6.0 APPENDICES

6.1 REPORT PREPARERS

This EIR was prepared by Aaron Sage, AICP of the City of Berkeley Planning and Development Department, Land Use Planning Division, with substantial assistance and input from Jay Claiborne of JWC Urban Design, Berkeley, CA.

6.2 BIBLIOGRAPHY

- Berkeley Architectural Heritage Association, State Historic Resources Inventory survey for Island Exxon Station (2990 Sacramento Street). (Appendix 6.5)


Appendices 6.3, 6.4 and 6.5 follow this page.
CEQA Initial Study Checklist

Biofuels Oasis – 1441 Ashby Avenue

July 26, 2007

1. Project Title: Biofuels Oasis

2. Lead Agency Name and Address:
   City of Berkeley
   Planning and Development Department
   Land Use Planning Division
   2120 Milvia Street
   Berkeley, CA 94704

3. Contact Person:
   Aaron Sage, AICP, Associate Planner
   (510) 981-7425
   asage@ci.berkeley.ca.us

4. Project Location:
   1441 Ashby Avenue, Berkeley, Alameda County, APN 053-1618-013-00

5. Project Sponsor’s Name and Address:
   Biofuels Oasis
   2465 Fourth Street
   Berkeley, CA 94710

6. General Plan Designation: Avenue Commercial

7. Zoning District: South Area Commercial (C-SA)

8. Description of Project:

   **Site Description:** The project site is located in South Berkeley, at the northwest corner of Ashby Avenue (State Highway 13) and Sacramento Street, approximately 0.4 miles north of the Berkeley-Oakland city limit (see vicinity map, Figure 1). The site has an area of 8,000 square feet (0.18 acres) and is developed with an automobile fueling station that is currently used for car washing and detailing. As discussed further in Section V of this document, the site is listed on the State Historic Resources Inventory as potentially eligible for the National Register of Historic Places (NRHP).

   **Project Description:** The project would restore the historic use of the site as a fueling station, except that biodiesel would be sold rather than gasoline. The station would also conduct ancillary retail of biodiesel and urban farming supplies, self-serve coffee, and pre-packaged food. An above-ground fuel storage tank with a capacity of 6,000 gallons would be located at
the northwest corner of the site, with protective bollards. The project would retain the four existing driveways and the two fuel pump islands, which allow up to four vehicles to be fueled simultaneously. In order to provide adequate vertical clearance for taller vehicles (13 feet, 9 inches), the roofs of the existing fuel pump canopies would be removed, and new, taller roofs would be constructed on the existing brick columns. The existing office/service building would remain and would undergo seismic upgrades. New signage, landscaping and lighting would be installed. Approximately 10 parking spaces would be provided on the site.

While the applicants intend to retain the existing brick columns, it may be necessary to provide additional bracing or replace the columns if further testing shows them to be seismically inadequate. According to the applicants, this testing cannot be conducted until after the canopies are removed. See attached applicant statement and project plans for further information.

Figure 1: Project Vicinity Map
9. Surrounding Land Uses and Setting:
The site is located in an urbanized setting, developed primarily with moderate-density residential and neighborhood-oriented commercial uses. Land uses adjacent to the site are as follows:

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>Zoning District</th>
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<tbody>
<tr>
<td>North Retail/offices</td>
<td>C-SA</td>
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<tr>
<td>South Multi-family residential</td>
<td>C-SA</td>
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<tr>
<td>East Neighborhood-serving</td>
<td>C-SA</td>
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<tr>
<td>commercial uses</td>
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<tr>
<td>West Single-family dwelling</td>
<td>R-3</td>
</tr>
</tbody>
</table>

10. Other Agencies Whose Approval is Required:
- California Department of Food and Agriculture, Division of Measurement Standards
- Bay Area Air Quality Management District (BAAQMD)

11. Permits Required Under Berkeley Zoning Ordinance:
- Use Permit to establish an Automobile Fuel Station, under BMC Section 23E.52.030;
- Administrative Use Permit to establish incidental coffee sales for immediate consumption, under BMC Section 23E.52.030

Environmental FactorsPotentially Affected:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics
☐ Biological Resources
☐ Cultural Resources
☒ Hydrology / Water Quality
☐ Noise
☐ Recreation
☐ Mandatory Findings of Significance
☐ Air Quality
☐ Geology /Soils
☐ Land Use / Planning
☐ Population / Housing
☐ Transportation/Traffic

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2. Project impacts are categorized as follows: PS – Potentially Significant; LSM – Less than Significant with Mitigations; LS – Less than Significant; NI – No Impact.
**Determination:**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.  
  
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.  
  
- **I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.**

  I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

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

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**Signature:**  
____________________________  
Aaron Sage, AICP

**Date:**  
__________

### I. AESTHETICS

-- Would the project:

  a) Have a substantial adverse effect on a scenic vista?  
  
- **GP (UD-2), SV**  
  
- **☑ No ☐ Yes ☐**

Although the City has not defined what would be a "substantial adverse effect on a scenic vista" for the purposes of environmental review, the General Plan and Zoning Ordinance provide some guidance on this issue. General Plan Policy UD-31 states that "construction should avoid blocking significant views, especially ones toward the Bay, hills, and significant landmarks such as the Campanile, Golden Gate Bridge, and Alcatraz Island. Whenever possible, new buildings should enhance a vista or punctuate or clarify the urban pattern." Section 23F.04.010 of the Zoning Ordinance defines "view corridor" as "a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, Golden Gate Bridge, and Alcatraz Island."
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<td>PS LSM LS NI</td>
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Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property."

The project would not substantially affect any important public vista because it would not involve substantial new construction. The only new construction would be the new canopy roofs, which would be approximately 3 feet, 8 inches taller than the existing roofs. The new roofs would be consistent with the predominantly one- and two-story development pattern of the surrounding area, and would not be tall enough to substantially affect any important public views.

b) Substantially damage scenic resources, including, ScH but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? □ □ □ ☑

The project is not located within a state scenic highway. Impacts on the existing historical resources on the site are discussed in Section V.

c) Substantially degrade the existing visual character PF, SV or quality of the site and its surroundings? □ □ □ ☑

Impacts on the existing historical resources on the site are discussed in Section V. The project would enhance the visual character of the site and its surroundings by renovating the existing structures and providing new signage, landscaping, and lighting. The project has received a positive recommendation from the City’s Design Review Committee.

d) Create a new source of substantial light or glare PF which would adversely affect day or nighttime views in the area? □ □ ☑ □

The project would not introduce any substantial source of glare, and would be subject to standard City conditions of approval requiring all light sources to be shielded and directed away from adjacent properties. Because the project would replace the existing light fixtures, which are not adequately shielded, with shielded fixtures, the project would likely reduce the amount of light pollution from the site.

II. AGRICULTURE RESOURCES: Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? □ □ □ ☑

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? GP (LU-27), ZO □ □ □ ☑

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<td>c)</td>
<td>Involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
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There is no farmland within the City of Berkeley, and there are no foreseeable impacts on farmland outside the City from the project.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan? EIR (250)  
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? EIR (250)  
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? EIR (250)  
- d) Expose sensitive receptors to substantial pollutant concentrations? AQ, PF

Fueling stations can adversely affect air quality through vehicle emissions from additional vehicle trips, and through the release of fuel vapors during fuel delivery and dispensing. However, the project would not exceed applicable standards in either of these areas for the following reasons:

**Fuel Vapors:** The proposed facility will be subject to review and approval by the Bay Area Air Quality Management District (BAAQMD), which has stringent requirements for the control of fuel vapor emissions. Prior to approval, BAAQMD will conduct a risk analysis and establish a throughput limitation to ensure that the facility's vapor emissions do not exceed a maximum individual cancer risk of 10 in one million. The facility will also be required to install and maintain a Certified Vapor Recovery System approved by the California Air Resources Board (CARB). BAAQMD regulations and procedures, already established and enforced as part of BAAQMD's air quality permit review process, would ensure that any potential impacts due to emission of fuel vapors would be reduced to a level that is less than significant.

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Emissions: As discussed further in Section XV, the number of vehicle trips generated by the project would not cause the level of service (LOS) at the adjacent intersection to worsen to E or F, and is well below BAAQMD’s thresholds of significance for total project emissions. The project is consistent with the City’s General Plan, and the cumulative air quality impacts of development under the General Plan have been analyzed and mitigation measures adopted in the General Plan EIR. Furthermore, by increasing the availability of biodiesel, which produces less greenhouse gas emissions than gasoline, the project would likely help reduce vehicle emissions in the area. Therefore, the project would not have any cumulatively significant air quality impacts.

The project would not involve substantial new construction, excavation or grading, and therefore would be unlikely to exceed air quality standards related to particulate matter from construction activities (however, see following paragraph). Furthermore, the City requires BAAQMD’s “Basic Control Measures” for minimizing construction-related air quality impacts as standard conditions on all projects subject to discretionary approval. These measures include regular watering of active construction areas, covering piles of soil and other fine materials, and sweeping soil from adjacent gutters and streets. BAAQMD considers projects that implement the basic control measures to have a less-than-significant impact on air quality.

Due to the age of the existing structures (c.a. 1933), removal of the existing canopies and renovation of the existing structures (which may include stripping the existing paint) may involve the removal of lead-based paint and asbestos, causing potentially significant air quality impacts from the release of these materials into the environment. The following mitigation would reduce these impacts to a less-than-significant level:

Mitigation III.1: Prior to issuance of a building permit or demolition permit, the applicant shall consult with the Bay Area Air Quality Management District (BAAQMD) and the City of Berkeley Toxics Management Division regarding applicable requirements and best practices for the removal of any lead-based paint, asbestos, or other hazardous building materials to be disturbed by the proposed construction and demolition activities. The applicant shall comply with these requirements and practices during construction and demolition, and with BAAQMD Regulation 11, Rule 2 for any removal of asbestos, as applicable.

e) Create objectionable odors affecting a substantial AQ (18)

Biodiesel is not identified in BAAQMD’s CEQA Guidelines as a potential source of offensive odor. Based on various Internet sources, biodiesel is generally regarded as having a faint, pleasant, sweet smell that reminds some of french fries, popcorn, barbecue, and other cooking odors. There appears to be a clear consensus that biodiesel odors are far less offensive and noxious than conventional diesel. In any case, the prevailing winds at the project site are from west to east, and will generally carry odors away from the adjacent residence rather than toward it. Therefore, the project would have a less-than-significant impact due to odors.

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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?  
   EIR (227), SV
   [ ] [ ] [ ] [x]

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?  
   EIR (227), SV
   [ ] [ ] [x] [ ]

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?  
   EIR (227), SV
   [ ] [ ] [x] [ ]

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?  
   EIR (227), SV
   [ ] [x] [ ] [ ]

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  
   EIR (227)
   [x] [ ] [ ] [ ]

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?  
   EIR (227)
   [x] [ ] [ ] [ ]

The site is entirely paved, surrounded by urban development, and does not contain any sensitive or riparian species, or habitat for such species. There are no wetlands on or adjacent to the site. There are no policies or ordinances protecting biological resources, or habitat conservation plans, that affect the site.

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V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the CEQA Guidelines?

| LM, PF | SHRI | ✓ | ☐ | ☐ | ☐ |

The site is not a designated City landmark or structure of merit, nor is it listed on the California Register of Historical Resources or the National Register of Historic Places. However, the site was included in a 1979 survey of potential historical resources conducted by the Berkeley Architectural Heritage Association (BAHA), which became part of the State Historic Resources Inventory (SHRI) maintained by the State Office of Historical Preservation (SHPO). The site was assigned a “California Historical Resource Status Code” of 3S, which means that it “appears eligible for NR [National Register of Historic Places] as an individual property through survey evaluation.” According to SHPO Technical Assistance Bulletin #8, “resources included in a local register of historical resources or deemed significant, i.e., given a status code 3-5 in a survey meeting OHP’s requirements, are presumed to be historically or culturally significant for purposes of CEQA.”

In describing the structures, the SHRI form for the site (see Attachment 4) calls attention to the “red tile roofs ... laid to look rough ... [and] very low, with beams and wide overhangs—single long gable over the pumps....” The SHRI form attributes the site’s importance to its “tousled antiqued Spanish, or California Mission Mother Goose” style, which it describes as a possible “parallel to the railroads’ long-standing use of Mission style for travel buildings.”

Section 15064.5 of the CEQA Guidelines defines a “substantial adverse change in the significance of an historical resource” as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired.” The Guidelines further state that “the significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources ... [or] in a local register of historical resources.”

Pursuant to SHPO Technical Assistance Bulletin #8, the site is presumed to be historically significant for purposes of CEQA. The existing canopies, with their low profile, rough-laid tile, and wood beams, appear to convey much of the architectural and historical significance noted in the SHRI form for the site. Removal of the canopies would therefore be a potentially significant effect on historical resources. This issue will be studied in further detail in an environmental impact report (EIR) for the project.

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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

Prior to releasing the draft EIR for the project, the City will contact the California Historical Resources Information System (CHRIS) Northwest Information Center (the regional repository for cultural and archaeological resource information) to determine whether the site has the possibility of containing Native American and historic-period cultural resources. However, as of this writing there appears to be little potential for the project to disturb such resources, since it would not involve substantial excavation, and the site is relatively small.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

The project would not involve substantial excavation and is therefore unlikely to adversely affect any paleontological resources or unique geologic features.

**VI. GEOLOGY AND SOILS -- Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

The project site is not located in an Alquist-Priolo Earthquake Fault Zone, as defined by the California Geological Survey (CGS), and no active or potentially active faults exist on or in the immediate vicinity of the site. The site is not mapped within a landslide hazard area on the maps prepared by the CGS pursuant to the Seismic Hazards Mapping Act, and there are no active slides mapped on, or within the general vicinity of, the site.
The existing structures are constructed of unreinforced masonry, are prone to collapse in a major earthquake, and have been designated as requiring seismic hazard mitigation under Berkeley Municipal Code Chapter 19.38. The property owner has obtained a building permit to reinforce the structures. If this work is not completed prior to establishment of the proposed use, the project could result in a significant impact by increasing the number of persons at risk of injury from collapse of the structures. The following mitigation would reduce this impact to a less-than-significant level:

**Mitigation VI.1:** Prior to issuance of an occupancy permit, the applicant and/or property owner shall complete all required seismic hazard mitigation work for the site, pursuant to BMC Chapter 19.38.

b) Result in substantial soil erosion or the loss of topsoil?  
PF □ □ □ √

Because the site is essentially flat (i.e., less than five percent slope), and already paved, substantial erosion is unlikely.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  
GI □ □ □ √

As discussed in VI(a) above, there are no landslide or liquefaction hazards at the site. Lateral spreading and subsidence are unlikely given the flatness of the site.

d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?  
□ □ □ √

Soil information is required as part of the standard building permit review process, and building engineering must properly account for soil properties prior to permit issuance. Therefore no mitigation is required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?  
□ □ □ √

Not applicable; sewers are available.

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VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? □ ✔ □ □

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? □ ✔ □ □

According to the National Biodiesel Board, biodiesel fuel is considerably less hazardous than gasoline. The applicants currently operate another biodiesel fueling station in Berkeley and are familiar with applicable City and state safety regulations. As noted in the project description, the proposed fuel storage tank would be located above ground and protected by bollards to prevent accidental collisions with the tank. The tank and fuel dispensing system would be designed to comply with Regional Water Quality Control Board requirements to reduce the likelihood of leaks that may affect groundwater. The project has been reviewed by the City’s Toxics Management Division and Fire Department, and these agencies have determined that the project would not create a significant hazard, provided that the following mitigations are adopted:

*Mitigation VII.1:* Prior to issuance of a building permit, the applicant shall submit plans for the fuel storage and dispensing system for review and approval by the City’s Toxics Management Division and Fire Department. These plans shall provide for automated leak detection, alarm and pump shutoff, and other applicable City of Berkeley and Regional Water Quality Control Board requirements.

*Mitigation VII.2:* Prior to issuance of an occupancy permit, the applicant shall submit a chemical inventory business plan, including a spill response plan, for review and approval by the City’s Toxics Management Division and Fire Department. The applicant shall implement and adhere to the approved plans at all times.

*Mitigation VII.3:* Any vehicle(s) used to deliver biodiesel from the site shall be kept free of leaks.

*Mitigation VII.4:* Customers shall not be permitted to fill their own fuel containers at the site. Sales of pre-filled containers provided by the establishment may be allowed, provided the Toxics Management Division finds that the containers are compatible with biodiesel, and are stored and filled safely.

*Mitigation VII.5:* Prior to issuance of a building permit, construction drawings shall be reviewed and approved by the City’s Toxics Management Division (TMD). The applicant shall provide to TMD a plan for detection, analysis, and removal of any

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contaminated soil and groundwater that may be discovered during construction activities. TMD shall have authority, based on permit review and/or subsequent detection of contaminated materials, to require additional information, testing and/or safety measures as necessary to protect construction workers, the community and the environment. Obvious soil contamination discovered during construction shall be removed, segregated, profiled, covered, and removed, consistent with the approved plan or as directed by TMD.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
The site is not located within one-quarter mile of any school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
The site is not listed on the “Hazardous Waste and Substances Site List” posted on the State Department of Toxic Substance Control’s website.

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

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
The project is not in the vicinity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
The project would not affect emergency access routes nor impair emergency response or evacuation.

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

The project is located in an urbanized area and is not adjacent to wildlands.

**VIII. HYDROLOGY AND WATER QUALITY** – Would the project:

a) Violate any water quality standards or waste discharge requirements?  

The site is not located adjacent to any creek or watercourse. Potential impacts to water quality from the use and handling of biodiesel (including spills) at the site are addressed in the previous section. In addition, pursuant to the Alameda Countywide Clean Water Program (which implements the Regional Water Quality Control Board’s “C.3” requirements), the project must reduce stormwater runoff pollution to the “maximum extent practicable,” by maximizing infiltration, providing retention or dentention, slowing runoff, minimizing impervious coverage, and other appropriate stormwater pollution controls. These standard requirements are implemented through the City’s building permit review process and will reduce potential impacts on water quality to a less-than-significant level.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Because the project would not be served by local groundwater, and the site is already paved, the project would not adversely affect groundwater supplies or recharge.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

The project would not alter drainage patterns of the site or area.

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2. Project impacts are categorized as follows: **PS** – Potentially Significant; **LSM** – Less than Significant with Mitigations; **LS** – Less than Significant; **NI** – No Impact.
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The site is entirely paved and the project would therefore not contribute additional runoff. Potential impacts to stormwater quality from fuel delivery and dispensing activities are addressed above under VII(a) and (b) and VIII(a).

e) Otherwise substantially degrade water quality? PF

There are no other foreseeable water quality impacts from the project.

f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The site is not mapped in any flood hazard area or in the inundation area of any levee or dam.

i) Inundation by seiche, tsunami, or mudflow? EIR

The Draft General Plan EIR did not identify these as significant hazards for the site.

IX. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community? PF

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The project is located entirely within an existing parcel of land and would not alter vehicular or pedestrian circulation routes in the surrounding neighborhood. The project may conflict with...
General Plan policies related to historic resources; this issue will be addressed in the project EIR. The project does not conflict with any other land use policies adopted for the purposes of avoiding or mitigating environmental effects. There are no applicable conservation plans.

**X. MINERAL RESOURCES** – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No mineral resources of regional value are known to exist at this site.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The site is not a delineated mineral resource recovery site.

**XI. NOISE** – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Operational Noise: As with all land uses in the City, the project would be required to comply with the noise standards of Berkeley Municipal Code Chapter 13.40. Based on the proposed activities and hours of operation, the project does not appear likely to exceed these standards.

Construction Noise: Berkeley Municipal Code Chapter 13.40 regulates construction noise as follows: Activities creating a “noise disturbance” are prohibited from 7 p.m. to 7 a.m. on weekdays, and 8 p.m. to 9 a.m. on weekends and holidays. During other hours, construction activities must conform to noise levels of 80 dBA on weekdays and 65 dBA on weekends and legal holidays, unless it is not technically and economically feasible to do so. Therefore, for the purposes of this initial study, a significant impact would occur if these levels were exceeded even when it would be technically and economically feasible to meet them.

The project would not involve substantial excavation or grading and therefore would not require extensive use of relatively noisy construction equipment such as backhoes, bulldozers, jack hammers, and pile drivers. All construction activities would be required to comply with the City’s standard conditions regarding construction noise, which limit the hours of construction more than BMC Chapter 13.40 (8 a.m. to 6 p.m. on weekdays, 9 a.m. to 12 p.m. on Saturdays, no construction on Sundays); and require that a phone number for noise complaints be posted at

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the site. In addition, because the site is located at the intersection of two major traffic corridors, where the ambient noise level exceeds 70 dB, construction noise would not be as likely to generate complaints as in quieter areas of the City. Construction noise would therefore have a less-than-significant impact.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  

The proposed project would not involve any construction activities that generate significant groundborne vibration (such as pile driving).

c) A substantial permanent increase in ambient noise TIA levels in the project vicinity above levels existing without the project?  

Based on the traffic analysis in Section XV, the project would not generate enough traffic to cause a noise increase of more 3 dBA, the amount of additional noise that is perceptible to the average person.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  

Impact discussed under XI(a), above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?  

The site is not located with an airport land use plan or within two miles of an airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  

The site is not within the vicinity of a private airstrip.

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XII. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, EIR (65) either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, PF necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, PF necessitating the construction of replacement housing elsewhere?

The project is consistent with the City’s General Plan, and population growth foreseen under the General Plan was not determined to have any significant environmental impacts related to population growth. There is no housing or residents on the site.

XIII. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

b) Police protection?

c) Schools?

d) Parks?

e) Other public facilities?

Demand for public services is generally driven by population growth. Because the project would not create additional housing, it would not require new or altered public service facilities. The project would be likely to facilitate police protection in the vicinity by improving nighttime lighting at the site.

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XIV. RECREATION – Would the project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  
   □ □ □ ✔

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?  
   □ □ □ ✔

Park use is generally driven by population growth. Because the project would not create additional housing, it would not have substantial impacts on neighborhood and regional parks. The project does not include recreational facilities.

XV. TRANSPORTATION/TRAFFIC – Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?  
   □ □ ✔ □

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?  
   □ □ ✔ □

The City’s Office of Transportation has prepared a traffic impact analysis (TIA) for the project (see Attachment 5). According to the TIA, the project would generate approximately 29 additional vehicle trips during the weekday PM peak period (5 p.m. to 6 p.m.), after accounting for trips from the existing car detailing use. This estimate is based primarily on data from the existing Biofuels Oasis operation at 2465 Fourth Street in Berkeley, rather than Institute of Traffic Engineers (ITE) data for gasoline stations, which tend to generate more traffic than biodiesel stations due to the higher demand for gasoline.

In the PM peak hour, the Ashby/Sacramento intersection currently operates at Level of Service (LOS) D, with an average vehicle delay of 37.1 seconds/vehicle. Under the City’s adopted thresholds of significance for traffic impacts, the delay would have to increase to 50 seconds/vehicle to cause a significant impact at the intersection. However, with the additional trips from the project, the average delay would increase by only 1.2 sec. to 38.3 seconds/vehicle, and therefore the project would not have a significant impact on the

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intersection. The project would not have significant impacts at any other intersection because of the small traffic volumes that would carry through.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

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<th>Citation</th>
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<td>PF, ZO, GP (LU-27)</td>
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The project is not in the vicinity of an airport.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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The project would not alter the existing pedestrian or vehicular circulation pattern in the vicinity. The City’s traffic engineer has reviewed the site plan and concluded that there is adequate maneuvering space for customer vehicles and fuel delivery vehicles. According to the applicants’ project description, an 8’ by 34’ tanker truck would deliver fuel to the site one to two times per week during daytime hours. The site provides adequate access for the truck around the north and west sides of the main building. However, the tanker truck would prevent other vehicles from passing on these sides during fuel delivery, which could result in vehicle cues spilling into the public right-of-way during times of day when customer demand is higher. In addition, the proposed landscaping, if not properly selected and maintained, could make it more difficult for customers to see pedestrians on the adjacent sidewalks. Adoption of the following mitigation measures would reduce these impact to a less-than-significant level:

Mitigation XV.1: Fuel shall be not delivered to the site between the hours of 3 p.m. and 7 p.m. on weekdays, and 11 a.m. to 3 p.m. on Saturdays.

Mitigation XV.2: Prior to issuance of a building permit, the applicant shall submit a detailed landscape plan for review and approval by the City traffic engineer. Plants located adjacent to driveways shall be selected so as to maintain adequate visibility of pedestrians, as determined by the traffic engineer. After occupancy, plants shall be maintained at the maximum heights specified by the traffic engineer.

e) Result in inadequate emergency access?

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The Fire Department did not identify any barriers to emergency access in its review of the project. As with all construction projects, the project would undergo a detailed review for emergency access during the building permit plan check process.
f) Result in inadequate parking capacity? PF, TIA
   The project would provide approximately 10 off-street parking spaces. While the Zoning
   Ordinance does not prescribe a parking requirement for fueling stations, the proposed parking
   generally exceeds the number of spaces typically provided at fueling stations of similar size in
   the area. It should be noted that lack of parking, in and of itself, is not a significant impact for
   the purposes of CEQA unless it results in significant impacts in other areas, such as traffic
   congestion resulting from vehicles searching from parking.

g) Conflict with adopted policies, plans, or programs GP
   supporting alternative transportation (e.g., bus
   turnouts, bicycle racks)?
   By increasing the availability of biodiesel, which produces less greenhouse gas emissions than
   gasoline, the project would help implement several General Plan policies and other City policies
   that promote alternative fuels and reduction of greenhouse gases. These include General Plan
   policies EM-19 (Global Warming Plan), EM-21 (Alternative Fuels), and EM-41 (Fossil Fuel).
   Specifically, Policy EM-41, Action C states, “Encourage use of “bio-diesel” fuel as an alternative
   to fossil fuel. The project would not conflict with other applicable alternative transportation
   policies. The project would not alter the location of, or impede pedestrian and bus access to, the
   AC Transit stop located adjacent to the site on Sacramento Street.

XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:
   a) Exceed wastewater treatment requirements of the PF
      applicable Regional Water Quality Control Board?
      EIR
      (149-52)
      Yes
   b) Require or result in the construction of new water
      or wastewater treatment facilities or expansion of
      existing facilities, the construction of which could
      cause significant environmental effects?
      EIR (152)
      Yes
   c) Require or result in the construction of new storm
      water drainage facilities or expansion of existing
      facilities, the construction of which could cause
      significant environmental effects?
      EIR (152)
      Yes
   d) Have sufficient water supplies available to serve
      the project from existing entitlements and
      resources, or are new or expanded entitlements
      needed?
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Due to its limited scope, the project would not substantially increase the site's wastewater treatment or water demands, or require new or expanded off-site drainage facilities.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

EIR (87)

g) Comply with federal, state, and local statutes and regulations related to solid waste?

The project is consistent with the City's General Plan, and there is adequate landfill capacity to serve development foreseen under the General Plan. The proposed land uses would not generate substantial or unusual solid waste, and would be required to comply with all applicable solid waste regulations. The project would also be subject to a standard condition of approval requiring submittal of a construction and demolition recycling plan.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE –

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

EIR, SV

See Section V for discussion of potential impacts on historical resources, for which an EIR will be prepared. The site is entirely paved, surrounded by urban development, and does not contain any sensitive or riparian species, or habitat for such species.

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**INITIAL STUDY CHECKLIST**

**Biofuels Oasis – 1441 Ashby Avenue**  
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b) Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐ ☐ ☐ ☑

The project is consistent with the City’s General Plan, and the Draft General Plan EIR did not identify any cumulatively considerable impacts related to this project.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ ☐ ☐ ☑

Other than the impacts already identified and mitigated elsewhere in this document, the project has no foreseeable substantial effects on human beings.

**LIST OF SOURCES CONSULTED**

*(Note: the following documents are available online as noted below or at the Permit Service Center, 2120 Milvia Street, Berkeley)*

- **CRK** City of Berkeley, map of “BMC 17.08 Creeks and Parcels with Setback Effects from these Creeks,” April 8, 2005, www.ci.berkeley.ca.us/maproom
- **GP** City of Berkeley, *General Plan*, 2002, www.ci.berkeley.ca.us/planning/landuse
- **HW** State of California, Department of Toxic Substances Control, “Hazardous Waste and Substances Site List,” www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm
- **LM** City of Berkeley, Planning and Development Department, “Designated Landmarks, Structures of Merit and Historical Districts”
- **PF** City of Berkeley, Planning and Development Department, project files for Use Permit 07-10000046 (1441 Ashby Avenue)
- **SH** City of Berkeley, “CGS Hazard Study Zones by Berkeley Parcel,” July 9, 2003, www.ci.berkeley.ca.us/maproom
- **SHRI** Berkeley Architectural Heritage Association, “Buildings Included in State Historic Resources Inventory, 1977-79”, no date

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<table>
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<tbody>
<tr>
<td>SV</td>
<td>Observations from site visits conducted by Aaron Sage, July 2007</td>
</tr>
<tr>
<td>Sch</td>
<td>State of California, Department of Transportation, “California Scenic Highway System: List of Eligible and Officially Designated Routes,” <a href="http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm">www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm</a></td>
</tr>
<tr>
<td>ZO</td>
<td>City of Berkeley, Zoning Ordinance, Ord. 6478-NS, 1999, <a href="http://www.ci.berkeley.ca.us/bmc">www.ci.berkeley.ca.us/bmc</a></td>
</tr>
</tbody>
</table>

**ATTACHMENTS**

1. Applicant Statement and Traffic Survey
2. Project Plans
3. Site Photos
4. State Historic Resources Inventory Form for Project Site
5. Traffic Impact Analysis

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BioFuel Oasis will retail biodiesel at the public pump with more accessible hours and a more accessible location than at our current location (2465 Fourth Street). We will also have a small store with biodiesel supplies (t-shirts, fuel filters), urban farming supplies (equipment for beekeeping, raising chickens, and gardening), and coffee/food to go. We are planning initially on the store being open 10am – 6pm daily. We request for the permit the hours of 7am – 8pm for the store, so that we can figure out over time what the best hours for us to be open each day will be. We will have one pump with two nozzles at each island, so four cars can fill up at once. We will also offer biodiesel through the pumps unattended 7am – midnight daily through a cardlock system. To buy biodiesel when the pumps are cardlocked, customers will have to obtain a card from us during regular hours and be trained on its use by one of our worker-owners.

Because biodiesel is a developmental fuel in the state of California, the BioFuel Oasis had to apply for a variance (which we were granted) to sell it. As part of the variance, we cannot sell to the "general public." All customers must come in first and join our fleet/membership by filling out a one-page agreement. We collect information on all the different vehicles running our biodiesel and report that each quarter to the state along with any problems people have with the fuel. First-time customers receive a personal 10 minute talk about the basics of biodiesel, training on using our pumps and equipment, and instructions on how to clean-up a spill. We are unlike any gas station because of the amount of biodiesel education and training on our equipment we give to our customers. Also, because everyone must join our fleet to buy biodiesel, we are technically a membership-only business and so are exempt from many of the fueling station regulations like posting our price and supplying air and water.

We will store 6000 gallons of biodiesel onsite in a double-walled steel above ground storage tank located in the northwest corner of the site. The tank and pumps will have a leak detection system. We will get a building permit and Fire and Toxics Department approval for the above ground storage tank so it meets all federal, state, and local regulations. Underground piping will be run from the tank to the two pump islands; the piping will be double-walled (2" inside 3"). A tanker truck (8’ wide by 34’ long) will come 1-2 times every week to fill us up with fuel during daytime hours. We will store our commercial box truck on the lot, which we use to deliver biodiesel to businesses. We will maintain 8-9 parking spaces on the lot for our customers and employees, plus four cars can park around the pump islands. Parking and traffic should not be impacted by our station (see Traffic Survey for more details).

We will sell food/beverages for immediate consumption, including prepackaged food like vegan organ cookies, energy bars, and chips. We will also offer self-serve coffee in a pump thermos. We will not be a café/restaurant; there will be no customer seating onsite.

Our use is compatible with the South Area Commercial District, as Automobile Fuel Stations are permitted with a Use Permit. Our retail store use and food/beverage for immediate consumption (as uses incidental to a permitted use) are also compatible with the zoning of the district.
Safety – Biodiesel is non-toxic and non-flammable.
The fastest growing alternative fuel, biodiesel is a clean-burning renewable fuel for
diesel vehicles made mostly from vegetable oil. The chemical name for biodiesel is a
fatty acid methyl ester. It contains no hazardous materials. In terms of
flammability, it is similar to vegetable oil rather than fuel. The flashpoint of a fuel is
defined as the temperature at which it will ignite when exposed to a spark or flame.
While gasoline’s flashpoint is −45 degrees F and diesel’s is 125 degrees F, biodiesel’s
flashpoint is above 300 degrees F. Biodiesel is very difficult to start on fire; if you
put a match to it, the biodiesel will not start on fire; instead, the biodiesel will put
out the flame. It is a Class IIIB combustible liquid according to Fire Code. We will
have spill-kits on-site with instructions on how to clean up spills. We proactively
worked with the Berkeley Fire Department and Hazardous Materials when we set up
our current site and we have regular inspections from these departments. We have
an excellent safety record.

Benefits
Berkeley residents and businesses will have an easy, local source of biodiesel. We
are the only public pump in the Bay Area to buy biodiesel, so our station will bring in
people from surrounding cities (especially Oakland and San Francisco) and increase
City of Berkeley revenue.

We are a women-owned, worker-owned cooperative, with four out of six worker-
owners living within a couple miles from 1441 Ashby. We are a local business where
the money is going back into the community. We were awarded the 2006
Champions of Sustainability Award for Business by the City of Berkeley.

The use of biodiesel translates into cleaner air and lower Greenhouse Gas emissions
for everyone in Berkeley and Alameda County, which will help the City in meeting the
Kyoto Protocol/Greenhouse Gas reductions. We do a significant amount of education
through our customers, the press, and in presentations not only about using
biodiesel but about driving less by biking, walking, and using public transportation
instead.

Attachments:
1. The Benefits and Cautions of Using Biodiesel
2. Biodiesel Emissions
3. Biodiesel Environmental & Safety Information
BioFuel Oasis Biodiesel Station Design Philosophy: Preserve an Old Gas Station and Bring It Into the 21st Century

Our vision is to create a one-of-a-kind biodiesel station, unlike any gas station in the Bay Area. We start with an old gas station and all its charm that emphasizes the down-home, earthy feel and uniqueness of our small, local business. We enhance it by making the site a demonstration for renewable energy, urban farming, and alternative transportation through powering our station with solar panels, featuring California native plants in our landscaping, selling urban farming supplies, and encouraging people to drive less. Like the fuel itself, the station is filled with life: people, fuel from recently harvested sunlight, photovoltaic electricity and a lush, green living landscape.

Our intent in creating a biodiesel station at 1441 Ashby is to use all existing features as much as possible for three reasons:

1. Historical – We would like to preserve the old gas station building and keep it's character and charm, while making the islands usable by modern vehicles.

2. Environmental – It's best environmentally to use what you have and build new as little as possible. Reuse saves resources and energy.

3. Economical – As a small locally-owned worker cooperative, we have a small budget for this project, in contrast to big developers, etc. We would like to keep our design simple but beautiful, and keep as much at the site as possible to stay within our budget.

We will be keep the building the same and simply painting it and growing plants around it. The property owner has a building permit to seismically retrofit the building and replace the roof with the same tile, harvesting some of the needed replacement tile from the islands.

After much deliberation, we came to the conclusion that the island canopies cannot be preserved. To accommodate larger vehicles, the canopies need to be raised about five feet to have a 13’9” clearance. At that height, the tile roofs are too heavy structurally to keep, and the proportions are not right architecturally. Our proposal is:

- Use as much of the canopies as possible by keeping the brick columns of the canopies. The columns will be tested for structural integrity once the canopies are removed, and if necessary some additional bracing may be required, but our hope is to maintain the brick that matches the building.

- Replace the canopy roofs with a trellis where vines will grow on topped off with solar panels as the actual roof. The solar panels will allow our station to be a demonstration site for solar energy as well as shelter our patrons when it rains, and the old tile roof will still be featured on the building.

Our use will be minimizing energy dependence and reducing carbon dioxide in our atmosphere (and climate change) through: 1) increasing the availability of biodiesel and both reducing foreign oil dependence and carbon dioxide emissions; 2) generating our own energy from the sun; and 3) adding plants to the landscape that will reduce carbon dioxide in the atmosphere as well as reduce urban heat island effect.
BioFuel Oasis
Traffic Survey of the Current Location at 2465 Fourth St.
& Traffic Estimate for New Location at 1441 Ashby Ave.

Current Operations
The BioFuel Oasis has a gas station-style pump inside a small warehouse space at 2465 Fourth St. Customers pull into the garage to fill up, pull out, and then come into the small store to pay. We are open seven days per week but for only a few hours:
Sunday – Thursday: 4pm – 8pm
Friday: By appointment only
Saturday: 10am – 5pm

Our Customers
Our customers sign up with us the first time they come and give us their vehicle information. Every quarter, as part of California state requirements, we report to the state a summary of the vehicles that are part of our “fleet” and any problems, if any, they’ve had with biodiesel. We also give first-time customers a personal 10-minute talk about the basics of using biodiesel in their car and a short training on how to use our pump.

We currently have 1750 customers signed up in our membership database. 356 customers live in Berkeley. About half our customers (876) live in Alameda County and are our most regular customers. About a quarter of our customers live in the counties of Marin, San Francisco, and Contra Costa and come once every month or two. The last quarter of our customers live farther away and come a few times a year if at all.

Expansion at New Location
At 1441 Ashby Ave, the Oasis will have two pumps (one at each island). The pumps have two nozzles and can each serve two cars at once, so four cars can fill up at one time. The site also has pull-through access for all the islands, so cars will be able to move through much quicker than at our current location.

In addition, we will expand our hours. We will be open with a staff person there 7-8 hours per day (most likely 10am – 5pm or noon – 8pm depending on the day). The pumps will also have a cardlock system so our customers can use them 7am – midnight daily. To use the cardlock system, customers will have to come in when our store is open, get a card, and get a training on how to use the system.

Traffic at Our Current Location
In the table below are the number of customers that came in each hour during our busiest shifts (Tuesday, Wednesday, Thursday, & Saturday) during two recent weeks.
Customer Counts by Hour for Current BioFuel Oasis Location (2465 Fourth St)

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<thead>
<tr>
<th>Time</th>
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<th>Thur 2/22</th>
<th>Tues. 2/27</th>
<th>Wed 2/28</th>
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<tbody>
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<td>10</td>
<td>9</td>
<td>9</td>
<td>12</td>
<td>11</td>
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<tr>
<td>5pm-6pm</td>
<td>12</td>
<td>8</td>
<td>12</td>
<td>7</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>6pm-7pm</td>
<td>7</td>
<td>7</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>7pm-8pm</td>
<td>9</td>
<td>7</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>10</td>
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<tr>
<td><strong>Total Customers</strong></td>
<td><strong>39</strong></td>
<td><strong>32</strong></td>
<td><strong>34</strong></td>
<td><strong>29</strong></td>
<td><strong>34</strong></td>
<td><strong>38</strong></td>
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</tbody>
</table>

<table>
<thead>
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<th>Time</th>
<th>Sat 2/24</th>
<th>Sat 3/3</th>
</tr>
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<tbody>
<tr>
<td>10am-11am</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>11am-noon</td>
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<td>12pm-1pm</td>
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<td>1pm-2pm</td>
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<td>2pm-3pm</td>
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<td>8</td>
</tr>
<tr>
<td>4pm-5pm</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total Customers</strong></td>
<td><strong>50</strong></td>
<td><strong>66</strong></td>
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</table>

On our busiest weekday evenings we get 30-40 customers between 4-8pm, with at most 20-25 coming between 4pm and 6pm. At the new location, we expect the amount of customers coming between 4pm and 6pm to be the same or even decrease because customers will be able to come all day rather than just 4 hours in the evening.

Our weekday customers are mostly local people from Berkeley/Oakland. Our customers from farther away (San Francisco, Marin, etc.) make planned trips to the BioFuel Oasis on weekends and non-rush hour times. Here are actual percentages from the week of February 20th:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Tues 2/20</th>
<th>Wed 2/21</th>
<th>Thur 2/22</th>
<th>Sat 2/24</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Customers that live in Berkeley/Oakland</td>
<td>84%</td>
<td>74%</td>
<td>74%</td>
<td>60%</td>
</tr>
<tr>
<td>% of Customers that live farther away</td>
<td>16%</td>
<td>26%</td>
<td>26%</td>
<td>40%</td>
</tr>
</tbody>
</table>

These percentages are confirmed by anecdotal evidence from customers, as we talk to all our customers when they come in and know many by name. Through talking with customers, we know that many of the customers that live farther away but come on weekdays actually work in Berkeley, so they are in town for other reasons.
Conclusions
With our expanded hours, the car trips will be spread out widely during the day and be the same or less than the number at our current location during rush hour traffic. Our customers from farther away (San Francisco, Marin, etc.) will make planned trips once every month or two to the BioFuel Oasis on weekends and non-rush hour times. Our local customers, who come more frequently, will stop because they are driving down Ashby anyway on their way to work, shopping, etc. The car trips generated by our business will not be much more than the current detailing/car wash tenant and so will not have an adverse effect on traffic in the neighborhood.
MODEL PHOTOS

BIOFUEL OASIS
1440 ASHBY AVE.
1441 Ashby Photos for BioFuel Oasis Use

1. View of property facing north showing Ashby entrances

2. View of property facing west showing Sacramento entrances
3. View of front of building facing west

4. View of south west side of building nearest to Ashby Avenue
5. View of rear of building facing south

6. View of Sacramento Avenue entrance including adjacent 'Sacramento Market'
7. View of Ashby entrance including adjacent residence

8. View of sign on corner of Ashby and Sacramento, facing south-east
HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common name: Island Exxon Station

2. Historic name, if known: Super Service Station

3. Street or rural address: 2990 Sacramento Street

   City: Berkeley

   ZIP: 94702

   County: Alameda

4. Present owner, if known: Bernard Garfinkel

   Address: 6 Heather Lane

5. Present Use: gas station

   Original Use: gas station

OTHER

DESCRIPTION

6. Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition: Tile-roofed brick Exxon hacienda at busy South Berkeley intersection of As Av. (state highway 13) & Sacramento St. One-story service & office building set diagonally inside of lot, & 2 roofed pump islands along the street frontages. Main building (57x22x10') is not only placed but designed diagonally, with octagonal wings facing SE & NW off the wor & lubs room. Middle face of the front wing has window with dealer's sign, round clock, & classic pyramid of oil cans; doors on either side. All the structures are made of clinker brick—or at least brick laid for a rough surface—painted white with blue-gray band around the bottom: walls of the central building, & the square pillars supporting the roofs over the pumps. Red tile roofs, like the bricks, are laid to look rough, at irregular angles & intervals. Roofs are all very low, with beams & wide overhangs—single long gable over the pumps, pavilion-type main building with 4-sided flattened pyramid roof on center section, & fan-shaped roofs a foot or 2 lower on the wings. Pumps & light fixtures all modernized (flc acient lights & 2 1967-vintage double pumps on each island); corner quite cluttered with station signs & street signs & lights.

7. Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):

   Dwight Way

   San Pablo Ave

   Ashley Ave

   Alcatraz Av

   Oakland, Berkeley

   DPR 523 (Rev. 7/75)

8. Approximate property size:

   Lot size (in feet) Frontage: 72

   Depth: 72

9. Condition: (check one)

   a. Excellent  
   b. Good    
   c. Fair     
   d. Deteriorated  
   e. No longer in existence  

10. Is the feature a. Altered?  
     b. Unaltered?  

11. Surroundings: (Check more than one if necessary)

   a. Open land  
   b. Scattered buildings  
   c. Densely built-up  
   d. Residential  
   e. Commercial  
   f. Industrial  
   g. Other  

12. Threats to site:

   a. None known  
   b. Private development  
   c. Zoning  
   d. Public Works project  
   e. Vandalism  
   f. Other  

13. Date(s) of enclosed photograph(s): 1979
NOTE: The following (Items 14-19) are for structures only.


16. Year of initial construction  1933 This date is: a. Factual ☒ b. Estimated  ☐

17. Architect (if known): General Distributing Company

18. Builder (if known): C. G. Hildebrand


SIGNIFICANCE

20. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):
Elegant little 1933 gas station in a sort of tousled antiqued Spanish, or California Mission Mother Goose. The style is still found on several other commercial buildings in the same South Berkeley area, at Ashby & Grove, and at Dwight & Sacramento. It also seems to have been popular for a time for gas stations—there are examples in Berkeley at 1201 Grove (1934; still in business), 2984 Russell (1932, attrib. to W.R. Ylland, now a restaurant), Grant & Cedar (roof now painted blue), & there was another by Ylland out Tunnal Road, featured in Architect & Engineer in March 1929. The style goes plausibly enough with western motoring—California landscape, adventure & the picturesque, a historic costume for a new kind of business, & maybe a parallel to the railroads' long-standing use of Mission style for travel buildings. This corner was vac before the gas station went in; there was already a smaller station on the opposite side of Asl in the 1920s. The new station was a business venture by Sue Irwin, of 1010 Delaware St, long-time teacher & principal in the Berkeley & Albany elementary schools & by 1930, a member of the Berkeley Planning Commission. It remained in the Irwin family until 1971.

21. Main theme of the historic resource: (Check only one): a. Architecture ☒ b. Arts & Leisure  ☐
   g. Religion  ☐ h. Social/Education  ☐

22. Sources: List books, documents, surveys, personal interviews, and their dates:
property files, City of Berkeley housing dept. & Berk. Arch. Heritage Ormsby Donogh collectic
Husted's Oakland, Berkeley, Alameda Directory, 1907-17, 22, 24, 30(S.Irwin).

23. Date form prepared: Feb. 25, 1979 By (name): Betty Marvin
Address: 2646 Claremont Av. Berkeley 94705
Phone: (415) 849-1959 Organization: Berkeley Architectural Heritage Survey

(State Use Only)
MEMORANDUM

June 28, 2007

To: Aaron Sage, Planning Department

From: Peter Eakland, Associate Traffic Engineer

Subject: Review of Traffic Study for BioDiesel Station at Sacramento/Ashby

The applicant has submitted a detailed review of existing operations at its current location and proposed operations at the northwest corner of Sacramento Street at Ashby Avenue. Figure 1 shows an aerial view of the site. At this intersection, on the southbound approach there are two through lanes, a left turn lane, and a paved median. This configuration prevents left turns into or out of the facility’s Sacramento Street driveways. On the eastbound approach, there is a double yellow line that would allow legal left turns into and out of the driveways on Ashby Avenue.

The table below summarizes the trip generation analysis for the project:

**Table 1.**
PM Peak Hour Trip Generation Analysis for BioDiesel Station at Sacrament/Ashby

<table>
<thead>
<tr>
<th>Status</th>
<th>Use</th>
<th>Total Trips</th>
<th>Minutes/Nozzle/In Trip</th>
<th>Passerby</th>
<th>New Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing (2465 41st St.)</td>
<td>BioDiesel (1 nozzle)</td>
<td>24</td>
<td>12</td>
<td>5.0</td>
<td>10%</td>
</tr>
<tr>
<td>Proposed</td>
<td>BioDiesel (4 nozzles)</td>
<td>48</td>
<td>24</td>
<td>10.0</td>
<td>25%</td>
</tr>
<tr>
<td>Existing</td>
<td>Car Detailing at site</td>
<td>8</td>
<td>3</td>
<td>5</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Net Proposed Trips</td>
<td>40</td>
<td>21</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Comparison</td>
<td>Gas Station (4 nozzles)</td>
<td>58</td>
<td>29</td>
<td>29</td>
<td>80%</td>
</tr>
</tbody>
</table>

Notes: (1) Numbers based on existing weekday peak hour traffic of 12 customers; (2) City estimate based on existing data and additional nozzles; (3) City estimate of existing business at proposed biodiesel fueling site, and (4) Based on Trip Generation Manual compiled by City of San Diego.
Existing BioDiesel Operations. The existing operation has only one nozzle and operates a limited number of hours. The applicant's survey of existing operations indicates that a maximum of 12 customers served in one hour during a weekday late afternoon. With an average service time of five minutes, this number of customers can be considered to be capacity.

Gas Station Comparison: A gas station with four nozzles based on available trip generation data would result in 29 customers per hour. Given the large number of available gas stations in the area, motorists generally purchase gas while traveling on trips for other purposes. Available data indicate that 80% of customers represent passer-by trips; and, thus, only 20% are new trips.

Existing Business at Proposed Site: Currently, the site is occupied by a car detailing business. Estimated trips for this business are shown in Table 1. These trips are subtracted from proposed trips to yield the net increase in trips.

Proposed BioDiesel Location: The new location will have four nozzles, and this increase of three nozzles obviously increases capacity. However, based on data provided by the applicant, only one-half of the current customers are from the Oakland/Berkeley area, and even these customers are not all traveling on Ashby Avenue during the afternoon commute period. A high percentage of customers will drive to the station during non-commuting hours. A passer-by percentage of 25% has been estimated for the proposed operation.

I assumed that the number of afternoon peak hour customers would double from existing conditions and reach 24 customers. This number, as shown in Table 1, is within 10 trips of the estimated trip generation for a gasoline station with four nozzles.

As shown in Table 1, there would be a net increase of 17 trips at the proposed site, 9 inbound and 7 outbound. An estimate of the distribution of both inbound and outbound trips is presented in Figure 4 based on existing through volumes on each approach at the intersection. The same distribution is assumed for inbound and outbound trips. No movement has more than five trips. It should be noted that some of the turns do not pass through the intersection.

In the PM peak hour, the intersection currently operates at Level of Service D with an average vehicle delay of 37.1 sec/veh, as shown in the level of service printout at the end of this memo. With project volumes, the average delay will increase by only 1.2 sec. to 38.3 sec/veh. Since the Level of Service E threshold is 50 seconds, clearly the trips generated by the project will not make worse the current level of service. Also, no significant impacts would be created at any other intersection because of the small traffic volumes that would carry through. For example, the increase in trips at the intersection of San Pablo Avenue and Ashby Avenue would be no more than four vehicles eastbound and three vehicles westbound.
Figure 1. Aerial View of Proposed BioDiesel station site.
Figure 2. Sacramento Street approaching Ashby Avenue southbound.

Figure 3. Ashby Avenue approaching Sacramento Street eastbound.
Figure 4.
Estimated Distribution of Net Trips Generated by Proposed BioDiesel Station at Sacramento/Ashby
LEVEL OF SERVICE PRINTOUTS WITH AND WITHOUT PROJECT
<table>
<thead>
<tr>
<th>Movement</th>
<th>EBL</th>
<th>EBT</th>
<th>EBR</th>
<th>WBL</th>
<th>WBT</th>
<th>WBR</th>
<th>NBL</th>
<th>NBT</th>
<th>NBR</th>
<th>SBL</th>
<th>SBT</th>
<th>SBR</th>
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<tbody>
<tr>
<td>Lane Configurations</td>
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<td>↑↑</td>
<td>↑↑</td>
<td>↑↑</td>
<td>↑↑</td>
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<tr>
<td>Ideal Flow (vph)</td>
<td>1850</td>
<td>1850</td>
<td>1850</td>
<td>1850</td>
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<td>1850</td>
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<td>Frpb, ped/bikes</td>
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<td>0.99</td>
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<td>0.99</td>
<td>0.99</td>
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<tr>
<td>Fpb, ped/bikes</td>
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<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
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<td>1.00</td>
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<td>Flt Protected</td>
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<td>1.00</td>
<td>1.00</td>
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<td>1.00</td>
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<tr>
<td>Satd. Flow (prot)</td>
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<td>1729</td>
<td>1723</td>
<td>3430</td>
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<td>Satd. Flow (perm)</td>
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<td>3430</td>
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<td>3430</td>
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<tr>
<td>Volume (vph)</td>
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<td>784</td>
<td>107</td>
<td>27</td>
<td>637</td>
<td>139</td>
<td>80</td>
<td>1061</td>
<td>27</td>
<td>84</td>
<td>784</td>
<td>90</td>
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<td>Peak-hour factor, PHF</td>
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<td>0.97</td>
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<td>Adj. Flow (vph)</td>
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<td>812</td>
<td>110</td>
<td>28</td>
<td>671</td>
<td>146</td>
<td>90</td>
<td>192</td>
<td>30</td>
<td>87</td>
<td>810</td>
<td>93</td>
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<td>Lane Group Flow (vph)</td>
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<td>940</td>
<td>0</td>
<td>0</td>
<td>845</td>
<td>0</td>
<td>90</td>
<td>1222</td>
<td>0</td>
<td>87</td>
<td>903</td>
<td>0</td>
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<tr>
<td>Confl. Peds. (#/hr)</td>
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<td>44</td>
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<td>Confl. Bikes (#/hr)</td>
<td>18</td>
<td>7</td>
<td>11</td>
<td>11</td>
<td>20</td>
<td>20</td>
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<td>Bus Blockages (#/hr)</td>
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<table>
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<td>Permitted Phases</td>
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<td>Effective Green, g (s)</td>
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<td>58.0</td>
<td>36.0</td>
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<td>Actuated g/C Ratio</td>
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<td>0.36</td>
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<td>Clearance Time (s)</td>
<td>6.0</td>
<td>6.0</td>
<td>6.0</td>
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<tr>
<td>Lane Grp Cap (vph)</td>
<td>1614</td>
<td>949</td>
<td>92</td>
<td>1235</td>
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<td>v/s Ratio Prot</td>
<td>0.36</td>
<td>0.36</td>
<td>0.36</td>
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<tr>
<td>v/s Ratio Perm</td>
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<td>Uniform Delay, d1</td>
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<td>31.8</td>
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<td>Progression Factor</td>
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<td>Incremental Delay, d2</td>
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<td>23.2</td>
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<td>Delay (s)</td>
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<td>15.7</td>
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<td>Level of Service</td>
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<td>B</td>
<td>D</td>
<td>D</td>
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<td>Approach Delay (s)</td>
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<td>15.7</td>
<td>59.5</td>
<td>47.0</td>
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<tr>
<td>Approach LOS</td>
<td>B</td>
<td>B</td>
<td>E</td>
<td>D</td>
</tr>
</tbody>
</table>

**Intersection Summary**

- HCM Average Control Delay: 37.1
- HCM Volume to Capacity ratio: 1.01
- Cycle Length (s): 100.0
- Sum of lost time (s): 60
- Intersection Capacity Utilization: 131.5%
- ICU Level of Service: H

---

RSTP - Telegraph, Grand, Broadway, Ashby 4:30 pm 12/10/2003 Fine-Tuned Timing
Kimley-Horn and Associates
BERKELCA-ST51

Synchro 5 Report
Page 1
## HCM Signalized Intersection Capacity Analysis

### 143: Ashby Ave. & Sacramento St.

### Movement  
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### Intersection Summary:

- **HCM Average Control Delay**: 38.3 s
- **HCM Level of Service**: D
- **HCM Volume to Capacity Ratio**: 1.03
- **Cycle Length (s)**: 100.0 s
- **Sum of lost time (s)**: 6.0 s
- **Intersection Capacity Utilization**: 131.8%
- **ICU Level of Service**: H

---

**PM Peak with BioDiesel Project**: 4:30 pm 12/10/2003 Fine-Tuned Timing

**Kimley-Horn and Associates**

**BERKELECA-ST51**
Notice of Preparation

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

From: Planning and Development Department
Land Use Planning Division
2120 Milvia St., Berkeley, CA 94704

Subject: Notice of Preparation of a Draft Environmental Impact Report

The City of Berkeley will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☑ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Aaron Sage, AICP at the address shown above. We will need the name for a contact person in your agency.

Project Title: Biofuels Oasis (1441 Ashby Avenue)
Project Applicant, if any: Biofuels Oasis

Date July 27, 2007

Signature

Title Associate Planner
Telephone 510-981-7425

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.
### Appendix C.5

#### HISTORIC RESOURCES INVENTORY

#### IDENTIFICATION

1. **Common name:** Island Exxon Station  
   **UTM:** 10156352014189600

2. **Historic name, if known:** Super Service Station

3. **Street or rural address:** 2990 Sacramento Street

   - **City:** Berkeley
   - **ZIP:** 94702  
   - **County:** Alameda

4. **Present owner, if known:** Bernard Gartinkel  
   **Address:** 6 Heather Lane

   - **City:** Orinda  
   - **ZIP:** 94563  
   - **Ownership is:** Public  
   - **Private**

5. **Present Use:** gas station  
   **Original Use:** gas station

   **Other past uses:**

#### DESCRIPTION

6. Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition:

   - Tile-roofed brick Exxon hacienda at busy South Berkeley intersection of As Av. (state highway 15) & Sacramento St. One-story service & office building set diagonally inside of lot, & 2 roofed pump islands along the street frontages. Main building (57x22x10') is not only placed but designed diagonally, with octagonal wings facing SE & NW off the work & lube room. Middle face of the front wing has window with dealer's sign, round clock, & classic pyramid of oil cans; doors on either side. All the structures are made of clinker brick—or at least brick laid for a rough surface—painted white with blue-grey band around the bottom walls of the central building, & the square pillars supporting the roofs over the pumps. Red tile roofs, like the bricks, are laid to look rough, at irregular angles & intervals. Roofs are all very low, with beams & wide overhangs—single long gable over the pumps, pavilion-type main building with 4-sided flattened pyramid roof on center section, & fan-shaped roofs a foot or 2 lower on the wings. Pumps & light fixtures all modernized (flc ascent lights & 2 1967-vintage double pumps on each island); corner quite cluttered with station signs & street signs & lights.

   a. **Approximate property size:**
      - Lot size (in feet)  
        - Frontage **72**  
        - Depth **72**
      - or approx. acreage

7. **Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):**

   ![Locational sketch map]

8. **Condition:** (check one)

   - Excellent  
   - Good
   - Fair
   - Deteriorated  
   - No longer in existence

9. **Is the feature:**  

   - Altered?  
   - Unaltered?

10. **Surroundings:** (Check more than one if necessary)

    - Open land
    - Scattered buildings
    - Densely built-up
    - Residential  
    - Commercial  
    - Industrial  
    - Other

11. **Threats to site:**

    - None known
    - Private development  
    - Zoning
    - Public Works project  
    - Vandalism  
    - Other

12. **Date(s) of ordered photograph(s):** 1979
NOTE: The following (Items 14-19) are for structures only.


16. Year of initial construction: 1933 This date is: a. Factual ✗ b. Estimated □

17. Architect (if known): General Distributing Company

18. Builder (if known): O. G. Hildebrand


SIGNIFICANCE

20. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site when known):

Elegant little 1933 gas station in a sort of tousled antiqued Spanish, or California Mission Mother Goose. The style is still found on several other commercial buildings in the same South Berkeley area, at Ashby & Grove, and at Dwight & Sacramento. It also seems to have been popular for a time for gas stations—there are examples in Berkeley at 1201 Grove (1934; still in business), 2984 Russell (1932, attrib. to W.R. Yeandel, now a restaurant), Grant & Cedar (roof now painted blue), & there was another by Yeandel out Tunnel Road, featured in Architect & Engineer in March 1929. The style goes plausibly enough with western motoring—California landscape, adventure & the picturesque, a historic costume for a new kind of business, & maybe a parallel to the railroads' long-standing use of Mission style for travel buildings. This corner was vacated before the gas station went in; there was already a smaller station on the opposite side of Aal in the 1920s. The new station was a business venture by Sue Irwin, of 1010 Delaware St., long time teacher & principal in the Berkeley & Albany elementary schools & by 1950, a member of the Berkeley Planning Commission. It remained in the Irwin family until 1971.

21. Main theme of the historic resource: (Check only one): a. Architecture ✗ b. Arts & Leisure □


g. Religion □ h. Social/Education □

22. Sources: List books, documents, surveys, personal interviews, and their dates:

property files, City of Berkeley housing dept. & Berk. Arch. Heritage Ormsby Donogh collectic
Husted's Oakland, Berkeley, Alameda Directory, 1907-17, 22, 24, 30 (S.Irwin).

23. Date form prepared: Feb. 25, 1979 By (name): Betty Marvin

Address: 2546 Claremont Av. Berkeley, City Berkeley Zip: 94705

Phone: (415) 249-1959 Organization: Berkeley Architectural Heritage Survey

(State Use Only)