
Notice of Exemption Appendix E

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Project Title: Milvia Street Bikeway Project

Project Applicant: City of Berkeley, Public Works

Project Location - Specific: Milvia Street between Milvia Street/Hearst Avenue and Milvia Street/Blake Street intersections

Project Location - (City/County): City of Berkeley, Alameda County

Name of Public Agency Approving Project: City of Berkeley Transportation Commission

Name of Person or Agency Carrying Out Project: City of Berkeley Public Works

Description of Nature, Purpose, and Beneficiaries of Project:

The City of Berkeley Public Works Department staff has completed preliminary engineering design for the Milvia Street Bikeway (project). The project is an effort to improve safety and comfort for everyone traveling on Milvia Street between the Milvia Street/Hearst Avenue and Milvia Street/Blake Street intersections. The project will encourage biking and walking by improving connectivity and accessibility, including access and parking required pursuant to the Americans with Disabilities Act; provide more comfortable biking and walking for everyone; and, maintain and support the economic viability of the corridor by maintaining and improving access to businesses as well as schools, healthcare, and City government. By supporting bike riding as a viable choice for everyday trips, the project would support local, regional, and state efforts to reduce greenhouse gas and air pollutant emissions through reductions in vehicle miles traveled.

The project would implement the adopted 2017 *City of Berkeley Bicycle Plan* (2017 Berkeley Bike Plan), which identifies the #1 Priority Project as a planned protected bikeway or cycletrack (Class IV bikeway) on Milvia Street. Furthermore, establishing a bikeway at this location has been an ongoing consideration since 1971 and is included in the City's 1999 and 2005 *Berkeley Bicycle Plans*, 2012 *Streets and Open Space Plan*, the 2012 *Downtown Berkeley Area Plan*, and the 2015 *Berkeley Strategic Transportation Plan*. Specifically, these plans recommend establishing a continuous bikeway, traffic calming features, Class IV cycletrack, and intersection improvements. The project would involve future improvements to the 0.7-mile stretch of Milvia Street that currently serves as a part of the City's Bicycle Boulevard with existing Class III bike routes (shared lanes) from Hearst Avenue to Addison Street, Class II bike lanes (designated lanes) from Addison Street to Channing Way, and Class III bike routes (shared lanes) again from Channing Street to Blake Street.

The project improvements would include features such as curb ramps; pedestrian refuge islands; new or modifications to existing sidewalk, curbs, gutters and drainage inlets; colored concrete and/or colored pavement; intersection crossing (or conflict) markings; bike lane or bike box pavement markings; re-striping of travel lanes; new signage; modifications to existing traffic signals; relocation of existing underground and aboveground utilities; street lighting; and similar minor physical improvements. The project includes a one-way protected bike way cycletrack (Class IV) from Hearst Avenue to Blake Street in both the northbound and southbound directions. The protected bikeway will include buffer separation that may include pavement markings, signs, a raised paved median, landscaping and irrigation, new trees, stormwater treatment measures, other raised barriers (e.g., planter boxes, curb stops and "armadillos") or soft hit posts.

The City has conducted a traffic study to understand the traffic impacts of the circulation changes to Milvia Street for vehicles, and the safety impacts for people walking or riding bicycles. The project includes modifications to vehicle traffic patterns from existing two-way traffic to one-way northbound between Hearst Street and University Avenue, one-way southbound between University Avenue and Center Street, two-way between Center Street and Channing Street, and one-

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way southbound between Channing Street and Blake Street. Roadway changes will cause some northbound vehicle traffic to divert from Milvia Street to the parallel corridors of Shattuck Avenue and Martin Luther King Jr. Way. The traffic signal phasing at the Milvia Street/University Avenue intersection will also be upgraded to provide a protected, dedicated bicycle and pedestrian phase to improve active transportation access and safety across the intersection, which is the highest-stress intersection for bicyclists and pedestrians along the Milvia Street corridor. The currently underway Shattuck Avenue Reconfiguration Project will improve north-south vehicle throughput at intersections along Shattuck Avenue in the project area, which will also optimize the Shattuck Avenue corridor vehicle capacity to better accommodate the diversion of vehicle volumes from the Milvia Street corridor. In addition, improvements to lengthen the northbound left-turn pocket at the Martin Luther King Jr. Way/University Avenue intersection will be implemented. To accommodate this improvement, the southbound left-turn lane at the Martin Luther King Jr. Way/Addison Street intersection would be removed and southbound left-turn movements at Addison Street would be prohibited. The City of Berkeley will also conduct post-project monitoring to determine the need, and if needed implement parking management strategies to prohibit on-street parking between 3:00 and 7:00 PM on weekdays along northbound Martin Luther King Jr. Way between Berkeley Way and University Avenue. The post-project monitoring will also inform additional traffic signal timing improvements, including changes to green times, at the Martin Luther King Jr. Way/University Avenue intersection and along the Shattuck Avenue corridor between University Avenue and Center Street. The assessment also concludes that the project would have no negative impacts related to bicycle and pedestrian safety.

Exempt Status:

The CEQA Statutes (Public Resources Code [PRC] 21000-21189) and the Guidelines for the implementation of CEQA (14 California Code of Regulations [CCR], Sections 15000 et seq.) identify classes of projects that do not have a significant effect on the environment, and declare these classes of projects to be categorically exempt from CEQA requirements to prepare environmental documents (categorical exemptions) and classes of projects that have been granted exemptions from CEQA by the Legislature (statutory exemptions). There are exceptions to using categorical exemptions depending on the nature or location of a project or its environmental impacts, but there are no such exceptions for statutory exemptions. The following exemptions apply to the project:

- Categorical Exemptions.
 - Class 1, Section 15301 (Existing Facilities)
 - Class 4, Section 15332 (Minor Alterations to Land)
- Statutory Exemption.
 - Section 21080.20.5 (Restriping for Bicycle Lanes in Urbanized Areas)

Reasons why project is exempt:

Categorical Exemptions: Section 15301. Class 1 (Existing Facilities) and Section 15332. Class 4 (Minor Alterations to Land)

The Class 1 and Class 4 categorical exemptions cover the types of physical improvements included in the project, including but not limited to alterations to existing city streets, curbs, intersections, and related facilities that result in negligible or no expansion of these uses and creating new bicycle lanes in existing rights-of-way.

The Class 1 exemption is met because the project consists of minor alterations to existing City streets, including vehicle lanes, bike lanes, sidewalks, curbs, gutters, crosswalks, parking stalls, and similar facilities. The project would make improvements to and repurpose space within existing City streets, and there would be negligible or no expansion of streets.

The Class 4 exemption is met because the project involves the creation of a Class IV cycletrack within existing right-of-way. The project may involve the removal of existing trees, but it does not involve removal of any trees that are considered scenic resources, part of scenic views or vistas, or otherwise considered scenic by any adopted plan, policy, or regulation.

Moreover, the project does not meet any of the exceptions that preclude use of the categorical exemptions provided in CCR Section 15300.2. The project and its environmental effects would be typical of other projects within Class 1 and Class 4 exemptions. The types of construction equipment and duration of construction activity required to construct the project, the operation of the project, and the resulting environmental effects (e.g., temporary increases in noise levels, air emissions) would

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be typical of other projects in Class 1 involving minor alterations to existing streets, sidewalks, gutters, bicycle and pedestrian trails, and other facilities, and other projects in Class 4 involving the creation of bicycle lanes on existing rights-of-way. Similar to the project, other projects in Class 1 and Class 4 involve removal of existing turn lanes. From a review of existing physical conditions in the project area, construction and operation of the proposed project would not:

- Result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway.
- Be located on a site included on any list compiled pursuant to Government Code Section 65962.5 or otherwise have an impact on an environmental resource of hazardous or critical concern.
- Cause a substantial adverse change in the significance of a historical resource.
- Have a reasonable possibility of causing a significant effect on the environment due to unusual circumstances, or contribute to cumulative impacts from successive projects of the same type in the same place over time, including effects related to:
 - scenic vistas, visual character, and light or glare;
 - natural resources including agricultural, archaeological, biological, forestry, mineral, paleontological, and water supply resources;
 - air and water quality, greenhouse gas emissions, energy, noise, and vibration;
 - earthquakes, soil erosion, or other geologic conditions;
 - transport, use, emission, or disposal of hazardous materials;
 - hazards related to airports, wildfires, or flooding;
 - adopted land use plan, policy, or regulatory conflicts
 - growth inducement, housing displacement, or physically dividing a community;
 - public services, facilities, or utilities including parks, stormwater, water supply, wastewater, landfills, schools, libraries, police and fire protection;
 - performance or safety of the transportation system, including for vehicles, public transit, people walking and on bikes, and emergency access.

Statutory Exemption: Section 21080.20.5. Restriping for Bicycle Lanes in Urbanized Areas

The statutory exemption is met pursuant to Section 21080.20.5 because it includes restriping for bicycle lanes in an urbanized area, consistent with the 2017 Berkeley Bike Plan. As described below, staff has completed the actions that CEQA requires before filing the Notice of Exemption (1) prepared an assessment of the project's vehicular traffic and bicycle and pedestrian safety impacts and included measures in the project to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts; and (2) held a noticed public hearing in areas affected by the project to hear and respond to public comments. The following is a summary of these actions:

- *Traffic and Safety Impact Assessment and Proposed Mitigations:* The City prepared an assessment of the project's traffic and safety impacts. A full copy of the report is available by request. The assessment concludes that the project would result in acceptable Level of Service (LOS) D operations (as defined by City of Berkeley's Significance Thresholds for Traffic Impacts) during weekday peak hours at all study intersections except the two intersections described below. The assessment also concludes that the project would have no negative impacts related to bicycle and pedestrian safety. A summary of this assessment was included at the public hearing on December 3, 2019.
 - Traffic operations at the Martin Luther King Jr. Way/University Avenue intersection is projected to degrade to LOS E during the weekday AM peak hour and remain at LOS E during the PM peak hour, but with an increase in average vehicle delay due to the diversion of traffic volumes from Milvia Street to Martin Luther King Jr. Way. The northbound left-turn lane at the Martin Luther King Jr. Way/University Avenue intersection is projected to experience a substantial increase in peak hour vehicle volumes as the vehicles that previously made the northbound left-turn movement at the Milvia Street/University Avenue intersection is projected to divert to the Martin Luther King Jr. Way/University Avenue intersection due to the proposed Milvia Street conversion to one-way southbound travel between University Avenue and Center Street. To mitigate this impact, the project proposes to lengthen the northbound left-turn lane at the Martin Luther King Jr. Way/University Avenue intersection. To accommodate this improvement, the southbound left-turn lane at the Martin Luther King Jr. Way/Addison Street intersection will be removed and southbound left-turn movements at Addison Street will

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be prohibited. The City of Berkeley will also conduct post-project monitoring to determine the need of implementing parking management strategies to prohibit on-street parking between 3:00 and 7:00 PM on weekdays along northbound Martin Luther King Jr. Way between Berkeley Way and University Avenue. Prohibiting on-street parking along this segment will provide additional vehicle capacity and eliminate an existing bottleneck that develops during the PM peak period. The post-project monitoring will also inform additional traffic signal timing improvements, including changes to green times, for the Martin Luther King Jr. Way/University Avenue intersection. Implementing these mitigation measures is projected to improve weekday AM and PM peak hour operations to LOS D at this intersection.

- Traffic operations at the Shattuck Avenue (West)/University Avenue intersection are projected to degrade to LOS F during the weekday AM peak hour and remain at LOS C during the PM peak hour. The Shattuck Avenue (West)/University Avenue intersection is projected to operate at higher delay and with longer queues along the southbound approach during the AM peak because anticipated southbound traffic diversion from Milvia Street to Shattuck Avenue is projected to increase the southbound Shattuck Avenue (West)/University Avenue right-turn movement volume. This right-turn movement must yield to pedestrians; approximately 250 pedestrians were counted at the western crosswalk of this intersection during the AM peak hour. The traffic study assumed that physical and signal timing improvements at this intersection that are part of the currently underway Shattuck Avenue Reconfiguration Project were already in place. The study also assumed existing pre-Shattuck Ave Project intersection volumes for the analysis models and did not assume any volume re-distribution as a result of the Shattuck Ave Project improvements, but did assume volume diversion due to the Milvia Bikeway Project. The Shattuck Avenue Reconfiguration Project improvements may further mitigate this impact to an extent that is difficult to quantify given the changing conditions at this intersection and the complex cumulative impacts and benefits of the in-process Shattuck Avenue Reconfiguration Project and the upcoming Milvia Bikeway Project. As such, the City of Berkeley will conduct post-project monitoring to inform additional traffic signal timing improvements, including changes to green times, for the signalized Shattuck Avenue intersections between University Avenue and Center Street. If necessary, implementing these mitigation measures is projected to improve weekday AM peak hour operations to LOS C and maintain LOS C operations during the PM peak hour at the Shattuck Avenue (West)/University Avenue intersection.
- *Public Hearing.* As required by PRC Section 21080.20.5(b)(2), a noticed public hearing was held by the Berkeley City Council on December 3, 2019 to hear public comments on the project. The hearing was held at the Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley, CA 94702. Verbal public hearing comments were provided on the project. All of the comments received expressed support for the project. Specific concerns related mostly to the need to improve wayfinding to the Center Street Parking Garage; the need to focus on aesthetics by improving existing landscaping, and planting more street trees if possible; the need to build out the bikeway network to the south of the project; the need for signal retiming as a potential future mitigation. No written public hearing comments were received.