the streets common to BHS and the Harold Way Project en route to school;

(4) construction that significantly blocks the streets adjacent to BHS, thereby significantly decreasing accessibility, including handicap accessibility, to the school’s major drop off zone on Milvia, and also increasing the vehicle miles traveled for cars approaching the school’s major drop off zone on Milvia, particularly at the Milvia/Kittredge, Milvia/Allston intersections;

(5) construction that makes it unsafe for students who bike to school, and that decreases accessibility of the bike lane on Milvia via Kittredge and other streets near the 2211 construction zone;

(6) a significant increase in overall traffic congestion around BHS after project completion that further complicates an already difficult commute to and from school, and imperils the safety of students who must navigate the roads common to BHS and the Harold Way Project in the morning, at lunch, and after school, whether they walk, bike, or ride in cars;

(7) a significant increase in overall traffic congestion around BHS both during and after project completion that further complicates an already difficult morning commute to school and will increase the tardiness of students by making it more difficult to access streets leading to school entrances—streets common to BHS and the Harold Way Project (feeder streets to the school’s two main entrances on Milvia are directly impacted by 2211 Harold Way Project construction);

(8) an increase in pollutants and/or other hazards around BHS given its proximity to the Harold Way project;

(9) impact on the natural lighting for the school, and the heating and cooling of the school due to size of the nearby project;

(10) increase in particulate dust etc. during project construction in the vicinity of BHS, particularly on BHS athletic fields.

All impacts on BHS must be specifically addressed and mitigated before this project should go forward. Without a complete and thorough impact analysis on Berkeley High School, the EIR is deficient. BHS faces four different streets, and has four main entrances—three of which stand to be directly impacted by the project.

Please know that BHS already has urgent issues related to getting students to school safely and on time. The BHS Safety Plan—a State-required, District-approved document—has a specific goal to improve pedestrian, bicycle, and traffic safety around the school for this reason. The BHS Safety Committee—composed of school parents, administrators, student, and community members—work hard on this safety goal at every meeting, given its importance, and has raised these issues with the City of Berkeley. The 2211 Harold Way Project will unacceptably
exacerbate the current traffic, pedestrian, and bicycle safety problem, unless substantially mitigated. The project stands to slow and restrict access to the school. The project stands to increase the intensity of vehicle use around the school unless the area is vastly improved for walk, bike, and transit, with added transportation demand management, and will result in a significant increase in Vehicle Miles Traveled, both during and after construction. A thorough walk audit done with our School Safety Committee, the BHS administration, and the City of Berkeley, and California Walks, among others, will help demonstrate that the planners can mitigate the risks the project will create.

Possible mitigation measures and additions for the EIR for the traffic issue include, but are not limited, to:

(1) Construction of new drop off zones (8 a.m. to 9 a.m.) for students on the park side of Allston and on both sides of MLK, with appropriate high-visibility (flashing beacon) cross walks, new signage for school zones and cross walks, and engineering designs appropriate to direct and slow traffic in school zones, and make mid-block cross walks safer for students;

(2) Construction of alternate bike lane routes;

(3) Reducing congestion by ensuring that AC Transit changes its bus schedules so that the bus schedules from all parts of the city are in sync with the BHS morning school bell;

(4) Eliminating other factors which block street access to school for bike riders (e.g. garbage truck pick ups from 8 to 9 a.m. on Allston).

Please also know that our Safety Plan has a goal to address particulate, noise, and other pollutants and toxics that can affect the health, safety, and welfare of the school community. I am likewise concerned that the EIR does not address these issues with respect to BHS—and the other schools, such as Washington Elementary School— that sit in extremely close proximity to the construction site.

Thank you for ensuring this comment is timely included in the public review of the Draft EIR for the 2211 Harold Way Project.

Thank you, Enid Camps

Co-chair BHS Safety Committee

enidcamps@comcast.net

Grady Camps, Student, BHS

gradycamps@students.berkeley.net